



COMPARATIVE STUDY OF ALI YAFIE'S AND SITI MUSDAH MULIA'S THOUGHTS ON THE CONCEPT OF QIWAMAH IN THE FAMILY

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Abstract

This study examines a comparative analysis of Ali Yafie's and Siti Musdah Mulia's thoughts on qiwamah (household leadership). Ali Yafie posits that the husband serves as the head of the family (qawwam) responsible for providing mandatory maintenance. Conversely, Siti Musdah Mulia argues that the role of family head can shift between either spouse. This research addresses two primary questions: the biographies and conceptual frameworks of both figures, and their respective views on qiwamah. Accordingly, this qualitative library research aims to evaluate their intellectual backgrounds and analyze their conceptualizations of household leadership. The findings indicate that Ali Yafie conceptualizes the husband as the family head through functional, welfare-based leadership, whereas Musdah Mulia advocates a flexible-progressive model rooted in gender equality. Furthermore, Ali Yafie measures family welfare by the fulfillment of basic individual and collective needs, while Musdah Mulia emphasizes the fulfillment of family functions and tawhid (monotheism) awareness. These divergences stem from their distinct conceptual frameworks. This study concludes that while both figures differ in their leadership paradigms, their views exhibit both convergences and divergences regarding the status of spouses and standards of family welfare.

Keywords *Qiwamah, Ali Yafie, Siti Musdah Mulia*

INTRODUCTION

In the Compilation of Islamic Law, marriage is defined as *mithaqan ghalidzan*, meaning a strong and firm covenant to obey the commands of Allah, where its execution is considered an act of worship (*ibadah*). Marriage is established to build a happy, enduring household characterized by tranquility (*sakinah*), love (*mawaddah*), and mercy (*warahmah*). To achieve these objectives, it is essential to regulate the mutual rights and obligations between husband and wife within the household. Article 31 of Law No. 1 of 1974 on Marriage stipulates that husbands and wives hold equal status and rights in both domestic and social life. However, the law simultaneously designates the husband as the head of the family, legally requiring him to protect his wife and provide for all household necessities according to his capability. A head of the family is defined as the individual responsible for all living needs within a household is principle recognized in Islamic jurisprudence as the concept of *qiwamah*, which linguistically derives from *qama-yaqumu*, meaning to stand, uphold, or manage (Harapan Simamora, Amar Adly, 2026). In the fragment of Surah An-Nisa verse 34, it is stated that *arrijalu qawwamuna alannisa'*, meaning that a man (husband) serves as a protector or leader over a woman (his wife). This verse asserts that men hold leadership over women in the capacity of leader, head, judge, and educator. Furthermore, it pertains to the obligation of the dower (*mahr*), maintenance (*nafaqah*), and various other

responsibilities enjoined upon husbands by Allah through the Qur'an and the Sunnah of the Prophet.

In a *hadist* regarding female leadership narrated by al-Bukhari and Abu Bakrah, the Prophet states, “*Lan yufliha qawmun wallaw amrahum imra'ah*” (a people will never succeed who entrusts their affairs to a woman). According to scholars (*ulama*) such as Muhammad Ibnu Jarir al-Tabari and Ibnu Hazm, this tradition specifically restricts women from assuming the role of supreme leader, such as a head of state or *khalifah* (Abror, 2020, p. 60 and 62). In addition, several *ulama* emphasize the husband's role as a protector and breadwinner for the family. For instance, al-Qurtubi explicitly states *yaqumun bi an-nafaqati 'alaihinna wa adz-dzabbi 'anhunn*, meaning that the husband is responsible for providing maintenance (*nafaqah*) to his wife and ensuring her defense and protection (M Sultan Latif Rahmatulloh, 2021). Similarly, Quraish Shihab argues that a husband serves as the leader of the family by virtue of the natural privileges and advantages bestowed upon men (Suhandjati, 2017, p. 335). Furthermore, Ibnu Abbas emphasizes a wife's obedience to her husband, which is demonstrated through showing kindness to her husband's family and safeguarding his property (Sanawiah, 2017, p. 74). The majority of Islamic scholars (*jumhur ulama*): Imam Ahmad, Imam Malik, and Imam Sya'fi that prohibit women from assuming positions of leadership. In contrast, other *ulama* hold differing views; for instance, Imam Abu Hanifah asserts that a woman may hold leadership over financial matters, as her testimony is legally recognized in financial transactions (Putri & Bustamam, 2023, p. 182). And, Yusuf al-Qaradawi permits women to assume leadership roles across all domains commensurate with their expertise. However, he emphasizes that women working outside the home must strictly adhere to the guidelines prescribed by Islamic jurisprudence (*sharia*) (Ma'mur, 2017, p.8).

A challenge arises when these scholarly views are confronted directly with evolving social realities, particularly the emerging phenomenon of women or wives acting as the primary economic providers for their households. This shift is driven by various factors, ranging from financial pressure and limited employment opportunities to family health issues and other circumstances. The researcher is interested in examining the thoughts of Ali Yafie and Siti Musdah Mulia, both of whom offer distinct thoughts and adopt a moderate approach in understanding *qiwamah*. Furthermore, this study utilizes various interdisciplinary approaches, such as the social sciences and gender-responsive frameworks, to re-examine Qur'anic texts.

Research on the concept of *qiwamah* has been extensively conducted by previous researchers. However, the majority of the existing literature focuses primarily on the theoretical interpretation of *maqasid al-shariah*, textual analysis of specific verses (*tafsir*), or general overviews of individual figures views on female leadership, such as the study conducted by (Himmatul Aliyah, 2020) which only examines the reconceptualization of marital leadership based solely on the thought of Kyai Husein Muhammad. Similarly, which focuses on Amina Wadud's concept of *qiwamah* within a sociological context through a field study (Aaz Jidatul Haz, 2022). Additionally, the study which focuses on female leadership in a general sense rather than specifically within the domestic sphere of the family (Nusaibah, 2023). Consequently, this study aims to fill the research gap left by

previous literature by offering a comparative analysis specifically focused on the thought of Ali Yafie and Siti Musdah Mulia regarding the concept of *qiwamah*. This research not only elucidates the similarities and differences in their thoughts on domestic leadership but also examines the underlying conceptual frameworks shaping their respective views. Furthermore, the comparative metrics specifically focus on marital leadership, the relative status between husband and wife, and the concept of family welfare (*maslahah*) as defined by both figures.

Siti Musdah Mulia is a reformist-progressive figure in contemporary Islamic thought, human rights, and gender equality. According to her, the Qur'an does not adhere to the belief of *the second sex* or *the first ethnic*, which favor one particular gender or ethnicity over another. Every individual possesses equal potential to become an *abid* (a servant who worships Allah SWT) and a *khalifah fi al-ard* (a steward of life on Earth). Similarly, Ali Yafie a figure who strongly emphasizes a contextual and *maslahah*-oriented approach to jurisprudence (*fiqh*), argues that Islam institutes marriage as the sole legitimate form of relationship between a man and a woman for establishing a family. Furthermore, within marriage, women are elevated to an honorable status, as both men and women originate from the same essential reality and species created by God as articulated in Surah An-Nisa, Verse 1. Women are also accorded their full human rights; accordingly, their counsel and consent must be sought in establishing a sound and prudent family foundation. Although both figures build upon the Qur'anic principle of human equality, their positions diverge when this principle is applied to household leadership. Siti Musdah Mulia proposes a dynamic view in which the role of head of the household can shift to the woman, whereas Ali Yafie maintains that primary leadership remains with the husband, albeit interpreted through a more moderate thought. Consequently, a rigorous comparative analysis is necessary to unpack the nuanced thoughts of both figures and to identify the underlying conceptual frameworks that shape their respective understandings of *qiwamah*.

This study have significant value due to its both theoretical and practical contributions. Theoretically, it serves as a valuable addition to the existing literature, bridging gaps in previous much research and offering academic insights into the thoughts of Ali Yafie and Siti Musdah Mulia in conceptualizing *qiwamah*. Practically, this research provides the public with educational and comprehensive thoughts on the division of roles and household leadership. Furthermore, it offers meaningful input for legal figures and practitioners in formulating and reforming Islamic family law in Indonesia, ensuring it remains firmly rooted in principles of family welfare and equality.

Based on the background outlined above, the primary focus of this study is formulated into two core research questions: *First*, what are the biographical backgrounds and underlying conceptual thoughts of Ali Yafie and Siti Musdah Mulia? *Second*, how do Ali Yafie and Siti Musdah Mulia conceptualize *qiwamah* within the family?

METHODS

This study uses library research with a qualitative approach, wherein data collection is conducted comprehensively through relevant literature without requiring field data gathering. The retrieved data is subsequently analyzed and presented through a scholarly

narrative framework. The primary data sources for this research are drawn directly from the opus of Ali Yafie and Siti Musdah Mulia, such as *Menggagas Fiqih Sosial: Dari Soal Lingkungan Hidup, Asuransi Hingga Ukhuwah* (*Conceptualizing Social Fiqh: From Environmental Issues and Insurance to Brotherhood*) by Ali Yafie and *Ensiklopedia Muslimah Reformis: Pokok-Pokok Pemikiran Untuk Reinterpretasi dan Aksi* (*Encyclopedia of Reformist Muslim Women: Core Ideas for Reinterpretation and Action*) by Siti Musdah Mulia, both of which contain their fundamental ideas on leadership relations within the household. Furthermore, this study utilizes a comparative analysis to household leadership (*qiwamah*), the status of husband and wife, and the concept of family welfare (*maslahah*), alongside the underlying conceptual thoughts shaping both figures' views on *qiwamah*.

The data sources in this study are categorized into two primary divisions: primary data and secondary data (Undari & Mohamad, 2024, p. 112). Meanwhile, secondary data encompass various scholarly articles analyzing the perspectives of both figures within the discourse on household leadership, such as “Kedudukan Masalah Perspektif Prof. K.H. Ali Yafie” (Anwar, 2013), “Mabadi Asyroh Nalar Fikih Sosial Ali Yafie” (Yulianto, 2017), “Konstruksi Pemikiran Fikih Sosial KH. Ali Yafie” (Fathorrahman, 2020), and “Kesetaraan Gender dalam Pandangan Musdah Mulia” (Fajrussalam et al., 2023), etc.

The comparative analysis in this study is examined through three primary indicators: (1) household leadership, (2) the status between husband and wife, and (3) the concept of family welfare (*maslahah*). The comparative framework is executed by juxtaposing the views of Ali Yafie and Siti Musdah Mulia regarding the concept of *qiwamah*, elaborating on how the status of marital rights and obligations is constructed within each figure's perspective, and interpreting the concept of family welfare within the context of domestic life. Subsequently, these three comparative dimensions are analyzed to evaluate the respective intellectual inclinations by both figures in understanding *qiwamah*.

Data collection in this study uses a documentation technique by gathering relevant literature on the subject matter. The collected data were subsequently categorized according to specific thematic sub-sections, systematically cited to align with the research focus, and cross-validated for credibility against the gathered sources. Following the data collection process, the analysis was executed in three stages (Amir Hamzah, 2020): (1) Data reduction stage, which involved selecting primary references regarding the thoughts of Ali Yafie and Siti Musdah Mulia specifically on the concept of *qiwamah*, along with supporting literature on household leadership; (2) Data display stage, which entailed structuring the ideas of both figures based on three comparative indicators (leadership household, the status between husband and wife, and the concept of family welfare) to clearly delineate their underlying views; and (3) Conclusion stage, which aimed to formulate the comparative results of both figures' thoughts on *qiwamah* while explaining the underlying conceptual behind their perspective on the concept of *qiwamah*.

RESULTS

Biography and Conceptual Thoughts of Ali Yafie and Siti Musdah Mulia

Understanding the ideas of household leadership (*qiwamah*) requires an exploration of the background of figures. Ali Yafie and Siti Musdah Mulia emerged from different

traditions, intellectual domains, and social backgrounds, all of which directly influenced their thoughts in formulating the concept of *qiwamah*. Therefore, this section examines the life histories and intellectual foundations of Ali Yafie and Siti Musdah Mulia as a baseline for understanding the primary factors driving both the divergences and points of convergence in their views.

1. *Biography and Conceptual Thought of Ali Yafie*

Ali Yafie was born in Wani, Donggala, Central Sulawesi, on September 1, 1926, with the birth name Muhammad Ali. He hailed from a highly respected family of Islamic scholars (*ulama*). His father was Muhammad Yafie, while his grandfather was Sheikh Abdul Hafidz al-Bugisi, a *ulama* who served as a senior professor at the Grand Mosque in Mecca. From early childhood, Ali Yafie studied Quranic recitation, classical Islamic texts, and religious sciences directly under his father's control. Alongside his formal schooling, he deepened his knowledge of Islamic jurisprudence (*fiqh*) under several renowned *ulama* in Sulawesi. Driven by an exceptional passion for learning, he grew into a *ulama* with a deep and comprehensive understanding of Islam. In 1947, he began his teaching career at a *madrasah* (Islamic school). He also served in the Ministry of Religious Affairs and held various leadership roles. He subsequently became a judge at the Makassar High Religious Court, Head of the Inspectorate for Religious Courts in Eastern Indonesia, Vice-Chairman of the Advisory Board of the Association of Indonesian Muslim Intellectuals, Professor at Islamic University of Syarif Hidayatullah, Professor at As-Syafi'iyah University, *Rais 'Aam* (Supreme Leader) of Nahdlatul Ulama on 1991–1992, and General Chairman of the Indonesian Council of Ulama on 1990–2000 (Arwani, 2020, p. 26).

His opus reflect a strong focus on applying Islam to social challenges in modern society, such as *Fikih Perdagangan Bebas* (Fiqh of Free Trade), *Beragama secara Praktis: agar hidup lebih bermakna* (Practical Religiousness: Making Life More Meaningful), *Menggagas Fikih Sosial* (Conceiving Social Fiqh), *Merintis Fikih Lingkungan Hidup* (Pioneering Environmental Fiqh), *Teologi Sosial: telaah kritis Persoalan keagamaan dan kemanusiaan* (Social Theology: A Critical Review of Religious and Humanitarian Issues), *Disiplin Ilmu Keislaman Tradisional: Fikih* (Traditional Islamic Disciplines: Fiqh), *Menolak Korupsi Membangun Kesalehan Sosial: kumpulan naskah-teks khutbah* (Rejecting Corruption, Building Social Piety: A Collection of Sermon Text), and *Agama dan kemiskinan: suatu tinjauan dari segi agama Islam* (Religion and Poverty: A Review from the Perspective of Islam).

Ali Yafie was widely recognized as a highly esteemed Islamic scholar (*ulama*) specializing in both traditional jurisprudence (*fiqh*) and contemporary social issues. He developed a social *fiqh* paradigm which is approach to Islamic law that explicitly focuses on social dynamics, humanitarian issues, and public welfare (*maslahah*) (Fathorrahman, 2016). In his view, the mindset of contemporary religious scholars (*kiai*) remains heavily reliant on the textual rulings (*qauli*) of classical jurisprudence. However, given the vast array of complex issues emerging in modern times, he asserts that adopting a methodological mindset (*manhaji*) is imperative to generating decisions that foster social welfare. He argues that the public good cannot be realized if Islamic law is understood merely as a set of normative rules; rather, it must serve as a practical instrument for addressing social

problems grounded in *maqasid al-shariah* through an integrated approach to the Quran and Hadith. This perspective renders Islamic law more adaptive without abandoning the core principles of the *sharia*. The concept of social *fiqh* encompasses four key elements: prioritizing contextual and comprehensive public interest (*maslahah*), operationalizing faith (*iman*) and piety (*taqwa*) as epistemological foundations in development, implementing the mandate of commanding right and forbidding wrong (*amr ma'ruf nahi munkar*), and fostering a spirit of brotherhood (*ukhuwah*) in social life (Amrin et al., 2023).

Ali Yafie's legal deduction (*istinbat*) leans strongly toward emphasizing the concept of public interest (*maslahah*), which aligns with the ultimate objectives of Islamic law (*maqasid al-shariah*)—namely, securing human welfare in both this world and the hereafter, outwardly and inwardly. His interpretation is based on *maqasid al-shariah* and framed through deductive and textual methods (*istidlaliyah*) to explain the social meaning of Islamic teachings contained in the Quran, Hadith, and *ulama* opinion. Concurrently, he employs inductive or contextual methods (*istiqrariyyah*) to analyze social reality as a mechanism for societal advancement (Fathorrahman, 2020, p. 126). The integration of deductive and inductive approaches in Ali Yafie's thought demonstrates that *fiqh* no longer serves as an impediment to social change and modernization, but rather adapts flexibly to them. This synthesis is supported by legal methodologies aligned with the principles of *maqasid al-shariah*, such as juristic preference (*istihsan*), public interest (*maslahah mursalah/istishlah*), and customary practice (*'urf*). Ali Yafie's intellectual framework is informed by multidisciplinary, socially grounded scholarly approaches, enabling him to develop a socio-legal outlook that formulates Islamic jurisprudence in a manner receptive to societal transformation.

2. Biography and Conceptual Thought of Siti Musdah Mulia

Siti Musdah Mulia was born in Bone, South Sulawesi, on March 3, 1958. She from a family with a strong Islamic educational background. She completed her education in an Islamic boarding school (*pesantren*) environment before continuing her studies at the Islamic Boarding School of As'adiyah in Sengkang, South Sulawesi. Subsequently, she earned her undergraduate degree at Islamic University of Alauddin Makassar, followed by her master's and doctoral degrees at Islamic University of Syarif Hidayatullah, Jakarta. She became the first woman to earn a doctorate in Islamic Political Thought from the institution, defending a dissertation titled *Islamic State (Negara Islam)*. Siti Musdah Mulia's academic career progressed rapidly as a researcher at the Research and Development Agency of the Ministry of Religious Affairs of the Republic of Indonesia. In 1999, she became the Ministry's first female Research Professor in the field of Religious Literature. In addition to serving as a lecturer at Islamic University of Syarif Hidayatullah Jakarta, she has been actively involved in numerous national and international organizations dedicated to human rights, interfaith dialogue, democracy, and women's empowerment. She has received numerous national and international accolades, including the International Women of Courage Award from the United States Government (2007), the Yap Thiam Hien Human Rights Award (2008), and the International Woman of the Year Award from the Italian Government (2009). Furthermore, she played a key role in drafting the Counter

Draft Compilation of Islamic Law. Her major published works include *Islam Menggugat Poligami* (Islam Challenges Polygamy), *Muslimah Reformis: Perempuan Memperbarui Islam* (Reformist Muslimah: Women Renewing Islam), *Indahnya Islam: Menyuarakan Keadilan dan Keadilan Gender* (The Beauty of Islam: Voicing Gender Equality and Justice), *Ensiklopedia Muslimah Reformis: Pokok-Pokok Pemikiran Untuk Reinterpretasi dan Aksi* (Encyclopedia of Reformist Muslimah: Core Principles for Reinterpretation and Action), and *Muslimah Reformis for Milenial* (Reformist Muslimah for Millennials) (Yusefri, 2015, p. 206)

As a muslim intellectual, Siti Musdah Mulia is widely recognized for her thought on gender equality, human rights, democracy, pluralism, and Islamic legal reform. She emphasizes that Islamic teachings embody core values of justice and egalitarianism between men and women, particularly regarding issues concerning women, the family, and gender dynamics. Furthermore, she argues that prevalent religious understandings of women remain heavily influenced by patriarchal culture, necessitating a re-reading of sacred texts to align them with the foundational principle of justice, which serves as the primary objective of Islam (KAMALIA & Mukhsin Achmad, 2025). According to Siti Musdah Mulia, gender equality is realized when every human being can achieve the shared goals of goodness and public welfare (*maslahah*) without any party receiving unfair advantage. Regarding her gender perspective, Siti Musdah Mulia acknowledges being heavily influenced by Muslim feminists and scholars such as Fatima Mernissi, Nawal El Saadawi, Abdullahi Ahmed An-Na'im, and Qasim Amin (S. R. Putri, 2025, p. 885) The ideas of these thinkers significantly influenced Siti Musdah Mulia's perspective on gender issues, leading her to champion women's emancipation. Her approach centers on gender equality through a structural critique of patriarchy and human rights, while tracing the historical origins of patriarchal bias in the interpretation of the Quran and Hadith traditions. She asserts that patriarchal cultural values and feudal attitudes must be eliminated to build a democratic and civilized nation.

Ali Yafie and Siti Musdah Mulia's Thoughts on Qiwamah in The Family

The term *qiwamah* fundamentally refers to the concept of household leadership and primary responsibility. Traditionally, this norm has often been interpreted as a rigid rule placing the husband at the top of a domestic hierarchy. Re-interpretation *qiwamah* through the frameworks of these two figures not only invites a re-evaluation of what it means to be the head of a household, but also demonstrates how Islamic law breathes and adapts within the dynamic context of contemporary Indonesian society.

1. The Concept of Qiwamah in Islam

The term *qiwamah* derives from the Arabic root *qawama*, which signifies managing, protecting, and taking responsibility. This linguistic meaning is reflected in standard Arabic-Indonesian, which define *qawama* as encompassing the acts of regulating, administering, and safeguarding (Jafar & Soleh, 2025, p. 67). This trust encompasses spiritual, social, and economic responsibilities. Household leadership is not only a structural formality, but carries practical daily implications, including the moral upbringing of children, family decision-making, and the division of domestic roles. The term *qiwamah*

explicitly derives from a fragment of the Quran, Surah An-Nisa (4:34), which states that men are the caretakers/protectors (*qawwamun*) of women because Allah has given them more strength, and because they support women from their means.

لِرَجَالٍ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

“Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means.

Interpretation of this verse underscores that the responsibility of *qiwamah* is assigned to men based on two foundational grounds: (1) specific advantages endowed by Allah, such as physical strength and the functional capacity to earn a living; and (2) the legal obligation placed upon men to provide financial support (*nafaqah*) to their wives and children. In Interpretation of *Ibnu Kathir*, this relationship is articulated by explaining that men are caretakers over women in the sense of acting as their leaders, heads of the household, arbiters, and educators (Zakiah, 2023, p. 139). Furthermore, this pertains to the dowry (*mahr*), maintenance (*nafaqah*), and various responsibilities ordained by Allah upon husbands in the Qur'an and the Sunnah of the Prophet. Consequently, this verse provides a space for jurisprudence (*ijtihad*) regarding the nature of marital leadership and perspectives on female leadership. A few *ulama* hold differing views on this matter: *first*, absolutist restriction; women are prohibited from assuming positions of leadership or judgeship in any domain. This position, held by Imam Ahmad, Imam Malik, and Imam Syaifi, rejects female leadership entirely. *Second*, domain-specific permissibility; women may hold leadership positions within domains where their legal testimony is admissible, such as private or domestic spheres. This view is maintained by Imam Abu Hanifah. *Third*, absolute permissibility; women are permitted to assume leadership roles in both public and private spheres. *Ulama* such as Ibnu Jarir and Yusuf al-Qaradawi to require have expertise and must adhere to Islamic law (*sharia*) (D. K. Putri & Bustamam, 2023, p. 182).

2. Ali Yafie's Thought on The Concept of Qiwamah in Family

Family life is a crucial aspect of Islamic teachings, serving as the foundational pillar for building societal structure. Ali Yafie asserts that a family system based on Islamic law maintain balance, harmony, and alignment among family members as well as within society at large. This harmonic is realized when husbands and wives fulfill their respective duties. According to Yafie, rights, obligations, and responsibilities are essential for regulating and structuring human relationships, ultimately aimed at achieving public interest (*maslahah*) in life. Furthermore, contemporary society is increasingly confronted with the social reality where wives serve as the primary breadwinners or household providers due to various internal and external factors. Ali Yafie emphasizes that the phenomenon of female breadwinning falls within the realm of socio-juridical jurisprudence (*fiqh sosial-kemasyarakatan*), which predominantly calls for contextual reinterpretation. He affirms that both men and women are honored beings (*muhtaram*) who receive divine guarantees of protection and sustenance from Allah SWT, as outlined in Surah Al-Isra verse 70.

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَهُمْ فِي الْوَحْشِ وَالْبَحْرِ وَرَزَقْنَهُم مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى
كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا

“And We have certainly honored the children of Adam and carried them on the land and sea and provided for them of the good things and preferred them over much of what We have created, with (definite) preference.”

This verse elucidates that Allah honors and elevates the status of human beings both men and women, not only material wealth, but also more dignity and virtue. The term *karramma* (honored) conveys a profound meaning regarding human values and mutual respect. Understanding this significance fosters a sense of honor and appreciation for fellow human beings, irrespective of their material possessions or social status. By understanding this verse, individuals can avoid arrogance and discrimination, as it encourages treating every person with intrinsic worth regardless of their background. This mutual respect ultimately fosters a more harmonious and supportive society.

Ali Yafie emphasizes that the husband functions as a *qanwam* (head of the household) who requires the support and love of a wife, respects and values her, and nurtures and cares for their children (Ali Yafie, 1994, p. 187). He grounds this view in Surah An-Nisa, verse 34, which posits that the husband serves as the leader and primary pillar of support for his wife and children. Furthermore, Ali Yafie clarifies that as a *qanwam*, a husband must be capable of providing the *mahr* (dowry) and mandatory financial support (*nafaqah*) such as daily living expenses for food and drink, suitable clothing, and secure housing, these provisions constitute the material foundation (*maddiyah*) of family formation, alongside the non-material foundation (*makenawiyah*) that focuses on the ideal and spiritual dimensions of the household (Ali Yafie, 1994, p. 258). All the needs and interests of a husband can be found in a virtuous wife who manages the household with full responsibility. This aligns with the guidance of the Hadith, which states: “The world is full of enjoyable things, and the best of its pleasures is a righteous wife.” Similarly, a wife requires her husband’s love, protection, and care, as well as his compassion and respect for her inherent human dignity. As stated in the Hadith: “A man is a leader over his household, and he is responsible for those under his care.” (Ali Yafie, 1994, p. 187–188). This indicates that marital leadership is anchored in the principle of mutuality, like a mutual completion, mutual understanding, and mutual respect within specified boundaries that align with the core values and norms of family formation. Consequently, if the well-being (*maslahah*) of the husband is threatened or compromised during the course of marital life, the wife may assist him in fulfilling his role as the head of the household. This aligns with Ali Yafie’s assertion that family formation must be thoroughly prepared and grounded in a conscious commitment to marriage, meaning both partners possess the mental-spiritual readiness and material capability to bear household duties and family responsibilities as a profound reflection of the true meaning of family.

3. Siti Musdah Mulia Thought on The Concept of *Qiwamah* in Family

Both men and women possess equal opportunities to serve as a *qanwam* (head of the household) within a family, provided they qualify the criteria. Siti Musdah Mulia aligns with

the *ulama*'s view asserting that Islamic law (*sharia*) recognizes equal rights between men and women, unless explicitly prohibited by textual evidence (*dalil*). To support this stance, she use Surah At-Tawbah verse 71, which encapsulates the principle of equality between men and women as creations of Allah SWT.

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ
الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ
حَكِيمٌ

“The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakah and obey Allah and His Messenger....”

This verse highlights that male and female religious (*beriman*) act as mutual allies: they enjoin what is right (*ma'ruf*) such as persistent creed, righteous deeds, and noble character and practice the imperative of commanding right and forbidding wrong (*amar ma'ruf nahi munkar*), thereby earning Allah's abundant mercy. From this verse, Siti Musdah Mulia asserts that believing men and women are equal in status and standing. Both share identical obligations to enforce good and prevent evil, perform acts of worship, and obey Allah and His Messenger. Both are created solely to serve Allah, as absolute obedience to human beings carries the risk of polytheism (*shirk*)—an act deeply abhorred by Allah. Consequently, both men and women possess equal rights and opportunities to assume leadership roles.

Regarding *qiwamah* (leadership) in the family, Siti Musdah Mulia argues that contemporary social realities present a diverse of family structures. Many households consist of single-parent families (either a mother or a father) with one or more children, while others comprise orphaned siblings where the eldest sibling functions as the head of the household. Furthermore, polygynous households exist where a husband resides with multiple wives and children under a single household. Musdah Mulia contends that Surah An-Nisa, verse 34, is the primary source of *ulama* disagreement (*ikhtilaf*) regarding female leadership, as it is frequently cited to argue that leadership is strictly reserved for men. In her analysis, the term “men” (*ar-rijal*) in this verse should not be understood as a biological gender category, but rather in a functional sense thereby prioritizing capability, role, and responsibility. This functional interpretation is derived from two explanatory clauses within the verse: (1) Allah has granted inherent advantages to husbands over others (wives), and (2) Husbands spend out of their wealth to provide for their wives. Accordingly, establishing household leadership have two prerequisite conditions: (1) possessing superior capability and distinction, and (2) demonstrating the financial capacity to provide for family members (Musdah Mulia, 2020, p. 642). Consequently, within the household, leadership ultimately depends on the individual readiness and personal capabilities of each partner.

There is no inherent distinction between husband and wife regarding mutual cooperation in earning a livelihood to fulfill family needs; work deemed suitable for a husband is equally suitable for a wife. Women are not restricted solely to domestic tasks

within the household; rather, domestic labor is a shared responsibility. Wives are also permitted to actively engage in public roles, with no prohibition against pursuing careers outside the home. Leadership is fundamentally concerned with an individual's capability and competence. Crucially, Islam does not restrict anyone from assuming leadership roles merely on the grounds of biological sex or gender. Through a humanist-feminist hermeneutic, Siti Musdah Mulia asserts that Surah An-Nisa verse 34 and the Hadith recorded by al-Bukhari on the authority of Abu Bakrah are frequently weaponized to marginalize women in leadership domains, having often been misinterpreted through a misogynistic approach (Musdah Mulia, 2020, p. 636). In her view, marriage as an institution that practically unites a man and a woman aligns closely with the literal meaning of *nikah* itself, namely *al-dhamm*, which signifies “put together” or “bringing together.” It bringing together husband and wife in both essential and practical oneness, free from any hierarchy.

Comparative Analysis of Ali Yafie and Siti Musdah Mulia's Thoughts on *Qiwamah* in Family

This comparative analysis brings together the thought of Ali Yafie and Siti Musdah Mulia to examine their epistemological similarities and differences regarding household leadership, the status of husband and wife, and the concept of family welfare.

1. Household Leadership

Ali Yafie asserts that the husband serves as the leader of the wife and children, as articulated in Surah An-Nisa verse 34. Nevertheless, a husband still requires affection, respect, and support from a wife who is responsible for managing the household. Ali Yafie views the husband's leadership in the household as functional approach, meaning that the functions, duties, and cooperation between husband and wife should complement one another rather than merely reflect a superior-subordinate dynamic in domestic life. Furthermore, he emphasizes that a good marriage requires thorough mental, spiritual, and material preparation.

In contrast to Ali Yafie, Siti Musdah Mulia reconstructs the textual evidence through a more progresif-equality gender approach, meaning that household leadership depends heavily on an individual's capabilities and competence, rather than gender. Two absolute prerequisites for becoming the head of the family are possessing superior capability and being able to provide financial support. Consequently, the determination of family leadership is based on individual qualities. If these criteria are fulfilled by the wife and lacking in the husband, the husband must be willing to acknowledge the wife's leadership in the household.

In terms of household leadership, Ali Yafie and Siti Musdah Mulia tolerates arbitrariness or authoritarianism in the relationship between husband and wife. Both agree that marriage must be grounded in mutual respect, mutual protection, and the fulfillment of physical and spiritual well-being for both parties. Their divergence thoughts in the designation of the family head; Ali Yafie conceives household leadership on husband with functional approach, whereas Siti Musdah Mulia advocates a progressive approach that uses individual quality and capability as the sole criteria for family leadership.

2. *The Status of Husband and Wife*

The Quran explains that human beings are endowed with merits and privileges over other living creatures, as articulated in Surah Al-Isra verse 70 in previous page. This verse signifies that Allah honors human beings with special capacities, such as the ability to discern good from evil, optimize their senses, and manage worldly affairs, here is dignities not possessed by other creatures. Based on this premise, Ali Yafie argues that the principle of *al-karamah al-insaniyah* (human dignity) renders both men and women fit to trust as guardians (*ra'in*) who carry the responsibility (*mas'ul*) to maintain order within themselves, their households, and their broader social environments (Ali Yafie, 1994, p. 145 and 150).

In a household, according to Ali Yafie, the husband as the head of the family possesses the right of control to direct family life. Naturally, this right of control remains bound to a general principle representing the principle of *shura* (deliberative consensus) and the equal human dignity of men and women in complementing one another throughout life. Consequently, the opinions of family members, particularly the wife, will consistently receive proper consideration in the execution of that control. Furthermore, the husband is entitled to proper care from the wife for himself and their children regarding household maintenance and management.

Meanwhile, Siti Musdah Mulia holds a different view, asserting that using the word “head” to describe the husband's status carries connotations of power and conveys a strongly authoritarian impression, thereby fostering a view that equates the husband with a ruler within family life. This understanding implies, among other things, that the husband may exercise authoritarian power in the household, obligating the wife to perform all domestic duties and cater to all of the husband's physical and emotional needs (Musdah Mulia, 2020, p. 98). According to Siti Musdah Mulia, men and women must view each other as cohesive and unifying elements, between whom there is no difference, subordination, or absolute ownership. This is because marriage is a reunion into the true state of humanity, namely *nafsin wabidah* (a one soul). This aligns with the statement of Prophet Muhammad SAW, “*Al-mar'atu syaqa'iqu al-rijal*,” meaning women are the full siblings of men. Meaning this hadith, stated that *syafa'iqur rijal* signifies women are equal and equivalent partners to men, as if they were derived from the same origin as men (Widjastuti et al., 2026, p. 262). Therefore, the concept of marriage should also be understood as an appreciation for human honor and dignity, meaning that both partners mutually possess, care for, and love one another.

Both figures share a convergent view on upholding the principle of *al-karamah al-insaniyah* (respect for human honor and dignity) in domestic life. Ali Yafie and Siti Musdah Mulia share the view that leadership within a household is not structural characterized by rigid hierarchical relationships but rather based on responsibility and competence. Their divergence lies in the relative status of husband and wife: Ali Yafie maintains the structural of the family with the husband as the head, yet softens its implementation to prevent patriarchy through the mechanism of consultation (*shura*) and complementary role distribution. Conversely, Siti Musdah Mulia rejects hierarchical positioning within the household and repudiates the designation of “head of the family” for the husband,

proposing instead an egalitarian, equal-partnership status for husband and wife based on competence rather than gender.

3. *The Concept of Family Welfare*

Welfare (*maslahah*) is defined as efforts that bring about goodness, utility, and well-being while preventing harm or detriment. Meanwhile, family welfare refers to actions undertaken to ensure harmony, welfare, and tranquility in the relationships among family members. Through the theme of household leadership, both Ali Yafie and Siti Musdah Mulia offer distinct thoughts on the concepts that bring about benefit for the family.

Ali Yafie posits that each individual family member, like every human being, possesses essential needs required to sustain life. These essential needs comprise all human interests concerning the preservation of life, intellect, property, lineage, and religion (*al-daruriyat al-kebamsab*). At the foundational level, family members must be treated humanely by recognizing these primary interests. Furthermore, the dimension of family welfare (*maslahah*) is closely bound to the effective fulfillment of roles by each member within the family institution whether as husband-father, wife-mother, or child (Ali Yafie, 1994, p. 260). In his role as a husband, a man requires a wife as a reproductive biology to ensure the continuation of his lineage. As a father, he needs a wise and dedicated mother figure to nurture, educate, and holistically optimize the child's growth and development. These needs are fulfilled through the wife's competent role in responsibly managing the household. Conversely, a wife requires a husband and father figure capable of providing protection, guidance, and the fulfillment of physical and emotional needs to realize sustainable family welfare. Thus, according to Ali Yafie, family welfare (*maslahah*) depends on satisfying the specific (essential) needs of each family member and achieving collective benefit as a family entity through the execution of their respective functions as husband, wife, and child.

Conversely, according to Siti Musdah Mulia, a family will achieve welfare when all family functions operate harmoniously; conversely, if the execution of these functions experiences distortion or impediment, a family crisis ensues. These functions include: (1) religious function, where the family serves as a space to enhance the practice of faith and piety; (2) affective function, where the family provides a place for expressions of affection and progeny; (3) social function, where the family acts as a vehicle for shaping the status and identity of each member; (4) educational function, where the family offers an environment for bestowing knowledge and insight upon each member; (5) protective function, where the family serves as a sanctuary providing safety and security for each member; and (6) recreational function, where the family serves as a source of happiness and pleasure for all its members (Musdah Mulia, 2020, p. 44). To ensure that these family functions operate effectively, Siti Musdah Mulia asserts that a family should be grounded in the following Islamic values, such as required to fulfill their respective rights and duties, each family member as they are without demanding more than their capacity, refraining from arbitrary actions, upholding justice, and adhering to the principle of deliberative consensus (*musyawarah*) (Musdah Mulia, 2020, p. 46).

In addition to the aforementioned principles, Siti Musdah Mulia emphasizes the importance of emulating the value of *tawhid* (monotheism) as the foundational bedrock of the family. The value of *tawhid* represents self-servitude solely to Allah SWT by obeying all of His commands and abstaining from His prohibitions with profound humility, love, hope, and awe. The conviction in the oneness of Allah strictly forbids the practice of deifying anything other than Allah, such as idol statues, tribal fanaticism, or political leaders including one's own desires and ego. Consequently, this prevents individuals from wielding their position, influence, wealth, or power as tools to oppress the vulnerable and marginalized (*mustadhafin*) (Musdah Mulia, 2020, p. 39 and 40). Slaves, the poor, common folk, women, children, and minority groups constitute the segments most vulnerable to oppression by powerful and majority factions. *Tawhid* instills in both husband and wife a profound commitment to the marriage, transforming them into steadfast, equal partners who firmly recognize their equivalent and equal standing as human beings. They share mutual affection, care, and love in times of both hardship and joy, exchanging knowledge and experience. Their shared life is continuously enveloped in gratitude when receiving blessings; conversely, both endure trials with patience and complete reliance on God (*tawakkal*), bound by the firm conviction that Allah alone is the ultimate refuge and final destination in the hereafter.

The common of both figures in constructing the concept of family welfare (*maslahah*) is that the ultimate goal of a family is harmony and well-being. Their divergence in the underlying thought of welfare: Ali Yafie use family *maslahah* in the traditional paradigm of *maqasid al-shari'ah* through the five essential needs (*al-daruriyat al-khamsah*: life, intellect, property, lineage, and religion). Conversely, Siti Musdah Mulia use the realization of six core family functions (religious, affective, social, educational, protective, and recreational) alongside the internalization of *tawhid* values to prevent the oppression of vulnerable groups (*mustad'afin*).

DISCUSSION

This section presents a scientific interpretation of the comparative analysis of Ali Yafie's and Siti Musdah Mulia's thoughts on the of *qiwamah* (household leadership) within Islamic family law in Indonesia.

Epistemological Interpretation and the Epistemology of Legal Deduction

The fundamental divergence between Ali Yafie and Siti Musdah Mulia in formulating *qiwamah* is rooted in their distinct *ijtihad* methodologies and epistemological paradigms. Ali Yafie adopts a Social Fiqh paradigm by integrating *istidlaliyah* (deductive-textual) and *istiqrariyah* (inductive-contextual) approaches. His interpretation of Surah An-Nisa: 34 and Surah Al-Isra: 70 rests on the thoughts of *maqasid asy-syari'ah*, which seeks to preserve the classic normative structure when viewing *qanwam* as the primary function of the husband without allowing it to become an oppressive system. This mechanism is achieved through the moderation of *shura* (deliberative consensus) and the principle of *al-karamah al-insaniyah* (human dignity). Ali Yafie conceives *qiwamah* as functional-complementary: the husband holds formal leadership based on material obligations (*nafaqah*) and guardianship, yet its

implementation remains dynamic and reciprocal/mutual when the family's economic dynamics shift.

Conversely, Siti Musdah Mulia applies a progressive-feminist hermeneutical approach based on a critical reading of religious texts (the deconstruction of patriarchy). Deriving her argument from Surah At-Tawbah: 71 and the concept of *nafs wahidah*, Musdah Mulia reconstructs the meaning of *ar-rijal* in Surah An-Nisa: 34 from a biological category (gender) into a functional category (capability and actual contribution). In this view, *qiwamah* is completely detached from gender attributes and shifts entirely into competency-based criteria centered on individual quality. Her rejection of the label "head of the family" is grounded in a sociological analysis that the term structurally perpetuates female subordination and authoritarian power within the domestic sphere.

Significance of the Findings: A Dialectic of *Maqasid* Syariah and Gender Equality

The significance of these findings demonstrates that the reform of Islamic family law in Indonesia is no longer monolithic; rather, it operates across a rich methodological spectrum. Both figures share welfare (*maslahah*) and human dignity (*al-karamah al-insaniyah*) as their core values, yet they formulate their respective pathways differently: (1) Transformation of domestic and public roles: Ali Yafie and Musdah Mulia agree that a wife's involvement in earning a livelihood or engaging in the public sphere does not a violation of Islamic law (*shariah*). Ali Yafie legitimizes this through the adaptation of welfare conditions (complementary role distribution), whereas Musdah Mulia legitimizes it as an equal fundamental human right (egalitarian partnership). (2) Reconstruction of the institution of marriage: both figures successfully redefine the marriage (*aqd an-nikah*) just not as a contract of ownership, but as a civilized human bond. Ali Yafie emphasizes the protection of the basic essential interests (*al-daruriyat al-khamsah*) of each family member, while Siti Musdah Mulia draws upon the value of monotheism (*tawhid*) as a liberating foundation to reject all forms of hegemony and oppression (*mustadh'afin*) within the household.

The findings of this study align with the broader trends of contemporary Islamic legal reform across the Muslim world, which seek to redefine domestic gender relations. Ali Yafie's functional reading corresponds with moderate *ulama*, such as that of Wahbah az-Zuhaili and Yusuf al-Qaradawi, which preserves the structural of classical jurisprudence (*fiqh*) while allowing role flexibility based on the principle of public interest (*maslahah*). Conversely, Siti Musdah Mulia's constructivist approach demonstrates methodological coherence with global reformist advocate for gender justice, such as Amina Wadud, Asma Barlas, and Riffat Hassan, who systematically deconstruct patriarchal biases in classical exegesis through a textual re-reading of the Qur'an.

CONCLUSION

Based on the discussion the thoughts of Ali Yafie and Siti Musdah Mulia on the concept of *qiwamah* within the family, it can be concluded that Ali Yafie's thought, reflecting his position as a traditional Islamic scholar (*ulama*), grounds household leadership in the paradigm of social jurisprudence (*fiqh sosial*). This approach in Islamic law

focuses on social issues, humanity, and public interest (*maslahah*) rooted in *maqasid al-shari'ah* through an integrative reading of the Qur'an and Hadith. He combines textual and contextual methodologies in interpreting *qiwamah* to capture the social significance of Islamic teachings alongside social realities as a mechanism for societal advancement. Conversely, Siti Musdah Mulia aligns her conceptual framework with progressive gender equality, human rights, democracy, pluralism, and Islamic legal reform, mounting a structural critique of patriarchy by tracing the historical origins of patriarchal bias through a humanist-feminist reinterpretation of the Qur'an and Hadith traditions.

Ali Yafie and Siti Musdah Mulia hold contrasting concepts household leadership. Ali Yafie posits that the husband serves as the head of the family through a functional leadership model grounded in *maslahah* (welfare); this implies that if, during the dynamic course of domestic life, the husband's capacity to fulfill his role is threatened or impaired, the wife may assist him in executing his function as the head of the household. In contrast to Ali Yafie, Siti Musdah Mulia advocates for a flexible-progressive leadership structure rooted in gender equality, asserting that no distinction exists between husband and wife regarding mutual support in earning a livelihood to meet family needs occupations deemed suitable for the husband are equally suitable for the wife. Likewise, domestic chores are viewed as a shared responsibility, granting the wife the freedom to actively participate in the public sphere and pursue a career rather than being confined solely to domestic affairs. Regarding family welfare (*maslahah*), Ali Yafie evaluates its attainment through the satisfaction of each member's essential needs and the collective well-being of the family. Meanwhile, Siti Musdah Mulia views family welfare as originating from the harmonious execution of family functions underpinned by the principle of *tawhid*. Both figures thus demonstrate convergent and divergent dimensions in defining the respective statuses of husband and wife within the marriage institution.

These divergences are driven by three primary factors. *First*, the sociological-cultural context of Indonesian Muslims, which is fundamentally inclusive and refrains from rigidly separating the public and domestic. *Second*, the intellectual tradition of Islam Nusantara, which actively engages with human rights discourses and prioritizes practical welfare (*maslahah*). *Third*, internal variations in *ijtihad* methodology: Ali Yafie applies a functional rationalization to refine the normative structure, whereas Siti Musdah Mulia undertakes an epistemological deconstruction toward pure egalitarian partnership. Ultimately, these findings demonstrate that Islamic family law in Indonesia possesses an internal capacity to transform marriage from a contract of ownership into a civilized partnership that upholds human dignity. Consequently, *qiwamah* is no longer conceptualized as a static dogma, but rather as an adaptive, living law responsive to contemporary societal shifts.

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