

From Male Authority to Relational Responsibility: A Five-Dimensional *Qiwamah* Model for Gender-Equal Family Law

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Abstract

This article reconstructs *qiwamah* from a sex-based hierarchy into a relational form of family responsibility compatible with Islamic normativity and gender equality. The problem arises from the persistence of juristic and legal formulations that treat the husband as the primary holder of authority even when contemporary households are sustained by the economic, social, caregiving, and decision-making contributions of both spouses. Using qualitative normative legal research, the study combines conceptual, contextual, comparative, and socio-legal approaches to the Qur'an, hadith, classical and contemporary *fiqh*, exegetical scholarship, family legislation, judicial decisions, and recent research on *maqāṣid al-sharī'ah*, *mubādalah*, women's rights, and legal pluralism. The analysis finds that *qiwamah* is textually linked to responsibility and maintenance rather than ontological male superiority; hierarchical *fiqh* formulations are historically situated; and contemporary family realities require authority to be assessed through actual responsibility, capacity, contribution, consent, and legal accountability. A critical comparison of classical-juristic, contextual, and reciprocal interpretations shows that *maqāṣid al-sharī'ah* and *mubādalah* provide the strongest combined basis for preserving Islamic ethical purposes while preventing gender hierarchy from becoming structural discrimination. The article proposes a five-dimensional Relational-Functional *Qiwamah* model—relationality, functionality, deliberation, accountability, and protection—and argues that family-law reform must connect doctrinal reinterpretation with gender-responsive legislation, accessible adjudication, and enforceable remedies so that women's rights are realised substantively.

Keywords: *qiwamah*, relational responsibility, *maqāṣid al-sharī'ah*, *mubādalah*, gender equality

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INTRODUCTION

The discourse on *qiwamah* occupies a position in Islamic family law because it has served as a normative basis for allocating authority, financial responsibility, and decision-making between spouses. Conventional *fiqh* often constructs *qiwamah* as fixed male leadership, whereas

contemporary Islamic legal thought understands it as an ethical responsibility contingent upon justice, care, and accountability. The issue lies not only in the normative text, but also in how it is translated into doctrine, legislation, judicial practice, and family life. Mir-Hosseini (2022) stresses the need to distinguish divine values from historically contingent formulations of *fiqh*, while Mir-Hosseini et al. (2022) develop an egalitarian marital ethic grounded in justice and relational beauty. Begum et al. (2024), however, show that debates still oscillate between substantive equality and equity-based approaches preserving differentiated gender roles. Research on *qiwāmah* must thus be situated at the intersection of Islamic normativity, women's human rights, and family-law reform.

At the level of *das Sollen*, Islamic family law should embody justice, human dignity, public welfare, protection from violence, and balanced spousal rights and obligations. Within this framework, *qiwāmah* should not signify men's ontological superiority, but a responsibility dependent on the capacity to provide maintenance, care for the family, and protect household well-being. Aisyah and Hidayah (2023) argue that family leadership may be exercised by either spouse when one possesses greater relevant capacity, thereby orienting *qiwāmah* towards harmony rather than domination. Utsany et al. (2022) similarly place family-law reform within a systems-based and *maqāṣid al-sharī'ah* framework recognising women as equal legal subjects. Affandi et al. (2025) propose a *maqāṣidi* reading of gender-related verses, assessing legal rules by their objectives of justice and welfare rather than literal meaning alone. Normatively, therefore, *qiwāmah* should be relational, conditional, and reviewable, not an absolute entitlement attached to sex.

At the level of *das Sein*, this construction confronts complex social and legal realities. Women increasingly act as primary breadwinners, financial managers, professionals, and public actors, yet many norms continue to position men as sole household heads with superior authority. Ula (2021) finds that interpretations designating husbands as household controllers do not always correspond to Indonesian realities, particularly where wives perform dominant economic and leadership roles. Rahman (2025) identifies similar ambiguity across Muslim-majority countries: Islamic sources may support women's economic autonomy, while traditional family-law interpretations restrict its realisation. Sofiana et al. (2024) demonstrate that local marriage traditions in West Java may create more egalitarian relationships than rigid formal constructions, whereas Syukrawati et al. (2024) show that post-divorce rights of women and children in Pekalongan frequently remain unrealised because of weak enforcement and limited legal knowledge. These findings reveal a gap between normative protection and effective rights.

This divide arises not only from doctrinal rigidity, but also from political contestation, social movements, competing interpretive authorities, and the diversity of lived marital arrangements. Family-law reform unfolds through struggles among states, religious scholars, women's organisations, conservative groups, courts, and civil society. Sya'rani (2024) shows that anti-feminist Muslim women's movements in Indonesia construct counter-discourses constraining gender-equality and sexual-rights agendas, while Jones (2024) explains how Muslim women activists in India combine Qur'anic interpretation, constitutional discourse, and engagement with state institutions to advocate personal-status reform. Azhari and Asmuni (2025) further show that reform trajectories depend on political configurations and legislative compromise. Recent Scopus-indexed scholarship reinforces the need to connect doctrine with lived practice: Zumrotun et al. (2026) identify five patterns of marital authority among Indonesian Muslim immigrant families in Sydney, ranging from strongly hierarchical relations to equity-equality partnerships, while Awang et al. (2025) argue that *qiwāmah* must be understood holistically through reciprocal rights and responsibilities rather than isolated male privilege. The negotiation of *qiwāmah* therefore cannot be resolved merely by selecting among *fiqh* opinions; its meaning and effects are produced through interpretation, institutions, household practices, and access to protection and redress.

Indonesian scholarship has provided an important foundation, but its analytical strands remain fragmented. Ula (2021) focuses on *mubādalah* as a basis for reinterpreting *qiwāmah*; Aisyah and Hidayah (2023) examine its implications for gender justice; Na'mah et al. (2022) connect reciprocity with women's public roles and domestic-violence prevention; Yakub et al. (2023) demonstrate the relevance of the Mandar value of *sibaliparriq* for spousal cooperation; and Sofiana et al. (2024) analyse gender-responsive local marriage traditions through *qiwāmah*. Utsany et al. (2022), published in the Scopus-indexed Journal of Islamic Law, situate women's rights and family-law renewal within a *maqāṣid*-based systems approach. These studies establish that reinterpretation is possible, but they do not yet provide an integrated test for deciding when differentiated family roles remain legitimate responsibility and when they become patriarchal privilege, nor do they consistently connect interpretation to legislation, adjudication, enforcement, and women's lived access to rights. This is the first research gap addressed here.

International scholarship reveals a second gap. Mir-Hosseini (2022) and Mir-Hosseini et al. (2022) distinguish *sharī'ah* as an ethical value system from *fiqh* as a historically situated human construction and develop an egalitarian Muslim marital ethic. Jones (2024) highlights activist strategies connecting the Qur'an and constitutional principles; Rahman (2025) examines tensions between Islamic doctrine and women's economic-rights policies; Sya'rani (2024) analyses conservative influence on women's-rights discourse; and Begum et al. (2024) retain an equity-based defence of differentiated gender roles. These works advance hermeneutics, activism, economics, and reform, but usually treat these domains separately. What remains insufficiently developed is a single evaluative model that traces *qiwāmah* from scriptural interpretation to legal codification, judicial implementation, household economic change, and enforceable rights, while also specifying the criteria by which authority can be normatively justified. This study addresses that gap by linking interpretive validity to institutional consequences.

Accordingly, this study seeks to formulate a relational model of *qiwāmah* compatible with Islamic normativity and gender equality in contemporary family law. Its central argument is that familial authority is legitimate only when it is functional rather than status-based, reciprocally negotiated, proportionate to actual responsibility and contribution, open to review, and demonstrably protective of the dignity and rights of spouses and children. The novelty of the study lies in the proposed Relational-Functional *Qiwāmah* model, which integrates five dimensions—relationality, functionality, deliberation, accountability, and protection—into one evaluative framework. Unlike approaches that stop at textual reinterpretation, this model tests *qiwāmah* simultaneously at three levels: doctrinal coherence with *maqāṣid al-sharī'ah* and *mubādalah*, legal coherence with equality and rights guarantees, and practical coherence with the consequences experienced by women in marriage and divorce. The framework therefore distinguishes legitimate role differentiation from patriarchal privilege and connects theological reconstruction to legislation, adjudication, enforcement, and access to remedies.

METHOD

This research is a qualitative normative legal study with contextual and comparative support from socio-legal scholarship. The conceptual approach examines *qiwāmah*, *nafaqah*, *ṭā'ah*, *nushūz*, *maqāṣid al-sharī'ah*, and *mubādalah*; the contextual-hermeneutic approach reads relevant Qur'anic and hadith materials through linguistic, historical, purposive, and gender-justice considerations; the statute and case approach examines family-law regulations, judicial decisions, Supreme Court instruments, and post-divorce rights; and the comparative approach evaluates doctrinal and institutional developments across selected Muslim jurisdictions (McConville & Chui, 2024; Siems, 2022).

Data were collected through systematic document study of the Qur'an, hadith, classical and contemporary *fiqh*, exegetical works, legislation, judicial decisions, books, and peer-reviewed

journal articles. Documents were selected purposively according to four criteria: normative authority, direct relevance to the research questions, capacity to represent competing interpretive positions, and recency for contemporary legal and socio-legal evidence. Empirical studies are used as contextual corroboration rather than as primary field data. Analysis proceeds through close reading, coding, thematic categorisation, doctrinal comparison, and a cross-source matrix that tests each interpretation against the five proposed dimensions of relationality, functionality, deliberation, accountability, and protection. Competing arguments are retained and evaluated rather than excluded. Rigour is supported by source triangulation, transparent citation, consistency checks across doctrine and implementation, and explicit engagement with counterarguments (Braun & Clarke, 2021; Booth et al., 2024; Creswell & Creswell, 2023).

RESULTS AND DISCUSSION

The Normative Construction of *Qiwāmah* in Islamic Family Law

The analysis yields four principal findings. First, the Qur'anic basis of *qiwāmah* is functional and conditional: Q.S. al-Nisā' [4]:34 connects *qiwāmah* to responsibility and expenditure rather than to men's ontological superiority. Second, hierarchical formulations in classical *fiqh* reflect historically specific socio-economic arrangements and therefore cannot automatically be universalised. Third, contemporary household economies—where women may be breadwinners, professionals, caregivers, and co-decision-makers—undermine the assumption that authority follows sex alone. Fourth, *maqāṣid al-sharī'ah* and *mubādalah* together support a relational model in which authority is legitimate only when responsibility, consultation, reciprocity, accountability, and protection are demonstrably present. The first finding begins with the phrase *al-rijālu qawwāmūna 'alā al-nisā'* in Q.S. al-Nisā' [4]:34. Linguistically, *qiwāmah* denotes maintaining, protecting, administering, and assuming continuing responsibility for another. The verse links this responsibility to context-dependent capacity and the obligation to expend wealth for family maintenance. Read together with Qur'anic principles of mutual protection, equitable treatment, affection, and tranquillity, and with Prophetic teachings on kindness, non-harm, and responsibility, *qiwāmah* is more plausibly understood as an ethical mandate to secure family well-being than as a right of absolute control (Anisa, 2026; Ismail, 2023; Shomad, 2022; Yuwafi & Gharamaleki, 2023).

In classical family *fiqh*, *qiwāmah* developed through jurists' interpretations of the socio-economic and kinship structures prevailing during the formative periods of the legal schools. Husbands were designated as *qawwām* because they bore responsibility for *nafaqah*, protection, accommodation, and the representation of family interests, while wives were associated with household maintenance and marital commitments. This relationship was articulated through *ṭā'ah*, *tamkīn*, *nushūz*, and *wilāyah*, allowing a wife's non-compliance in certain circumstances to affect her entitlement to maintenance. Classical jurisprudence was nevertheless diverse: jurists disagreed over the limits of obedience, the scope of maintenance, permissible corrective measures, and the consequences of a husband's failure to fulfil his obligations. Such diversity confirms that *fiqh* is historically situated juridical reasoning rather than an immutable expression of divine will. Where husbands fail to provide economic support and protection, the functional basis of their authority loses ethical legitimacy. Family-law reform must therefore distinguish Islamic normative values from patriarchal constructions shaped by earlier social conditions (Anisa, 2025; Mustofa, 2025; Nelli et al., 2024; Nuroniyah, 2022).

The relationship among *qiwāmah*, *nafaqah*, and familial authority further indicates that marital authority is contingent upon material, social, and moral responsibility. Maintenance includes food, clothing, housing, healthcare, education, and other needs according to the

provider's means and the family's standard of living. This obligation neither transforms the wife into an object of ownership nor grants the husband unrestricted control over her body, income, profession, or social relationships. Any authority associated with *qiwāmah* must be limited by reasonableness, consultation, protection, and accountability. Contemporary changes in household economies, especially where wives become primary breadwinners or both spouses work, require flexible role allocation. Women's economic contributions should support the renegotiation of domestic labour, caregiving, asset management, and decision-making rather than intensify their domestic burden. Family leadership may therefore be coordinative and distributive, with legitimacy determined by its contribution to welfare. Such cooperation strengthens family resilience and prevents *qiwāmah* from becoming an instrument of economic or psychological domination (Asrori, 2024; Fakhyadi et al., 2025; Karimullah et al., 2024).

A critical comparison reveals three broad interpretive trajectories. The classical-juristic trajectory generally reads Q.S. al-Nisā' [4]:34 within a gender-differentiated structure of *nafaqah*, *ṭā'ah*, and household leadership; its strength lies in doctrinal continuity and the clear assignment of financial responsibility, but its weakness appears when historically common male breadwinning is transformed into a permanent status hierarchy (Begum et al., 2024; Nelli et al., 2024). A contextual trajectory historicises the verse and connects its legal meaning to changing socio-economic circumstances; it is better able to explain why authority should change when the factual basis of maintenance and protection changes, but contextual reinterpretation can remain too dependent on the individual interpreter unless it is tied to explicit normative criteria (Shomad, 2022; Yuwafi & Gharamaleki, 2023; Affandi et al., 2025). The reciprocal or *mubādalah* trajectory goes further by treating men and women as co-addressed moral subjects, so that fidelity, care, protection, service, restraint, and family management are reciprocal obligations distributed according to capacity rather than sex. When combined with *maqāṣid al-shari'ah*, this reading does not erase difference; it subjects difference to the purposes of justice, welfare, dignity, and protection from harm (Ula, 2021; Utsany et al., 2022; Wijaya & Muzammil, 2021).

The selection of *mubādalah* as the principal relational lens is therefore argumentative rather than merely ideological. It satisfies four criteria used in this study: textual coherence with Qur'anic reciprocity and *mu'āsharah bi al-ma'rūf*; *maqāṣid* congruence with justice, welfare, and human dignity; symmetrical moral agency, which prevents responsibility from being assigned to one sex while authority is monopolised by the other; and legal-operational translatability, because reciprocity can be converted into concrete standards of consultation, workload distribution, consent, maintenance, protection, and remedies. In this sense, *mubādalah* complements rather than replaces *maqāṣid al-shari'ah*: *maqāṣid* supplies the evaluative purposes, while *mubādalah* supplies the relational grammar through which those purposes can be implemented within marriage.

The Gap between Islamic Normativity and the Realities of Gender Relations

Islamic normativity establishes justice, public welfare, and human dignity as the foundations of family relations. Justice cannot be reduced to formal equality between spouses; it must be realised through a fair distribution of rights, obligations, opportunities, and protection according to each party's circumstances. The principle of *maṣlaḥah* requires family law to protect life, intellect, lineage, property, honour, and moral agency. Gender-based role differentiation is defensible only when voluntarily accepted, consistent with human dignity, and conducive to mutual well-being. Islamic sources portray the ideal family as founded on affection, dialogue, respect, and reciprocal responsibility rather than unilateral domination. Discriminatory norms must therefore be reassessed through

substantive justice so that family law responds to women's lived experiences and guarantees equality before the law (Nadia & Faoziah, 2024; Karimullah et al., 2024; Ahmad et al., 2024; Aibak, 2023).

Economic and social change has transformed the conventional model of men as sole breadwinners and women as domestic managers. Women's growing access to education, employment, professional mobility, and income demonstrates that contemporary households increasingly depend on both spouses' productive and reproductive labour. Yet women's economic contribution does not automatically produce equal power. Many employed women continue to bear primary responsibility for domestic work, childcare, and family care, creating a double burden that can undermine physical health, psychological well-being, and career continuity. Research on dual-earner households indicates that flexible task allocation, respect for each spouse's professional commitments, and egalitarian communication strengthen family resilience more effectively than rigid gender roles. Women's economic participation must therefore be accompanied by recognition of their authority, property rights, and meaningful involvement in household decision-making (Cameron, 2023; Nasution et al., 2025; Bukido et al., 2025; Ja'far & Hermanto, 2021).

Patriarchal domination is reproduced through religious interpretation, social customs, legal rules, and institutional practices that position men as final decision-makers. Women may consequently become passive recipients of decisions concerning employment, income, mobility, sexuality, children's education, caregiving, and marital disputes. These inequalities also influence legal reasoning. Child-custody decisions, for example, may reflect stereotypes that a good mother must remain at home or that a father has greater authority because of his economic capacity. Anisa (2025) shows that gender constructions affect custody determinations in Indonesia's religious courts. Similar biases persist when interpretations of family-related Qur'anic verses exclude women's experiences. The participation of female Islamic scholars, including through the Indonesian Congress of Women Islamic Scholars, is therefore essential to producing religious knowledge that is inclusive, equitable, and attentive to power relations (Anisa, 2025; Mardhatillah & Saoki, 2025; Mun'im et al., 2024; Kloos & Ismah, 2023).

Unequal gender relations also heighten women's vulnerability to violence, marital breakdown, and the non-fulfilment of post-divorce rights, and this claim is supported by concrete socio-legal evidence. Musawwamah's (2022) case study of domestic-violence divorce proceedings in the Madura Religious Court shows how divorce can function as a route to dignity and access to justice when reconciliation would preserve harm. Ramadhita et al. (2023) identify gender bias in Indonesian Muslim divorce procedure, including situations in which women who leave the marital home because of domestic violence can face procedural disadvantage and therefore require gender-responsive judicial discretion. Syukrawati et al. (2024), analysing ten decisions of the Pekalongan Religious Court together with post-decision realities, find that women's and children's rights frequently remain unfulfilled because of limited knowledge of execution procedures and weak implementation of maintenance obligations. Huzaimah et al. (2023) further show that child marriage can disregard girls' reproductive rights and is associated with serious consequences such as miscarriage, baby blues syndrome, and even mortality. These studies demonstrate that *qiwamah* becomes legally and ethically problematic when familial authority is detached from accountability and effective remedies. Family law must therefore integrate prevention, protection, recovery, legal aid, enforceable maintenance and property rights, and institutional coordination, with victim safety and the child's best interests as non-negotiable standards.

Negotiating *Qiwāmah* in Contemporary Family-Law Reform

Developments in contemporary family legislation indicate a gradual shift from hierarchical marriage towards recognition of equality between spouses. Although some laws still designate the husband as family head and the wife as household manager, these roles can no longer justify absolute authority based on sex. Rules on minimum marriage age, spousal consent, child custody, marital property, post-divorce maintenance, and protection from violence increasingly recognise women as autonomous legal subjects. Yet reform remains constrained by gaps between law and implementation, as legal culture may preserve *qiwāmah* as male domination. Changes to marriage-age rules in Indonesia and Malaysia, and constitutional recognition of Muslim marriages in South Africa, show that reform is shaped by social resistance, plural religious authority, and litigation. *Qiwāmah* must therefore be repositioned from superiority to legal responsibility limited by equality, consent, and accountability (Ramadhita et al., 2023; Musawwamah et al., 2023; Moosa & Abdurroaf, 2022; Dahlan et al., 2023).

The legal politics of family-law reform involves contestation among states, religious institutions, civil-society organisations, women's movements, courts, and digital publics. Religious authority operates not only through *fatwās*, but also through expert testimony in judicial review, public opinion, pressure on courts, and policy influence. The Indonesian Ulama Council's position on interfaith marriage illustrates how religious pronouncements may shape regulation and adjudication even without formal statutory status. *Fatwās* on abortion, female genital cutting, and cosmetic procedures similarly demonstrate interaction between religious authority and state policy. Digital media have decentralised authority by widening access to diverse interpretations, while non-state *shari'ah* courts in Mumbai show how women may use legal pluralism to negotiate rights. Reform of *qiwāmah* is therefore neither linear nor predetermined; it depends on actors' ability to express gender justice through religious, constitutional, and social vocabularies (Mustofa et al., 2024; Hanna et al., 2024; Suaedy et al., 2023; Dutta, 2022).

Judges and courts are strategically positioned to bridge legislative gaps and provide concrete protection. Where post-divorce rights are insufficiently regulated or claims are incomplete, *ex officio* authority may enable judges to award *nafaqah*, *'iddah*, *mut'ah*, maintenance arrears, childcare costs, and related entitlements on grounds of justice and public welfare. Judicial *ijtihad* may thus advance reform through reinterpretation of *nushūḥ*, reliance on precedent, and application of Supreme Court circular letters. Rights, however, are not realised merely through judgments. Enforcement is often obstructed by former husbands' non-compliance, limited information, and weak payment guarantees. Attaching a husband's assets as security for child maintenance links legal recognition to execution. A gender-responsive judiciary therefore requires judges attentive to power relations, accessible procedures, legal aid, information services, and enforcement mechanisms that ensure women and children actually receive awarded rights (Sanusi et al., 2023; Yuni, 2021; Mansari & Fatahillah, 2021; Fadil et al., 2024; Zuhdi et al., 2024).

Comparative experience reveals diverse pathways for reconstructing *qiwāmah*. Indonesia relies on national legislation, the Compilation of Islamic Law, precedent, Supreme Court regulations, and judicial discretion. Malaysia uses territorially enacted Islamic family statutes and institutionalised *Shari'ah* courts; unlike Indonesian *ex officio* practice, Malaysian procedures generally require specific claims despite available family-support institutions. In India, non-state *shari'ah* courts and female *qādis* offer alternative spaces for negotiating doctrine. Ghana illustrates a contrasting problem, where judicial avoidance of substantive Muslim family law may produce *jurispathy*, understood as the erosion of communal dignity through judicial neglect. South Africa has instead used

constitutional litigation to recognise the legal consequences of Muslim marriages. These differences confirm that *qiwāmah* reform depends on interpretation, legislative design, access to justice, legal pluralism, and the effectiveness of institutions protecting women across contemporary Muslim family-law systems today (Hamidah et al., 2024; Dahlan et al., 2023; Dutta, 2022; Sezgin, 2023; Moosa & Abduroaif, 2022).

Relational-Functional *Qiwāmah*: A Five-Dimensional Conceptual Model

This article proposes the Relational-Functional *Qiwāmah* (RFQ) model to make the conceptual reconstruction explicit and legally testable. The model begins from two dimensions. Relationality means that husband and wife are equal legal and moral subjects; marriage does not convert biological difference into a hierarchy of human worth. Functionality means that any coordinating authority is attached to fulfilled responsibilities—maintenance, protection, caregiving, competent management, and contribution—rather than permanently attached to male status. Where the distribution of these functions changes, the allocation of authority must also be open to renegotiation. This preserves the Qur’anic association between *qiwāmah* and responsibility while rejecting the assumption that sex alone creates an unconditional entitlement to command (Anisa, 2025; Al-Kautsar, 2025; Amin et al., 2025; Karimullah, 2023).

The third and fourth dimensions are deliberation and accountability. Deliberation operationalises *shūrā* by requiring joint decision-making on maintenance, employment, residence, children’s education, reproductive choices, family assets, caregiving, and conflict resolution. Mubādalah strengthens this requirement by making care, fidelity, protection, and self-restraint reciprocal obligations. Accountability means that every exercise of familial authority must be explainable, proportionate, open to correction, and reviewable through family negotiation as well as legal institutions when rights are threatened. Role differentiation remains permissible, but only when based on free consent, actual capacity, proportionate workloads, and periodic review. These conditions prevent women’s paid employment from being added to an unchanged and unequal domestic burden (Al Latifa et al., 2024; Rindi Yani et al., 2025; Syahrin et al., 2025; Pasla & Akbarizan, 2025).

The fifth dimension is protection. A family arrangement fails the RFQ test when it produces or tolerates violence, coercive control, deprivation of property or maintenance, restricted access to work and mobility, reproductive harm, or the loss of effective remedies. Protection connects women’s human rights with *maqāṣid al-sharī‘ah* rather than treating them as competing normative systems: dignity, security, non-discrimination, property, employment, reproductive health, caregiving, and access to justice converge with the protection of life, intellect, lineage, property, honour, and human integrity. The model therefore evaluates *qiwāmah* through consequences as well as doctrine. An arrangement that is textually defended but predictably produces harm, dependency, or non-enforcement cannot satisfy the purposes of Islamic family law (Orta, 2025; Najichah, 2024; Jannah et al., 2025; Suhaili, 2025).

Operationally, the five dimensions work as a cumulative test rather than as optional ideals: relationality asks whether both spouses are treated as equal legal subjects; functionality asks whether authority corresponds to actual responsibility; deliberation asks whether major decisions are reached through meaningful consultation and consent; accountability asks whether power can be reviewed and abuses remedied; and protection asks whether the arrangement secures the dignity, safety, property, and welfare of spouses and children. Reform is therefore required across legislation, interpretation, adjudication, premarital education, maintenance enforcement, legal aid, and family-support services. Stronger enforcement institutions and digital support-payment systems can narrow the gap

between judgments and implementation, while judicial guidelines should ensure gender-equitable access to justice. Egalitarian qiwāmah does not abolish familial responsibility; it converts authority into cooperative governance whose legitimacy depends on measurable responsibility and rights protection (Ruzmi et al., 2025a, 2025b; Zurnetti et al., 2024; Jannah et al., 2025).

Table 1. Operational Criteria of the Relational-Functional *Qiwāmah* Model

Dimension	Operational Test	Legal / Institutional Implication
Relationality	Are spouses treated as equal legal and moral subjects?	No unilateral status privilege; equal standing, consent, and participation.
Functionality	Is authority tied to fulfilled duties, capacity, and contribution?	Roles and coordinating authority may shift with actual family responsibilities.
Deliberation	Are major family decisions made through meaningful shūrā?	Joint decisions on work, residence, assets, children, reproduction, and caregiving.
Accountability	Can exercises of authority be questioned, reviewed, and remedied?	Accessible courts, legal aid, anti-violence safeguards, and enforceable judgments.
Protection	Does the arrangement protect dignity, safety, property, and child welfare?	No interpretation may legitimate violence, coercion, deprivation, or denial of remedies.

CONCLUSION

This study demonstrates that *qiwāmah* should not be understood as a theological justification for men’s permanent superiority within the family. The principal finding is that its normative legitimacy is functional and relational: the Qur’an and Sunnah associate *qiwāmah* with maintenance, protection, care, moral responsibility, and family welfare rather than unrestricted control. Hierarchical formulations in classical fiqh are therefore better understood as historically situated legal reasoning shaped by socio-economic structures in which men commonly carried exclusive financial responsibility. Contemporary family realities—especially women’s education, employment, breadwinning, caregiving, and participation in household decision-making—show that the factual basis for automatic sex-based authority can no longer be presumed. A critical comparison of classical-juristic, contextual, and reciprocal readings further supports the use of *maqāṣid al-sharī‘ah* and *mubādalāh* as complementary frameworks: *maqāṣid* evaluates whether an interpretation realises justice, welfare, dignity, and protection, while *mubādalāh* ensures that moral responsibility and family governance are reciprocal rather than one-sided.

The study therefore advances the Relational-Functional *Qiwāmah* model as its conceptual contribution. The model requires five cumulative dimensions—relationality, functionality, deliberation, accountability, and protection—and treats them as criteria for distinguishing legitimate familial responsibility from patriarchal privilege. Both spouses remain equal legal subjects; roles may differ by consent, capacity, contribution, and family need; major decisions require meaningful *shūrā*; every exercise of authority remains reviewable; and no role arrangement is legitimate if it enables violence, deprivation, or the loss of effective remedies. Family-law reform must consequently move beyond reinterpretation alone and translate this model into gender-responsive legislation, judicial practice, enforcement of maintenance and post-divorce rights, legal aid, premarital education, and family-support institutions. In this form, reconstructing

qiwāmah does not eliminate Islamic familial responsibility; it transforms authority from a sex-based structure of domination into an accou

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