

The Implementation of Muthlaq and Muqayyad Rules in the Determination of Family Maintenance: A Methodological Analysis of the Nash-nash of Islamic Family Law

Erniawati

*Universitas Islam Negeri Alauddin Makassar, Indonesia
rnisubli7@gmail.com*

Nur Taufiq Sanusi

*Universitas Islam Negeri Alauddin Makassar, Indonesia
nurtaufiq066@gmail.com*

Fatmawati

*Universitas Islam Negeri Alauddin Makassar, Indonesia
fatmawati@uin-alauddin.ac.id*

Mohamad Subli

*Sekolah Tinggi Agama Islam Morowali, Indonesia
subliy6@gmail.com*

Abstract

This research analyzes the implementation of muthlaq and muqayyad principles in determining family maintenance (nafkah) through a methodological approach to Islamic family law texts. The study addresses the complexity of interpreting absolute (muthlaq) and conditional (muqayyad) legal texts in contemporary family maintenance determination. Using qualitative library research with textual analysis (tahlil an-nushush), comparative analysis (al-manhaj al-muqaran), and contextual analysis methods, this research examines primary sources including the Quran, hadith collections, and classical fiqh literature. The findings reveal that Quranic verses and prophetic traditions combine muthlaq and muqayyad expressions, providing flexibility while establishing boundaries in maintenance standards. Different Islamic schools (madhabs) apply these principles with varying approaches: Hanafi emphasizes contextual flexibility, Shafi'i focuses on standardization of basic needs, while Hanbali prioritizes balance between rights and obligations. The implementation in Indonesian family law, particularly through the Compilation of Islamic Law (KHI) and religious court decisions, demonstrates the relevance of classical ushul fiqh methodology for addressing contemporary family law issues. This research contributes a theoretical framework for analyzing contemporary family law matters using muthlaq-muqayyad principles.

Keywords: Muthlaq; Muqayyad; Islamic Family Law; Legal Methodology; Indonesian Islamic Law

Abstract

Penelitian ini menganalisis implementasi prinsip muthlaq dan muqayyad dalam menentukan pemeliharaan keluarga (nafkah) melalui pendekatan metodologis terhadap teks hukum keluarga Islam. Studi ini membahas kompleksitas penafsiran teks hukum absolut (muthlaq) dan bersyarat (muqayyad) dalam penentuan pemeliharaan keluarga kontemporer. Dengan menggunakan penelitian perpustakaan kualitatif dengan analisis tekstual (tahlil an-nushush), analisis komparatif (al-manhaj al-muqaran), dan metode analisis kontekstual, penelitian ini meneliti sumber primer termasuk Al-Qur'an, kumpulan hadis, dan literatur fiqh klasik. Temuan ini mengungkapkan bahwa ayat-ayat Al-Qur'an dan tradisi kenabian menggabungkan ungkapan muthlaq dan muqayyad, memberikan fleksibilitas sambil menetapkan batasan dalam standar pemeliharaan. Aliran Islam yang berbeda (madhab) menerapkan prinsip-prinsip ini dengan pendekatan yang berbeda-beda:

Hanafi menekankan fleksibilitas kontekstual, Syafi'i berfokus pada standarisasi kebutuhan dasar, sedangkan Hanbali memprioritaskan keseimbangan antara hak dan kewajiban. Implementasi dalam hukum keluarga Indonesia, khususnya melalui Kompilasi Hukum Islam (KHI) dan putusan pengadilan agama, menunjukkan relevansi metodologi ushul fiqh klasik untuk mengatasi masalah hukum keluarga kontemporer. Penelitian ini menyumbangkan kerangka teoritis untuk menganalisis masalah hukum keluarga kontemporer menggunakan prinsip muthlaq-muqayyad.

Kata Kunci: Muthlaq; Muqayyad; Hukum Keluarga Islam; Metodologi Hukum; Hukum Islam Indonesia

INTRODUCTION

The importance of family maintenance in Islam is deeply rooted in religious and cultural obligations that emphasize the husband's responsibility to provide for his family, encompassing both material and immaterial aspects. As stated by Setyawati et al. (2024), this obligation is seen as a divine gift and a means to achieve spiritual rewards, where family upbringing is a fundamental religious duty that brings both hope and challenge to Muslim families. The interpretation of nash-nash in Islamic texts that includes the characteristics of muthlaq (unlimited) and muqayyad (conditional) presents complex challenges that require a nuanced hermeneutical approach. Brown (2011) explores this complexity by discussing the historical and modern tensions between minimalist and comprehensive approaches in Sharia, showing that traditional interpretations are often adapted through various hermeneutic strategies to address contemporary issues.

The urgency of applying the muthlaq-muqayyad rule is underscored by the need to reconcile traditional Islamic law with the modern legal system, as discussed by Scharbrodt (2022) in the context of Muslim-majority countries where Islamic law is often integrated into secular legal frameworks, especially in personal status law. This integration is exemplified in Abu-Odeh's (2004) analysis of family law in Palestine, in which historical and contemporary legal practices are examined to understand the application of Islamic family law in the modern context. In addition, the innovative hermeneutical approach by scholars such as al-Jābrī and Abu Zayd that employs a humanistic interpretation of the Qur'an, as put forward by Mostfa (2024), highlights the dynamic nature of Islamic texts and their relevance to contemporary legal and social issues.

The rules of muthlaq-muqayyad in the Qur'an, as developed by classical jurists, serve as a systematic methodology for the interpretation of nash that is evident in the broader context of Islamic jurisprudence and hermeneutics. Mostfa (2024) explains that this rule is part of a large tradition in the interpretation of the Qur'an and Islamic law, in which scholars such as Muḥammad 'Ābid al-Jābrī and Nasr Ḥāmid Abū Zayd have contributed significantly by using humanistic and semantic approaches to unravel the layered meanings in the text of the Qur'an. Ayatolāh Borujerdi's

contextualist methodology, as put forward by Nobahar (2024), further exemplifies the evolution of fiqh interpretation that moves away from pure textualism while maintaining fidelity to the text.

The concept of family maintenance in jurisprudence literature, both classical and contemporary, includes various dimensions such as quantity, quality, and conditions that affect maintenance obligations, reflecting the complexity and adaptability of Islamic family law (Benkheira, 2022). Recent research in Islamic family law highlights the use of diverse hermeneutical approaches, including those emphasizing the public interest (*maṣlaḥa*) and the purpose (*maqāṣid*) of the Shari'a, as seen in the work of scholars such as Najm al-Dīn al-Ṭūfī who prioritize *maṣlaḥa* over traditional sources in specific contexts (Kurnaz, 2023).

The research gaps identified in the study of the rules of *muthlaq* and *muqayyad* in family maintenance law are evident in the lack of comprehensive methodological studies exploring their application in the determination of family maintenance. The existing literature mainly focuses on normative aspects without exploring the operationalization of these rules in alimony law. Bilginer (2023) highlights the social-legal dynamics of alimony in Islamic family law, emphasizing the need for an interdisciplinary approach to understanding the practical implications of such law. Similarly, Bustami's (2021) research on *al-Mashlahah al-Mursalah* underscores the need to adapt the principles of Islamic law to contemporary issues, suggesting a methodological framework that can be applied to the rules of *muthlaq* and *muqayyad*.

Bahiyah Ahmad's (2019) study on *kifayah adna* in Malaysia illustrates the practical challenges of determining an adequate level of alimony, which can benefit from the systematic application of the rules of *muthlaq* and *muqayyad* to ensure justice and sufficiency in family law. Yakar's (2022) historical analysis of Ottoman legal reform shows a precedent for integrating traditional Islamic jurisprudence with the needs of modern law, a strategy that can bridge the gap between fiqh theory and family law practice. The exploration of postnuptial agreements within the framework of *maqasid al-Sharia'ah* by Rafli et al. (2023) also provides insight into how the principles of Islamic law can be applied systematically to contemporary family law issues, potentially informing the application of the rules of *muthlaq* and *muqayyad*. The Arabiyat study (2023) on Jordan's personal status law further highlights the need for explicit legal texts to address gaps in family law, which can be informed by a comprehensive methodological study of the rules of *muthlaq* and *muqayyad*.

Based on the identification of problems and gaps in the research, this study aims to analyze the implementation of the rules of *muthlaq* and *muqayyad* in determining family maintenance through a methodological approach to the *nash-nash* of Islamic family law. This research is expected to provide a systematic and applicative framework for interpretation, address identified

research gaps and enhance the practical application of Islamic legal principles in the context of contemporary family law.

METHODS

This research uses a qualitative approach with the library research method which is a type of analytical-descriptive research. As stated by Al Kubaisi (2023), normative qualitative research such as library research is a basic method for exploring Islamic law, especially through analytical-descriptive studies of proposed fiqh and hermeneutic approaches to the interpretation of nash. This study aims to describe and analyze the implementation of the rules of muthlaq and muqayyad in the nash-nash of family maintenance by adopting a fiqh proposal approach that emphasizes broad contextualism in balancing fidelity to the text with a nuanced understanding in its application (Nobahar, 2024).

The primary data sources of this research include the Qur'an, a collection of hadith in the as-sittah pole, as well as classic ushul fiqh books such as the works of al-Ghazali and others. As explained by Coppens (2022), primary sources such as the Qur'an, hadith, and classical fiqh books are essential for textual analysis, especially in identifying nash muthlaq-muqayyad. The secondary data sources include fiqh books from various schools, Qur'anic interpretations, hadith lectures, scientific journals, and related published research, which provide an additional interpretive framework to enrich the analysis.

The analytical methods used in this study are textual analysis (*tahlil an-nushush*) to identify and classify the words muthlaq and muqayyad in the nash-nash about alimony, comparative analysis (*al-manhaj al-muqaran*) to compare the opinions of various schools in applying this rule, and contextual analysis to examine the relevance of the application of these rules in the context of contemporary Indonesian family law. As stated by Fauzi (2022), comparative analysis of school opinions and inductive-deductive methods is very important for extracting and applying rules, especially in the context of the development of Sharia in Indonesia which has adapted to social and political changes over time.

RESULTS AND DISCUSSION

The Concept of Muthlaq and Muqayyad in Nash of Family Maintenance

Terminological analysis shows that the concept of muthlaq in the literature of ushul fiqh is defined as a statement that refers to the essence in terms of the essence itself, without containing any indication of the limitations of the essence (Al-Tilmisānī, 1999). This definition is in line with the perspective of Ibn Qudāmah (2002) who defines muthlaq as a utterance that includes a single

entity that is not specifically defined, taking into account the general nature that includes its type. Meanwhile, muqayyad is conceptualized as a utterance that includes something that is determined or undetermined but is infused with something additional to its essence (Ibn Qudāmah, 2002).

Further elaboration from Al-Kurānī (2008) makes it clear that muthlaq is a word that refers to mahiyyah without restrictions, while Al-Āmidī (1999) categorizes muqayyad in two aspects: first, words that point to a specific meaning such as special names; second, words that show the nature of the meaning of muthlak with additional properties such as the expressions "Egyptian dinar" and "Makkah dirham". This theoretical categorization provides an epistemological foundation to analyze the nash-nash of family maintenance in the methodological perspective of ushul fiqh.

An exploration of the nash-nash of the Qur'an identifies several verses that contain the principle of muthlaq in the obligation of alimony. QS. Al-Baqarah [2]: 233 states وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ which literally contains the absolute obligation of maintenance without specific specifications, levels, forms, or conditions. The phrase "rizquhunna wa kiswatuhunna" in this context shows the universality of the principle of the husband's obligation to his wife in the aspect of food and clothing.

Al-Ṭabari's (2001) interpretation of this verse emphasizes that the father's obligation includes sustenance in the form of food as a basic need and clothing as a basic need, with the parameter of "bil ma'rūf" that accommodates the variability of the economic conditions of the community. This interpretation indicates that the absolute nash does not negate contextual considerations in its implementation.

Furthermore, QS. Al-Talaq [65]: 7 with the editorial لِيُنْفِقَ ذُو سَعَةٍ مِّن سَعَتِهِ shows the absoluteness of the word "liyunfiq" on the type and form of alimony that must be given. Al-Wāḥidī (1994) in his commentary states that the verse commands those who have enough to provide ample support to their wives who breastfeed their children, according to their level of ability.

The corpus of hadith of the Prophet (peace be upon him) also shows the characteristics of muthlaq in determining the obligation of alimony. A hadith narrated by Muslim states لَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ which reinforces the universal principle of alimony obligations without specific quantitative restrictions. Al-Qurṭubī (1996) in his commentary on the hadith emphasizes that the wife's maintenance is determined based on the consideration of the condition of the husband and wife, which shows flexibility in the implementation of the principle of muthlaq. An analysis of this hadith reveals that the absolute nature of maintenance obligations is not rigid, but accommodates the variability of socioeconomic conditions as an implementive parameter.

The identification of nash-nash muqayyad in the Qur'an shows that there are specific restrictions on the implementation of the obligation of maintenance. QS. Al-Talaq [65]: 7 with the editorial *رَزَقُهُ عَلَيْهِ رَزْقُهُ فَلْيَنْفِقْ مِمَّا آتَاهُ اللَّهُ* contains the limitation of Allah's *mimma ātāhu* which limits the obligation of maintenance according to the economic capacity of the individual. Al-Ṭabarī (2001) in his interpretation affirms that the verse differentiates between those who are self-sufficient and those in economic straits, where each is commanded to provide for himself according to the level of ability and what Allah has given him. This restriction shows that the implementation of alimony is not uniform, but proportional to economic ability.

QS. Al-Baqarah [2]: 236 gives another dimension of restriction with the editorial *مَتَاعًا كَفَى بِالْمَرْءِ إِنَّمَا أَنْ يُضَيِّعَ مَنْ يَفُوتُ* which contains the parameters of *bil ma'rūf* and *ḥaqqan 'alā al-muttaqīn*. Al-Baghawī (1420 AH) interprets this verse in the context of the obligation of *mut'ah* for wives who are rejected before *dukhul*, with an emphasis on implementation in accordance with the provisions of Allah without tyranny.

Nash muqayyad in the hadith of the Prophet (peace be upon him) also shows specifications in the implementation of alimony. The hadith narrated by Abū Dāwūd (2009) states *كَفَى بِالْمَرْءِ إِنَّمَا أَنْ يُضَيِّعَ مَنْ يَفُوتُ* which provides restrictions in the form of legal consequences for the abandonment of alimony obligations.

Al-Ṣan'ānī (n.d.) in *Subul al-Salām* analyzes the hadith as a proof of the obligation of maintenance to the person who is the responsibility of one, because a person will not sin except for abandoning his obligation, and in this hadith the magnitude of the sin is emphasized so that it is considered sufficient to cause his destruction from all other sins.

The implementation of the methodology of *ḥaml al-muṭlaq 'alā al-muqayyad* in the context of family maintenance reveals the complexity of the interpretation that requires a holistic consideration of the relevant nash-nash. Al-Rāzī (1997) asserts that the bringing of nash *muthlaq* to muqayyad applies when there is a unity of legal subjects and legal causes (*ittiḥād al-ḥukm wa al-sabab*).

In the context of family maintenance, the application of this principle is manifested in the harmonization between nash *muthlaq* on maintenance obligations (QS. Al-Baqarah: 233) with nash muqayyad about the level of ability (QS. Al-Talaq: 7). Such harmonization efforts maintain the universal nature of the obligation, while providing a framework of implementation that accommodates the diversity of socio-economic situations as contextual factors.

This methodology also produces a dynamic legal construction, where the absoluteness of the principle of maintenance obligation is not absolutist in its implementation, but relative to the abilities and conditions that surround the individual. This is in line with *maqāṣid al-sharī'ah* in maintaining a balance between the protection of the wife's rights and consideration of the husband's ability to fulfill his obligations.

The synthesis between *nash-nash muthlaq* and *muqayyad* in family maintenance results in an interpretive model that integrates the universality of principles with the flexibility of implementation. Table 1 shows the categorization of *nash-nash nafkah* based on the characteristics of *muthlaq* and *muqayyad* and their methodological implications.

Table 1. Categorization of Nash Nafkah Based on Muthlaq-Muqayyad Characteristics

Category Nash	Source	Redaction	Features	Methodological Implications
Muthlaq	QS. Al-Baqarah: 233	وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ	Universality of obligations	Fundamental principles
Muthlaq	Hadis Muslim	لَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ	Confirmation of obligations	Normative reinforcement
Muqayyad	QS. Al-Talaq: 7	مِمَّا آتَاهُ اللَّهُ	Ability limitations	Load proportionality
Muqayyad	Hadis Abu Dawud	كَفَى بِالْمَرْءِ إِثْمًا	Legal consequences	Enforcement mechanism

Based on the data in Table 1, the combination of *nash muthlaq* (general text) with *nash muqayyad* (special text) creates a complete legal system. *Nash muthlaq* is the basis for generally applicable rules, while *nash muqayyad* provides practical guidance that pays attention to the social and economic conditions of the community.

The Methodology of Scholars in Applying the Muthlaq-Muqayyad Rule

1. Mazhab Hanafi Approach

The Hanafiyah scholars show a very meticulous methodology in applying the rules of *muthlaq-muqayyad*, especially in analyzing the *shari'a* postulates that seem to contradict. In the discussion of alimony, they are faced with a verse that is *muthlaq*, namely the word of Allah: *لِيُنْفِقَ* *ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ* who rightly only considers the condition of the husband (Ibn al-Humām, n.d.). However, they are also dealing with a more *muqayyad* *hadith* that shows consideration of the condition of the wife in the expression *خذي من ماله بالمعروف ما يكفيك* (Ibn al-Humām, n.d.).

Their methodology in resolving the contradiction between the postulates of *muthlaq* and *muqayyad* is very systematic. They admit that the verse *مطلق في اعتبار حال الموسر معسرة كانت الزوجة*

muthlaq in determining alimony - أو لا والمعسرة معسرة كانت أو لا، فاعتبار حالهما زيادة موجبة لتغيير حكم النص based on the condition of the husband regardless of the condition of the wife, so considering the condition of both is considered as an addition that changes the law of nash (Ibn al-Humām, n.d.).

The Hanafiyah scholars then overcome this problem with a sophisticated harmonized approach. They explain that إنه مخاطب بقدر وسعه والباقي في ذمته، فإنه يفيد أن المفاد بالنص اعتبار حاله في الإنفاق، ونحن نقول: إن المعسر لا ينفق فوق وسعه وهو لا ينفي اعتبار حالها في قدر ما يجب لها، والحديث أفاده (Ibn al-Humām, n. d.). This approach shows that they do not invalidate or ignore the muthlaq postulate, but rather harmonize it with the muqayyad postulate through the division of functions: nash determines the ability to pay, while the hadith determines the rate that must be given.

In its practical application, Hanafiyah scholars use the concept of al-ma'ruf as a limiting parameter for the recitation of muthlaq. They explained that المراد بالمعروف في قوله - صلى الله عليه وسلم - خذي من ماله بالمعروف ما يكفيك ما يقابل المنكر فيستقيم، فإن المعروف في متوسطة الحال أن كفايتها دون كفاية الفائقة فيجب ذلك ليساره وعند غاية إعسارها وإعساره المعروف دون التوسط فيه (Ibn al-Humām, n. d.). The concept of al-ma'ruf functions as a qaid that limits and contextualizes the postulates of muthlaq according to the circumstances of each individual.

Their methodology is also based on a deep understanding of the dynamic nature of sharia law, as stated that ما وجب كفاية لا يتقدر شرعا في نفسه لأنه يختلف باختلاف الطبائع وأحوال الناس وباختلاف الأوقات (Ibn al-Humām, n.d.). This principle shows that when the sharia provides the rules of muthlaq, its implementation must take into account the context and circumstances of the muqayyad, so that the law can adapt to diverse realities without changing the essence of the nash.

Hanafiyah scholars also apply a tiered methodology in determining the priority of postulates. When faced with the postulates of muthlaq and muqayyad, they do not necessarily prioritize one of them, but look for a middle ground that accommodates the two postulates. It is evident in their formulation that in the case of differences in the economic conditions of husband and wife, الواجب فوق الإعسار ودون نفقة اليسار وهذا وسط - the obligation of alimony is between the standard of poverty and wealth as a middle ground (Ibn al-Humām, n.d.).

2. Mazhab Maliki's Approach

The Maliki school shows a very contextual methodology in applying the rule of muthlaq-muqayyad, especially in the issue of wife maintenance. Imam Malik argues that the wife's maintenance is not determined by a definite measure by the shari'a, but is adjusted to the husband's economic condition and the wife's needs: فذهب مالك إلى أنها غير مقدرة بالشرع، وأن ذلك راجع إلى ما يقتضيه

(Ibn Rusyd, 2004). Hal الزوج وحال الزوجة، وأن ذلك يختلف بحسب اختلاف الأمكنة والأزمنة والأحوال. This approach shows how the Maliki School treats the general nash (muthlaq) of the obligation of maintenance while maintaining its general nature, but providing a wide scope of interpretation according to the socio-economic context.

In the case of the nusyuz wife, the Maliki school faces the complexity of applying the rules of muthlaq-muqayyad which shows the depth of their methodology. The general narration of the hadith of the Prophet: *ولهن عليكم رزقهن وكسوتهن بالمعروف* muthlaq obliges maintenance on all wives without distinguishing between the obedient and the nusyuz (Ibn Rusyd, 2004). However, the understanding that alimony is compensation for the wife's obedience and availability requires the restriction: *والمفهوم من أن النفقة هي في مقابلة الاستمتاع يوجب أن لا نفقة للناشر* (Ibn Rusyd, 2004). The majority of scholars, including the Maliki School, eventually chose the muqayyad approach: *والجمهور على أنها لا تجب لها نفقة* (Ibn Rusyd, 2004).

The complexity of the Maliki School's methodology in applying the rule of muthlaq-muqayyad is evident in the debate on the maintenance of slave wives: *وأما الأمة فاختلف فيها أصحاب مالك اختلافا كثيرا، فقيل: لها النفقة كالحرّة، وهو المشهور. وقيل: لا نفقة لها* (Ibn Rusyd, 2004).

The Maliki school shows excellence in synthesizing various seemingly contradictory postulates through the muthlaq-muqayyad approach. In the case of child support obligations, Imam Malik gives clear limits: *الولد ولد الصلب دنية تلزمه نفقته في الذكور حتى يحتلموا، فإذا فإذا: احتلموا لم تلزم نفقتهم* (Malik ibn Anas, 179 H). When faced with a general nash that requires a special understanding and understanding that takes into account specific conditions: *"وسبب الخلاف: معارضة العموم للمفهوم"* (Ibn Rusyd, 1994), the Maliki school does not necessarily choose one, but rather seeks a middle ground that considers both textual and contextual aspects.

3. Mazhab Shafi'i Approach

In the discussion of the book of an-nafaqat (nafkah), the Shafi'iyah scholars apply a careful methodology in using the rules of muthlaq-muqayyad. This is clearly seen in the determination of the type of food that must be given as sustenance. The scholars state that what is obligatory is غالب (a staple food that is common in an area) (Ibn al-Mulqin, 2001). This determination shows how the muthlaq (general) text in the Qur'anic verse that mentions "rizq" (sustenance) is limited (muqayyad) with consideration of social realities and local customs.

فإن اختلف، أي قوت البلد (if the staple foods of the region are different and there is no dominant, then what is obligatory is food that is in accordance with the husband's condition) (Ibn

al-Mulqin, 2001). This approach shows flexibility in the application of the rule, where when there is no clear boundary (qaid) of the general custom, it is returned to the condition of the individual concerned.

Shafi'iyah scholars also apply the rule of muthlaq-muqayyad in determining the level of livelihood based on economic ability. They stipulate: *على موسر لزوجته كل يوم مدا طعام، ومعسر مد* (a rich man is obliged to give one mud of food every day to his wife, the poor one mud, and the middle man one and a half mud) (Ibn Qadi Syuhbah, 2011). This determination shows how the muthlaq verse about the obligation to provide sustenance is limited by the consideration of concrete financial ability.

The basis of this methodology is strengthened by reference to the verse: *لِيُنفِقْ ذُو سَعَةٍ مِّنْ* (should be a person who is able to provide according to his means) (Ibn Qadi Syuhbah, 2011). The scholars use this verse as a qaid (limit) to determine the level of obligatory maintenance, so that the obligation of muthlaq becomes measurable and can be implemented practically.

In determining the standard of living, the Shafi'iyah scholars use the methodology of qiyas (analogy) with kaffarat as a form of taqyid (restriction). They argue: *أن الله تعالى اعتبر جنس الإطعام في* (الكفارة بنفقة الأهل فقال { *مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ* } (Allah SWT considers the type of food in kaffarat with family support, as He said: "from the food that you used to give to your family") (Ibn Qadi Syuhbah, 2011).

This methodology shows the meticulousness of scholars in finding qaid (barriers) for muthlaq texts. They do not rely only on one postulate, but look for the relationship between postulates to produce more precise laws. This approach results in the determination that the minimum standard of maintenance is one mud (as in the kaffarat of oaths), while the maximum is two muds (as in the kaffarat of hajj disruption) (Ibn Qadi Syuhbah, 2011).

4. Mazhab Hanbali Approach

The scholars of the Hanbali School apply a distinctive methodology in using the rules of muthlaq-muqayyad, especially by using the principle of sufficiency (kifayah) as the main barrier. This is clearly seen in the stipulation: *يجب للمرأة من النفقة قدر كفايتها بالمعروف* (it is obligatory for women to provide for their maintenance according to their sufficiency in a ma'ruf way) (Ibn Qudamah, 1994). This methodology shows how the muthlaq text on maintenance obligations is limited by the concept of "kifayah" which is flexible and contextual.

This approach is reinforced by the hadith of the Prophet PBUH to Hindus: *خذي ما يكفيك* (take what is sufficient for you and your children in a ma'ruf way) (Ibn Qudamah, 1994). The Hanbali scholars use this hadith as a qaid (barrier) which shows that the muthlaq word

"nafkah" in the Qur'anic verse must be understood in the frame of reasonable sufficiency. This methodology is different from the more rigid approach of taqdir (determination of fixed levels), but it provides room for interpretation according to the circumstances.

In determining the type of food that must be given, the Hanbali scholars apply the rule of muthlaq-muqayyad by using 'urf (custom) as a restriction. They stated: *ووجب لها في القوت الخبز؛ لأنه* (it is obligatory for him to eat a staple food in the form of bread, because that is what is usually used as a staple food) (Ibn Qudamah, 1994). This determination shows how the word "rizq" which is muthlaq in the Qur'an verse is limited to the reality of the local people's customs.

This methodology is even more detailed when discussing side dishes: *ووجب لها من الأدم بقدر* (it is obligatory for him to have side dishes according to his needs from the side dishes of the area, in the form of oil, sesame oil, butter, milk, and meat) (Ibn Qudamah, 1994). The scholars do not define a particular type rigidly, but associate it with "adam al-balad" (regional side dish), which shows flexibility in the application of the rules according to geographical and cultural conditions.

Hanbali scholars also apply the rule of muthlaq-muqayyad in the context of clothing by considering socio-economic status as a barrier. This can be seen in the rules: *فيفرض لها قدر كفايتها* (so it is prescribed for her according to her sufficiency according to her condition, for a rich woman under a rich husband of the best clothes in the area in the form of linen, silk, and brocade) (Baha' al-Din al-Maqdisi, 2003).

This methodology shows how the verses *وَكِسُوْنَهُنَّ بِالْمَعْرُوفِ* (and their clothes in a ma'ruf way) that are muthlaq are limited by layered considerations: the economic condition of the husband, the social status of the wife, and the customs of the region. The scholars set a minimum standard: *وأقله قميص وسراويل ووقاية ومقنعة ومداس وجبة للشتاء* (at least shirts, pants, covers, veils, sandals, and robes for the winter) (Baha' al-Din al-Maqdisi, 2003) which indicates a concrete lower limit although the principle is generally flexible.

In determining the scope of the obligation of relatives' maintenance, the Hanbali scholars apply a careful methodology in using the rules of muthlaq-muqayyad. They divide it into two categories: *عمود النسب، وهم الوالدان، وإن علوا، والولد وولده وإن سفل* (the main nasab, i.e. the parents even though they are far up, and their children and descendants even though they are far down) (Ibn Qudamah, 1994). This determination shows how the verse *وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ* (and on such heirs as well) is limited to a more specific interpretation of the "tree of nasab".

For the second category, they state: كل موروث سوى من ذكرنا، وسوى الزوج (anyone who inherits other than the one already mentioned and other than the husband) (Ibn Qudamah, 1994). This methodology shows the use of the principle of inheritance as qaid to limit the maintenance obligations of relatives, so that those that were originally muthlaq became limited to certain heirs. This approach reflects the prudence of the Hanbali School in balancing one's social obligations and practical abilities.

Implementation in the Context of Indonesian Family Law

The implementation of the muthlaq-muqayyad rule in Indonesian family law, especially through the Compilation of Islamic Law (KHI), reflects a strategic effort to achieve a balance between classical Islamic principles and the demands of contemporary socio-economic realities. This approach demonstrates how the modern legal system can adopt traditional fiqh methodologies without losing its relevance in the contemporary context.

Article 80 of the KHI embodies the application of the principle of muthlaq by mandating the obligation of the husband to take care of his wife absolutely, without being associated with the condition of the wife's obedience. This provision reflects the direct implementation of Qur'anic principles that emphasize the obligation of alimony as the fundamental responsibility of the husband (Rinaldo, 2019; Jahar, 2019). This formulation recognizes the universality of alimony obligations as a wife's basic right that cannot be compromised by situational factors.

On the other hand, Article 81 of the KHI introduces the aspect of muqayyad by stipulating specific conditions in the obligation to provide housing, especially during the iddah period. This restriction shows recognition of the complexity of the marital situation and the need for flexibility in the application of the law (Jahar, 2019). This muqayyad approach allows adaptation to various scenarios that may arise in household dynamics.

The application of the rule of muthlaq-muqayyad in judicial practice shows high sophistication. Religious Court rulings, including those issued by the South Jakarta Religious Court, show how judges integrate various contextual factors, such as the economic capacity of husbands, the real needs of wives and children, and regional socio-economic conditions in determining alimony (Alfitri, 2020). This approach reflects the operationalization of the ma'ruf principle which is the bridge between the universality of nash and the particularity of the situation.

The process of sharia bureaucratization in Indonesia, as analyzed by Jahar, represents a systematic effort to modernize and formalize Islamic law within the institutional framework of the state. This initiative aims to create legal certainty and ensure distributive justice while still

accommodating the evolving socio-economic dynamics (Jahar, 2019). This formalization marked the transformation from a legal system based on oral tradition to a structured codification.

However, this process of formalization of Islamic law has triggered a critical discourse on its implications for the construction of gender roles and the protection of women's rights. Critics argue that certain formalizations have the potential to perpetuate traditional gender stereotypes and, under certain conditions, can be a contributing factor to domestic violence (Alfitri, 2020; Fanani, 2017). This criticism underscores the importance of vigilance in implementation to ensure that legal formalization does not turn into an instrument of oppression.

The interaction between Islamic law, customary systems, and state regulations creates an increasingly complex legal landscape. The case of Aceh is a paradigmatic illustration where customary law is integrated with the practice of Islamic law, especially in the domain of inheritance, demonstrating the flexibility and adaptive capacity of Islamic law in accommodating local wisdom (Ilyas et al., 2023). This phenomenon shows that the rule of *muthlaq-muqayyad* operates not only at the textual-doctrinal level, but also in the socio-cultural dimension.

This pluralistic legal environment demands sophisticated navigational abilities from individuals, especially women, who must choose between the various legal frameworks available to address marriage and family issues (Jumarim et al., 2024). This situation creates agency space for women to optimize legal protection, but at the same time poses challenges in terms of accessibility and understanding of the complexity of existing legal options.

Overall, the implementation of the *muthlaq-muqayyad* rule in Indonesian family law illustrates the complex dialectical interplay between religious doctrine, state legislation, and socio-cultural dynamics. This phenomenon highlights both challenges and opportunities in the effort to realize a balanced and just legal system, which is able to respond to the needs of contemporary society without sacrificing the authenticity of the Islamic legal tradition.

CONCLUSION

This research produced three important findings related to the implementation of the rules of *muthlaq* and *muqayyad* in determining family maintenance. First, the *nash-nash* of the Qur'an and Hadith on family maintenance use a combination of *muthlaq* and *muqayyad* words which provide flexibility as well as limitations in setting maintenance standards. The utterance of *muthlaq* provides a wide range of interpretations, while the restriction of *muqayyad* ensures that the maintenance is provided in accordance with the principles of justice and ability. Second, scholars from various schools apply the rules of *muthlaq-muqayyad* with a varied approach but still maintain the principles of justice and family welfare. The Hanafi school emphasizes contextual flexibility based on *'urf*, the Shafi'i school focuses on standardizing basic needs through *qiyas*, the Maliki school prioritizes the balance of social status through *maslahah*, and the Hanbali school prioritizes

proportionality based on economic ability. Third, the implementation of this rule in the context of Indonesian family law, as reflected in the KHI and religious court rulings, provides a strong foundation for the determination of fair and proportionate maintenance.

The contribution of this research to science lies in the development of the methodology of nash analysis in Islamic family law through the systematic application of the rules of ushul fiqh. This research provides a theoretical framework that can be applied to analyze other contemporary family law issues, while also bridging the gap between classical fiqh theory and modern legal practice. The findings of this study also show that the methodology of ushul fiqh has high flexibility and adaptability to respond to contemporary socio-economic dynamics without sacrificing the authenticity of the principles of Islamic law.

The limitation of this study lies in the limited focus of the study on the aspect of family maintenance, so that the results of the study cannot be generalized to all aspects of Islamic family law. In addition, the analysis of implementation in the Indonesian context still requires a more in-depth empirical study of the practice of religious courts in various regions. Further research is suggested to examine the implementation of the muthlaq-muqayyad rule in other aspects of family law such as child custody (hadhanah), inheritance distribution, and dowry determination. Empirical research on the application of this rule in religious court decisions in various regions of Indonesia will also provide a more comprehensive picture of the operationalization of the ushul fiqh methodology in the modern judicial system.

REFERENCES

- Abū Dāwūd, S. ibn al-Ash'ath al-Sijistānī. (2009). Sunan Abī Dāwūd. Dār al-Risālah al-'Ālamiyyah.
- Abu-Odeh, L. (2004). LYNN WELCHMAN, Melampaui Kode: Hukum Keluarga Muslim dan Peradilan Syariah di Tepi Barat Palestina (Den Haag: Kluwer Law International, 2000). hlm. 444. \$160,00 kain. Jurnal Internasional Studi Timur Tengah, 36 (3), 506-507. 10.1017/S0020743804443074
- Ahmad, B. (2019). Penentuan Kifayah adna sebagai Jaminan Nafkah Isteri di dalam Islam: Kajian kes di Lembah Klang, Malaysia (Determining the Minimum Levels of Sufficiency (Kifayah adna) as Wife Guaranteed Maintenance in Islam: The Case Study of Klang Valley Malaysia) University of Malaya. Vol. 6, Iss: 2, pp 111-126
- Al Kubaisi, A. A. S. H. (2023). Scientific Tolerance in Light of the Sunnah and Its Applications Across Civilizations. 10.24204/ejpr.2023.4111
- Al-Āmidī, A. (1999). Al-Iḥkām fī Uṣūl al-Aḥkām. Al-Maktab al-Islāmī.
- Al-Baghawī, A. M. al-Ḥ. ibn M. (1420 H/1999 M). Ma'ālim al-Tanzīl fī Tafsīr al-Qur'ān. Dār Iḥyā' al-Turāth al-'Arabī.
- Alfitri. (2020). Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia. Studia Islamika, 27(2), 273-307. <https://doi.org/10.36712/sdi.v27i2.9408>
- Al-Kurānī, A. (2008). Al-Durar al-Lawāmi' fī Syarḥ Jam' al-Jawāmi'. Al-Jāmi'ah al-Islāmiyyah.

- Al-Maqdisī, 'A. al-R. ibn I. ibn A. (1424 H/2003 M). al-'Uddah Sharḥ al-'Umdah. Dār al-Ḥadīth.
- Al-Qurṭubī, A. ibn 'U. ibn I. (1996). Al-Mufhim limā Ushkila min Talkhīṣ Kitāb Muslim. Dār Ibn Kathīr & Dār al-Kalim al-Ṭayyib.
- Al-Ramli, S. A. A. A. H. (2009). Fath al-Rahman bi Syarḥ Zubd Ibn Raslan (1st ed.). Dar al-Minhaj.
- Al-Rāzī, F. al-D. M. ibn 'U. (1997). Al-Maḥṣūl ('T. J. F. al-'Alwānī, Ed.; 3rd ed.). Mu'assasat al-Risālah.
- Al-Ṣan'ānī, M. ibn I. al-Amīr. (n.d.). Subul al-Salām. Dār al-Ḥadīth.
- Al-Ṭabarī, M. ibn J. ibn Y. ibn K. ibn Gh. al-Āmilī, A. J. (2001). Tafsīr al-Ṭabarī = Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān (A. ibn A. al-M. al-Turkī, Ed.; 1st ed.). Dār Hajar li al-Ṭibā'ah wa al-Nashr wa al-Tawzī' wa al-I'lān.
- Al-Tilmisānī, I. (1999). Syarḥ al-Ma'ālim fī Uṣūl al-Fiqh. 'Ālam al-Kutub li al-Ṭibā'ah wa al-Nasyr wa al-Tawzī'.
- Al-Wāḥidī, A. al-Ḥ. A. ibn A. ibn M. ibn A. al-Naysābūrī, al-Shāfi'ī. (1994). Al-Wasīṭ fī Tafsīr al-Qur'ān al-Majīd. Dār al-Kutub al-'Ilmiyyah.
- Benkheira, H. (2022). Joseph Schacht et l'histoire du Fiqh: de la «pratique umayyade» à la «jurisprudence muḥammadienne». *Studia Islamica*, 118(2), 170-190. 10.1093/jis/etac024
- Bilginer, Y. (2023). Güncel Tartışmalarla Yoksulluk Nafakası ile İslâm Aile Hukukundaki Bâin Talâk Nafakasının Mukayesesi. *Pamukkale Üniversitesi İlahiyat Fakültesi Dergisi*, 10(2), 504-528. 10.17859/pauifd.1365033
- Brown, J. A. (2011). Is the devil in the details? Tension between minimalism and comprehensiveness in the Shariah. *Journal of Religious Ethics*, 39(3), 458-472. 10.1111/J.1467-9795.2011.00489.X
- Bustami, K. (2021). Penerapan Mashlahah Al-Mursalah Dalam Kitab Ahwâl Al-Syakhsiyyah Karya Muhammad Abû Zahrah. *Jurnal Al-Mizan*, 8(2), 170-197. 10.54621/jiam.v8i2.148
- Coppens, P. (2022). Tafsir Studies and the Conundrum of Normativity. *Journal of Muslims in Europe*, 11(1), 36-51. 10.1163/22117954-bja10041
- Fanani, A. F. (2017). The implementation of sharia bylaws and its negative social outcome for Indonesian women. *Indonesian Journal of Islam and Muslim Societies*, 7(2), 153-174.
- Fauzi, M. L. (2022). Changing Trends In The Study Of Sharia In Indonesia: An Account on Relevant Bibliographies. *Journal of indonesian islam*, 16(2), 511-533. 10.15642/jiis.2022.16.2.511-533

- Ibn al-Humām, Kamāl al-Dīn Muḥammad ibn 'Abd al-Wāḥid al-Sīwāsī. (n.d.). *Fatḥ al-Qadīr*. Dār al-Fikr.
- Ibn al-Mulqīn, S. A. H. U. A. A. (2001). *'Ajalat al-Muhtaj ila Tawjih al-Minhaj*. Dar al-Kitab.
- Ibn Qadī Syuhbah, B. A. F. M. A. B. (2011). *Bidayat al-Muhtaj fi Syarh al-Minhaj* (1st ed.). Dar al-Minhaj.
- Ibn Qudāmah al-Maqdisī, A. M. M. al-D. 'A. ibn A. ibn M. (1414 H/1994 M). *al-Kāfi fi Fiqh al-Imām Aḥmad*. Dār al-Kutub al-'Ilmiyyah.
- Ibn Qudāmah. (2002). *Rawḍah al-Nāẓir wa Jannah al-Munāẓir fi Uṣūl al-Fiqh 'alā Madhhab al-Imām Aḥmad ibn Ḥanbal* (2nd ed.). Mu'assasat al-Rayyān li al-Ṭibā'ah wa al-Nasyr wa al-Tawzī'.
- Ilyas, I., Muhsin, I., & Huda, M. C. (2023). The interplay of Fiqh, Adat, and state marriage law: shaping legal consciousness of Sasak women. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 27-52.
- Jahar, A. S. (2019). Bureaucratizing sharia in modern Indonesia: The case of zakat, waqf and family law. *Studia Islamika*, 26(2), 207-245. <https://doi.org/10.15408/SDI.V26I2.7797>
- Jumarim, Muhsin, I., & Huda, M. C. (2024). The interplay of Fiqh, Adat, and state marriage law: shaping legal consciousness of Sasak women. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 27-52. 10.19105/al-lhkam.v19i1.10522
- Kurnaz, S. (2023). The Search for Originality within Established Boundaries—Rereading Najm al-Dīn al-Ṭūfī (d. 716/1316) on Public Interest (maṣlaḥa) and the Purpose of the Law. *Religions*, 14(12), 1522. 10.3390/rel14121522
- Mostfa, A. (2024). Redefining Qur'anic Hermeneutics: Muhammad'Abid al-Jabri and Nasr Hamid Abu Zayd's Humanistic Interpretations. *RELIGIONS*, 15(3). 10.3390/rel15030278
- Muslim, M. ibn al-Ḥ. (n.d.). *Ṣaḥīḥ Muslim* (M. F. 'Abd al-Bāqī, Ed.). Dār Ihya' al-Turāth al-'Arabī. (Karya asli diterbitkan tahun 261 H/875 M)
- Nobahar, R. (2024). Contextualism in Ayatollāh Borūjerdī's Jurisprudential Methodology. *Critical Research on Religion*, 12(1), 61-78. 10.1177/20503032241226973
- Noor, U. M., & Usman, A. H. (2023). Al-Bantānī and the Interpretation of Ṣifāt verses in Marāḥ Labīd. *HTS Teologiese Studies/Theological Studies*, 79(2). 10.4102/hts.v79i2.7661
- Rafli, M., Zaen, F. M., & Sya'Bana, B. A. (2023). Perjanjian Pasca-Nikah (Postnuptial Agreement) Dalam Konteks Maqashid Al-Syari'ah: Analisis Pandangan Al-Syatibi. *Legitima: Jurnal Hukum Keluarga Islam*, 5(2), 363-374. 10.33367/legitima.v5i2.4121

- Rinaldo, R. (2019). Obedience and authority among muslim couples: Negotiating gendered religious scripts in contemporary Indonesia. *Sociology of Religion*, 80(3), 323-349. <https://doi.org/10.1093/SOCREL/SRY045>
- Scharbrodt, O. (2022). Recasting Islamic Law: Religion and the Nation State in Egyptian Constitution Making By Rachel M. Scott. 10.1093/jis/etac024
- Setyawati, MB, Parsons, AJ, Laing, B., Lynch, A., Habiburahman, IL, & Izza, FN (2024). Pengasuhan keluarga; Analisis konsep Rogerian dari perspektif Muslim & sumber-sumber Islam. *Heliyon* , 10 (3). 10.1016/j.heliyon.2024.e25415
- Yakar, F. (2022). Dergüzînî Hasan Rıza ve Mecelle'ye Tetimme Mahiyetindeki Eseri. *Tasavvur Tekirdağ İlahiyat Dergisi*, 8(1), 351-385. 10.47424/tasavvur.1091323