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Financial Considerations in Spouse Selection: Women's Rights, Materialism Stigma, and the Reconstruction of *Kafā'ah Māl*

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Abstract

Financial considerations in spouse selection remain a contested issue in contemporary Islamic family law. Muslim women who prioritize economic stability are frequently stigmatized as materialistic, despite the classical concept of *kafā'ah* recognizing financial capacity as a legitimate component of marital compatibility. Existing scholarship has not adequately integrated women's normative right to financial considerations with the stigma attached to it, particularly through the combined frameworks of *maqāṣid al-sharī'ah* and *mubādalah*. This study analyzes the legal status of financial considerations in spouse selection, their relationship with women's autonomy and stigma, and the reconstruction of *kafā'ah māl* through these frameworks. Employing a normative-doctrinal method with comparative and analytical dimensions, data were drawn from the Qur'an, authenticated hadith, classical texts of the four Sunni schools, Indonesian legislation, and contemporary scholarship, analyzed through content analysis and *maqāṣid*-based interpretive reasoning. The findings show that all four Sunni schools acknowledge financial capacity as a legitimate *kafā'ah* criterion, but historically reserve the authority to invoke it for the male guardian (*walī*). Applying *mubādalah*'s principle of equal and reciprocal relations between men and women reframes this authority as belonging equally to women, entitling them to evaluate a prospective husband's financial capacity rather than only being assessed themselves, while *maqāṣid al-sharī'ah* grounds this entitlement in the preservation of life (*ḥifẓ al-nafs*) and progeny (*ḥifẓ al-nasl*). The study concludes that such considerations do not constitute materialistic conduct contrary to Islamic teachings, but a normatively grounded right warranting recognition in a gender-just reform of Indonesia's Compilation of Islamic Law (KHI).

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Introduction

The choice of a life partner constitutes one of the most fundamental decisions an individual makes, and in Muslim societies this decision is never entirely free of normative religious considerations, social pressures, or the economic context in which it is embedded. Amid accelerating social transformation, financial considerations in spouse selection have become an increasingly prominent issue, particularly among millennial and Generation Z Muslim women who actively treat economic stability as one of their selection criteria (Syed Musa & Freddie Mail, 2024). This phenomenon generates significant normative tension: on the one hand, financial consideration may be understood as an expression of rationality and prudence in building a harmonious family; on the other, women who openly articulate economic criteria are frequently labeled as materialistic and regarded as deviating from Islamic values that emphasize spirituality as the primary purpose of marriage (Rinaldo & Fehr, 2025).

The urgency of this inquiry is further underscored by empirical data demonstrating that economic factors bear a strong correlation with marital disharmony and elevated divorce rates across predominantly Muslim countries, including Indonesia. Research indicates that financial imbalances between spouses — whether manifested as the husband's inability to fulfill the obligation of nafqah or as the absence of clear agreement on household financial management — constitute one of the primary triggers of marital conflict (Na'mah & Rachmatulloh, 2024). Within this context, women's financial prudence in selecting a spouse cannot be reduced to mere materialistic orientation; it may equally be understood as a preventive measure consonant with the objectives of marriage in Islam, namely the establishment of a household characterized by sakinah, mawaddah, wa rahmah. Economic stability is not a luxury, but an increasingly indispensable precondition for the sustainability of a prosperous and functional family (Na'mah & Rachmatulloh, 2024).

Islamic family law, through the concept of *kafā'ah* — compatibility or equivalence between spouses — has long recognized the financial dimension as a relevant factor in assessing marital suitability. Jurists (*fuqahā'*) across the four main Sunni schools, while differing on the relative weight assigned to each component of *kafā'ah*, broadly agree that the financial capacity of the prospective husband (*kafā'ah māl*) constitutes a legitimate consideration (Adha & Siregar, 2025). What is problematic, however, is that the right to invoke *kafā'ah* has historically been dominated by the male guardian (*walī*) rather than by the woman herself. As a consequence, when women independently assert financial preferences, this is frequently perceived negatively — in both social discourse and, to a considerable extent, in jurisprudential interpretations that afford insufficient space to female agency (Sulaiman, 2023).

The tension between women's rights in determining spousal criteria and the accusation of materialism directed at them reflects a deeper structural problem within Islamic family law: to what extent are women recognized as legal subjects possessing autonomy in making matrimonial decisions, including those of a financial nature? This problem bears directly on the principles of *maqāṣid al-sharī'ah*, particularly the preservation of life (*hifẓ al-nafs*) and progeny (*hifẓ al-nasl*), both of which presuppose material stability as a necessary condition. Normative reconstruction grounded in maqāṣid and in the *mubādalah* approach — which emphasizes equal and reciprocal relations between men and women in the reading of jurisprudential texts — becomes relevant for closing the interpretive gap that has historically constrained women's agency in the process of spouse selection (Muttaqin et al., 2026).

Existing scholarship has not adequately integrated three interrelated dimensions: the normative right of Muslim women to financial considerations in spouse selection, the social stigma that accompanies such considerations, and the Islamic legal framework capable of responding to this tension in a coherent manner. This gap may be mapped onto three main tendencies. First, studies focused on *kafā'ah* tend to analyze the concept from the vantage point of classical jurisprudence without adequately integrating dimensions of female agency and gender justice (Kherdmand, 2025; Kursin et al., 2024; Putra, Zulfialina, et al., 2025). Such studies are significant in documenting the jurisprudential tradition but are limited in their capacity to respond to contemporary social realities in which women are no longer passive objects in the spouse selection process. Second, studies on women's financial rights in Islamic marriage generally concentrate on nafqah, mahr, and marital property rather than on women's right to apply financial criteria during the pre-matrimonial phase (Özdemir, 2022; Rahmi, Jayusman, Efrinaldi, et al., 2025). The specific dimension of financial autonomy in spouse selection — which is in fact a critical dimension in gender justice discourse — escapes analysis. Third, studies examining spouse selection from a gender perspective frequently arrest their inquiry at the analysis of consent and women's veto rights (Aziz et al., 2025a; Hemat & Sekandary, 2022). without further pursuing the financial consideration dimension embedded in *kafā'ah* and its implications for women's autonomy. Across these three tendencies, the gap that requires filling is clear: how financial considerations in spouse selection may be normatively constructed as a legitimate right of women within Islamic family law, rather than being dismissed as reprehensible materialism.

The aim of this article is to fill this gap by presenting an analysis that integrates classical jurisprudence, contemporary family law reform, and the frameworks of *maqāṣid al-sharī'ah* and *mubādalah*. To this end, three research questions are formulated: (1) How does Islamic family law — both in the classical jurisprudential tradition and in Indonesian positive law — position women's financial considerations in

spouse selection? (2) Why are women's financial considerations in spouse selection frequently labeled as materialism, and can this accusation be normatively justified within Islam? (3) How can the reconstruction of *kafā'ah māl* within the frameworks of *maqāṣid al-sharī'ah* and *mubādalah* serve as a foundation for affirming women's right to financial considerations in spouse selection? The answers to these three questions are expected to make a theoretical contribution to the development of a more gender-just Islamic family law, while simultaneously offering a robust normative basis for interpretive renewal of the Compilation of Islamic Law (KHI) in the Indonesian context.

This study proceeds from the argument that women's financial considerations in spouse selection are not merely permitted but may be constructed as a protected right within Islamic family law, provided such considerations originate from the motivation to build a stable and equitable family rather than from an orientation toward material accumulation alone. This argument rests on three normative pillars: (1) the legitimacy of *kafā'ah māl* within the classical jurisprudential tradition, which has long recognized the financial dimension as a valid component of marital compatibility; (2) the principles of *maqāṣid al-sharī'ah*, which place the preservation of life and progeny as the highest objectives of marriage, presupposing material stability; and (3) the *mubādalah* approach, which legitimizes women as active subjects in reading and implementing rights that have historically been monopolized by patriarchal interpretation. The stigma of materialism attached to women who consider financial aspects in spouse selection is, accordingly, a social construction that lacks any firm normative foundation in Islam.

Methods

This study employs a normative-doctrinal legal research approach with comparative and analytical dimensions. This approach is selected because the primary object of inquiry is the legal norms embedded in authoritative sources of Islamic family law — both primary texts (the Qur'an and hadith) and secondary texts (classical jurisprudential works and positive law regulations) — as well as the logical and hierarchical relationships among these norms. In the context of Islamic family law, the normative approach is particularly appropriate given that concepts such as kafā'ah, nafqah, and mahr are doctrinal in nature, with interpretive variations across legal schools that must be systematically identified and analyzed. The comparative dimension is applied by juxtaposing the positions of the four main Sunni schools of law (Hanafi, Maliki, Shafi'i, and Hanbali) on kafā'ah māl, and by comparing Indonesian positive law — particularly the Compilation of Islamic Law (KHI) — with developments in family law reform in other Muslim-majority countries.

The data sources of this study fall into two categories. Primary sources include the Qur'an, authenticated hadith pertaining to spouse selection and kafā'ah criteria, and classical jurisprudential texts from the four legal schools. Relevant positive law

instruments, including Law No. 1 of 1974 on Marriage and Presidential Instruction No. 1 of 1991 on the KHI, also constitute primary sources within the national legal context. Secondary sources consist of peer-reviewed academic journal articles from both international and national publications, with a publication timeframe of 2018–2026 to ensure the contemporary relevance of the inquiry. Article selection was based on topical relevance, methodological quality, and substantive contribution to discourse on kafā'ah, women's financial rights, and Islamic family law reform.

Data analysis was conducted through two synergistically applied methods. First, content analysis of normative texts — both classical and contemporary — to identify doctrinal positions on kafā'ah māl and women's financial rights in spouse selection. Second, interpretive analysis grounded in maqāṣid al-sharī'ah as a meta-normative framework that enables critical evaluation of existing jurisprudential interpretations and the formulation of a more gender-just normative reconstruction. The *mubādalah* approach is employed as a complementary framework for re-reading texts that have historically been interpreted unilaterally, in order to validate women's agency in the context of spouse selection. The synthesis of these two analytical methods generates a normative argument inductively constructed from the classical jurisprudential tradition toward a reconstruction of contemporary Islamic family law that is responsive to the needs of modern Muslim women.

Results and Discussion

Kafā'ah Māl in the Classical Jurisprudential Tradition: The Historical Legitimacy of Financial Considerations

The concept of *kafā'ah* — which literally signifies compatibility or equivalence between spouses — is one of the most richly debated institutions in the classical jurisprudence of marriage. Jurists (*fuqahā'*) of the four main Sunni schools broadly agree that kafā'ah constitutes a legitimate consideration in marriage, though they diverge on the components it encompasses and the extent to which it conditions the validity of the contract. Particularly relevant to this inquiry is *kafā'ah māl* — the financial dimension of spousal compatibility — which has been an acknowledged, though not invariably prioritized, element within the classical jurisprudential tradition (Adha & Siregar, 2025).

The Hanafi school recognizes *kafā'ah māl* as one of six components of *kafā'ah*, alongside nasab (lineage), religion, freedom, profession, and health. In the Hanafi view, the financial capacity of the prospective husband — at minimum, the ability to pay the mahr and provide nafqah — is a requirement that must be met for the marriage to be considered compatible (Al-Kāsānī, 1986). Notably, the Hanafi school vests the guardian (*walī*) with the right to reject a marriage deemed financially incompatible, thereby implicitly recognizing the financial dimension as an interest warranting legal protection (Hemat & Sekandary, 2022). The Maliki school adopts a more restricted approach,

generally recognizing only religion and freedom from defect (*'aib*) as relevant components of *kafā'ah* (Al-Dardīr, 1978). In practice, however, socioeconomic considerations continue to shape matrimonial decisions in communities adhering to the Maliki tradition (Kusrin et al., 2024).

The Shafi'i school developed a relatively detailed concept of *kafā'ah* by including lineage (*nasab*), religion, freedom, profession, and freedom from defects as indicators of marital compatibility. Unlike the Hanafi school, the majority of Shafi'i jurists do not regard wealth (*al-māl*) as an independent element of *kafā'ah*. Nevertheless, the prospective husband's financial capability remains a relevant consideration, particularly with regard to fulfilling his obligations to provide the dower (mahr) and maintenance (*nafaqah*) (Al-Nawawī, 1991). Therefore, within the Shafi'i school, *kafā'ah māl* may be understood as a supporting factor rather than a primary determinant of marital compatibility (Kusrin et al., 2024). The Hanbali school, on the other hand, gives more explicit attention to the financial dimension, with some Hanbali scholars treating the ability to pay the dower (*mahr*) and provide maintenance (*nafaqah*) as an independent component of *kafā'ah* (Al-Mardāwī, 1995).

This inter-school variation does not weaken but rather confirms that financial consideration in spouse selection rests upon a solid normative foundation within the Islamic jurisprudential tradition. What requires critical scrutiny, however, is that throughout the classical jurisprudential discourse on *kafā'ah*, the subject entitled to assess and determine compatibility is the walī — almost invariably male — rather than the woman herself. This reflects the epistemic structure that dominates classical jurisprudence, in which women are treated more as objects of protection than as autonomous legal subjects (Putra, Zufialina, et al., 2025). In the contemporary context, the *walī*'s dominance over the assessment of *kafā'ah* — including *kafā'ah māl* — can no longer be accepted as a self-evident norm, particularly as women's right to free and full consent in marriage gains increasing recognition in both Islamic law and international law (Mehmood & Saeed, 2023).

Comparative studies indicate that a reinterpretation of *kafā'ah māl* that confers greater agency upon women in determining financial criteria for spouse selection is currently underway across various national and academic contexts. In Indonesia, research on *kafā'ah* in contemporary marriage practice finds that the financial dimension is increasingly being considered explicitly by prospective spouses — both men and women — even though the normative discourse on this matter remains relatively underdeveloped (Mukhlisin et al., 2024). In Malaysia, public understanding of *kafā'ah* — including *kafā'ah māl* — demonstrates a high level of awareness, indicating the continuing relevance of the concept in the contemporary Muslim context (Kusrin et al., 2024).

Women's Financial Rights in Islamic Family Law and Indonesian Regulations

Islamic family law establishes a range of financial rights for women that function as an economic safety net within the institution of marriage. These rights include mahr (a mandatory gift from the husband to the wife), *nafqah* (the husband's obligation to provide for the wife and children), and mut'ah (a post-divorce provision). In Indonesian law, the concept of joint marital property (harta bersama or gono-gini) additionally entitles the wife to half of the assets acquired during the marriage (Sulistiani, 2020). This framework of financial rights reveals that Islam in fact harbors a deep concern for the economic protection of women — a fact frequently overlooked in discourses that position Islam as a system indifferent to women's financial interests.

There exists, however, a fundamental inconsistency in the manner in which Islamic family law — including its implementation in Indonesia through the KHI — treats women's financial rights in the pre-matrimonial phase compared with the post-matrimonial phase. During marriage and in its aftermath, women's financial rights are recognized and regulated in relative detail. *Nafqah*, for instance, is a legally guaranteed obligation of the husband, and the failure to fulfill it may constitute grounds for a divorce petition (Rahmi, Jayusman, Azizah, et al., 2025). In the post-divorce context, the concepts of *nafqah* 'iddah and *nafqah mut'ah* similarly provide minimal financial protection for divorced women (Aziz et al., 2024). In stark contrast, in the pre-matrimonial phase, women's right to actively and independently consider the financial aspects of a prospective spouse receives no comparable normative recognition in either jurisprudence or applicable regulations.

In Indonesia, Article 61 of the KHI includes a prohibition on marriage on grounds of lineage disparity, without any parallel recognition of women's right to financial considerations in spouse selection. This reflects a significant normative gap: while classical jurisprudence at least discusses *kafā'ah māl* — even within a walī-centric framework — the KHI as a codification of positive law proves even more limited in accommodating the financial dimension of *kafā'ah*. Research on the legal dynamics of financial responsibility in Indonesian marriages demonstrates that this normative ambiguity has tangible consequences for women's position in pre-matrimonial negotiations and in the resolution of marital disputes (Rahmi, Jayusman, Azizah, et al., 2025). Family law reforms in various Muslim-majority states — such as the Saudi Arabian reforms that have expanded women's matrimonial autonomy — provide important precedents for Indonesia to undertake comparable reform (Shiddieqy et al., 2025).

From a comparative Islamic law perspective, countries with *Shari'a*-based family law systems exhibit significant variation in the recognition of women's financial rights. Iran and Egypt, for instance, contain provisions on the financial independence of wives that bear upon their rights within marriage (Sarmadi et al., 2022). Studies on financial

systems for multinational families from a *Shari'a* perspective also reveal the complexity of matrimonial financial arrangements that extend well beyond the traditional *nafqah* scheme (Hadiri, 2018). Across all these contexts, however, women's financial considerations in the spouse selection phase — as an expression of autonomy and prudence — remain a domain that has yet to receive explicit and adequate normative legitimation.

The Stigma of Materialism: Social Construction and Islamic Norms

The accusation of materialism directed at women who consider financial aspects in spouse selection warrants critical examination: does this accusation rest on a firm normative foundation in Islam, or is it a sociocultural construction that borrows religious authority? To address this question, a distinction must be drawn between two phenomenologically distinct orientations: first, a purely materialistic orientation that treats wealth as the ultimate end of marriage, independent of its spiritual and familial objectives; and second, financial prudence that treats economic stability as a functional prerequisite for the realization of a family characterized by *sakinah, mawaddah, wa rahmah*. Islam explicitly critiques the former, but does not prohibit — and within certain limits, actually encourages — the latter.

The hadith of the Prophet Muhammad (peace be upon him) most frequently cited in the context of spouse selection states: 'A woman is married for four reasons: her wealth, her lineage, her beauty, and her religion. Choose the one with religion, and you will prosper' (narrated by al-Bukhari and Muslim). This hadith is often interpreted selectively to support the argument that religion is the sole Islamically valid criterion, and that considering other factors — including wealth — is a sign of weak faith. Such an interpretation, however, overlooks two important facts: first, the hadith itself textually acknowledges that wealth, lineage, and beauty are factual considerations in spouse selection — religion is simply prioritized, not made the exclusive criterion; second, the hadith is framed with women as the object of selection, while in the contemporary discourse on female autonomy, women are also selecting subjects (Nashrun & Jauhari, 2019).

Contemporary research in the sociology of Muslim marriage demonstrates that financial considerations in spouse selection constitute a universal phenomenon not unique to Muslim women. Studies on marriage and divorce in Islamic law from a sociological perspective consistently identify economic factors as one of the primary determinants of marital stability (Ismail et al., 2025). These findings must be read within a broader context: if economic factors demonstrably affect the success of a marriage, then considering such factors prior to marriage is not only rational but constitutes a form of responsibility toward the institution of marriage itself. Framing women who exercise

such financial prudence as 'materialistic' reflects a double standard rooted in gendered expectations that place women in a more passive, less demanding position.

Studies on the determinants of mahr value in Indonesian Muslim communities offer a revealing perspective: mahr values prove to correlate with socioeconomic factors such as the educational level and social status of the prospective spouse, indicating that financial considerations are in fact embedded in the institution of Islamic marriage itself — not as a deviation but as an intrinsic component (Friantoro & Susamto, 2021). Put differently, the accusation of materialism directed at women who consider financial aspects contains an internal inconsistency: the institution of Islamic marriage itself presupposes financial calculation through mahr and nafqah, yet women who engage in analogous calculation in the pre-matrimonial selection phase are criticized for doing so. This inconsistency can only be understood as a product of gender inequality in the application of socio-religious norms.

In the context of actors and norms in Islamic marriage, communal pressures — particularly from family and community — frequently play a more dominant role than the individual woman's own will (Fauzi, 2019). In communal environments that idealize female compliance, the explicit articulation of financial preferences is perceived as a violation of the 'ideal' Muslim femininity norm — a woman who is submissive and undemanding. This perception obscures the fact that in Islamic jurisprudence, a woman possesses the right to give free matrimonial consent (*ijāb-qabūl*), and that, logically, meaningful consent presupposes the capacity to evaluate a prospective partner on the basis of criteria deemed important by the woman herself — including financial criteria (Putri Nerisma, 2024).

Reconstructing *Kafā'ah Māl* within the Frameworks of *Maqāṣid al-Sharī'ah* and *Mubādalah*

Maqāṣid al-sharī'ah — classically formulated by al-Ghazālī and al-Shāṭibī as the protection of religion (*hifẓ al-dīn*), life (*hifẓ al-nafs*), intellect (*hifẓ al-'aql*), progeny (*hifẓ al-nasl*), and property (*hifẓ al-māl*) — provides an evaluative framework that transcends particular legal rulings to assess the conformity of any practice or norm with the universal objectives of Islam (Mukhtaramin et al., 2023). From the *maqāṣid* perspective, marriage is not merely a formal contract between two individuals; it is an institution designed to realize maslahah encompassing spiritual, social, and — significant for this inquiry — material dimensions. The preservation of progeny (*hifẓ al-nasl*) cannot be separated from the protection of the material conditions that enable the proper upbringing of children. Equally, the preservation of life (*hifẓ al-nafs*) presupposes adequate conditions of living, which are inconceivable without a minimum of financial stability.

The reconstruction of *kafā'ah māl* grounded in *maqāṣid* generates a normative proposition stronger than the traditional recognition: financial considerations in spouse selection are not merely permitted but may be understood as the implementation of a moral-normative obligation to actualize the objectives of marriage as mandated by Islamic law. If financial stability is a precondition for the realization of a sakinah family — which is the explicit goal of marriage as stated in the Qur'an (Q.S. Ar-Rum: 21) — then financial prudence in selecting a spouse is an action consonant with Islamic values, not contrary to them. Scholarship on family harmony in contemporary Islamic law from the maqāṣid perspective of Ibn 'Āshūr reinforces this argument, demonstrating that spousal rights and obligations cannot be separated from the material conditions that make their fulfillment possible (Muttaqin et al., 2026).

The *mubādalah* approach, developed by Faqihuddin Abdul Kodir as a methodology for reading Islamic texts on the basis of the principles of mutuality and equality, makes a highly relevant contribution to this reconstruction. *Mubādalah* departs from the premise that Qur'anic and hadith texts addressing men in principle also apply to women, and vice versa — unless a specific text differentiates between them (Kodir, 2019). In the context of *kafā'ah*, the *mubādalah* principle signifies that the right to consider financial compatibility cannot be the exclusive prerogative of the male walī; women equally possess the right to evaluate a prospective partner on the basis of his financial capacity (Septiani et al., 2026). The reconstruction of the mahr concept through the mubādalah framework undertaken by Muin et al. (2025) provides a methodological precedent directly applicable to the reconstruction of *kafā'ah māl* in the context of spouse selection (Muin et al., 2025).

The concrete application of this *maqāṣid*- and *mubādalah*-based reconstruction is discernible in several normative implications. First, Muslim women are entitled — and in some contexts morally obligated — to consider the financial capacity of a prospective husband as part of pre-matrimonial due diligence. This is not a materialistic act but an expression of responsibility toward the welfare of oneself and one's progeny. Second, reluctance to consider financial aspects in order to preserve an image of non-materialism may itself be regarded as negligence toward the obligation to safeguard family welfare. Third, the assessment of *kafā'ah māl* must be conducted within an equitable framework by both prospective spouses — not unilaterally by the walī or the prospective husband — as an expression of free and informed consent (Wahab, 2025).

In the context of the equal rights and obligations of spouses as regulated in the KHI and the Marriage Law, this reconstruction also bears implications for regulatory reform. Analysis of spousal rights and obligations in the KHI from a gender equality perspective demonstrates that, while the document represents an advance on conventional jurisprudential tradition, it retains imbalances that require correction through amendment or judicial ijtihad (Meidina et al., 2023). One corridor that requires

expansion is the explicit recognition of women's right to establish and apply *kafā'ah* criteria — including *kafā'ah māl* — in the spouse selection process, without dependence on the mediation of a walī.

Implications for Contemporary Islamic Family Law and KHI Reform

The analysis conducted above yields several substantive implications for contemporary Islamic family law, particularly in the Indonesian context. The first implication is doctrinal: a normative reformulation is required that explicitly recognizes *kafā'ah māl* as a right of women, not merely as an instrument wielded by the *walī*. Such a reformulation does not require innovation from the ground up; it suffices to extract principles already present within the jurisprudential tradition — including women's right to free consent and their rights to *mahr* and *nafqah* — and integrate them within a framework that affords women fuller agency. Marriage in Islam is understood as a contract (*'aqd*) requiring consent (*ijāb-qabūl*) from both parties, and meaningful consent presupposes the freedom to evaluate, including in financial dimensions (Fathoni & Wanti, 2025).

The second implication is jurisprudential: religious courts in Indonesia need to develop more consistent jurisprudence on the relevance of *kafā'ah māl* in the resolution of matrimonial disputes. Studies on verstek divorce from an Islamic law perspective demonstrate that inequality of rights in legal proceedings frequently disadvantages women (Ridmajayanti et al., 2025). Similarly, research on post-divorce maintenance at the East Jakarta Religious Court indicates that financial considerations in marriage — which ought to originate in the spouse selection phase — carry legal consequences that extend to the post-divorce period (Aziz et al., 2024). By recognizing *kafā'ah māl* as a right of women more explicitly, courts can provide stronger protection for women across the full cycle of marriage.

The third implication is pedagogical: a re-education effort is required within Indonesian Muslim society so that financial considerations in spouse selection are no longer automatically equated with reprehensible materialism. Such education must emphasize the distinction between financial prudence oriented toward family welfare — which is consonant with Islamic values — and a purely materialistic orientation that treats wealth as the ultimate end of marriage. In the context of Islamic family law dynamics and social change, there exists a significant correlation between the level of societal understanding of women's rights and the practical capacity of women to exercise those rights (Ashari, 2024). An egalitarian framework for Islamic marriage also warrants promotion as an alternative to the hierarchical model of gender relations that remains dominant in popular religious discourse (Wulandari, 2022).

The fourth implication is comparative: Indonesia can draw lessons from the experience of family law reform in various Muslim-majority states that have moved further toward recognizing women's matrimonial autonomy. Studies on the integration of Islamic family law and gender equality in comparative legal scholarship demonstrate that the most successful reforms are those that integrate *maqāṣid* principles with sensitivity to the local socio-cultural context (Shiddieqy et al., 2025). A model of *kafā'ah* that confers full agency upon women — not as a repudiation of the Islamic tradition but as its more coherent elaboration — is the model most compatible with the authentic objectives of *Shari'a*. These considerations should form the basis for a reform of the KHI that explicitly recognizes women's right to autonomous financial selection in spouse choice.

The dimension of gender justice in the family likewise warrants attention in this reconstruction. Studies on the position of women in Islamic family law demonstrate that substantive change in regulation must be accompanied by change in interpretation and implementation on the part of legal officials and religious leaders (Septiani, 2025). In the context of the continuously evolving roles of Muslim women — including their increasing economic participation — the reconstruction of *kafā'ah māl* in a manner that recognizes female autonomy becomes increasingly urgent. A juridical review of the implementation of nafqah and polygamy policy in Islamic family law in Indonesia and Thailand provides a useful comparison of how different legal systems respond to analogous gender justice challenges (Jannah et al., 2025). Ultimately, this reconstruction is not solely about women's rights, but about the construction of a more just, more stable, and more authentic matrimonial institution — one more fully aligned with the universal objectives of *maqāṣid al-sharī'ah* (Mahmud, 2025).

Conclusion

This study concludes that the classical jurisprudential tradition of all four main Sunni schools acknowledges kafā'ah māl as a legitimate component of marital compatibility, yet this acknowledgment has historically been circumscribed within a walī-centered framework that excludes women's autonomous agency — a gap that Indonesian positive law through the KHI has yet to adequately address. The accusation of materialism directed at women who exercise financial considerations in spouse selection lacks normative grounding in Islam, as it conflates purely materialistic orientation with financial prudence oriented toward family welfare, the latter being fully consistent with maqāṣid al-sharī'ah objectives. The reconstruction of kafā'ah māl within maqāṣid and mubādalah frameworks generates a robust normative proposition: financial stability is a prerequisite for hifẓ al-nafs and hifẓ al-nasl, and the principle of mutuality demands that the right to apply kafā'ah criteria belongs equally to women — carrying direct implications for KHI reform, religious court jurisprudence, and public

education on women's rights in Islamic marriage. Further research is recommended to examine the empirical implementation of kafā'ah māl across diverse Indonesian Muslim communities and to explore comparative legislative models from Muslim-majority states that have more explicitly recognized women's financial autonomy in the pre-marital phase.

References

Adha, S. H., & Siregar, A. H. (2025). Dinamika kafa'ah harta: Meninjau ulang kesetaraan ekonomi dalam fikih klasik dan kontemporer. *Jurnal Pustaka Cendekia Pendidikan*.

Al-Dardīr, A. ibn M. (1978). *Al-Syarḥ al-Kabīr ʿalā Mukhtaṣar Khalīl*. Dār al-Fikr.

Al-Kāsānī, A. B. ibn M. (1986). *Badā'iʿ al-Ṣanā'iʿ fī Tartīb al-Syarā'iʿ* (Vol. 2). Dār al-Kutub al-ʿIlmiyyah.

Al-Mardāwī, ʿAlī ibn Sulaymān. (1995). *Al-Inṣāf fī Maʿrifat al-Rājiḥ min al-Khilāf*. Dār Iḥyāʾ al-Turāth al-ʿArabī.

Al-Nawawī, Y. ibn S. (1991). *Rawḍat al-Ṭālibīn wa ʿUmdat al-Muftīn*. al-Maktab al-Islāmī.

Ashari, B. (2024). Interaksi antara perubahan sosial dan hukum keluarga Islam: Sebuah studi kasus tentang peran perempuan dalam pengambilan keputusan keluarga. *Mabahits: Jurnal Hukum Keluarga Islam*.

Aziz, A., Nugraha, I. S., & Hakim, L. (2024). Post-divorce maintenance in contemporary Islamic family law: An empirical study of judges' considerations at the East Jakarta Religious Court. *Legitima: Jurnal Hukum Keluarga Islam*.

Aziz, A., Nugraha, I. S., & Hakim, L. (2025a). Women's Rights in Choosing a Partner in Marriage Gender Justice Perspective in Grobogan Regency. *Muwazah*, *17*(1). https://doi.org/10.28918/muwazah.v17i1.9178

Aziz, A., Nugraha, I. S., & Hakim, L. (2025b). Women's rights in choosing a partner in marriage gender justice perspective in Grobogan Regency. *Muwazah*.

Fathoni, M., & Wanti, S. (2025). Rights and obligations of husbands to wife according to Law No. 1 of 1974 Article 34 and Islamic law. *Al Mashaadir: Jurnal Ilmu Syariah*.

Fauzi, M. L. (2019). Actors and norms in an Islamic marriage: A study of Madura community in rural eastern East Java. *Journal of Indonesian Islam*.

Friantoro, D., & Susamto, A. (2021). The determinants of the value of mahr in Muslim societies: Evidence from the Indonesian family life surveys. *Jurnal Ekonomi & Studi Pembangunan*.

Hadiri, Y. F. (2018). Financial system for a multinational family in Sharia and law. *JURNAL SCHEMATA: Pascasarjana UIN Mataram*.

Hemat, T., & Sekandary, M. I. (2022). Women's right to choose a spouse: In the Hanafi School of Islamic jurisprudence. *American Journal of Law*. https://doi.org/10.47672/ajl.1239

Ismail, M., Faisal, R. A. H., & Zainur. (2025). Marriage and divorce in Islamic law: Sociological implications for modern Muslim societies. *Journal of Islamic Law El Madani*.

Jannah, N., Maulana, T., & Barizi, M. (2025). Tinjauan Yuridis terhadap Implementasi Nafkah dan Kebijakan Poligami dalam Hukum Keluarga Islam: Studi Perbandingan Indonesia dan Thailand. *Syakhshiyyah Jurnal Hukum Keluarga Islam*. https://doi.org/10.32332/zeepnz83

Kherdmand, Z. (2025). Examining the suitability of couples in marriage from the perspective of Hanafi jurisprudence. *Samangan Academic & Research Journal*, *3*(01), 112–128. https://doi.org/10.64226/sarj.v3i01.81

Kodir, F. A. (2019). *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam*. IRCiSoD.

Kursin, Z. M., Yusof, W., Ismail, N., Che Abdul Rahim, N., & Hibaoui, A. (2024). Muslim in Malaysia understanding in regards to the concept of compatibility (kafa'ah) in Islamic marriage. *El-Usrah: Jurnal Hukum Keluarga Islam.*, *7*(2). https://doi.org/10.22373/ujhk.v7i2.26664

Kusrin, Z. M., Yusof, W., Ismail, N., Che Abdul Rahim, N., & Hibaoui, A. (2024). Muslim in Malaysia understanding in regards to the concept of compatibility (kafa'ah) in Islamic marriage. *El-Usrah: Jurnal Hukum Keluarga Islam*. https://doi.org/10.22373/ujhk.v7i2.26664

Mahmud, J. R. (2025). Polygamy and socioeconomic factors in Islamic family law: Legal interpretations and social outcomes. *Journal of Islamic Family Law*.

Mehmood, A., & Saeed, A. (2023). The selection of spouse with free and full consent: A comparison between Islam and UDHR Article 16. *Al-Irfan*.

Meidina, O. N. A., Hermanto, A., & Ismail, H. (2023). Analysis of the rights and obligations of husband and wife in the Compilation of Islamic Law: A review from the perspective of gender equality. *Legitima: Jurnal Hukum Keluarga Islam*.

Muin, F., Edi, R. N., Hasimi, D. M., Jayus, M., & Fikri, I. (2025). Reconstructing the concept of mahar through the mubādalah framework from a gender justice perspective. *Journal Discrimination and Injustice*.

Mukhlisin, Zaelani, A. Q., & Edi, R. N. (2024). Memilih pasangan yang sekufu dalam Ormas Keagamaan perspektif Istihsān. *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*.

Mukhtaramin, A., Khairuddin, & Mahdi, M. (2023). Equality in choosing a partner to build household harmony from Maqashid Syari'ah perspective. *Qiyas: Jurnal Hukum Islam Dan Peradilan*.

Muttaqin, M. Z., Izzi, A. I., Nazar, R. F., Arifin, S. W. T., & Yogi, M. (2026). Family harmony in contemporary Islamic law: Ibn 'Āshūr's maqāṣid perspective on marital rights and duties. *MILRev: Metro Islamic Law Review*.

Na'mah, U., & Rachmatulloh, M. A. (2024). Interpretations of nafkah, gender relations, and motivations for divorce: A case study of divorce lawsuits at the Kediri City Religious Court. *Istinbath*.

Nashrun, R. S., & Jauhari. (2019). *Memilih calon pasangan suami-istri dalam perkawinan Islam*.

Özdemir, R. (2022). Financial rights of women according to Islamic law. *Şırnak Üniversitesi İlahiyat Fakültesi Dergisi*.

Putra, D. E., Zufialina, E., Ummah, A., & Prananda, D. (2025). Reinterpreting Kafā'ah: The Interaction of Islamic Legal Norms and Social Realities in Contemporary Indonesian Marriage Practices. *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*. https://doi.org/10.22515/jurnalalhakim.v7i02.12484

Putra, D. E., Zulfialina, E., Ummah, A., & Prananda, D. (2025). Reinterpreting Kafā'ah: The Interaction of Islamic Legal Norms and Social Realities in Contemporary Indonesian Marriage Practices. *Jurnal Al-Hakim: Jurnal Ilmiah Mahasiswa, Studi Syariah, Hukum Dan Filantropi*, *7*(2). https://doi.org/10.22515/jurnalalhakim.v7i02.12484

Putri Nerisma, N. E. (2024). Konsep ijbar dalam pernikahan tentang kesetaraan gender berdasarkan perspektif fiqh kontemporer. *Musawa: Journal for Gender Studies*.

Rahmi, Jayusman, J., Azizah, N., Efrinaldi, & Rahmawati. (2025). Legal dynamics of financial responsibility and marital property in marriage in Indonesia. *USRATY: Journal of Islamic Family Law*.

Rahmi, R., Jayusman, J., Efrinaldi, E., & Rahmawati, R. (2025). Legal Dynamics of Financial Responsibility and Marital Property in Indonesian Marriages. *USRATY : Journal of Islamic Family Law*, *3*(1). https://doi.org/10.30983/usraty.v3i1.8948

Ridmajayanti, Jaya, A., Arifullah, Jumra, & Nurmisari. (2025). Inequality of rights in verstek divorce: Islamic law perspective and practices in religious courts. *Journal of Indonesian Scholars for Social Research*.

Rinaldo, R., & Fehr, T. (2025). "I have a right to a better imam": Divorce, Islam, and changing marriage ideals in Indonesia. *Critical Asian Studies*.

Sarmadi, S. A., Ghanbarpour, B., & Gholami, J. (2022). Comparative study of wife's employment in jurisprudence and legal system of Iran and Egypt and its effect on Islamic lifestyle. *Applied Family Therapy Journal*.

Septiani, R. (2025). The position of women in Islamic family law: A study of rights and obligations in marriage. *Journal of Nafaqah*.

Septiani, R., Saleh, M., Anam, K., Hanuddin, L., Karimuddin, Y. S., & Lawang, A. (2026). Reconstructing spousal rights and obligations in Islamic family law through a maqasid-based gender justice approach in the Indonesian context. *Al Qodiri: Jurnal Pendidikan, Sosial Dan Keagamaan*.

Shiddieqy, A., Zaman, A., Faqihah, S., Fathoni, M., & Madina, D. (2025). Integration of Islamic Family Law and Gender Equality: A Comparative Study of Legal Reform and Social Norms in Contemporary Muslim Societies. *Legitima: Jurnal Hukum Keluarga Islam*. https://doi.org/10.33367/legitima.v7i2.7101

Sulaiman, A. N. (2023). Women's right to choose spouses: A socio-legal study in rural Islamic communities. *International Journal of Law Dynamics Review*. https://doi.org/10.62039/ijldr.v1i2.81

Sulistiani, S. L. (2020). *Financial rights of women in families according to Islamic family law in Indonesia*.

Syed Musa, S. Z. B., & Freddie Mail, M. A. A. (2024). Finances in marriage: The perspective of Islam on Generation Z. *International Journal of Academic Research in Business and Social Sciences*.

Wahab, A. (2025). The principle of justice in Sharia. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*.

Wulandari, W. R. (2022). Egalitarianism: Consciousness-raising in women's position in the Islamic family. *SASI*.