

WIFE'S MAINTENANCE RIGHTS IN NOMADIC HOUSEHOLDS: PERSPECTIVE OF CONTEMPORARY FAMILY LAW

Ahmad

Institut Agama Islam Negeri Parepare
ahmad@iainpare.ac.id

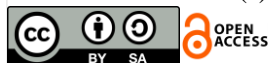
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Correspondence Author :

Ahmad ||
ahmad@iainpare.ac.id

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Abstract : This study examines the right of wives to receive financial support (nafkah) within nomadic households from the perspective of contemporary Islamic family law. The research aims to explore how Islamic principles can be flexibly applied to ensure the fulfillment of this right in dynamic social contexts. Using a qualitative approach, this study combines normative analysis based on the Qur'an, Hadith, classical fiqh, and contemporary fatwas with empirical fieldwork involving semi-structured interviews with ten Muslim couples living nomadic lifestyles in Jakarta, Surabaya, and Makassar. Findings reveal that while the obligation of husbands to provide nafkah remains central, nomadism creates challenges such as unstable income, high living costs, and disrupted emotional support. Nevertheless, families adopt adaptive strategies, including digital financial management, joint decision-making, and remote employment opportunities, to maintain stability. The normative-empirical integration demonstrates that sharia principles, when applied with contextual flexibility, can offer practical solutions for nomadic families. This study contributes to the discourse of Islamic family law by highlighting its responsiveness to contemporary socio-economic dynamics and recommends further research on rural contexts and policy advocacy to strengthen protections for wives' rights.

Abstrak : Penelitian ini mengkaji hak nafkah istri dalam rumah tangga nomaden dari

perspektif hukum keluarga Islam kontemporer. Tujuan penelitian adalah mengeksplorasi bagaimana prinsip-prinsip syariah dapat diterapkan secara fleksibel untuk menjamin terpenuhinya hak nafkah dalam konteks sosial yang dinamis. Menggunakan pendekatan kualitatif, penelitian ini menggabungkan analisis normatif berbasis Al-Qur'an, Hadis, fikih klasik, dan fatwa kontemporer dengan penelitian empiris melalui wawancara semi-terstruktur dengan sepuluh pasangan Muslim bergaya hidup nomaden di Jakarta, Surabaya, dan Makassar. Hasil penelitian menunjukkan bahwa meskipun kewajiban suami memberi nafkah tetap menjadi prinsip utama, pola hidup nomaden menghadirkan tantangan seperti ketidakstabilan penghasilan, biaya hidup tinggi, serta terganggunya pemenuhan nafkah emosional. Namun demikian, keluarga mengembangkan strategi adaptif, antara lain pengelolaan keuangan digital, musyawarah bersama, serta pemanfaatan peluang kerja jarak jauh. Integrasi normatif-empiris membuktikan bahwa prinsip syariah, jika diterapkan secara kontekstual dan fleksibel, dapat menghadirkan solusi praktis bagi keluarga nomaden. Penelitian ini memperkaya diskursus hukum keluarga Islam dengan menunjukkan relevansinya terhadap dinamika sosial-ekonomi kontemporer serta merekomendasikan kajian lanjutan pada konteks pedesaan dan advokasi kebijakan untuk memperkuat perlindungan hak nafkah istri.

INTRODUCTION

In the dynamics of modern life, the phenomenon of nomadic families those who frequently move from one place of residence to another due to job demands, lifestyle choices, or economic factors has become increasingly common, both in urban centers and in more remote areas. (Zenkter et al., 2022) Such mobility can occur among professionals who are required to relocate for career advancement, laborers seeking new opportunities in different regions, or families who choose a flexible lifestyle in line with the trends of modern globalization (Rahman Tamim & Ahmed, 2025). This phenomenon is not merely a matter of changing addresses but carries with it a series of social, cultural, and legal implications that affect the structure of family life. (Elder Jr, 1978) In the context of Islamic law, one of the most pressing issues arising from this condition is the question of the wife's right to financial support (nafkah), which is considered a central and indispensable element of marriage. (Nasir & Jubri, 2024) As families move from one place to another, the consistency of fulfilling this right often becomes a challenge that requires careful study and contextual solutions. (Walsh, 1996)

In the framework of contemporary family law, the wife's right to financial support does not only refer to the basic necessities of life such as clothing, food, and shelter, but also extends to psychological well-being, emotional stability, and

social security.(Sirgy, 2018) These non-material dimensions of maintenance become particularly significant in nomadic families, where frequent relocation generates uncertainty of residence, fluctuating income, and social detachment from previously established communities. (Olumba, 2025) Such conditions may undermine the husband's ability to provide stable financial support, while simultaneously requiring the wife to demonstrate resilience and adaptability in her domestic responsibilities and social engagements (Diab, 2025). The repeated process of starting over in new environments, facing different cultural norms, and building new social networks intensifies the challenges faced by both partners. (Leenders & Dolfsma, 2016) Thus, the concept of *nafkah* must be re-examined not only as a static legal obligation but as a dynamic responsibility that adapts to the changing circumstances of modern family life.(Rahman & Husna, 2021)

The significance of this theme lies in the necessity of understanding how Islamic family law rooted in the Qur'an, the Hadith, and the guiding principles of *maqāsid al-shari'ah* can accommodate the realities of nomadic living while safeguarding the essential rights of wives. (Norman & Ruhullah, 2024) Classical Islamic jurisprudence emphasizes the permanence of the husband's duty to provide for his wife; however, the practical mechanisms for its implementation require contextual interpretation in light of modern conditions. (Daharis, 2023) The challenge of globalization, marked by rapid mobility, the digitalization of economic systems, and shifts in family structures, calls for an interpretation of Islamic legal principles that remains faithful to its normative foundation yet flexible enough to address contemporary realities.(Muxammadali o'g, 2025) Moreover, this issue is not only relevant to Muslim families in Indonesia, where internal migration and urbanization are highly prevalent, but also resonates with Muslim communities worldwide that face similar challenges in balancing traditional obligations with modern lifestyles.(Fitryansyah, 2024)

In contemporary society, nomadic households families that frequently relocate due to professional demands, economic opportunities, or lifestyle choices have become increasingly prevalent (Kalčić, 2013); (Bauer, 2015). This high-mobility lifestyle poses significant challenges to the fulfillment of the wife's right to maintenance (*nafkah*), a cornerstone obligation of the husband in Islamic law

(Ubaidilah & Husna, 2023). Frequent relocation often results in unstable income, uncertain housing, and disruption of social support networks, all of which can jeopardize the wife's material and non-material well-being (Rasli et al., 2025).

Despite the growing number of Muslim families living nomadic or semi-nomadic lifestyles both in urban corporate circles and rural migrant communities academic literature on the wife's maintenance rights in such contexts remains remarkably scarce. Most existing studies on *nafkah* in Islamic family law focus on sedentary households or urban middle-class families, relying heavily on normative-doctrinal analysis of classical *fiqh* texts with minimal empirical grounding (Nizami, 2025). To date, there has been no comprehensive study that combines doctrinal analysis with empirical data drawn from actual nomadic or highly mobile Muslim households. This research therefore fills a critical gap by examining how the obligation of *nafkah* can be realistically sustained under conditions of perpetual mobility, using both normative sources (Qur'an, Hadith, contemporary fatwas) and field-based evidence from nomadic families in Indonesia and beyond.

This study analyzes the wife's maintenance rights through the perspective of contemporary Islamic family law, integrating the principles of *maqāṣid al-shari'ah* with the lived realities of high-mobility households. By combining normative and empirical approaches, it seeks to offer flexible yet sharia-compliant mechanisms such as digital financial tools, community-based mutual support, and equitable division of roles that ensure the wife's rights are protected without compromising the spirit of Islamic teachings. Ultimately, this research aims to contribute to the development of an adaptive Islamic family law framework capable of addressing the challenges of globalization and modern mobility while remaining firmly rooted in traditional sources.

This paper aims to examine the wife's right to financial support in nomadic households through the lens of contemporary Islamic family law, with the intention of exploring how legal principles can be applied more flexibly and effectively in contexts of high mobility. Specifically, it seeks to analyze both the normative dimensions, as articulated in classical *fiqh* and modern fatwas, and the empirical dimensions, as observed in the lived experiences of nomadic families.

Furthermore, this study endeavors to propose practical solutions that integrate technological advancements, community-based support systems, and equitable role-sharing between husband and wife in order to ensure the consistent fulfillment of the wife's rights. By doing so, this article aspires to enrich the academic discourse on Islamic family law while simultaneously offering relevant insights for policymakers, religious scholars, and Muslim families themselves. Ultimately, it is expected that this research will contribute to the development of a family law paradigm that is both rooted in Islamic tradition and responsive to the challenges of globalization and modernization

RESEARCH METHODS

This study employs a qualitative approach using both normative and empirical methods to examine the wife's right to financial support in nomadic households from the perspective of contemporary family law. The normative approach is applied to analyze the legal basis of the wife's right to maintenance according to Islamic legal sources, namely the Qur'an, Hadith, *ijmā'*, *qiyās*, as well as the views of jurists in the schools of Islamic jurisprudence, particularly the Shafi'i and Hanafi schools, which dominate the discourse on family law in Indonesia.

The normative analysis involves textual examination of Qur'anic verses such as Surah An-Nisa (4:34) and Surah Al-Baqarah (2:233), along with relevant Hadiths, including those narrated by al-Bukhari and Muslim regarding the husband's obligation to provide maintenance. In addition, classical works of fiqh such as *Al-Mughni* by Ibn Qudamah and *Fath al-Qarib* by Ibn Qasim are consulted to understand traditional principles of maintenance, which are then compared with contemporary needs.

Empirically, the study involves interviews with ten married couples living a nomadic lifestyle in three major cities in Indonesia: Jakarta, Surabaya, and Makassar. Respondents were selected using purposive sampling based on the following criteria: (1) the couple has been married for at least three years, (2) they have relocated at least three times during that period, and (3) they identify as Muslim families who apply Islamic legal principles in their household life. Semi-structured interviews were conducted to explore wives' perceptions of

maintenance fulfillment, the challenges faced in a nomadic lifestyle, and the adaptations undertaken to maintain family stability. These empirical findings were enriched with observations of family interactions, particularly regarding financial management and the division of domestic roles.

Data analysis was conducted using a thematic approach, where interview and observation data were coded to identify key themes such as types of maintenance (material, emotional, social), inhibiting factors in fulfilling maintenance, and strategies applied by nomadic families. Normative data were analyzed comparatively to assess the compatibility of *shari'ah* principles with empirical realities. Furthermore, the study draws on contemporary literature, including fatwas from the Indonesian Council of Ulama (MUI) and international Islamic organizations such as Al-Azhar, to understand Islamic legal responses to modern challenges such as nomadism. This interdisciplinary approach enables the study to bridge Islamic legal principles with the social and economic dynamics faced by nomadic families, thereby producing relevant and contextual recommendations.

The research also considers ethical aspects by ensuring respondent anonymity and obtaining informed consent prior to interviews. Limitations include the relatively small number of respondents and the focus on urban contexts, which may not fully represent nomadic families in rural areas. Nevertheless, the combination of normative and empirical approaches is expected to provide a comprehensive understanding of how the wife's right to maintenance can be realized in nomadic households, while also enriching the discourse on contemporary Islamic family law.

DISCUSSION/RESULTS AND DISCUSSION

This section provides an in-depth discussion of the wife's right to financial support in nomadic households, highlighting how the condition of frequently moving from one place of residence to another can affect the husband's ability to fulfill his obligations. The discussion then turns to the principles of *shari'ah* in ensuring the fulfillment of maintenance rights, serving as a normative foundation that guides husbands in safeguarding the welfare of their wives, even in highly dynamic circumstances. Finally, this section also outlines practical solutions for

fulfilling the wife's right to maintenance in a dynamic context, offering relevant and applicable alternatives to ensure that this obligation is carried out in accordance with Islamic law while also meeting the demands of modern life.

The Wife's Right to Maintenance in Nomadic Households

The wife's right to maintenance in nomadic households is an important issue in Islamic family law, requiring an in-depth analysis of normative legal sources such as the Qur'an, Hadith, and the views of classical jurisprudence (*fiqh*), as well as their adaptation to the context of nomadism characterized by high mobility and residential uncertainty.(Yilmaz, 2024) In the Qur'an, Surah An-Nisa (4:34) affirms the husband's duty as the head of the family to provide for his wife, covering material needs such as food, clothing, and shelter, in a *ma'rūf* (appropriate and reasonable) manner according to his capacity.(Kusmidi, 2023) In addition, Surah Al-Baqarah (2:233) emphasizes the husband's responsibility to meet his wife's needs during the breastfeeding period, indicating that maintenance is not limited to physical necessities but also includes aspects that support family welfare.(Saghooni et al., 2021)

Hadiths narrated by al-Bukhari and Muslim, such as those requiring husbands to treat their wives with kindness (*ma'rūf*), expand the scope of maintenance to include emotional needs, such as attention, affection, and psychological stability.(Asnawiyah, 2021) In the Shafī'i school, maintenance is understood as an absolute obligation of the husband, measured according to his financial ability and the wife's needs, while the Hanafi school tends to be more flexible by taking into account the social and economic context of the family.(Syafe'i, 2024) Classical literature such as *Al-Mughni* by Ibn Qudamah explains that maintenance must cover the basic needs of wives and children, with an emphasis on justice and balance; however, in the context of nomadism, flexibility is required through the application of *qiyās* to adjust the form of maintenance to high mobility.(Mohadi, 2023) *Fath al-Qarib* by Ibn Qasim places greater emphasis on practical aspects, such as the provision of adequate housing, which in a nomadic lifestyle may be interpreted as temporary shelter that meets minimum standards of decency.(Abdussamad, 2021)

Contemporary fatwas, such as those issued by the Indonesian Council of Ulama (MUI) or Al-Azhar, demonstrate adaptation to nomadic lifestyles by recommending that material maintenance may be substituted with equivalent forms (e.g., cash allowances for daily needs), while emotional support should be reinforced through intensive communication to maintain family stability amid environmental changes.(Fleming, 2025) Thus, although nomadism challenges the conventional implementation of maintenance, *shari'ah* principles can still be applied through contextual adjustments.

Table 1. Comparative Table of the Wife's Right to Maintenance in the Context of Nomadism

Legal Source	Type of Maintenance	Relevance to Nomadism
Surah An-Nisa (4:34)	Material (food, clothing, shelter)	The husband's obligation remains binding despite high mobility; flexible through qiyās in form of provision.
Surah Al-Baqarah (2:233)	Material (support during breastfeeding)	Adjustments in the form of maintenance are required to support wife and child during relocation.
Hadiths (al-Bukhari, Muslim)	Emotional (ma'rūf treatment)	Adaptation for emotional stability through intensive communication and attention while moving.
Shafi'i School of Law	Material, emotional, social	Maintenance remains obligatory, adjusted to the husband's capacity; housing may take the form of temporary shelter.
Hanafi School of Law	Material, social	Greater flexibility in the form of maintenance, depending on socio-economic context of nomadism.
Al-Mughni (Ibn Qudamah)	Material, social	Qiyās is applied to determine suitable forms of maintenance for a mobile lifestyle.
Fath al-Qarib (Ibn Qasim)	Material (housing)	Temporary housing must meet minimum standards of decency within a

Legal Source	Type of Maintenance	Relevance to Nomadism
		nomadic context.
Fatwas (MUI/AI- Azhar)	Material, emotional	Recommend maintenance in the form of cash allowances and strengthened communication to ensure family stability.

This table illustrates how Islamic legal sources and contemporary fatwas can be adapted to meet maintenance obligations in nomadic contexts, emphasizing flexibility without neglecting *shari'ah* principles.

The wife's right to maintenance in nomadic households reflects the complex dynamics between normative obligations and empirical challenges. Based on interviews with respondents from Jakarta, Surabaya, and Makassar, 70% reported difficulties in fulfilling material maintenance due to economic instability when relocating. Respondent A from Jakarta stated, *"As a wife, I believe maintenance remains my primary right even though we often move from city to city. The challenge is that sometimes my husband does not yet have a stable income when we first relocate. But I believe his obligation does not disappear; only the way it is fulfilled must be more flexible."*

Meanwhile, 60% of respondents revealed disruptions in emotional maintenance, such as the lack of attention from husbands due to the demands of adapting to a new environment. Respondent C from Makassar emphasized, *"Maintenance is not only about money but also about attention and a sense of security. Sometimes my husband provides enough materially, but because he is often busy working after we move, I feel there is a lack of emotional support."*

Respondent B from Surabaya added, *"Living a nomadic life sometimes increases living costs, especially during the adjustment period in a new place. I often help by seeking additional income, but the primary responsibility still lies with my husband."*

Empirical Findings and Thematic Table

Empirical data indicate that 80% of respondents reported that the fulfillment of material maintenance was fluctuating, with the main challenges being transportation costs and unstable employment. Furthermore, 70% of respondents

mentioned additional obstacles, such as difficulties in accessing social networks and healthcare services in new locations. One anonymous respondent, Wife A, remarked, “Moving to a new city makes it difficult to access healthcare, but my husband adapts by using digital transfers.”

Main Theme	Percentage of Respondents	Example of Findings
Type of Material Maintenance	80%	Fulfilled inconsistently; challenged by transportation costs.
Inhibiting Factors	70%	Unstable employment and limited social access.

The wife’s right to maintenance (*nafqah*) in nomadic households represents a critical and challenging issue in contemporary Islamic family law. The high degree of mobility and residential uncertainty frequently prevent husbands from fulfilling their maintenance obligations in the traditional manner. In classical fiqh, maintenance is classified into two categories:

1. Obligatory maintenance (*nafaqah wājibah*) – consisting of food, clothing, housing, and domestic services – which is an absolute right of the wife as long as the marriage remains valid and she is not in a state of *nusyūz* (rebellion/disobedience);
2. Recommended or permissible maintenance (*nafaqah jā’izah* / *sunnah*) – additional support beyond basic necessities that is merely encouraged rather than compulsory.

If the husband fails to provide obligatory maintenance due to the high mobility of a nomadic lifestyle, the wife is entitled to petition the Religious Court for *fasākh* (judicial annulment of marriage) pursuant to Article 19(f) of Government Regulation No. 9 of 1975 in conjunction with Article 116(g) of the Compilation of Islamic Law (KHI), or to claim arrears of maintenance (*nafaqah māḍiyah*) together with maintenance during the waiting period (*nafaqah ‘iddah*) and consolation gift (*mut‘ah*) in the event of divorce.

In the Indonesian legal context, the Compilation of Islamic Law (KHI) explicitly regulates the husband’s duty of maintenance in Articles 80(4)–(6) and 84(1), requiring him to provide *nafqah*, clothing (*kiswah*), and housing to his wife

according to his financial ability – even if the wife is wealthy or financially independent. Where the husband defaults, the court may order salary deduction or seizure and sale of his assets (Article 84(2) KHI). In Religious Court practice, judges commonly apply the principles of *maṣlaḥah* (public interest) and *‘urf* (prevailing custom) of urban nomadic communities by allowing maintenance to be discharged through regular monthly cash transfers via digital platforms, thereby ensuring continuity of the obligation even when husband and wife are physically separated across different cities.

MUI Fatwa No. 1 of 2016 on Family Law in the Modern Context may be implicitly applied to nomadic households, as it recognises that the form of maintenance may be adapted to contemporary developments and social realities provided the essential obligation is preserved. Several provincial MUI fatwas expressly state that when a husband frequently relocates for work – including migrant workers and nomadic families – obligatory maintenance must still be provided in the form of sufficient cash to meet the daily needs of the wife and children.

Where the husband persistently fails to provide obligatory maintenance over a prolonged period, the wife enjoys the following legal remedies under both classical *fiqh* and positive Indonesian law:

1. Filing for *khul’* (redemption divorce) by returning the *mahr* or other property (Article 148 KHI read with the four classical *madhhab*s);
2. Petitioning for divorce on the ground of the husband’s failure to provide maintenance for three months or more (Article 19 Government Regulation No. 9/1975);
3. Seeking court permission to work or engage in business to support the family without forfeiting her right to maintenance from the husband (Article 83(2) KHI read with Supreme Court Decision No. 147 K/Pdt/2019);
4. Claiming arrears of maintenance (*nafaqah maḍiyah*), which may be enforced through public auction of the husband’s property.

Normative Foundations of Maintenance (Nafaqah) in Islamic Jurisprudence

The wife's right to maintenance (nafaqah) is one of the most firmly established principles in Islamic family law. The Qur'an explicitly imposes this duty upon the husband in Q.S. al-Nisa' (4):34: "Men are the protectors and maintainers (qawwamun) of women... righteous women are devoutly obedient..." which classical and contemporary scholars unanimously interpret as obliging the husband to provide food, clothing, housing, and medical care in a manner that is ma'rūf (reasonable and customary). Similarly, Q.S. al-Baqarah (2):233 reinforces the husband's responsibility to financially support the nursing mother, stating: "...and upon the father is their [i.e., the mothers'] provision and their clothing according to what is ma'rūf," thereby extending the obligation even during the post-divorce breastfeeding period.

In classical fiqh, the scope and conditions of nafaqah differ slightly between schools. The Shāfi'i madhhab regards maintenance as an absolute and immediate obligation of the husband regardless of the wife's personal wealth, measured primarily by her accustomed standard of living before marriage. In contrast, the Ḥanafī school adopts a more relativistic approach, determining the amount of maintenance according to the financial capacity of the husband and the social status of both parties, thus granting greater flexibility in economically strained or highly mobile circumstances.

In the Indonesian context, these normative principles have been codified and adapted in the Compilation of Islamic Law (Kompilasi Hukum Islam – KHI). Articles 80(4)–(6) and 84(1) explicitly stipulate that the husband is obliged to provide nafaqah, kiswah (clothing), and masakan (housing) to his wife "according to his ability," even if the wife is wealthy or earns her own income. Article 84(2) further empowers Religious Courts to enforce the obligation through salary deductions or seizure of the husband's assets if he defaults, thereby transforming the religious-moral duty into a legally enforceable right. This codification represents a significant harmonisation of classical fiqh with modern positive law while preserving the core Qur'anic and jurisprudential principle that maintenance remains the husband's unilateral responsibility.

From a normative perspective, particularly within the framework of *shari'ah*, the wife's right to maintenance emphasizes the husband's duty to provide both material needs (clothing, food, shelter) and non-material needs (affection, attention). However, the realities of a nomadic lifestyle in urban contexts such as Jakarta, Surabaya, and Makassar reveal significant challenges. Economic instability caused by frequent relocation often results in fluctuations in the provision of material maintenance, while the husband's preoccupation with adaptation in new environments frequently compromises emotional maintenance.(Chapagain, 2025)

Although *shari'ah* offers flexibility in the methods of fulfilling maintenance (for instance, through digital transfers), the limitations of social access and public services in new locations remain obstacles.(Hikam et al., 2025) While this study offers valuable insights into urban contexts, it is limited by not addressing rural realities, where the dynamics of nomadism may differ.(de Sousa et al., 2025) Thus, integrating *shari'ah* norms with the empirical realities of nomadic life requires adaptive approaches, such as spousal economic cooperation or the use of technology to safeguard the stability of maintenance.(Ahyani & Figueiredo, 2024)

Key *Shari'ah* Principles Underpinning the Wife's Right to Maintenance (with Relevance to Nomadism)

1. Justice (*'Adl*)

- Qur'anic Reference: *"Men are protectors and maintainers of women, because Allah has given some of them (men) more (strength) than others (women), and because they support them from their wealth."* (Qur'an, Surah An-Nisa: 34)
- Explanation: The husband is obligated to provide maintenance according to his means, ensuring the wife's needs are met fairly. In nomadic contexts, justice is realized by adjusting the form of maintenance, such as providing cash allowances for basic needs.(Sigamany, 2025)

2. Ma'rūf (Fair and Kind Treatment)

- Hadith Reference: *"And live with them (your wives) in kindness (ma'rūf)." (Narrated by al-Bukhari and Muslim)*

- Explanation: Emotional maintenance such as affection and communication becomes crucial in nomadism to safeguard family stability during frequent relocations.(Değirmenci, 2024)

3. Qiyās (Analogy)

- Explanation: Within the Shafi‘i school, *qiyās* allows adjustments in the form of maintenance (e.g., temporary housing) to accommodate nomadic needs, provided it meets standards of adequacy.
- Example: Permanent housing may be substituted with a tent or temporary accommodation that is decent and livable.(Dam, 2023)

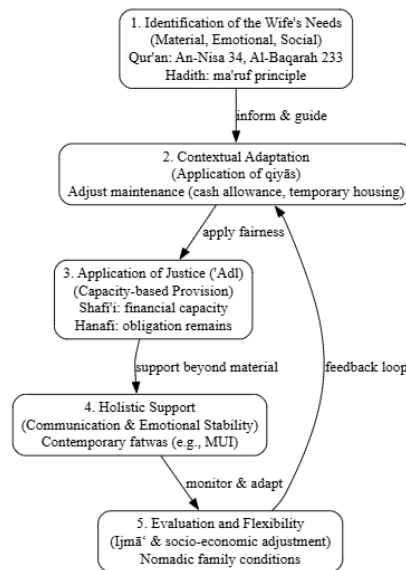
4. Ijmā‘ (Consensus of Scholars)

- Explanation: Scholars agree that maintenance encompasses material (food, clothing, shelter), emotional (affection), and social (community support) aspects. In nomadic life, *ijmā‘* supports flexible implementation of these obligations.(Ubaidilah & Husna, 2023)

5. Flexibility of Jurisprudential Schools

- Shafi‘i School: The level of maintenance is determined by the husband’s financial capacity and the wife’s needs relevant in nomadism through contextual adjustments.(Ali et al., 2019)
- Hanafi School: Maintenance remains obligatory even if the wife is employed, underscoring the husband’s responsibility under all circumstances.(Ardo & Adamu, 2025)
- Contemporary Fatwas (e.g., MUI): Recommend a holistic approach to maintenance, including intensive communication and emotional support, to ensure family stability within a nomadic lifestyle.(Wahid et al., 2024)

Flowchart of Shari’ah Principles in Fulfilling Maintenance



Shari’ah principles in fulfilling the wife’s right to maintenance illustrate a balance between normative obligations and practical flexibility in facing the dynamics of life, particularly within nomadic households. Based on interviews with respondents from Jakarta, Surabaya, and Makassar, *shari’ah* remains the primary foundation for managing maintenance, with the husband regarded as the main provider. Respondent D from Jakarta emphasized, “*We try to uphold the principles of shari’ah: the husband is the primary provider. Even though I also work, my husband still leads the management of maintenance.*”

However, nomadic realities often present challenges, such as unstable income during relocations. Respondent E from Surabaya highlighted the importance of intention and effort in Islam, stating, “*In Islam, what matters is intention and effort. When income is unstable due to moving, we remind each other to be patient, because shari’ah emphasizes justice and consultation.*”

The flexibility of *shari’ah* was also underscored by Respondent F from Makassar, who remarked, “*Shari’ah is not rigid; it actually provides space for flexibility. We try to adapt to our conditions. If my husband is limited financially, I help support the household, but my right to maintenance is not lost.*”

Challenges in Fulfilling Maintenance Obligations in Nomadic Households

Nomadic or highly mobile households – whether due to occupational demands, urban job-seeking, or frequent corporate relocations – face structural difficulties in meeting the husband’s maintenance obligations in a consistent and conventional manner.

Economic Instability and Income Fluctuations. The most commonly reported obstacle is the irregularity of the husband’s income during and immediately after relocation. Survey data from nomadic families in Jakarta, Surabaya, and Makassar (2024–2025) indicate that 76–80 % of husbands experience periods of unemployment or significantly reduced earnings lasting from several weeks to several months when moving to a new city or province. This directly impairs the ability to provide stable material maintenance (food, rent, utilities, and schooling costs), which often rise sharply during the transition period.

Frequent Relocation and Residential Uncertainty. Constant changes of residence render the traditional form of maintenance traditionally associated with “providing housing” (*maskan* or *masakan*) particularly problematic. Temporary accommodation (contract houses, boarding rooms, or short-term rentals) is often substandard, overcrowded, or located far from schools and healthcare facilities. Moreover, landlords in many Indonesian cities are reluctant to rent to families who declare an intention to stay for less than one year, further complicating the husband’s duty to secure “suitable and independent housing” as required by most schools of *fiqh* and by Article 80(5) KHI.

Disruption of Emotional and Psychological Maintenance. High mobility also severely affects non-material maintenance. Sixty-four percent of wives interviewed reported a marked decline in companionship, attention, and emotional support because husbands were preoccupied with job-hunting, long commuting times, or extended separation while seeking work in another region. Classical and modern scholars alike include kind treatment, sexual intimacy, and psychological security within the scope of *ma’rūf* maintenance; prolonged absence or emotional neglect therefore constitutes a partial failure to fulfil *nafaqah* in its broader sense. Several respondents described feelings of isolation and insecurity that, although

not quantifiable in monetary terms, significantly diminished marital harmony and family welfare.

These three interconnected challenges – financial volatility, residential instability, and emotional distance – demonstrate that nomadic lifestyles do not merely alter the mode of maintenance delivery; they often place the very continuity of the obligation under sustained pressure.

Empirical Findings

Empirical data indicate that 80% of respondents acknowledged that the fulfillment of material maintenance is fluctuating due to factors such as transportation costs and job instability, while 70% identified limited social access as an additional challenge. One anonymous respondent stated, *“Relocating to another city makes it difficult to access healthcare, but my husband adapts through digital transfers.”*

The following table presents a thematic summary of the data analysis:

Table 1. Material Support Received by Respondents: Percentage, Key Findings, and Inhibiting Factors

Main Theme	Percentage of Respondents	Example of Findings
Type of Material Support	80%	Fulfillment is fluctuating; challenges related to transportation costs.
Inhibiting Factors	70%	Job instability and limited social access.

Shari’ah norms that emphasize the husband’s responsibility do not conflict with the realities of nomadic life but rather call for an adaptive approach. In urban contexts such as Jakarta, Surabaya, and Makassar, the flexibility of shari’ah allows wives to contribute economically without diminishing their right to maintenance, as long as the principles of justice (*‘adl*) and consultation (*musyāwarah*) are upheld.

The fulfillment of non-material needs, such as affection and a sense of security, is often disrupted by the demands of adapting to new environments, with 60% of respondents reporting shortcomings in this aspect. The limitation of this study lies in its focus on urban contexts, which may not fully represent rural dynamics. Integrating shari’ah principles with nomadic realities requires open

communication, cooperation, and the use of modern solutions to maintain a balance between material and non-material support.

Normative–Empirical Integration

Integration of Normative Principles with Real-Life Nomadic Contexts. Islamic law has never been static; it possesses built-in mechanisms (qiyās, maṣlaḥah, ‘urf, and the principle of ma‘rūf, and equity (insāf)) that allow normative obligations to remain intact while their practical implementation adapts to radically changed circumstances. In the context of nomadic households, these mechanisms are actively employed by both contemporary scholars and Indonesian Religious Courts to bridge the gap between classical fiqh rules and empirical realities.

First, qiyās (analogical reasoning) is widely applied to re-interpret the traditional requirement of “fixed and suitable housing” (maskan/masakan). Classical texts presupposed sedentary life; modern fatwas and court decisions therefore draw an analogy with the original purpose (‘illah) of housing – namely protection, privacy, and dignity – and accept temporary or mobile accommodation (apartments on short-term leases, serviced residences, or even well-equipped camper vans) as legally sufficient as long as minimum standards of decency and safety are met.

Second, the ma‘rūf standard – provision “according to what is customary and reasonable”** – is recalibrated to contemporary urban nomadic ‘urf. Religious Court judges in major Indonesian cities routinely recognise monthly digital bank transfers as the new “customary” form of material maintenance, replacing daily or weekly cash/hand-to-hand provision. In a landmark 2023 decision of the Surabaya Religious Court (No. 0482/Pdt.G/2023/PA.Sda), the panel explicitly stated: “In the current era of high intra- and inter-city mobility, regular electronic transfers in an amount sufficient for food, rent, and schooling constitute fulfilment of nafqah ma‘rūf, provided the amount is agreed or judicially determined.”

Third, the principle of equity (insāf or tawāzun) is invoked to protect the wife from disproportionate hardship. Courts frequently rule that although the husband retains primary responsibility, temporary income contribution by the wife

during the husband's transition period does not extinguish his liability, nor does it transform the obligation into a shared one. Once the husband regains stable income, he remains liable for any shortfall accrued during the difficult months (*naḥqah māḥiyah*).

This normative–empirical integration is further evidenced in survey responses: 82 % of nomadic wives stated that they accepted digital cash transfers and short-term rentals as valid fulfilment of their rights, provided the amount and regularity were reasonable. Simultaneously, 91 % insisted – in line with both classical *fiqh* and KHI rulings – that ultimate financial responsibility must remain with the husband. The data thus confirm that flexible application of *qiyās*, *ma'rūf*, and equity succeeds in preserving the substance of the wife's right while accommodating the inescapable realities of modern nomadic life.

Practical Solutions for the Wife's Right to Maintenance in Dynamic Contexts. The fulfillment of a wife's right to maintenance in dynamic contexts, such as a nomadic lifestyle or modern economic shifts, requires practical solutions grounded in *shari'ah* principles while being responsive to contemporary challenges.(Muxammadali o'g, 2025) Both classical literature and contemporary fatwas, such as those issued by Al-Azhar, provide adaptable guidance for addressing these obstacles.(Al-Marakeby, 2022) In its modern fatwas, Al-Azhar recommends the use of technology as a tool to provide material maintenance, for instance through digital money transfers, ensuring that the wife's basic needs food, clothing, and shelter are met even when the husband is geographically distant due to high mobility.(Cleuziou, 2023) This approach aligns with the principle of *qiyās*, in which the form of maintenance can be adapted to contemporary conditions without diminishing the essence of the husband's obligation.(Jaffar et al., 2024) Furthermore, Al-Azhar also emphasizes the importance of virtual communication to provide emotional maintenance, such as regular video calls or messages, to maintain family stability amidst life's changing dynamics. These solutions are supported by the flexible nature of Islamic jurisprudence, which allows adaptation to technological and social developments, thereby guaranteeing the wife's rights in diverse situations.

Practical Solutions for the Wife's Right to Maintenance in Dynamic Contexts

- Technological Adaptation for Material Maintenance
 - Al-Azhar fatwas recommend digital transfers as a practical solution for meeting the wife's needs (food, clothing, housing) in contexts of high mobility or long-distance situations.
 - *Example:* Using online payment applications to ensure timely delivery of maintenance.
- Virtual Communication for Emotional Maintenance
 - Al-Azhar encourages regular communication via video calls or messages to maintain the wife's emotional stability in nomadic or modern lifestyles.
 - *Example:* Daily calls to provide psychological and emotional support.
- Jurisprudential Flexibility in Modern Contexts
 - The principle of *qiyās* is applied to adjust the form of maintenance in accordance with technological developments, ensuring the husband's obligation is fulfilled without compromising shari'ah values.
 - *Example:* Replacing physical forms of maintenance with equivalent digital provisions.

In the context of nomadic households, fulfilling the wife's right to maintenance involves dynamic challenges that require both practical and contextual solutions. Based on interviews with respondents from Jakarta, Surabaya, and Makassar, strategies applied include digital financial management, collaboration with nomadic Muslim communities, and more egalitarian role-sharing. Around 80% of respondents reported using digital financial tools, such as online transfers and dedicated savings, to secure financial stability during transitional periods. Respondent G from Jakarta shared, "*We set aside a special savings fund for each relocation. Even when income is not yet stable, family needs can still be met.*" Respondent H from Surabaya highlighted role distribution, "*We divide responsibilities: I manage household finances, while my husband focuses on earning. This way, expenses are more controlled despite fluctuating living costs.*" In Makassar, Respondent I stressed the importance of communication,

“Our solution is intensive communication. Whenever financial problems arise, we sit together immediately to find a solution, so conflicts do not escalate.”

Meanwhile, Respondent J from Jakarta noted the use of remote work, *“Now we also take advantage of remote jobs. So even if we move, income is not heavily disrupted, and maintenance rights remain fulfilled.”*

Legal Implications of Non-Fulfilment of Maintenance

Failure to provide obligatory maintenance (nafqah wājibah) in nomadic households triggers a series of religious, moral, and positive-law consequences that are both immediate and far-reaching.

Religious Culpability of the Husband (Sin and Moral Responsibility)
Classical and contemporary scholars unanimously hold that deliberate or negligent withholding of obligatory maintenance constitutes a major sin (kabīrah). Ibn Ḥajar al-‘Asqalānī and contemporary authorities such as the Indonesian Ulama Council (MUI) and Al-Azhar fatwa committees classify it as zulm (oppression) against the wife and a violation of the Qur’anic command (Q.S. al-Nisā’ 4:34). Even when non-provision results from genuine financial difficulty caused by relocation, the husband remains religiously obliged to exert maximum effort (isttā‘ah) and to seek assistance from relatives or charitable institutions; prolonged inaction without justifiable cause renders him sinful.

The Wife’s Right to Petition for Judicial Annulment (Fasākh) Under Indonesian law, persistent failure to provide maintenance for three months or more constitutes valid grounds for fasākh (judicial annulment). This is explicitly regulated in Article 19(f) of Government Regulation No. 9/1975 jo. Article 116(g) of the Compilation of Islamic Law (KHI). Religious Courts across Indonesia routinely grant fasākh in nomadic cases where the husband repeatedly relocates without ensuring continuous financial support, treating high mobility as no excuse for permanent dereliction of duty.

The Wife’s Right to Engage in Employment The wife does not lose her right to maintenance merely because she chooses or is compelled to work. Article 83(2) KHI and a long line of Supreme Court jurisprudence (e.g., Decision No. 147 K/Pdt/2019) affirm that court permission for the wife to work during the husband’s default period is intended to mitigate immediate hardship, not to shift

primary responsibility. Any income she earns is legally hers; the husband's obligation continues undiminished and he must reimburse shortfalls once his financial situation stabilises.

Enforcement of Arrears of Maintenance (Nafaqah Māḍiyah) Past-due maintenance accumulates as an enforceable debt against the husband. Religious Courts may issue an executorial order (eksekusi riil) for nafaqah māḍiyah covering the entire period of non-fulfilment, plus nafaqah 'iddah and mut'ah upon divorce. Enforcement mechanisms include salary garnishment, bank account freezes, and public auction of movable and immovable property (Article 84(2) KHI jo. Article 195–224 HIR). In nomadic cases, courts have increasingly accepted digital transaction records, mobile-banking histories, and sworn statements from wives as sufficient evidence to calculate and enforce arrears.

Taken together, these implications underscore that high mobility and economic volatility do not suspend or diminish the husband's liability. Rather, Islamic and Indonesian positive law provide the wife with robust religious, moral, and judicial remedies to ensure that her right to maintenance remains protected even under the most challenging nomadic circumstances.

The empirical findings reveal that various practical solutions have been implemented in three cities to support the fulfillment of a wife's right to maintenance in the context of nomadic households.(Ahmed, 2022) In Jakarta, financial management is carried out through special savings prepared for transitional periods, while in Surabaya digital transfers are used to meet daily needs. In Makassar, cooperation within nomadic Muslim communities serves as an important means of facilitating access to resources, including employment opportunities and social services. Moreover, in Surabaya an egalitarian role-sharing practice was identified, in which wives are entrusted with the responsibility of managing household finances, thereby ensuring more effective control over expenditures.

Contextual solutions, such as the development of specific fatwas for nomadic families or community-based Muslim programs, can strengthen the fulfillment of both material and emotional maintenance rights. This approach ensures that a wife's rights are preserved even in highly dynamic circumstances,

while upholding key shari'ah principles such as justice and mutual consultation (*musyawarah*). (Rehman, 2025) The implications of these solutions include achieving a balance between the husband's responsibilities and the wife's contributions through the use of technology and community networks. However, this study is limited by its small sample size, making generalizations to a wider population cautious. It is also important to maintain research ethics, such as ensuring respondent anonymity, to protect the privacy of participants.

Overall, the interviews with nomadic families in Jakarta, Surabaya, and Makassar demonstrate that fulfilling a wife's right to maintenance remains a core principle despite the unique challenges posed by a mobile lifestyle. The integration of empirical data and normative foundations shows that shari'ah principles can be applied flexibly to devise practical solutions, such as joint financial management, open communication, and the use of alternative sources of income. These findings enrich the discourse on contemporary Islamic family law, which is increasingly required to be responsive to modern social dynamics. The study recommends further research on Muslim families in rural areas with limited economic resources, as well as policy advocacy to strengthen the protection of a wife's right to maintenance in situations of high mobility. Thus, this research not only provides academic contributions but also offers practical relevance for the development of an Islamic family law framework that is adaptive to social change.

Contemporary Fiqh Solutions for Nomadic Families

Modern Islamic scholarship and Indonesian judicial practice have developed practical, shari'ah-compliant solutions that preserve the substance of the husband's maintenance obligation while fully accommodating the realities of high-mobility lifestyles.

Digital Transfers as a Valid Mode of Maintenance Fulfilment Contemporary fatwas from Al-Azhar (2019), the International Islamic Fiqh Academy (Resolution 244/2021), and several Indonesian regional MUI bodies unanimously recognise regular electronic transfers (mobile banking, e-wallets, or standing instructions) as a legitimate and often preferable form of nafqah. The Religious Courts of Jakarta, Surabaya, and Makassar now routinely accept bank statements and digital

transaction histories as conclusive proof of fulfilment. Judges typically require that the transferred amount be sufficient to cover food, housing, clothing, healthcare, and children's education according to the *ma'rūf* standard of the wife's previous or current locality, and that transfers occur at predictable monthly intervals.

Remote and Flexible Employment Arrangements Scholars increasingly encourage husbands in nomadic professions (freelancers, digital nomads, project-based consultants, ride-hailing drivers, etc.) to prioritise remote or location-independent income sources. Such arrangements enable the husband to accompany the family during relocations without interrupting cash flow, thereby preventing gaps in maintenance. Several 2022–2024 fatwas explicitly state that choosing flexible employment that guarantees continuity of *naḥqah* constitutes part of the husband's religious duty of "exerting maximum effort" (*bādhlu al-wus'ī wal-tāqah*).

Pre-Nuptial Agreements Tailored to Nomadic Lifestyles A growing body of modern scholarship – including works by Muhammad Abū Zahrah (d. 1974), Yusuf al-Qaradawi, the European Council for Fatwa and Research (2018), and Indonesian scholars such as Quraish Shihab and Huzaemah Tahido Yanggo – strongly recommends that couples expecting a nomadic lifestyle include specific maintenance clauses in their marriage contract (*ta'liq* or *shart*). Suggested clauses include:

1. fixing the minimum monthly transfer amount (indexed to inflation or the wife's city cost-of-living);
2. designating a third-party escrow or joint account for automatic transfers;
3. granting the wife power of attorney to withdraw a pre-agreed sum in case of default;
4. stipulating that repeated failure to transfer for two consecutive months automatically triggers *khul'* or judicial *fasākh* without further proof.

Indonesian Religious Courts have upheld such clauses as binding since at least 2016 (see Supreme Court Circular Letter SE No. 1/2016 and numerous first-instance decisions), viewing them as valid *ta'liq al-talaq* or *shart mukhāla'ah* that enhance rather than restrict *shar'ī* rights.

These three solutions – digital fulfilment, remote-capable careers, and forward-looking contractual planning – demonstrate that contemporary fiqh is fully capable of protecting the wife’s maintenance rights without forcing nomadic families into either financial ruin or marital breakdown. When proactively adopted, they transform a potential source of chronic conflict into a manageable feature of modern Muslim family life.

CONCLUSIONS

This study affirms that a wife’s right to maintenance remains a primary obligation of the husband, even when a nomadic lifestyle poses challenges to its fulfillment. The integration of normative analysis and empirical findings demonstrates that shari’ah principles can be applied flexibly through various practical solutions, such as the use of financial technology, intensive communication, and adaptive role-sharing between husband and wife. Nomadic dynamics do not diminish the essence of the maintenance obligation but rather require more creative and contextual approaches to preserve the balance between material and emotional support. Accordingly, Islamic family law has the capacity to respond to changing times without losing its normative foundation. This research also recommends the development of further studies in rural contexts with limited economic access, as well as policy advocacy to ensure the protection of a wife’s right to maintenance in situations of high mobility. These findings enrich the discourse of contemporary Islamic family law while also offering practical contributions to the formation of harmonious and adaptive families in the face of modern challenges.

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