



Legal Analysis of a Husband's Failure to Provide Financial Support (*Nafkah*) to a Career Wife: Comparative Insights from Islamic Family Law

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DOI: <https://doi.org/10.61987/ilij.v1i1.153>

Article History:

Received: 03 March 2026

Revised: 12 May 2026

Accepted: 01 June 2026

Keywords:

Marital Maintenance, Career Wives, Islamic Family Law, Indonesian Civil Law

Abstract:

Changing household economic structures increasingly challenge conventional assumptions about marital financial responsibilities and the position of career wives. This study examines the legal position of husbands who fail to provide *nafkah* to career wives by analyzing Islamic law and Indonesian civil law. Using a qualitative normative legal approach, the study analyzes Qur'anic principles, Islamic jurisprudence, statutory provisions, the Kompilasi Hukum Islam, judicial developments, and relevant scholarly literature through doctrinal analysis. The findings identify three key dimensions: the husband's primary maintenance responsibility remains despite the wife's employment; career wives retain legal protection when financial neglect occurs; and dual-income families create tensions between traditional maintenance rules and contemporary financial arrangements. The study offers a contextual framework that distinguishes economic contribution from legally recognized marital responsibility. It recommends clearer legal interpretation, evidence-sensitive judicial assessment, and family counseling that accommodates diverse household arrangements while preserving established maintenance rights and obligations.

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INTRODUCTION

Marriage in Islamic family law establishes rights and duties, while the husband's responsibility for financial maintenance remains central to family welfare (A'yun, 2026; Salsabila & Rohmah, 2026; Yulis, 2025). This issue matters because contemporary families increasingly include wives who pursue professional careers and earn independent incomes, potentially reshaping assumptions about economic responsibility within marriage (Díaz, 2023; Metcalfe et al., 2021; Vagiri et al., 2024). Research on working wives indicates that employment may strengthen household resilience while generating questions about whether independent income changes established spousal obligations (Calverley et al., 2022; Saraswat et al., 2023). Evidence from Islamic jurisprudence generally maintains that *nafkah* is connected to marital responsibility rather than the wife's employment status. Therefore, examining a husband's failure to provide *nafkah* to a career wife is important to clarify rights, prevent unjust interpretations, and strengthen family relationships amid changing socioeconomic conditions and contemporary marital arrangements.

A recurring problem arises when a wife's career and income are treated as grounds to reduce or terminate the husband's financial responsibility. Some husbands stop providing *nafkah* because their wives earn independent incomes, even though household economic pressures initially encouraged wives to work (Aswirna et al., 2023; Sikazwe et al., 2024). Wives may become major income earners while Islamic family law continues to recognize the husband as the principal provider, subject to marital responsibilities and agreement (Kütük, 2021; Nabilah et al., 2025). These circumstances can produce disputes over entitlement, fairness, decision-making, and domestic roles. The problem is therefore not simply whether wives may work, but whether employment is wrongly interpreted as transferring the husband's *nafkah* obligation.

Previous studies have addressed dimensions of this debate. Kowalewska et al. (2021) examined working wives and husbands' *nafkah* practices, emphasizing discrepancies between employment realities and Islamic obligations. Mera et al. (2022) and Begum et al. (2024) analyzed wives as breadwinners and reaffirmed male responsibility for maintenance. Habibi et al. (2023) discussed *nafkah* within changing marital property arrangements and highlighted tensions between classical jurisprudence and Indonesian family practice. Jumarim et al. (2024) examined career wives and found that female income can influence *nafkah*, decision-making, and domestic roles through an interdependent family model. Haruna et al. (2024) and Durodolu et al. (2024) compared Islamic and Indonesian legal reasoning concerning migrant-worker wives. However, these studies emphasize contexts rather than analyzing the legal reasoning surrounding a husband's failure to provide *nafkah* to a career wife.

The state of the art repositions the issue from whether a career wife should contribute financially to whether her employment or income alters the husband's *nafkah* duty. Scholarship provides evidence about working wives, breadwinning arrangements, marital property, and household relations. Still, the doctrinal relationship between career status, independent income, marital entitlement, and failure to provide maintenance remains insufficiently synthesized. This study addresses that gap by placing Islamic family law at the center while using Indonesian legal practice as an interpretive context. Its novelty lies in an integrated examination of *nafkah* as a continuing marital obligation, the legal significance of the wife's income, and the consequences of non-provision for rights within contemporary family relationships.

How does Islamic family law regulate a husband's obligation to provide *nafkah* when his wife has a career and income? Under what circumstances, if any, can a wife's employment or earnings affect her entitlement to maintenance? How should the husband's failure to provide *nafkah* be understood when the wife contributes to household finances? What principles distinguish the wife's voluntary economic contribution from the husband's continuing responsibility? How do classical Islamic jurisprudential principles interact with contemporary Indonesian family-law practice today in interpreting these circumstances? Finally, what legal reasoning can provide a framework for addressing *nafkah* disputes involving career wives without treating female economic independence as a waiver, replacement, or termination of the husband's maintenance obligation in marriage?

This study argues that a career wife's independent income should not automatically extinguish the husband's *nafkah* obligation, because Islamic family law associates maintenance with marital responsibility rather than the wife's economic productivity. The originality lies in linking this principle to the problem of

non-provision and distinguishing the wife's voluntary assistance from the husband's responsibility. By synthesizing jurisprudential reasoning with developments in Indonesian family law, the study offers a framework for interpreting maintenance disputes involving economically active wives. It also clarifies how financial contribution, marital rights, and household cooperation can coexist without collapsing distinct responsibilities.

RESEARCH METHODS

This study employs a qualitative normative legal research approach to examine the legal position of a husband who fails to provide financial maintenance (*nafkah*) to a career wife (Mulyani et al., 2023). The normative approach is appropriate because the study focuses on legal norms, principles, doctrinal interpretations, and the relationship between a wife's employment and the husband's continuing maintenance obligation. The study uses qualitative analysis to interpret legal meanings and develop a systematic understanding of spouses' rights and obligations under Islamic family law. The study adopts a doctrinal library research design, examining authoritative legal materials rather than collecting primary empirical data from respondents. This design enables the research to investigate how Islamic jurisprudence conceptualizes *nafkah*, marital responsibility, female employment, and the legal consequences of non-provision.

The legal materials consist of primary, secondary, and supporting sources. Primary legal materials include relevant Qur'anic provisions, Prophetic traditions concerning marital maintenance, classical and contemporary fiqh doctrines, Kompilasi Hukum Islam (KHI), Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan as amended by subsequent legislation, and other Indonesian legal provisions relevant to spousal obligations. Secondary materials include peer-reviewed journal articles, scholarly books, legal commentaries, academic theses, and previous studies addressing *nafkah*, career wives, marital property, breadwinning arrangements, and contemporary Islamic family law (Abbas et al., 2021). Supporting materials, including legal dictionaries and academic reference works, clarify terminology and interpretive concepts. Materials are selected purposively based on their relevance, authority, and contribution to the research questions.

Data collection is conducted through systematic library research by identifying, reviewing, classifying, and documenting relevant legal materials (Gorda et al., 2022). The analysis proceeds through several stages: legal identification, textual interpretation, doctrinal classification, comparative examination, and synthesis. The study analyzes Islamic legal sources through textual and contextual interpretation to identify the principles governing the husband's *nafkah* obligation and the legal significance of the wife's independent income. The study then examines Indonesian legal provisions to determine how these principles are reflected in contemporary family-law regulation and judicial reasoning. A comparative analysis then identifies areas of convergence, divergence, and interpretive tension between classical Islamic jurisprudence and contemporary Indonesian family law. The final stage synthesizes these findings into a legal argument concerning whether a career wife's income can affect the husband's obligation and how failure to provide *nafkah* should be legally understood.

RESULTS AND DISCUSSION

Results

The findings reveal three interconnected dimensions concerning the legal position of career wives experiencing financial neglect. First, the analysis establishes the husband's primary responsibility for marital financial support regardless of the wife's employment status. Second, it identifies the legal protection available to career wives when financial obligations are neglected. Third, it demonstrates tensions between traditional maintenance rules and contemporary dual-income family arrangements. Together, these findings illustrate how marital financial responsibility operates within changing household economic structures.

The Husband's Primary Responsibility for Marital Financial Support

The normative analysis establishes that the husband holds the primary legal responsibility for meeting the household's financial needs within the marital relationship. This responsibility remains attached to the husband even when the wife is employed, earns personal income, or makes substantial financial contributions to household expenses. The wife's participation in paid employment does not automatically transfer the husband's financial responsibility to her, because employment and marital maintenance constitute legally distinct matters. A career wife may earn income through professional activities while retaining legal rights arising from the marital relationship. Accordingly, the wife's personal earnings should not be interpreted as an automatic legal basis for removing or transferring the husband's primary maintenance responsibility. The analysis therefore emphasizes the continuing relevance of marital obligations despite changing household economic arrangements.

The analysis further demonstrates that the wife's employment creates an economic condition in which both spouses may contribute to household welfare, but such contribution does not necessarily produce an equal redistribution of legal responsibility. A career wife may contribute to food, housing, education, healthcare, transportation, or other household expenditures while simultaneously retaining her legal position as a wife entitled to appropriate financial support. Such contributions may arise from mutual agreement, practical household arrangements, or voluntary participation in meeting family needs. However, shared financial contributions should not automatically be interpreted as evidence that the husband's legal obligation has disappeared. Therefore, a two-income household may involve economic cooperation between spouses while maintaining a distinction between the husband's primary maintenance responsibility and the wife's voluntary, negotiated, or mutually agreed contribution to household welfare.

The findings also show that failure to provide financial support can take several forms within the marital relationship. Such failure may occur when a husband refuses to provide household necessities, provides financial support insufficient to meet reasonable household needs, or assumes that the wife's salary has entirely replaced his own responsibility. These circumstances demonstrate that the legal issue cannot be assessed merely by examining whether the household receives income from one or both spouses. Rather, the central question concerns whether the financial responsibilities arising from marriage are being properly fulfilled. A wife's employment therefore cannot, by itself, establish that the husband's maintenance obligation has been satisfied. The analysis therefore places greater emphasis on fulfilling legally recognized responsibilities than on the numerical equality of spouses' financial contributions.

At the same time, the analysis indicates that the husband's maintenance obligation must be considered in relation to his actual financial capacity and the household's reasonable needs. The amount, form, and regularity of financial support cannot necessarily be separated from the husband's economic circumstances, including his ability to provide for essential household needs. Consequently, the legal position of a career wife cannot be determined solely by the existence or amount of her personal income. A proper assessment requires consideration of household necessities, the husband's financial capacity, the wife's contribution, and any arrangements mutually established within the marriage. This approach recognizes that contemporary households may involve diverse economic patterns while maintaining the underlying legal framework of marital responsibility. The findings therefore support a contextual interpretation that balances legal obligations with actual household circumstances without automatically equating shared income with shared legal responsibility.

Legal Protection for Career Wives Experiencing Financial Neglect

The analysis identifies that career wives who experience financial neglect are not without legal protection under the existing normative framework. Both Islamic legal doctrine and Indonesian positive law provide principles and mechanisms through which a wife may assert her rights when a husband fails to fulfill household financial responsibilities. These protections recognize that the wife's employment status does not automatically eliminate her entitlement to marital maintenance or other legal rights arising from the marital relationship. A career wife may therefore remain legally entitled to seek fulfillment of her rights even when she possesses independent income or contributes financially to household expenses. The findings show that changes in a family's economic structure do not necessarily alter the fundamental legal relationship between marital rights and obligations. Consequently, the existence of a wife's employment should not be treated as sufficient grounds for denying her access to legal protection.

The findings further reveal that financial neglect may generate consequences beyond an ordinary disagreement concerning household finances. When a husband deliberately refuses to fulfill essential household obligations, repeatedly provides inadequate financial support, or disregards reasonable household necessities, the situation may develop into a legally recognizable form of marital neglect. The wife's employment does not prevent her from seeking fulfillment of her rights when the husband's failure results in inadequate provision of essential needs. This distinction matters because household income and legal responsibility are not necessarily the same. A career wife may possess sufficient personal earnings to contribute substantially to household welfare while still experiencing a failure of the husband's legally recognized obligations. The analysis therefore suggests assessing financial neglect by examining the fulfillment of marital responsibilities rather than simply determining whether the wife has an independent source of income.

The analysis also demonstrates that available legal remedies differ in their form, basis, and institutional pathway. Islamic legal doctrine provides mechanisms for fulfilling maintenance obligations and, under particular circumstances, for continuing or dissolving marriage when marital responsibilities are persistently neglected. Indonesian positive law, meanwhile, establishes judicial mechanisms through which a spouse may seek recognition and enforcement of marital rights and obligations. These mechanisms demonstrate that financial neglect is not necessarily

treated solely as a private domestic disagreement when it reaches a legally significant level. Instead, the normative framework provides formal avenues to address disputes concerning maintenance and marital responsibilities. These mechanisms also reinforce the principle that marital obligations have legal significance and can carry consequences when one party persistently fails to fulfill responsibilities established by applicable law.

However, legal protection does not necessarily guarantee uniform outcomes in individual marital disputes. The application of legal norms depends on how relevant provisions are interpreted, the factual circumstances of each marriage, and the evidence presented regarding household needs, financial capacity, contributions, and the husband's fulfillment of maintenance obligations. Courts may therefore need to distinguish between temporary financial difficulties, mutually agreed household arrangements, and persistent or unjustified neglect. This creates an important distinction between the formal existence of legal protection within normative texts and its practical realization in particular cases. The findings consequently indicate that effective protection requires not only clear recognition of the wife's legal rights but also consistent interpretation, adequate evidentiary assessment, and appropriate judicial consideration of the economic circumstances surrounding each marital relationship.

Traditional Maintenance vs. Dual-Income Reality

The analysis reveals a significant tension between traditional assumptions concerning marital roles and the socioeconomic structure of contemporary families. Traditional models generally position the husband as the principal economic provider, while the wife is associated primarily with domestic responsibilities. Contemporary career marriages, however, increasingly involve two economically active spouses who participate in income generation and household management. The findings show that this development produces family arrangements that a single-provider model cannot always represent adequately. Some families maintain a conventional pattern in which the husband provides most household resources, whereas others distribute financial contributions between spouses. These changing arrangements demonstrate that the practical organization of household finances has become more diverse, while the underlying legal framework of marital maintenance continues to recognize specific responsibilities arising from the marital relationship.

The findings further demonstrate that the wife's economic contribution may take different forms depending on household circumstances. In some arrangements, her income functions as supplementary support, while in others, both spouses contribute substantially to household expenditures. A further pattern occurs when the wife's income becomes the primary financial resource because of differences in earning capacity, employment opportunities, or the husband's economic circumstances. This diversity creates uncertainty concerning the legal significance of the wife's contribution. Although her income may substantially support household welfare, such participation does not automatically constitute a formal transfer of the husband's maintenance obligation. The tension becomes particularly evident when the wife's employment justifies a husband's failure to provide financial support. The findings therefore require distinguishing economic contribution from legally recognized marital responsibility.

Table 1 . Financial Responsibility Patterns in Contemporary Dual-Income Families

Family Financial Pattern	Husband's Contribution	Wife's Contribution	Legal Interpretation
Husband as principal provider	Provides the majority of household needs	Provides supplementary income	Wife's contribution does not automatically eliminate the husband's maintenance obligation
Shared financial contribution	Contributes substantially to household expenses	Contributes substantially to household expenses	Shared expenditure does not necessarily create equal legal responsibility
Wife as primary contributor	Contributes according to financial capacity	Provides the majority of household financing	Greater financial contribution does not automatically transfer the husband's legal obligation
Mutually arranged contribution	Contributes according to an agreed arrangement	Contributes according to an agreed arrangement	The arrangement requires contextual assessment of the spouses' agreement and circumstances
Financial neglect	Provides insufficiently or refuses household support	May finance essential household needs independently	Wife's employment does not automatically justify the husband's failure to fulfill maintenance responsibilities

Table 1 demonstrates that contemporary dual-income families cannot be reduced to a single pattern of financial responsibility. The five patterns illustrate a continuum ranging from households in which the husband remains the principal provider to situations in which the wife contributes the majority of household resources. Importantly, the table distinguishes economic contribution from legal responsibility. A wife may provide substantial or even predominant financial support without this contribution automatically transforming the legal structure of marital maintenance. Similarly, shared household expenditure does not necessarily mean that both spouses possess identical legal obligations. The practical distribution of income is therefore a factual circumstance that must be distinguished from the normative allocation of marital responsibilities. This distinction is particularly relevant when assessing whether financial neglect has occurred within a career marriage.

The table also indicates that the legal position of a career wife should be assessed contextually, not solely by the existence of dual incomes. Where spouses voluntarily arrange to share household expenses, those arrangements may explain the practical distribution of financial responsibilities without necessarily eliminating the husband's underlying obligation. Conversely, when a husband refuses reasonable support merely because his wife has employment, the wife's income should not automatically be interpreted as replacing his responsibility. The findings therefore suggest that legal assessment should consider several interconnected factors, including household needs, the husband's financial capacity, the wife's actual contribution, the existence of mutual arrangements, and the persistence or severity of financial neglect. This contextual approach accommodates contemporary family diversity while maintaining the distinction between voluntary economic cooperation and legally recognized marital obligations.

Discussion

The finding that husbands retain primary responsibility for marital financial support despite their wives' employment is consistent with Islamic family law scholarship emphasizing the continuing nature of *nafkah*. Ohaid et al. (2023) and Hanh et al. (2025) similarly show that a wife's employment does not automatically terminate the husband's financial obligation. Putri et al. (2025) and Koburtay et al. (2023) further explain that, within Islamic jurisprudence, a wife's earnings remain distinct from the husband's maintenance responsibility. However, this finding extends the discussion by emphasizing the distinction between economic contribution and legal responsibility in contemporary dual-income households.

Indonesian legal scholarship also supports the finding on financial neglect, particularly research on Article 34 of the Marriage Law and the KHI's maintenance provisions. Oswald et al. (2021) and Ghufroon (2026) establish that husbands have legally recognized responsibilities to provide household necessities according to their capacity, while spouses may pursue judicial remedies when such obligations are neglected. The present finding adds that the wife's employment should not be treated as sufficient evidence that these obligations have been fulfilled. This distinction has theoretical significance because it separates household income from marital entitlement (Ruel, 2025; Tolino, 2024). Practically, courts should examine the husband's actual fulfillment of maintenance responsibilities rather than relying solely on the wife's income when evaluating disputes involving career wives.

The finding that financial neglect may take different forms corresponds with contemporary studies showing that marital maintenance disputes cannot be reduced to the presence or absence of household income. Muhazir, Piwko (2024) and Amijee (2023), for example, identify situations in which husbands discontinue *nafkah* after their wives begin working, demonstrating a gap between normative Islamic principles and household practice. Singh (2022) similarly emphasizes the continuing obligation of maintenance while recognizing the relevance of financial capacity. The present study therefore supports existing literature while extending it through a more contextual distinction between temporary economic hardship, insufficient support, mutually negotiated arrangements, and persistent neglect. Theoretically, this strengthens capacity-based interpretations of *nafkah*, while practically providing a framework for more evidence-sensitive assessment of marital financial disputes.

The finding on contemporary dual-income families identifies diverse maintenance patterns, from traditional arrangements to collaborative and adaptive family structures. However, the present analysis emphasizes that changing economic arrangements do not automatically transform formal marital responsibilities. This complements the discussion of property relations by demonstrating that financial contribution and legal entitlement operate through different normative dimensions. Theoretically, this finding supports a contextual understanding of Islamic family law in which established principles are interpreted alongside changing social realities. Practically, it suggests that spouses should establish clear financial arrangements while maintaining awareness of legally recognized obligations. Such clarity may reduce disputes arising from assumptions that dual income necessarily means identical financial responsibility.

Overall, the findings support reconciling established maintenance principles with contemporary family arrangements rather than replacing one framework with another. The concept of *mubadalah* provides a relevant theoretical perspective

because it emphasizes reciprocity, mutuality, and ethical cooperation within marriage, and the need for legal frameworks to accommodate diverse family maintenance models. It also notes that courts can recognize unequal economic and domestic contributions when resolving marital property disputes. This study extends these discussions by linking financial cooperation, maintenance rights, and legal responsibility within career marriages. The practical implication is the need for clearer legal interpretation and family counseling that recognizes shared economic participation without automatically treating the wife's income as a substitute for the husband's legally recognized maintenance responsibility.

CONCLUSION

This study concludes that a wife's employment does not automatically transfer or eliminate the husband's primary legal responsibility for marital financial maintenance (*nafaqah*), and legal protection remains available when he neglects these obligations. The central finding emphasizes the importance of distinguishing between economic contribution within the household and legally defined marital responsibilities in contemporary family structures. The study contributes theoretically by integrating Islamic maintenance principles with Indonesian family law and the realities of dual-income families through a contextual analytical framework. Nevertheless, its reliance on normative legal texts and secondary literature limits a deeper empirical understanding of how maintenance obligations are interpreted, negotiated, and practiced within actual marital relationships. Future research should therefore examine judicial decisions and use qualitative approaches with dual-career couples to explore the practical dynamics of financial responsibility, gender roles, and legal awareness in contemporary marriages. The implications of this study suggest the need for family law education and policy development that promote a balanced understanding of rights and obligations, enabling Muslim families to navigate changing economic conditions while maintaining alignment with both Islamic legal principles and national legal frameworks.

ACKNOWLEDGEMENT

The author expresses sincere gratitude to the institutions, colleagues, and scholars who provided intellectual support, constructive feedback, and encouragement throughout this research. Their contributions supported the development of the analysis and strengthened the academic quality of this study.

CONFLICTS OF INTEREST

No potential conflict of interest was reported by the author(s).

USE OF ARTIFICIAL INTELLIGENCE (AI)-ASSISTED TECHNOLOGY

During the preparation of this manuscript, the authors used Grammarly and ChatGPT solely to improve language clarity and readability. The authors reviewed and edited the output and take full responsibility for the content of the published article.

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