



Alimony in Islamic Family Law in Indonesia: Definition, Legal Basis, and Obligations Toward Former Wives and Parents

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Abstract

Alimony constitutes a fundamental institution in Islamic family law that regulates financial responsibilities among family members and promotes welfare, justice, and social protection. This article examines the definition of alimony, its legal foundations, and the obligations arising toward former wives and parents within the framework of Indonesian Islamic family law. Employing a normative juridical approach and library-based research, the study analyzes primary legal sources, including the Qur'an, Hadith, and the Compilation of Islamic Law, alongside relevant scholarly literature and legal regulations. The findings reveal that alimony is not limited to material support but also embodies moral and social responsibilities rooted in Islamic legal principles. Its legal force extends beyond the marital relationship, encompassing post-divorce obligations through iddah maintenance and mut'ah, as well as the duty of financially capable children to support dependent parents. These obligations reflect the broader objectives of Islamic family law in safeguarding dignity, ensuring family welfare, and strengthening social justice through legally recognized mechanisms of support and protection.

Keywords: *Alimony, Family Welfare, Islamic Family Law, Parents, Post-Divorce Maintenance.*



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INTRODUCTION

The issue of alimony within Islamic family law has attracted increasing scholarly attention across Muslim-majority jurisdictions as contemporary family structures, gender relations, and legal modernization processes continue to reshape the distribution of economic responsibilities among family members after marriage and divorce. Current global debates no longer conceptualize maintenance merely as a private domestic obligation but increasingly regard it as a legal mechanism for ensuring social protection, economic justice, and family welfare within changing socio-economic environments. Islamic legal traditions have historically framed maintenance as an integral component of familial responsibility derived from the marital bond and kinship relations, while modern legal systems have sought to institutionalize these obligations through enforceable legal instruments that respond to evolving social realities (Idin & Mustaming, 2023). The normative foundation of maintenance obligations in Islamic law is rooted in scriptural sources that establish financial responsibility toward dependents as a manifestation of moral and legal accountability within the family structure (Kementerian Agama Republik Indonesia, 2019). Classical juristic interpretations further developed these principles into comprehensive doctrines governing the rights and obligations of spouses and relatives, thereby positioning alimony as a central pillar of family stability and social order (Abû Thayyib Muhammad Syamsu al-Haqq al-'Azhîm Âbâdî, 2001).

Existing studies have generated important insights into the legal and social dimensions of maintenance obligations, yet they reveal significant variation in analytical focus and conceptual emphasis. Several scholars have examined maintenance primarily as a marital obligation, highlighting its role in balancing rights and responsibilities between husbands and wives under Islamic and national legal frameworks (Bahri, 2024). Other studies have explored maintenance through maqâsid al-syarî'ah and reciprocal justice perspectives, arguing that contemporary socio-economic transformations necessitate a more contextual interpretation of financial responsibilities within Muslim families (Hepi & SH, 2022). Comparative analyses have also investigated the relationship between Islamic legal doctrines and Indonesia's positive law, demonstrating that maintenance obligations operate

simultaneously within religious, legal, and social domains that often overlap yet occasionally produce interpretive tensions (Hidayat & Fathoni, 2022). Research on the legal position of maintenance within Islamic family law has similarly emphasized the continuing negotiation between normative religious principles and the practical realities of modern family life (Gofur Sutabri, 2025). Meanwhile, broader discussions on family law reform indicate that changes in legal institutions frequently influence the interpretation and implementation of maintenance obligations, particularly in relation to evolving understandings of family authority and dependency (Asman, 2024).

Despite these contributions, the literature remains fragmented in several important respects. A substantial portion of existing research focuses on maintenance obligations during marriage or on child support following divorce, leaving the legal status of former wives and parents insufficiently examined within a unified analytical framework. Empirical studies concerning post-divorce obligations have largely concentrated on judicial enforcement and compliance issues related to child maintenance rather than the broader architecture of family financial responsibilities after marital dissolution (Djawas et al., 2023). Research addressing maintenance rights after divorce frequently discusses wives and children as separate legal subjects, thereby overlooking the interconnected nature of obligations that emerge within extended family relationships under Islamic law (Pradana et al., 2025). Investigations into parental responsibilities have similarly prioritized child welfare concerns without adequately situating parental support within the wider doctrine of intergenerational maintenance obligations (Safitri & Ahmad, 2024). Studies examining the role of wives as income earners have contributed valuable insights into shifting economic dynamics, yet they have not fully resolved questions regarding how these transformations affect the continuing obligation of maintenance after divorce (Rudi, 2024).

The absence of an integrated understanding becomes increasingly problematic when legal norms, judicial practices, and socio-cultural expectations generate divergent interpretations regarding who bears financial responsibility after family relationships are reconfigured through divorce or economic change. Comparative studies on post-divorce alimony policies indicate that the implementation of maintenance rights often reflects broader concerns related to gender justice and legal effectiveness, revealing considerable variation even among countries sharing similar Islamic legal traditions (Jannah et al., 2025). Investigations into claims for economic rights in religious courts demonstrate that former wives frequently encounter practical obstacles in securing legally recognized maintenance entitlements despite the existence of formal legal protections (Torano et al., 2025). Similar concerns emerge in analyses of post-divorce maintenance obligations under both Islamic law and positive law, where normative guarantees do not always translate into effective legal outcomes (Nugraha & Aziz, 2024). Research on the enforcement of post-divorce financial obligations further suggests that implementation gaps remain one of the most persistent challenges within Indonesia's Islamic family law system (Muizzuddin, 2025). Socio-anthropological studies have also shown that cultural expectations and local family practices often shape maintenance arrangements in ways that differ from formal legal prescriptions, creating additional layers of complexity in determining responsibility toward former wives and elderly parents (Nafi'Hasbi & Ibrahim, 2026).

These unresolved issues possess substantial academic and practical significance because maintenance obligations operate at the intersection of legal authority, social welfare, gender relations, and family solidarity. The increasing prevalence of divorce within Indonesian Muslim families has intensified concerns regarding the economic vulnerability of former spouses and dependent family members who may lack adequate financial support after the dissolution of marriage (Kusmardani, 2024). Legal certainty regarding maintenance obligations is particularly important because the Indonesian legal system recognizes enforceable responsibilities arising from marriage and family relationships through statutory and judicial mechanisms (Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991). Recent developments in computational and predictive approaches to alimony assessment further illustrate the growing demand for more systematic and transparent frameworks capable of supporting legal decision-making in maintenance disputes (Rosili et al., 2024). Scholarly attention to the continuing obligation of maintenance toward former wives after divorce has likewise demonstrated that legal interpretation remains contested, especially when normative religious doctrines interact with contemporary notions of fairness and economic dependency (Amalia & Romli, 2025).

This study positions itself within these ongoing debates by examining alimony in Indonesian Islamic family law through an integrated analysis of its definition, normative foundations, legal basis, and the scope of obligations owed to former wives and parents. Rather than treating marital

maintenance, post-divorce support, and intergenerational responsibility as isolated legal issues, the study conceptualizes them as interconnected components of a broader system of family obligations embedded within Islamic legal thought and Indonesian family law. The research aims to clarify the doctrinal structure governing maintenance obligations, identify the legal principles that regulate responsibilities toward former wives and parents, and develop a more coherent analytical framework for understanding the relationship between religious norms and positive law in contemporary Indonesia. By synthesizing normative legal sources with contemporary family law scholarship, this study contributes theoretically to the refinement of Islamic family law discourse on maintenance and contributes methodologically through a systematic integrative approach that bridges doctrinal, legal, and socio-institutional perspectives.

RESEARCH METHODS

A normative juridical approach with a descriptive-analytical design was employed to examine the concept of alimony in Indonesian Islamic family law, particularly its definition, legal foundations, and obligations toward former wives and parents. As a non-empirical legal inquiry, the research relied exclusively on library-based sources and doctrinal legal materials. Primary legal materials consisted of the Qur'an, Hadith, the Compilation of Islamic Law (KHI), and relevant Indonesian statutory regulations governing family relations and maintenance obligations. Secondary materials included scholarly books, peer-reviewed journal articles, theses, dissertations, and court decisions discussing alimony and family support within Islamic and Indonesian legal frameworks. Tertiary materials, such as legal encyclopedias and dictionaries, were utilized to clarify legal terminology and conceptual interpretations. The selection of sources was based on relevance, academic credibility, and their contribution to contemporary discussions on Islamic family law and post-divorce maintenance obligations. The analytical framework integrated doctrinal legal analysis with conceptual and statutory approaches to identify the normative principles governing alimony and family financial responsibilities in Indonesia (Asman, 2024; Gofur Sutabri, 2025).

The collected materials were analyzed using qualitative content analysis and legal interpretation techniques. The analytical process involved systematically classifying legal norms, scholarly arguments, and judicial interpretations concerning maintenance obligations, followed by a comparative examination of their coherence within Islamic legal doctrine and Indonesian positive law. To ensure analytical rigor, source triangulation was applied by cross-examining scriptural texts, legal regulations, academic literature, and relevant judicial decisions. Interpretive validity was strengthened through contextual readings of legal provisions and critical synthesis of competing scholarly perspectives regarding alimony and family support obligations (Hidayat & Fathoni, 2022). Methodological transparency was maintained by documenting the procedures for selecting, categorizing, and interpreting legal materials, thereby enhancing the credibility, dependability, and reliability of the findings. Through this procedure, a comprehensive understanding of the legal and doctrinal structure of alimony obligations toward former wives and parents within the framework of Indonesian Islamic family law was developed.

RESULTS AND DISCUSSION

Definition of Alimony in Indonesian Islamic Family Law

Alimony occupies a fundamental position within Islamic family law because it constitutes one of the principal legal mechanisms through which economic responsibilities are allocated among family members. In Islamic jurisprudence, the concept of alimony is not merely associated with financial expenditure but is closely connected to the realization of justice, welfare, and protection within family relations. The legal significance of maintenance derives from the recognition that family members possess reciprocal rights and obligations arising from marriage and kinship. Contemporary legal scholarship has emphasized that maintenance serves as an essential instrument for preserving family stability and preventing economic vulnerability among dependents (Idin & Mustaming, 2023). The existence of maintenance obligations consequently reflects the broader objective of Islamic family law to ensure the fulfillment of basic human needs within a structured legal framework.

From a linguistic perspective, the term *nafaqah* originates from the Arabic verb *anfaqa-yunfiqu*, which refers to the act of spending or disbursing wealth for legitimate purposes. Classical jurists subsequently transformed this linguistic meaning into a legal concept that denotes expenditures incurred

by a person who bears responsibility for supporting another individual under Islamic law. This doctrinal development demonstrates the evolution of maintenance from a moral expectation into a legal institution with clearly identifiable rights and obligations. Juristic literature consistently characterizes maintenance as an obligation attached to specific legal relationships rather than as a voluntary act of generosity. Such a formulation distinguishes maintenance from charitable giving because its enforcement is grounded in legal entitlement rather than benevolence.

Within the framework of Islamic family law, the obligation to provide maintenance primarily arises from a valid marriage contract. The marital relationship creates a legal status that imposes financial responsibilities upon the husband while simultaneously granting economic rights to the wife and dependent children. This construction reflects the traditional understanding that family welfare requires a clear allocation of responsibilities among its members. Scholarly analyses indicate that maintenance obligations represent a legal consequence of marriage rather than a discretionary arrangement dependent upon individual preferences (Hidayat & Fathoni, 2022). The legal force of these obligations illustrates the extent to which Islamic family law integrates ethical principles with enforceable juridical norms.

The concept of maintenance in contemporary Islamic family law extends beyond the provision of food, clothing, and shelter. Modern interpretations increasingly recognize that family welfare encompasses broader dimensions, including access to healthcare, education, and other necessities required to maintain a dignified standard of living. Such developments reflect the adaptive character of Islamic legal principles when responding to changing social and economic conditions. Legal scholars have argued that the determination of maintenance should be assessed in accordance with prevailing standards of reasonableness and social propriety rather than through rigid quantitative measures alone (Gofur Sutabri, 2025). This approach allows maintenance obligations to remain relevant within diverse socio-economic contexts while preserving their normative foundations.

The Indonesian legal system reinforces this doctrinal understanding through the codification of maintenance obligations in the Compilation of Islamic Law. Article 80 of the Compilation of Islamic Law explicitly establishes the husband's responsibility to provide maintenance according to his ability and the reasonable needs of the family (Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991). A systematic interpretation of this provision demonstrates that maintenance is recognized not merely as a religious duty but also as a legally enforceable obligation under positive law. The incorporation of maintenance norms into national legislation signifies the state's commitment to ensuring legal protection for family members who depend upon such support. The codification process simultaneously strengthens legal certainty and facilitates judicial enforcement through the Religious Court system.

A teleological interpretation of maintenance provisions reveals that their primary objective is the preservation of family welfare and social justice. Maintenance obligations function as preventive legal instruments designed to minimize economic inequality within the family and protect vulnerable individuals from neglect. This perspective corresponds with the broader objectives of Islamic law, particularly the protection of life, dignity, and family continuity. Academic discussions grounded in *maqāṣid al-sharī'ah* have highlighted that maintenance rules should be understood as mechanisms for realizing substantive justice rather than merely enforcing formal legal duties (Hepi & SH, 2022). The normative value of maintenance therefore lies in its capacity to translate abstract legal principles into tangible social protection.

Contemporary developments have also generated renewed debate concerning the relationship between maintenance obligations and changing economic roles within the family. The increasing participation of women in the labor market has prompted questions regarding whether financial contributions by wives affect the husband's maintenance responsibilities. Prevailing legal doctrine maintains that a wife's income-generating activities do not automatically extinguish the husband's obligation to provide maintenance because the legal basis of that obligation derives from marital status rather than comparative earning capacity (Bahri, 2024). Similar conclusions have been advanced by scholars examining the position of working wives within modern Muslim families, who argue that maintenance obligations continue to exist despite evolving household economic arrangements (Rudi, 2024). This distinction underscores the autonomy of legal obligations from fluctuating socio-economic realities.

The foregoing analysis demonstrates that alimony in Indonesian Islamic family law constitutes a comprehensive legal institution encompassing both material support and broader welfare

considerations. Its normative foundations are derived from Islamic jurisprudence, while its enforceability is reinforced through statutory recognition within the national legal system. The concept functions not only as a mechanism for allocating economic responsibility but also as a means of protecting family members whose welfare depends upon legally recognized support relationships. The continuing relevance of maintenance obligations reflects their ability to accommodate social change while preserving fundamental principles of justice and family responsibility. Conceptual clarity regarding the definition of alimony therefore remains essential for the coherent development and application of Islamic family law in Indonesia.

Legal Basis of Alimony in Indonesian Islamic Family Law

The legal basis of alimony in Islamic family law is constructed through a combination of scriptural authority, juristic interpretation, and statutory regulation that collectively establish maintenance as a binding legal obligation rather than a voluntary act of generosity. Islamic legal doctrine places maintenance within the category of enforceable rights because it originates from legally recognized family relationships and serves the broader objective of preserving welfare within the family structure. The normative force of maintenance obligations derives primarily from the Qur'an and Hadith, which provide explicit guidance regarding financial responsibilities among family members. Contemporary legal scholarship emphasizes that the obligation of maintenance represents one of the most concrete manifestations of justice within Islamic family relations because it directly concerns the fulfillment of essential human needs (Idin & Mustaming, 2023). The existence of clear textual foundations distinguishes maintenance obligations from other forms of social assistance that may depend solely upon ethical considerations.

The primary Qur'anic foundation concerning maintenance obligations is found in Q.S. Al-Baqarah [2]:233, which establishes the father's responsibility to provide sustenance and clothing for the mother of his child according to what is reasonable and appropriate. The legal significance of this provision extends beyond the context of breastfeeding because the verse articulates a general principle concerning financial responsibility within family relationships. Classical and contemporary jurists frequently interpret the provision as evidence that maintenance constitutes a legal duty attached to family status rather than a matter of personal discretion. The phrase referring to provision "according to what is reasonable" demonstrates that Islamic law recognizes proportionality and economic capacity as important considerations in determining the extent of maintenance obligations. This textual formulation reflects a balance between legal certainty and practical flexibility in the implementation of family responsibilities (Kementerian Agama Republik Indonesia, 2019).

وَالْوَالِدَتُ يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِيمَ الرِّضَاعَةُ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ [بِالْمَعْرُوفِ] لَا تَكْلَفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارُّ وَالِدَةُ يَوْلِيدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا اتَّيْنْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٢٣٣﴾

Mothers should breastfeed their children for a full two years, for those who wish to complete the breastfeeding period. It is the father's duty to provide for their food and clothing in a proper manner. No one is burdened beyond their capacity. A mother should not be made to suffer because of her child, nor should a father be made to suffer because of his child. The same applies to the heirs. If both parents wish to wean the child (before two years) by mutual agreement and consultation, there is no sin upon them. If you wish to have your child nursed by another, there is no sin upon you if you provide payment in a proper manner. Fear Allah and know that indeed Allah is All-Seeing of what you do. (Q.S. al-Baqarah:233).

A systematic interpretation of Q.S. Al-Baqarah [2]:233 reveals that the obligation of maintenance is inseparable from the broader objective of protecting family welfare and preventing economic hardship among dependents. The verse does not merely establish the obligation itself but also introduces the principle that obligations must correspond to the financial capacity of the responsible party. Such a principle demonstrates that Islamic law seeks to achieve substantive fairness rather than imposing rigid requirements detached from social realities. Legal scholars have noted that the provision embodies a balance between the rights of dependents and the capabilities of those who bear financial responsibility

(Rudi, 2024). This balance continues to influence contemporary legal interpretations concerning the determination of maintenance amounts in Islamic family law.

Another important normative foundation appears in Q.S. At-Talaq [65]:7, which expressly instructs individuals with greater financial means to spend according to their capacity and directs those with limited resources to provide support according to what Allah has granted them. The legal significance of this verse lies in its articulation of proportionality as a governing principle in the law of maintenance. Juristic interpretation generally understands the provision as establishing that the adequacy of maintenance should be evaluated in relation to the economic condition of the provider rather than according to a fixed monetary standard. Such an approach enables Islamic family law to remain applicable across different economic circumstances and historical contexts. The principle has become particularly relevant in contemporary societies characterized by substantial variations in income and living standards (Hepi & SH, 2022).

لِيُنْفِقَ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قَدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يُكَاْفِ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا ﴿٧﴾

Let those who are well-off provide for others according to their means, and let those whose means are limited provide from what Allah has bestowed upon them. Allah does not burden anyone beyond what He has bestowed upon them. Allah will grant ease after hardship. (Q.S. al-Thalâq:7).

The legal foundations of maintenance obligations are further reinforced through prophetic traditions that clarify the practical dimensions of financial responsibility within marriage. Among the most frequently cited traditions is the narration of Hakim ibn Mu'awiyah in which the Prophet Muhammad explained that a husband must provide food and clothing for his wife in a manner consistent with his own standard of living. The Hadith serves an important interpretive function because it translates general Qur'anic principles into more concrete obligations capable of practical application. Classical commentators have emphasized that the narration establishes both material responsibilities and ethical standards governing marital relations. The combination of financial obligations and humane treatment illustrates the comprehensive nature of maintenance within Islamic family law (Abû Thayyib Muhammad Syamsu al-Haqq al-'Azhîm Âbâdî, 2001).

The incorporation of maintenance principles into Indonesian positive law strengthens their juridical character and enhances their enforceability through state institutions. Article 80 of the Compilation of Islamic Law explicitly requires a husband to provide maintenance, housing, medical care, and other necessities in accordance with his ability and the needs of the family (Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991). A systematic reading of this provision demonstrates that Indonesian law adopts and institutionalizes the normative principles developed within Islamic jurisprudence. The codification process transforms maintenance from a purely religious obligation into a legally enforceable right capable of judicial protection. Legal certainty is consequently enhanced because family members may seek remedies through Religious Courts when maintenance obligations are neglected.

The interaction between scriptural sources and statutory regulations demonstrates that the legal basis of maintenance in Indonesia operates through a mutually reinforcing relationship between Islamic norms and positive law. Contemporary scholarship indicates that this relationship has contributed to the development of a more comprehensive framework for protecting family welfare and regulating financial responsibilities within marriage and post-divorce relationships (Hidayat & Fathoni, 2022). Studies on the position of maintenance within Indonesian family law similarly conclude that legal recognition has strengthened the practical implementation of maintenance rights while preserving their religious foundations (Gofur Sutabri, 2025). The normative coherence between Qur'anic principles, prophetic traditions, and statutory regulations creates a robust legal foundation for maintenance obligations. Such coherence explains why maintenance continues to occupy a central position within the structure of Indonesian Islamic family law.

Alimony Obligations Toward Former Wives in Indonesian Islamic Family Law

The legal position of alimony for former wives constitutes one of the most significant consequences arising from the dissolution of marriage in Islamic family law. Although divorce terminates the marital relationship, Islamic jurisprudence recognizes that certain rights and obligations

may continue for a specified period after the pronouncement of divorce. This principle reflects the understanding that marriage generates legal consequences that cannot always be extinguished immediately upon separation. The continuation of maintenance obligations demonstrates the protective orientation of Islamic family law toward parties who may experience economic vulnerability following divorce. Contemporary legal scholarship recognizes that post-divorce maintenance functions not only as a legal entitlement but also as an instrument for safeguarding social welfare and family justice (Amalia & Romli, 2025).

The normative foundation governing maintenance for former wives in Indonesia is primarily regulated through the Compilation of Islamic Law. Article 149 of the Compilation of Islamic Law stipulates that a former husband is obligated to provide *mut'ah*, maintenance during the *iddah* period, and other rights arising from divorce under conditions determined by law (Instruksi Presiden Republik Indonesia Nomor 1 Tahun 1991). A grammatical interpretation of this provision indicates that maintenance rights following divorce are not entirely dependent upon judicial discretion because they have been expressly recognized within positive law. The provision also demonstrates that Indonesian Islamic family law adopts the principle that divorce does not automatically eliminate all financial responsibilities of a former husband. Such a construction strengthens legal certainty regarding the economic protection available to women after marital dissolution.

Differences among classical schools of Islamic jurisprudence have contributed significantly to contemporary debates concerning the scope of maintenance rights after divorce. The Hanafi school generally recognizes broader maintenance entitlements for women undergoing *iddah* following an irrevocable divorce, while the Shafi'i and Maliki schools tend to limit such rights primarily to accommodation unless pregnancy exists. These doctrinal differences illustrate that Islamic legal thought contains multiple interpretive approaches regarding post-divorce obligations. Comparative legal analysis suggests that the diversity of juristic opinions provides flexibility for modern legal systems seeking to address changing social and economic conditions. Indonesian Islamic family law reflects a selective incorporation of these doctrinal traditions while emphasizing legal certainty and judicial consistency in resolving family disputes (Nugraha & Aziz, 2024).

The continuation of maintenance rights during the *iddah* period can be understood through a systematic interpretation of the legal status of divorced spouses. Although the divorce declaration initiates legal separation, certain consequences of the marriage contract remain effective until the completion of the waiting period. The *iddah* period therefore serves not only religious and biological purposes but also functions as a legal mechanism for protecting the rights of former wives. Islamic jurists have generally regarded maintenance during this period as an extension of responsibilities arising from the marital bond that has not yet been entirely extinguished. Such an interpretation reinforces the protective character of Islamic family law in circumstances where women may face economic uncertainty immediately after divorce (Pradana et al., 2025).

A teleological interpretation of Article 149 of the Compilation of Islamic Law demonstrates that post-divorce maintenance is intended to preserve dignity, fairness, and economic security for former wives. The provision should not be understood solely as a procedural requirement attached to divorce proceedings because its underlying objective is the prevention of disproportionate hardship resulting from marital dissolution. Contemporary discussions concerning gender justice within Islamic family law have increasingly emphasized the importance of interpreting maintenance provisions in light of substantive equality and social protection. Comparative studies involving Indonesia, Malaysia, and Brunei Darussalam similarly indicate that post-divorce maintenance functions as an essential legal instrument for reducing economic disparities experienced by women after divorce (Jannah et al., 2025). Such developments demonstrate the continuing relevance of maintenance rights within contemporary family law reform.

The effectiveness of maintenance rights is closely connected to their implementation through judicial institutions. Research examining claims for the economic rights of former wives in Religious Courts reveals that legal recognition alone does not always guarantee effective realization of maintenance obligations (Torano & Rahman, 2025). Similar findings emerge from studies on the enforcement of financial obligations after divorce, which identify compliance and enforcement as recurring challenges within the administration of Islamic family law (Muizzuddin, 2025). These findings indicate that legal protection requires not only clear normative standards but also effective enforcement mechanisms capable of ensuring compliance with judicial decisions. The distinction

between normative entitlement and practical realization therefore remains an important issue in the development of post-divorce maintenance law.

The broader implications of maintenance obligations become evident when viewed in relation to family welfare and social stability. Studies on divorce within Indonesian Muslim families demonstrate that economic insecurity frequently constitutes one of the most significant consequences experienced by women following marital dissolution (Kusmardani, 2024). Research concerning child support obligations after divorce likewise indicates that inadequate fulfillment of financial responsibilities often affects not only former spouses but also the welfare of dependent children (Djawas et al., 2023). The interconnected nature of these obligations highlights the importance of viewing post-divorce maintenance within a broader framework of family protection. Legal regulation in this area consequently serves both individual and societal interests by reducing the risk of economic vulnerability among family members affected by divorce.

Normative analysis demonstrates that alimony obligations toward former wives remain an integral component of Indonesian Islamic family law despite the termination of marriage. The legal basis for these obligations derives from a combination of Islamic jurisprudence, statutory regulations, and judicial practice that collectively recognize the need for economic protection during the post-divorce period. Maintenance during *iddah*, the provision of *mut'ah*, and related financial rights illustrate that divorce does not entirely extinguish the legal consequences arising from marriage. Contemporary socio-legal studies further reveal that the realization of these rights is influenced by legal institutions, cultural expectations, and perceptions of family responsibility within society (Nafi'Hasbi & Ibrahim, 2026). The continuing development of maintenance law therefore reflects an ongoing effort to harmonize religious doctrine, legal certainty, and social justice within the Indonesian Islamic family law system.

Alimony Obligations Toward Parents in Indonesian Islamic Family Law

The obligation to provide alimony for parents occupies a distinctive position within Islamic family law because it arises from the legal and moral relationship between children and their parents rather than from the institution of marriage. Islamic legal doctrine recognizes that family responsibility extends beyond the spousal relationship and encompasses intergenerational obligations intended to preserve welfare within the broader family structure. The juridical foundation of this obligation is closely associated with the principle of *birr al-wālidayn*, which requires children to honor, respect, and care for their parents throughout their lives. Contemporary scholarship emphasizes that financial support constitutes one of the most tangible manifestations of filial responsibility when parents are unable to meet their own needs (Idin & Mustaming, 2023). The legal significance of parental maintenance therefore lies in its function as both a family obligation and a mechanism of social protection.

The normative basis for maintenance obligations toward parents is rooted in Islamic teachings that place parents among the foremost recipients of financial assistance and care. Islamic legal interpretation consistently regards the parental relationship as generating reciprocal rights and obligations that continue throughout the lifetime of both parties. Although parents bear primary responsibility for nurturing and supporting children during their formative years, Islamic law recognizes that this responsibility may later transform into an obligation borne by adult children when parents become financially dependent. Such a construction reflects the principle that family solidarity should operate as a continuous system of mutual support across generations. The legal character of this obligation distinguishes it from voluntary charity because its implementation is linked to a recognized familial relationship rather than purely philanthropic motives (Hidayat & Fathoni, 2022).

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِلَّهِ الدِّينُ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ ﴿٢١٥﴾

They ask you (Prophet Muhammad) what they should spend. Say, “Whatever wealth you spend should be for your parents, relatives, orphans, the poor, and travelers (in need of assistance).” Whatever good you do, Allah is fully aware of it. (Q.S. al-Baqarah:215).

A systematic interpretation of Q.S. Al-Baqarah [2]:215 demonstrates that the Qur'an places parents at the forefront of those entitled to receive financial support. The sequence employed within the verse is legally significant because parents are mentioned before other categories of relatives and beneficiaries. Jurists have frequently interpreted this arrangement as evidence of the elevated status of parental rights within Islamic law. The provision establishes a normative hierarchy that prioritizes parental welfare when financial assistance is distributed among family members. Such an interpretation reflects the broader objective of preserving family cohesion and recognizing the sacrifices parents make in raising and educating their children.

The obligation of children to provide maintenance for their parents becomes particularly relevant when parents are no longer capable of supporting themselves due to age, illness, or economic hardship. Classical Islamic jurists generally agree that financially capable children bear responsibility for ensuring the welfare of parents who lack sufficient means of subsistence. This consensus is based upon the principle that the preservation of life and dignity constitutes a fundamental objective of Islamic law. A teleological interpretation of parental maintenance therefore indicates that the obligation exists not merely to reward parental services but to prevent neglect and social vulnerability among elderly family members. Such reasoning reinforces the social welfare dimension embedded within Islamic family law (Gofur Sutabri, 2025).

Although Indonesian statutory regulations focus primarily on marital and child-related obligations, the broader framework of family law recognizes reciprocal responsibilities among family members. The principles embodied within the Marriage Law and the Compilation of Islamic Law support the view that family members are expected to assist one another in circumstances involving economic dependence and vulnerability. A systematic interpretation of these legal instruments suggests that family obligations should not be confined exclusively to spouses and children. Such an approach is consistent with Islamic legal doctrine, which views the family as an interconnected institution characterized by mutual responsibility. Contemporary legal scholarship has argued that maintenance obligations should be interpreted within this broader framework of familial solidarity and social justice (Asman, 2024).

The importance of parental maintenance has become increasingly apparent in the context of demographic and socio-economic change. Longer life expectancy, urbanization, and changing family structures have altered traditional patterns of intergenerational support, creating new challenges regarding the care of elderly parents. Socio-legal studies indicate that economic pressures and geographic mobility may reduce the capacity of families to fulfill traditional caregiving functions, thereby increasing the importance of legal and ethical norms governing parental support (Nafi'Hasbi & Ibrahim, 2026). These developments highlight the continuing relevance of Islamic legal principles that emphasize responsibility toward aging parents. The obligation of maintenance consequently serves as a means of preserving social welfare amid changing family dynamics.

The legal and ethical rationale underlying parental maintenance also reflects the broader objectives of justice within Islamic family law. Scholars examining family support obligations have noted that maintenance duties promote a balanced distribution of responsibilities among family members while reducing the burden placed upon public welfare institutions (Hepi & SH, 2022). The obligation therefore contributes not only to individual family welfare but also to social stability more generally. By requiring economically capable children to assist dependent parents, Islamic law seeks to strengthen intergenerational solidarity and minimize the risk of neglect. Such objectives remain highly relevant in contemporary societies where the economic vulnerability of older persons continues to present significant social challenges.

Normative analysis demonstrates that alimony obligations toward parents constitute an integral component of Islamic family law and reflect the broader principle of reciprocal responsibility within the family. The legal basis of this obligation derives from Qur'anic teachings, juristic doctrine, and the overarching objectives of Islamic law concerning welfare, dignity, and social justice. Financial support for parents represents more than an expression of gratitude because it functions as a legally recognized responsibility when conditions of need and dependency arise. Contemporary developments affecting family structures have increased the practical significance of this obligation while simultaneously reaffirming its normative importance. The continuing recognition of parental maintenance illustrates the commitment of Islamic family law to preserving intergenerational solidarity and ensuring protection for vulnerable family members.

CONCLUSION

Alimony in Indonesian Islamic family law constitutes a comprehensive legal institution that extends beyond the provision of material support and encompasses broader dimensions of moral responsibility, social welfare, and legal protection. Its conceptual foundation is derived from Islamic jurisprudence, which defines maintenance as a legally enforceable obligation arising from marital and kinship relationships, while its juridical basis is reinforced through the Qur'an, Hadith, and the Compilation of Islamic Law. The legal framework governing alimony demonstrates that maintenance obligations are not limited to the duration of marriage but continue under certain circumstances following divorce, particularly through iddah maintenance and mut'ah provisions. This construction reflects the protective orientation of Islamic family law, which seeks to balance rights and responsibilities among family members while ensuring the welfare of individuals who may experience economic vulnerability.

The analysis further demonstrates that alimony obligations in Islamic family law extend beyond the relationship between spouses and encompass responsibilities toward parents who are unable to support themselves. Such obligations are rooted in the principle of intergenerational solidarity and the Islamic imperative to uphold family welfare through reciprocal support among relatives. The recognition of maintenance rights for former wives and dependent parents illustrates that Islamic family law views the family as an integrated social institution in which legal obligations serve not only private interests but also broader objectives of justice, dignity, and social protection. The continued relevance of these principles within the Indonesian legal system confirms that alimony remains a fundamental mechanism for promoting family stability and safeguarding the rights of vulnerable family members in contemporary society.

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