

Maqasid Al-Shariah and Gender Justice: Analysis of the Relationship Husband and Wife in Contemporary Islamic Law

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ABSTRACT

The research aims to elucidate the integration of Maqasid Al-Syariah and gender justice within the roles of husband and wife. Employing a qualitative methodology. The findings indicate that Maqasid al-Syariah, as applied to the roles of husband and wife, fosters a more just and equitable understanding of marital relationships in Islamic law. Islam positions men and women as partners who collaborate and support one another. Adherence to Islamic teachings, including maintaining communication, gratitude, mutual happiness, and contentment, is emphasized even in challenging circumstances. The study concludes that contemporary Islamic law encourages shared domestic responsibilities, mutual agreement on financial matters, collaborative family leadership, joint childcare, and shared responsibility for the wife's reproductive health, sincerity and without undue burden on any party

INTRODUCTION

Islam encourages marriage for individuals who are physically and mentally prepared, viewing it as a sacred bond before God. Marriage is valued for the joy it brings, the empathy and mutual care fostered between partners, and its positive impact on family life and the upbringing of children. It serves to protect individuals from adultery, preserve moral conduct, and promote a more honorable way of life (Nurliana, 2022). For those who comprehend its significance, marriage is regarded as a profound and beautiful institution.

The role of husband and wife in Islam has become a crucial issue due to the high number of divorces. This is especially true during the global COVID-19 crisis, where many marriages have fallen through. Indeed, the global financial crisis caused by COVID-19 and the disruption of digitalization have significantly impacted corporate losses and even led to bankruptcy, including the Indonesian economy (Okfalisa et al., 2022). The impact of many company bankruptcies and mass layoffs has impacted the breadwinners of families, and the effects of this disaster are still felt in some families.

The role of husband and wife in Islam has become a crucial issue due to the high number of divorces. The lack of a clear relationship between husband and wife, along with social, economic, and educational developments, has led to significant changes in the modern family structure. These include the increasing involvement of women in the public sphere, the strengthening of women's rights, and the egalitarian principles of family life. This is supported by the phenomenon of more and more women earning more than their partners, the increasing number of female breadwinners, which reveals that who earns money has a significant impact on power at home and in society. Approximately 8-10% of men suffer from psychological mental disorders due to their wives' higher incomes, which creates inequality as leaders and also leads to divorce. (Hogenboom, 2025).

The existence of marriage in Islam has explained that the main responsibility and leadership is in the hands of the husband, but nowadays this role is sometimes not appropriate. Even though it is clear in surah An-Nisa verse 34 which reads:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ شُرُوكَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ۝

"Men (husbands) are responsible for women (wives) because Allah has made some of them (men) excel others (women) and because they (men) have spent part of their wealth. The righteous women are those who obey (Allah) and guard themselves in (their husbands) absence because Allah has protected (them). As for those women about whom you fear nushuz, give them advice, leave them in bed (separate beds), and (if necessary,) beat them (in a way that is not painful). But if they obey you, do not seek to cause them trouble. Indeed, Allah is Most High, Most Great. "

God has perfectly commanded the existence of rights and obligations between humans. This also applies to married couples in their interactions. From the introduction to the proposal to the marriage contract, everything is regulated in the Quran. This is certainly fair for both men and women. However, unfortunately in this modern era, many things have been reversed. The wife,

from pregnancy, childbirth, breastfeeding, caring for, cleaning the house, educating, and working, becomes the backbone of the family. Many men only want to please themselves, thus enforcing patriarchy. In the case of a young mother, she strangled her infant child to death due to long-held economic depression. From arguing to crying in frustration, the baby was kicked and injured until she was strangled to death (Irmarahmasari, 2023). The physical and mental burden on women is so heavy that many demonstrations have arisen for the right to gender justice.

Another aspect of women's dual roles is the authoritarianism of high-achieving careers, which leads to neglecting their responsibilities as wives. On the other hand, many women are capable of many things, yet their husbands refuse to allow them to work or even pursue education for fear of competition. Even more distressing is the failure to teach their wives about religion. In the case of Lady, who ultimately filed a lawsuit at the Semarang Religious Court, she was initially afraid of being a widow, her children lacking a father figure, and her ability to support herself. However, having to endure the emotional exhaustion of her husband's emotional behavior, restrictions on family ties, non-transparent finances, inadequate income, and the utterance of divorce without thinking through its meaning, she finally found the courage to end her marriage (AP Agus, 2021). The burden of maintaining a household as a leader is so heavy, yet it is regrettable that some men neglect their role in both this world and the hereafter within their families.

In this modern era, the influence of technology is also very influential on husband and wife relationships, many trivial things such as often busy with social media, content of household life looks perfect, and engrossed in their respective cellphones so that they forget the role of husband and wife. For example, when a husband comes home from work, his wife is busy with her gadget, likewise a husband and wife who need to be heard by their husband are busy with their cellphone so that children imitate and even do not get the figure of their mother and father at home, Social Media on Marital Harmonization has an influence of 0.486 or 48.6%, (Kilapong, C. N. T., Kawengian, D. D., & Waleleng, 2020).

However, several classical Islamic jurisprudence concepts, such as the husband's role or *qiwamah* (obedience), *nafaqah* (faith), and *ta'ah* (obedience to the wife), remain controversial when confronted with demands for gender equality and social justice. Therefore, this article explores how Maqasid al-Shariah, the ethical foundation and objective of Islamic family law, can synergize and be integrated with the principle of gender justice to reinterpret the husband-wife relationship more justly and contextually within contemporary Islamic legal issues.

LITERATUR REVIEW

The role of husband and wife in Islam has become a crucial issue due to the high number of divorces. The lack of a clear relationship between husband and wife, along with social, economic, and educational developments, has led to significant changes in the modern family structure. These include the increasing involvement of women in the public sphere, the strengthening of women's rights, and the egalitarian principles of family life. This is supported by the phenomenon of more and more women earning more than their partners, the increasing number of female breadwinners, which reveals that who earns money has a significant impact on power at home and in society. Approximately 8-10% of men suffer from psychological mental disorders due to their wives' higher incomes, which creates inequality as leaders and also leads to divorce. (Hogenboom, 2025).

METHODOLOGY

This research is a qualitative study with a normative-theological and sociological-contemporary approach by examining the Qur'an, fiqh literature, and literature related to Islamic family law. The research method is *library research* or library research that relies on existing literature as its primary source, (Nartin, Fathurrahman, Asep, Yuniawan Heru, Paharudin, I Wayan Gedeuacana, Etin Indrayani, Firman Yasa, Wico, 2024). The primary sources are the Quran, and statutory regulations. Data analysis is conducted using a normative sociological approach, combining Islamic legal principles with the realities of gender relations in the context of the roles of husband and wife in modern Muslim society.

RESULTS AND DISCUSSION

1. Maqasid Al-Syariah on the Role of Husband and Wife

Maqasid Al-Syariah on the role of husband and wife is closely related because in an Islamic family, marriage creates *sakinah* in the form of emotional calm, then *mawaddah* in the form of affection related between husband and wife, and *rahmah* in the form of protection usually played by the husband. However, it turns out that Maqasid Al-Syariah is a reciprocal role in the household that does not have to be rigidly gender dominant. The values of Maqasid Syariah are reflected through the protection of religion, life, reason, descendants, and property, such as Hannah's piety, Maryam's education, and God's protection, (Syafiuddin, 2025).

The responsibilities of a husband and wife, particularly the husband as the primary protector and leader, are crucial to the foundation of a household, which largely relies on the husband's leadership approach. Nonetheless, the significance of a wife's role should not be overlooked; Islam encourages women to pursue personal development and individuality while ensuring they are honored and respected, even as they contribute to the household income and build their careers. Unfortunately, some husbands do things that are detrimental to women, starting from patriarchy, domestic violence, arbitrary until the wife feels oppressed and must be forced to support her own life until she is unable and chooses divorce, this is supported by the meaning of divorce for working

wives for economic reasons is the distribution of emotions of dissatisfaction with the husband's attitude, escaping from physical and mental suffering; freedom; and failure to respect each other (Nelli et al., 2023).

The current view of women having a career is not "*tabu*" but has become a competition and an obligation to protect themselves, help their husbands, to eliminate the stigma of women only in the kitchen, in Maqashid Al-Syari'ah explains the role of the wife as a breadwinner is very important to prevent harm, maintain the survival of the family, and protect religion, soul, mind, descendants, and property. This is also clearly reinforced by Maqashid Syari'ah, namely to provide benefits to humans as servants of Allah from the 5 main things that must be maintained (Alwi, 2024). Viewed from the perspective of interests and problems, wives who work as the main breadwinner are included in the category of *maslahah daruriyah*. Islamic law does not prohibit wives who work to earn a living as long as it does not conflict with Islamic Sharia. (Risbyantoro, H., Bela, F. M. S., & Firdaus, 2023). The role of husband and wife in maqashid contains principles that need to be maintained together, namely:

1. Justice, preventing domination and domestic violence by agreeing and managing together without individual egos;
2. There is mercy, love that is continuously maintained by giving to each other without coercion and sincerely, like removing burdens in turn;
3. Consultation: Getting used to deliberation in everything, such as making decisions about finances, future plans, and even small matters. Although the final decision will be approved by the husband as the head of the household.

This is also explained by the existence of maqashid in the relationship between husband and wife in Surah Ar-Rum verse 21 which reads:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

"Among His signs is that He created for you mates from yourselves, that you may find comfort in them. He has placed love and compassion between you. Indeed, in this are signs for a people who give thought. "QS. Ar-Rum [21]).

As mentioned in Surah Ar-Rum, verse 21, love and affection are attributed to God. Therefore, the actions of spouses, in their roles as maqashid al-syari'ah, establish an environment for equitable relationships, characterized as gender justice, free from judgment or imposition. This illustrates a sacred bond that aligns with Islamic ethics, founded on the principles of compassion, justice, and thoughtfulness.

2. Gender Justice in Husband-Wife Role Relations in Contemporary Islamic Law

True justice is exclusively the domain of God, the Most Just. However, as humans, it is essential for husbands and wives to maintain a fair balance by honoring each other's rights and responsibilities. Despite this, challenges may arise that necessitate mutual understanding, patience, forgiveness, and sincerity. A well-functioning life is one that achieves balance. Al-Damaghani, in *Qomus al-Qur'an*, notes that the term "adl" in the Qur'an encompasses five meanings: ransom (fida'), objective (al-inshaf), justice, value, the tenet of monotheism, equality, and polytheism. The husband has an obligation to provide for, care for, and protect his wife, both in economic, emotional, and spiritual aspects. This includes fulfilling basic needs such as clothing, food, and shelter, as well as providing moral guidance and affection. Meanwhile, the wife has an obligation to obey her husband in matters that do not conflict with Islamic law, including supporting her husband in his responsibilities and maintaining the honor of herself and her family, (Abdul Jalal, 2025).

Another challenge is that long-distance relationships create gender equity because of bias, or certain aspects of domestic life, such as not being shared, or the partner's needs not being met. While it may seem simple, in practice, there are times when couples are tested by circumstances that quickly remind them that everything they do is solely for the sake of seeking His pleasure. Effective communication is considered a fundamental Islamic principle, and technology is used as a tool, not a substitute. Islam also guides the management of emotions, finances, and moral values that must be upheld within the family. Patience, gratitude, prayer, and face-to-face communication are essential elements in maintaining harmony in families separated by distance, (Yazid, A., & Sugitanata, 2024).

From the beginning, women's rights and husbands' obligations, namely the dowry, have existed. A woman's right to receive a dowry according to her husband's ability, without demeaning her. Ibn Kathir further explained that wives have the right to receive a living from their husbands, equal to the rights they receive from their wives. Therefore, each should fulfill their obligations in a manner that is acceptable. This is stated in the Qur'an, An-Nisa, verse 4, which reads:

وَأْتُوا النِّسَاءَ بِدَوْلَتِهِنَّ إِذَا أَنْكِحْتُمْ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

"Give the dowry to the women (whom you marry) as a gift willingly. Then, if they give you some of it willingly, accept it and enjoy it with pleasure" (QS. An-Nisa [4]).

The conditions for a wife to have the right to the maintenance provided by her husband sincerely and with a full sense of responsibility are:

- 1) The validity of the marriage contract;
- 2) The wife's submission to her husband and enabling them to be happy together;
- 3) Move according to the husband's wishes, unless the journey is painful or he feels unsafe for himself and his property;
- 4) She can be invited to have fun, but if the wife is still young and cannot be invited to have sex, according to the more valid opinions of the Maliki and Shafi'i scholars, there is no obligation to provide maintenance for the wife (Ahmad, 2024).

According to classical Islamic jurisprudence, the husband earns a living and leads, while the wife maintains the home. This structure was built on the patriarchal social conditions of pre-Islamic and early Islamic Arabia. However, classical Islamic jurisprudence still emphasizes respect and justice for women. This is further reinforced by the existence of certain traditional cultures in Indonesia. This adds to the powerlessness of women in some places, resulting in the sometimes unfulfilled rights of women. For example, in various countries, regarding childbearing and delaying it, women have the right to protect their bodies and souls, through the use of family planning. This is all done by women, even though there are actually effective ways to protect women's rights. Women must be mentally, physically, and socially healthy, especially in reproductive rights, with the importance of male participation and the freedom to determine their physical and mental choices. It is also necessary to address factors that violate women's reproductive rights, (Yusuf, S. S. M. D., Munir, A. A., & Fahlevi, 2025).

One of the relationships that demand gender justice in this modern era is the ever-increasing economic needs, lifestyle, culture, and technology. Therefore, it does not mean being one-sided and burdened by one party, but rather the need to adhere to religion and the principle of mutual responsibility. For example, shared domestic affairs can ease each other's burdens and maintain family harmony through shared activities. This is supported by research by Lutfi in designing strategies to build the economic resilience of Muslim families, namely by: 1) Obligation to have a source of income and asset ownership; 2) Maintaining balance in consumption patterns; 3) System guarantees within the extended family/relatives; 3) Preparing a fair social security system, (lutfi & Safitri, 2020).

Gender equity in the relationship between husband and wife creates harmony and happiness in marriage. Implementing the principle of mubadalah requires increased contextual religious literacy, strengthening the role of religious leaders in gender equity, and providing more open education about equality within the family. Awareness of the importance of mutual assistance and fair division of tasks within the household will strengthen harmonious and just relationships for both parties, (Yaqin et al., 2025).

A husband's leader has the right and there is also a firmness regarding the husband's obligation to provide a living, *kiswah* (clothing), and a place to live for his wife as well as household expenses, care, and treatment for his wife and

children according to his ability according to Article 34 of Law Number 1 of 1974 Paragraph 1 "The husband is obliged to protect his wife and provide all the necessities of life in the household according to his ability", Paragraph 2 "The wife is obliged to manage household affairs as well as possible", and Paragraph 3 "If the husband or wife neglects his obligations, then the injured party can file a lawsuit in court ". The relationship between husband and wife in this modern era will be maintained with cooperation, and there is an awareness of caring for each other's roles even though the times continue to develop and the challenges are increasing, in fact this must be learned a lot, getting closer to Allah on the benchmark of Islamic teachings, such as even though the distance is far but still paying attention to communication, affection, gratitude and feeling sufficient, and continuing to try to make each other happy by fulfilling the needs and desires of the couple according to their abilities.

3. Implications for the Relationship Between Husband and Wife in Contemporary Islamic Law

The primary goal of marriage is peace, love, and compassion (sakinah, mawaddah, and warahmah), which means lasting peace (sakinah), love (mawaddah), and affection (warahmah) until the end of life. When married, what is achieved is peace with each other and a lawful partner. The husband's role as head of the household remains unchanged, while the wife's role as homemaker shifts due to her increased role in the public sphere. The rights and obligations of husband and wife depend on the mutual agreement of both parties, taking into account their daily circumstances, (Basyar, 2020).

In the contemporary context, qiwamah (companionship) exists as a moral responsibility and a function other than domination. It also includes economic capacity and responsibility for providing for the family. For example, if the wife is unable to fulfill both of these obligations, or if the husband is unable to fulfill them, negotiations can be held without violating Islamic law. As stated in Surah Syura:

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا وَآمَرُهُمْ شُورَىٰ بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ

"(it is also better and more lasting for) those who accept (obey) God's call and perform prayers, while their affairs are (decided) by deliberation between them. They spend part of the sustenance that We have bestowed upon them" (QS. Asy-Shura [38]).

This surah explains that deliberation, as in qiwamah, is essential for leading a household and living it. The alternative for mutual harmony and happiness is to agree to deliberation. Although there are current changes in social structures, such as equal education for husbands and wives, women's economic contributions, and increasing human rights issues related to women's rights, demanding equality in all aspects. However, it is important to note that the role of husband and wife remains ethical in Islam. The husband remains a leader who must be respected, as heaven and hell depend on the husband's consent. The implications of the role of husband and wife in contemporary gender justice include:

- a. Husband and wife share in domestic duties
- b. Regarding living expenses, if there are any obstacles, this can be discussed and agreed upon together.

- c. Family leadership is collaborative but most importantly respects the husband
- d. Child care is a shared task for neither party
- e. Having children and the reproductive health of the wife is a shared responsibility and agreed upon together without anyone being burdened.
- f. There is transparency and maintaining communication by continuing to learn, especially the teachings of Islam regarding the rights and obligations of both husband and wife.

One of the key ingredients for a happy marriage is to sincerely show affection to your wife, even if it's not expensive, such as giving her a surprise gift. This will create a happy atmosphere in the household. This is how powerful it is to make your wife happy. Imam Azhary emphasized the importance of a husband's obligation to provide food, clothing, shelter, household goods, and medical care sincerely, without conditions or dominance from the husband. This giving includes gifts, gifts that are given sincerely, happily, without coercion, and make the wife happy (Yani et al., 2025).

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ

"It is permissible for you on the night of fasting to mix with your wives. They are clothes for you and you are clothes for them. Allah knows that you cannot restrain yourself, but He accepts your repentance and forgives you. So, now mix with them and seek what Allah has ordained for you. Eat and drink until it becomes clear to you (the difference) between the white thread and the black thread, namely dawn. Then, complete the fast until (comes) evening. However, do not interfere with them when you are (in the state of) making Iqtikaf in the mosque. That is the limits (rules) of Allah. So, do not approach them. Thus Allah explains His verses to people so that they become pious" (QS. Al-Baqarah [187]).

It's clear that a husband and wife are like garments, covering and complementing each other. Therefore, they should always be loving and united. By increasing their religious knowledge and continually learning to understand each other, discussing everything through discussion and avoiding harsh words, violence, or even arbitrary divorce, a peaceful, loving, and compassionate marriage will emerge.

CONCLUSION AND RECOMMENDATIONS

Maqasid al-syariah regarding the roles of husband and wife presents an understanding of relationships in marriage in Islamic law towards a more just and equal form. The existence of qawammah such as responsibility, not domination of one party who is burdened, the existence of prosperity, justice and human dignity shows that Islam does not place men and women in a hierarchical state but as partners, working together and helping each other in the relationship between husband and wife, a sacred relationship in accordance with Islamic ethics with the principles of love, justice and deliberation.

Gender equity in the relationship between husband and wife in this modern era will be maintained through cooperation and awareness and concern for each other's roles. Despite the ever-changing times and increasing challenges, this requires much learning and drawing closer to God, guided by Islamic teachings. This includes, even through distance, maintaining communication, affection, gratitude, and a sense of contentment. Furthermore, we must

continually strive to make each other happy by fulfilling each other's needs and desires within our capabilities.

Implications for the Relationship Between Husband and Wife in Contemporary Islamic Law such as husband and wife share in domestic tasks, regarding living expenses if there are obstacles can be discussed and agreed upon together, family leadership is collaborative but still most importantly respecting the husband, childcare is a shared task not just one party, having children and the wife's reproductive health is a shared responsibility and agreed upon together without anyone being burdened, there is transparency and maintaining communication by continuing to learn especially the teachings of Islam regarding the rights and obligations of both wives and husbands.

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