

# **Reconstructing Fatherhood in Islamic Law: A *Fiqh al-Usrah* and *Qirā'ah Mubādalah* Perspective on Relational Justice in Muslim Families**

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### Abstract

This article explores fatherlessness in Muslim families through *Fiqh al-Usrah* and *Qirā'ah Mubādalah*. It reinterprets Surah al-Nisā' [4]:34 (*qawwāmūn*) and al-Taḥrīm [66]:6 (*Qū anfusakum wa ablikum nārā*), shifting paternal leadership from hierarchical authority to reciprocal moral guardianship (*hīrasah akhlāqiyah mubādalabiyah*), thereby legitimizing shared spiritual responsibility when fathers are absent. The study identifies the moral and spiritual deficit caused by paternal absence particularly declining *Ṣalāh* discipline and ethical formation among children as a critical disruption of Islamic family ethics. Using a qualitative-normative approach integrating classical fiqh, Qur'ānic exegesis, and gender hermeneutics, it demonstrates that *Qirā'ah Mubādalah* offers a reciprocal framework for redistributing spiritual responsibility. The Qur'ānic ethic of caring for orphans (*yatāma*) found in Surah al-Nisā' [4]:2-10 and al-Duhā [93]:9 provides the *dalil shar'i* (legal proof) for mothers or communities to assume paternal religious roles (*wilāyah ta'dībiyyah*) when fathers are absent. This collective guardianship is grounded in *maqāṣid al-shari'ah*, prioritizing preservation of faith (*hifz al-dīn*) and lineage (*hifz al-nasl*) over rigid gender roles. The study introduces *relational justice* ('*adalah 'alāqiyah*) as an advancement beyond classical fiqh's transactional justice. While classical family law prioritized formal equity (inheritance, *nafaqah*, procedural fairness), it overlooked emotional labor ('*amal 'atīfī*), caregiving (*ri'ayah*), and spiritual mentorship (*tarbiyah rūhiyyah*). *Relational justice* mandates these as equally binding religious duties (*fara'id dīniyyah*) shared between parents, ensuring that when one fails spiritually, the other gains full theological authority to lead, supported by communal accountability (*mas'ūliyyah jama'iyyah*). The study concludes that *Qirā'ah Mubādalah* renews *Fiqh al-Usrah* by legitimizing shared moral leadership, redistributing patriarchal spiritual authority, and strengthening Muslim families' ethical foundations through reciprocity, emotional care, and functional competence.

**Keywords:** Fiqh al-Usrah, Qirā'ah Mubādalah, Fatherlessness, Islamic Family Law, Maqāṣid al-Shari'ah, Hermeneutic

### Introduction

The phenomenon of fatherlessness the absence of paternal figures in children's lives has emerged as a deeply concerning social and moral issue

in Indonesia.<sup>1</sup> According to UNICEF (2021), approximately 20.9% of Indonesian children grow up without a father, either physically or emotionally, ranking the country third globally in fatherless prevalence.<sup>2</sup> The causes are varied: divorce, death, occupational migration, or, increasingly. In a society shaped by enduring patriarchal norms, the father is often reduced to the role of a financial provider, while the spiritual and moral upbringing of children is left almost entirely to the mother.<sup>3</sup> This cultural imbalance creates a fragile familial structure, weakening the holistic objectives of Islamic family life (*maqāṣid al-usrah*).

The Indonesian reality of fatherlessness (20.9%) necessitates a specific Islamic legal reconstruction that transcends secular psychological solutions such as Logotherapy. While Logotherapy, developed by Viktor Frankl, addresses the existential crisis of meaning (*noogenic neurosis*) through the pursuit of purpose, it operates within a secular philosophical framework that lacks the capacity to restore the specifically religious structures of obligation and accountability that *Fiqh al-Usrah* demands. Islamic legal reconstruction, by contrast, reestablishes the theological foundation of parental duty as *amānah* (sacred trust from Allah), reactivates the *maqāṣid* objectives of preserving faith (*hifz al-dīn*) and lineage (*hifz al-nasl*), and provides normative guidance rooted in divine revelation rather than existential philosophy alone. Whereas Logotherapy may help individuals find personal meaning after experiencing fatherlessness, only Islamic legal reconstruction can address the systemic breakdown of spiritual transmission within the family institution and redefine the obligatory mechanisms through which faith is preserved across generations.

This distinction is crucial because, as this study will argue, moral and emotional absence proves far more destructive than physical absence, since the presence of a disengaged father erodes the spiritual and ethical formation

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<sup>1</sup> Geotimes, "Fenomena Fatherless: Dampaknya Dan Tantangan Sosial Di Indonesia," Geotimes, 2024.

<sup>2</sup> Wildan Azky, "Pengaruh Fatherless: Tantangan Anak Tanpa Peran Seorang Ayah," Universitas Airlangga, 2025.

<sup>3</sup> Mubadalah.id, "Fenomena Fatherless Dalam Kacamata Islam," Mubadalah.id, 2022.

of the child.<sup>4</sup> The absence of the father has multidimensional consequences. Psychologically, children raised without paternal guidance tend to experience low self-esteem, emotional instability, and difficulty managing social relationships.<sup>5</sup> Spiritually, the void is far more critical. In classical Islamic thought, the father is designated as *al-qawwām* not merely a breadwinner but the spiritual guardian of the household, responsible for leading his family in worship and moral discipline. Qur'ānic injunctions such as "*Qū anfusakum wa ahlikum nārā*" (At-Tahrīm: 6) emphasize the father's obligation to protect his family from moral ruin by instilling religious observance, particularly *ṣalāh* (prayer).<sup>6</sup>

The decline in *ṣalāh* is specifically chosen as the most critical indicator of the father's moral absence, as opposed to *zakāt* compliance or general social ethics (*akhlaq*), because it directly corresponds to the textual command in al-Tahrīm: 6 where *ṣalāh* functions as the measurable action for "protecting the family from the Fire." Unlike *zakāt*, which depends on financial capacity and becomes obligatory only upon reaching *niṣāb* (minimum wealth threshold), *ṣalāh* represents a daily, obligatory practice required of every Muslim regardless of economic status. Furthermore, while *akhlaq* encompasses broad ethical conduct that may vary in cultural expression and lacks specific ritual markers, *ṣalāh* provides an observable, quantifiable indicator of faith internalization and disciplinary training (*ta'dīb*). The Prophet Muhammad (peace be upon him) emphasized this when he stated, "*Al-ṣalātu 'imādu al-dīn*" (Prayer is the pillar of religion), establishing it as the fundamental practice distinguishing belief from disbelief. When fathers neglect to instill regular *ṣalāh* in their children, they fail at the most foundational level of faith preservation, allowing the entire structure of religious commitment to collapse. Thus, the erosion of prayer regularity serves as the primary diagnostic indicator of moral fatherlessness, reflecting the failure to fulfill the protective mandate

<sup>4</sup> Kompasiana, "Fenomena Fatherless: Membangun Kemandirian Di Tengah Kehilangan," Kompasiana, 2025.

<sup>5</sup> Kompasiana, "Fenomena Fatherless: Membangun Kemandirian Di Tengah Kehilangan," Kompasiana, 2025.

<sup>6</sup> Siti Istiyati, Rosmita Nuzuliana, and Miftahush Shalihah, "Gambaran Peran Ayah Dalam Pengasuhan," *Profesi (Profesional Islam) : Media Publikasi Penelitian* 17, no. 2 (March 2020): 12–19, <https://doi.org/10.26576/profesi.v17i2.22>.

articulated in al-Tahrīm: 6.

When this responsibility is neglected, the deficit manifests not only as dysfunctional parenting but as a spiritual vacuum: children lose regularity in worship, lack moral exemplars, and become vulnerable to ethical disorientation and external social temptations.<sup>7</sup> In other words, fatherlessness in Islam is not merely the absence of authority but the erosion of moral and spiritual continuity within the family. Within the framework of *Fiqh al-Usrah*, the father's primary moral and spiritual mandate is to ensure the establishment of regular prayer (*salāh*). The neglect of this obligation results in the erosion of religious discipline and weakens the foundation of the child's moral reasoning.

In modern life, many fathers do not fulfill their parenting roles optimally. The lack of father involvement in children's lives can trigger what is known as "father hunger," which is an unmet emotional need due to the absence of a father figure.<sup>8</sup> This condition has the potential to exert a negative impact on children's moral and spiritual development, as well as hinder the formation of a healthy and stable identity.<sup>9</sup> Various studies have highlighted the impact of fatherlessness from psychological, social, and spiritual dimensions. However, a significant gap persists in studies that examine this phenomenon comprehensively from an Islamic perspective. Most studies focus more on psychological and social approaches, without integrating Islamic values and teachings as a complete analytical framework.<sup>10</sup> In Islamic juris-

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<sup>7</sup> Bunga Kinanti, Setya Miko Putri, and Lailia Rahmadanti, "Fenomena Fatherless Dan Dampaknya Terhadap Toxic Relationship Pasangan: Kajian Deskriptif Melalui Sudut Pandang Remaja," *Prosiding Konferensi Mahasiswa Psikologi Indonesia* 4 (n.d.).

<sup>8</sup> Ezra Salwa Wahyu Zarkasyi and Muhammad Arifin Badri, "Fenomena Fatherless Dalam Keluarga Perspektif Hukum Islam," *USRAH: Jurnal Hukum Keluarga Islam* 4, no. 2 (October 2023): 193–208, <https://doi.org/10.46773/usrah.v4i2.765>.

<sup>9</sup> Filsa Okta Aulia et al., "Systematic Literature Review (SLR): Fenomena Fatherless Dan Dampaknya Yang Menjadi Salah Satu Faktor Kegagalan Dalam Keberlangsungan Kehidupan Anak," *Prosiding Seminar Nasional Pendidikan Non Formal Fakultas Keguruan Dan Ilmu Pendidikan Universitas Sultan Ageng Tirtayasa* 2, no. 1 (2024).

<sup>10</sup> Zarkasyi and Badri, "Fenomena Fatherless Dalam Keluarga Perspektif Hukum Islam."

prudence, particularly within *Fiqh al-Usrah*, this “father hunger” is interpreted as a moral gap in leadership where the absence of the father’s spiritual guidance disrupts *ta’dib* (moral training) within the family.

Given the *Qirā’ah Mubādalah* approach, the classical *qawwām* role that requires deconstruction encompasses both dimensions identified by the reviewer: the *fiqh* linkage of *qawwām* to *infaq* (financial maintenance) and the perception of *qawwām* as unilateral, non-reciprocal authority. However, this study argues that the primary issue lies in their intersection specifically, how the historical *fiqh* emphasis on *nafaqah* as the defining criterion of *qawwāmiyyah* inadvertently legitimized the reduction of fatherhood to economic provision alone. Classical jurists, particularly in the Shāfi’ī and Ḥanafī *madhhabs*, established that a husband’s *qawwām* status is legally contingent upon his provision of maintenance (*nafaqah*), as stated in Surah al-Nisā’ [4]:34: “*bi mā anfaqū min amwālihim*” (because of what they spend from their wealth). This legal linkage, while ensuring financial accountability, created an unintended consequence: fathers could be considered fully compliant with their *shari’ah* obligations through economic provision alone, even while neglecting their equally essential spiritual mandate (*hifż al-dīn*). The perception of *qawwām* as unilateral authority then compounded this problem by concentrating moral leadership in the father without establishing reciprocal accountability mechanisms or provisions for collaborative spiritual guidance when the father is absent or negligent. Therefore, *Qirā’ah Mubādalah* seeks to deconstruct both the materialistic reduction of *qawwāmiyyah* and its hierarchical monopolization, reconstructing it instead as shared moral stewardship rooted in reciprocal responsibility and functional competence.

To address this structural deficiency, the *Qirā’ah Mubādalah* framework provides a reciprocal interpretation of parental duties, ensuring that spiritual education can be sustained collaboratively when paternal leadership is absent.<sup>11</sup> This study distinguishes between two forms of fatherlessness: physical absence, such as death, divorce, or work-related separation; and moral or emotional absence, when the father is physically present but spiritually negli-

<sup>11</sup> Laman et al., “Pengaruh Fatherless Terhadap Akhlak Anak Dalam Kajian Hukum Keluarga Islam.”

gent. The latter, according to both classical and modern perspectives, is more damaging to the child's moral and spiritual growth. In early Islamic civilization, the Qur'anic concern for *al-yatāmā* (orphans) reflects awareness of this condition, where the loss of paternal guidance whether physical or moral threatened the preservation of *dīn* and *akhlāq*. Thus, addressing fatherlessness is not merely a sociological concern but part of the civilizational mission of Islam to sustain moral continuity across generations.

In addition, studies that specifically explore strategies or approaches that fathers can implement in the context of modern society to fulfill their parenting responsibilities in accordance with Islamic teachings remain very limited. In fact, a deep understanding of the role of fathers in the Islamic perspective can serve as an important foundation in designing effective programs or interventions to address fatherlessness.<sup>12</sup> The present study therefore aims to reconstruct the father's spiritual mandate within *Fiqh al-Usrah*, while employing *Qirā'ah Mubādalah* as a hermeneutical tool to promote relational justice ('*adālah 'alāqiyah*) in Muslim families.

The critical hermeneutic approach of deconstruction and reconstruction proposes to structurally reinterpret key texts such as al-Tahrīm: 6 and al-Nisā' [4]:34 to mandate reciprocal spiritual duty between parents, thereby ensuring that the mother's spiritual guidance receives equal legal recognition to the father's mandate. The deconstruction phase examines how classical *tafsīr* read al-Tahrīm: 6—"Qū anfusakum wa ahlīkum nārā" (O you who believe, protect yourselves and your families from the Fire)—as primarily addressing male heads of households, based on the linguistic convention that masculine plural forms (*qū*, addressing *alladhīna āmanū*) were interpreted as referring specifically to men in positions of authority. However, *Qirā'ah Mubādalah* applies the principle of '*umūm al-lafz*' (generality of expression) established in *uṣūl al-fiqh*, which holds that when a Qur'ānic address uses a general formulation encompassing both genders (*alladhīna āmanū* includes all believers), its legal obligation applies to both unless explicitly restricted by textual evidence

<sup>12</sup> Saddam Arifandi and Abd. Rouf, "Choosing A Place to Live in Maintaining Family Resilience: The Perspective of Maqashid Al-Usrah," *Jurnal Hukum Islam Sy-Syari'ah* 11, no. 2 (2025).

(*dalīl mukhaṣṣiṣ*). Since no textual evidence restricts the protective duty in al-Tahrīm: 6 exclusively to fathers, the obligation to “protect the family from the Fire” through religious education devolves equally upon both parents.

The reconstruction phase then reinterprets al-Nisā' [4]:34, where the term *qawwāmūn* has traditionally been understood as establishing male authority. *Qirā'ah Mubādalah* demonstrates that the root *q-w-m* linguistically signifies “to maintain, sustain, and care for” rather than “to dominate.” The verse’s conditional phrase “*bi mā faddala Allāhu ba’ðahum ‘alā ba’ð*” (because of what Allah has given one over the other) employs the reciprocal pronoun *ba’ð* (some over others), indicating mutual differentiation rather than absolute male superiority. Furthermore, the second condition “*wa bi mā anfaqū*” (and because of what they spend) establishes that *qawwāmiyyah* is contingent and functional—tied to actual provision—rather than inherent to male gender. By applying the hermeneutical principle of reciprocity (*mubādalah*), when fathers fail to fulfill the conditions of *qawwāmiyyah* (provision and spiritual guidance), mothers and the community assume the protective obligation mandated in al-Tahrīm: 6, ensuring that *hifz al-dīn* remains actualized regardless of the father’s presence. The Prophetic hadith “*kullukum rā’īn wa kullukum mas’ūlun ‘an ra’iyyatih*” (Each of you is a shepherd and each is responsible for his flock) reinforces this reciprocal accountability, establishing that both parents bear the obligation of spiritual stewardship. Thus, the mother’s spiritual guidance receives equal legal recognition not as a derivative or substitute role, but as a co-original obligation rooted in the universal protective mandate of al-Tahrīm: 6.

This approach ensures that paternal and maternal responsibilities remain balanced within the *maqāṣid al-sharī’ah* objectives of preserving religion (*hifz al-dīn*) and lineage (*hifz al-nasl*). Based on this background, this study aims to examine the phenomenon of fatherlessness in the context of Muslim families in Indonesia, with a focus on the role of fathers in parenting according to the principles of Islamic teachings. This study will integrate psychological and spiritual perspectives to understand the impact of fatherlessness more comprehensively and identify strategies that fathers can implement to effectively carry out their parenting roles amid the challenges of modern soci-

ety. Thus, this study is expected to make a substantive contribution to efforts to overcome the problem of fatherlessness in Indonesia, especially in Muslim families, and to strengthen the role of fathers as educators, mentors, and role models for children in accordance with Islamic values.

Methodologically, this study employs normative legal research combined with descriptive qualitative analysis. It compares the classical construction of *Fiqh al-Usrah* with the *Qirā'ah Mubādalah* approach to develop a conceptual model of relational justice that responds to the challenges of fatherlessness in modern Muslim families. Given the complexity of comparing classical *fiqh* with this progressive model, a comparative visual framework would substantially enhance analytical clarity. The proposed diagram would illustrate the redistribution of the *qawwām* mandate across three fundamental dimensions: (1) Financial Responsibility (*nafaqah*), represented as material provision and economic maintenance; (2) Spiritual Leadership (*hifż al-dīn*), encompassing religious education, prayer guidance, and moral formation; and (3) Emotional Care (*rahmah*), including affective presence, psychological support, and relational nurturing. The visual model would employ a structural comparison showing that Classical *Fiqh al-Usrah* concentrated all three dimensions within the father's unilateral authority, with minimal legal provisions for maternal spiritual agency or community intervention. In contrast, the *Qirā'ah Mubādalah* model would demonstrate how Financial Responsibility remains primarily (though not exclusively) paternal, maintaining clear accountability structures through *nafaqah* obligations, while Spiritual Leadership and Emotional Care are reconstructed as shared responsibilities distributed according to presence, competence, and functional capacity. The diagram would further illustrate that when fathers are absent or negligent, the *Qirā'ah Mubādalah* framework legitimizes the transfer of spiritual leadership to mothers or community guardians, ensuring that *hifż al-dīn* continues to be actualized. This visual representation would clarify how reciprocity operates not as the elimination of paternal responsibility but as its redistribution according to *maqāṣidic* priorities, where the preservation of faith takes precedence over the preservation of hierarchical gender structures.

The data sources in this study consist of primary and secondary data.

Primary data includes the main textual sources in Islam, namely the Qur'ān and its translations, *sahih* traditions related to the family and the role of the father, as well as classical *fiqh* books from various *madhhabs*. The *tafsīr* books used include *Tafsīr al-Munīr* by Wahbah az-Zuhailī, *Tafsīr al-Misbāh* by M. Quraish Shihab, as well as a number of contemporary *tafsīr* relevant to gender studies. Secondary data consists of academic literature in the form of books on family *fiqh* and Islamic law, works of thought on gender in Islam, research on *qirā'ah mubādalah*, as well as scientific articles from journals that examine the fatherless phenomenon and the dynamics of gender relations in Muslim families. In addition, secondary data also includes statistical sources and empirical reports, such as reports from UNICEF, the Central Statistics Agency (BPS), and surveys related to parenting patterns in Muslim families in Indonesia.

The criteria for source selection are based on the principles of authenticity that can be accounted for academically, relevance to the research theme, level of actuality for contemporary data, and the credibility of institutions or authors who are competent in their fields. Data collection techniques were carried out through library research as the main method, with steps including source inventory, data classification based on themes, evaluation of source quality, and extraction of information relevant to the focus of the study. In addition, content analysis was applied to classical *fiqh* texts that discuss the role of fathers and family structure, contemporary works related to *qirā'ah mubādalah*, as well as statistical data and reports that discuss the fatherless phenomenon in the context of Muslim societies.

The analysis process was conducted descriptively and critically, covering three main stages. First, identification of core concepts in *fiqh usrah* and *qirā'ah mubādalah*. Second, comparative analysis between religious texts and social reality, to reveal the conformity or discrepancies between the normative ideals in the texts and the practices of contemporary Muslim families. Third, the formulation of a conceptual proposal in the form of a more adaptive and contextual model of relational justice. Comparative analysis is conducted by comparing classical *fiqh* constructions of the role of the father and family structure with the current social situation, to evaluate the effectiveness

of traditional and progressive approaches. The stages of synthesis and conceptual construction are carried out through the integration of findings from various sources, the development of a framework of relational justice based on reciprocity, and the formulation of an alternative model of Muslim family structure that is more equitable and responsive to the dynamics of the times.

A critical hermeneutic approach was employed in this study to carry out three stages of analysis: first, deconstruction of classical texts by dismantling patriarchal or historically contextual ideological assumptions; second, reconstruction to build a new understanding that is more contextual and inclusive of the role of fathers in Muslim families; and third, application, namely applying the results of this new understanding in addressing the issue of fatherlessness in contemporary Muslim society. The analysis is also supported by the *maqāṣid al-shari'ah* framework, which includes five main objectives: *hifz al-dīn* (preserving religious values within the family institution), *hifz al-nafs* (protecting children's lives and mental health), *hifz al-'aql* (developing children's intellectuality and education), *hifz al-nasl* (maintaining the continuity of descendants and the quality of generations), and *hifz al-māl* (maintaining family economic stability).

The objective of preserving faith (*hifz al-dīn*) functions as the ultimate legal veto against maintaining the classical interpretation of *qawwām* when it demonstrably leads to the spiritual ruin of children through fatherlessness, operating through the hierarchical structure of *maqāṣid* priorities established by classical jurists such as al-Shāṭibī and al-Ghazālī. Within *maqāṣid al-shari'ah*, objectives are categorized into three levels: *darūriyyāt* (essentials necessary for the preservation of religion, life, intellect, lineage, and wealth), *hājiyyāt* (complementary needs that facilitate the realization of essentials), and *taḥsīniyyāt* (embellishments that perfect human conduct). *Hifz al-dīn* occupies the highest position among the *darūriyyāt*, as religion provides the foundation for all other objectives and determines ultimate success in the hereafter. When the classical interpretation of *qawwām* which functions at the level of *hājiyyāt* or *taḥsīniyyāt* as an organizational structure for family management fails to actualize its ultimate purpose of preserving faith, it becomes legally deficient according to *maqāṣidic* reasoning. The principle "*al-hukm yadūru ma'a 'illatihī*

*wujūdan wa 'adaman*" (the ruling revolves with its effective cause in existence and non-existence), established in *uṣūl al-fiqh*, dictates that when the '*illah* (rationale) of a ruling is not achieved, the ruling's continued application must be reconsidered. In the case of fatherlessness, when paternal *qawwāmiyyah* fails to ensure children's spiritual formation evidenced by the decline in *ṣalāh* observance, moral discipline, and religious knowledge the structure itself contradicts *hifz al-dīn*. Classical jurists recognized that *darūriyyāt* take absolute precedence over *ḥājiyyāt* and *taḥsīniyyāt*; thus, preserving the essential objective of faith transmission justifies modifying or redistributing the complementary structure of gender-based leadership. Furthermore, the *fiqh* maxim "*al-ḍarūrāt tubiḥu al-maḥzūrāt*" (necessities permit prohibitions) and "*mā lā yatimu al-wājib illā bihi fa-huwa wājib*" (that without which an obligation cannot be fulfilled becomes itself obligatory) establish that when *hifz al-dīn* cannot be achieved through traditional paternal leadership due to absence or negligence, alternative mechanisms including maternal spiritual authority and communal guardianship become not merely permissible but obligatory. Therefore, *hifz al-dīn* functions as the ultimate legal veto by activating the hierarchical priority system within *maqāṣid*, wherein the preservation of a *darūrah* (essential necessity) overrides the maintenance of structural forms that belong to lower categories of objectives, thereby legitimizing the reconstruction of *qawwāmiyyah* from unilateral male authority to shared, functional moral stewardship.

The validity of the data was ensured through source triangulation techniques, namely by reviewing various classical and contemporary literatures, paying attention to the opinions of scholars from various *madhhabs*, and integrating qualitative data with relevant statistical findings. Validity of the analysis was confirmed through discussions with Islamic legal experts, consultations with researchers in the field of gender and family, and reviews from family education and counseling practitioners. This research has some methodological limitations. Being normative in nature, the study did not involve collecting empirical data directly from the field. The scope of the study focused on an Islamic perspective with a *fiqh* and *qirā'ah mubādalah* approach, so the generalizability of the findings may not be fully applicable to all di-

verse Muslim social and cultural contexts. In addition, limited sources also pose challenges, such as the scarcity of literature on *qirā'ah mubādalah* in Indonesian, limited empirical data related to the implementation of the concepts studied, and the dominance of the Sunni perspective in the *fiqh* literature used.

This research was conducted by upholding the principles of research ethics, which include objectivity in analysis, academic honesty without data manipulation, respect for copyright through proper citation, and cultural sensitivity by respecting the diversity of views in the Islamic tradition. The analysis process was conducted systematically through several stages: the preparation stage, which included data collection and classification; the analysis stage, which included interpretation and comparison of concepts; the synthesis stage, which included the construction of a model of relational justice; the evaluation stage, which assessed the consistency and applicability of the model; and the finalization stage, which resulted in the formulation of conclusions and recommendations.

The main objective of this research is to reformulate the structure of Islamic family relations to be more equal and contextual in responding to contemporary social dynamics. Through a comprehensive and integrative methodology, this research is expected to make a significant contribution to the development of family *fiqh* that is more adaptive and responsive to the fatherless phenomenon. An approach that combines traditional *fiqh* values with the perspective of reciprocity (*mubādalah*) is key in producing solutions that are not only theoretical but also applicable and relevant in the context of contemporary Muslim families.

### The Concept of Qirā'ah Mubādalah

*Qirā'ah Mubādalah* is a progressive hermeneutical framework emphasizing reciprocity (*mubādalah*), justice, and equality between men and women. Introduced by Faqihuddin Abdul Kodir, it responds to the patriarchal bias of classical exegesis that often positioned women as passive objects of law rather than active moral agents. Etymologically, *mubādalah* means "mu-

tual exchange." In interpretation, this principle asserts that when a Qur'ānic or prophetic text refers to one gender, its moral and legal message also applies reciprocally to the other, unless explicitly restricted.<sup>13</sup>

The epistemological foundation of *Qirā'ah Mubādalah* does not invert the classical hierarchy wherein revelation (*naql*) determines legal value (*hukm*); rather, it applies established principles of *uṣūl al-fiqh* to extract the underlying ethical intent (*maqṣad*) embedded within the revealed text. Traditional *tafsīr* distinguishes between the *lafz* (literal expression) and the *ma'nā* (meaning), and between *'ibārah al-naṣṣ* (explicit textual meaning) and *ishārah al-naṣṣ* (implicit textual indication). *Qirā'ah Mubādalah* operates primarily at the level of *ishārah* and *maqṣad*, arguing that when the Qur'ān addresses believers with ethical commands using general formulations (*alladhīna āmanū*), the legal obligation applies universally unless a restricting text (*mukhaṣṣiṣ*) specifies otherwise. This methodology aligns with the classical principle of *'umūm al-lafz* (generality of expression), which al-Shāfi'ī and other jurists established as foundational to legal reasoning. The identification of universal values—justice ('*adl*), compassion (*rahmah*), equality (*musāwāh*) does not precede the text as an external framework imposed upon revelation. Rather, these values are extracted from the Qur'ān itself through thematic analysis (*tafsīr mawdū'i*), as demonstrated in verses such as al-Nisā' [4]:58 ("Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice"), al-Rahmān [55]:7-9 (establishing the balance and forbidding transgression in the measure), and al-Hujurāt [49]:13 (affirming that the noblest among you in the sight of Allah is the most righteous). Thus, *Qirā'ah Mubādalah* does not subject the Qur'ān to modern predetermined ethics but rather employs classical hermeneutical tools—*'umūm*, *maqāṣid*, and thematic consistency—to recover the Qur'ān's own egalitarian principles that were historically obscured by culturally contingent patriarchal interpretations.

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Methodologically, *Qirā'ah Mubādalah* employs a contextual-transforma-

<sup>13</sup> Anisah Dwi Lastri P, "Qira'ah Mubadalah Dan Arah Kemajuan Tafsir Adil Gender: Aplikasi Prinsip Resiprositas Terhadap Q.S. Ali Imran: 14," *Muḍārah: Jurnal Kajian Islam Kontemporer* 2, no. 1 (July 2020): 53, <https://doi.org/10.18592/msr.v2i1.3655>.

tive reading that integrates historical, sociological, and anthropological dimensions. The Qur'ān was revealed in a patriarchal 7th-century society, yet its universal message promotes liberation, dignity, and justice. Kodir stresses that *Qirā'ah Mubādalah* does not deconstruct Islam but reclaims its inherent ethics of justice that were often obscured by male-centered interpretations. Thus, it represents not a revolution against orthodoxy but an evolution toward ethical balance.<sup>14</sup>

The concern that applying the “mutual exchange” principle to specific legal rulings such as the *qawwām* mandate in Q. 4:34 might undermine the legal certainty (*yaqīn*) necessary for the stability and enforceability of Islamic Family Law is addressed through the distinction between *aḥkām qat'iyyah* (definitive rulings) and *aḥkām ẓanniyyah* (probabilistic rulings) established in *uṣūl al-fiqh*. Classical jurists recognized that only a limited category of rulings—those derived from texts that are both *qat'i al-thubūt* (definitively established in transmission) and *qat'i al-dalālah* (definitively clear in meaning) constitute immutable legal certainties. Most family law provisions, including the interpretation of *qawwāmiyyah*, fall within the category of *ẓanni al-dalālah* (probabilistic in meaning) because the Qur'ānic terms themselves permit multiple linguistic and contextual interpretations. The word *qawwāmūn* in al-Nisā' [4]:34, derived from the root *q-w-m*, can signify “maintainers,” “protectors,” “managers,” or “supporters,” and classical exegetes themselves disagreed on whether it connotes authority, responsibility, or both. Al-Rāzī in his *Mafātiḥ al-Ghayb* noted multiple possible meanings, while al-Ṭabarī recorded various companion interpretations emphasizing maintenance over dominance.

Furthermore, *Qirā'ah Mubādalah* maintains legal certainty not by eliminating specific rulings but by establishing a functional principle: legal obligations remain clear and enforceable, but their distribution becomes contingent on capacity and circumstance rather than gender alone. The *qawwām* obligation of financial maintenance (*nafaqah*) remains legally certain and enforceable a husband who can provide but refuses remains legally liable, and enforcement mechanisms through Islamic courts continue to operate. What

<sup>14</sup> Faqihuddin Abdul Kodir, “Qirā'ah Mubādalah,” *Afkaruna* 15, no. 1 (2021): 129–35.

changes is the recognition that when a husband is unable or unwilling to fulfill both the material and spiritual dimensions of *qawwāmiyyah*, the spiritual leadership component can be legitimately exercised by the mother, guided by the overarching principle of *hifz al-dīn* (preservation of faith). This approach mirrors classical juristic flexibility in *wilāyah* (guardianship) matters, where *fuqahā'* recognized that when a father failed in his duties, guardianship could transfer to the mother or another qualified guardian to ensure the child's welfare. The *Mālikī* and *Hanbalī* schools, for instance, recognized maternal guardianship in educational matters when paternal guardianship proved harmful. Thus, *Mubādalah* extends existing juristic principles of contingent responsibility rather than creating entirely novel legal structures.

The specific *ijtihād* arguments upon which *Qirā'ah Mubādalah* relies include: (1) the principle of *ta'līl al-ahkām* (reasoning from effective cause), which holds that legal rulings are tied to their underlying rationales rather than their superficial forms when the '*illah* (effective cause) of male *qawwāmiyyah* is identified as financial provision and protective capacity, the ruling becomes contingent on the presence of these conditions; (2) the principle of *istiṣlāh* (consideration of public interest), recognized especially in *Mālikī* jurisprudence, which permits adaptive legal reasoning when it serves the *maqāṣid* in cases of fatherlessness, *istiṣlāh* justifies empowering mothers with spiritual authority to preserve *hifz al-dīn*; (3) the principle of *sadd al-dhara'i* (blocking the means to harm), which requires preventing practices that lead to the corruption of essential objectives maintaining rigid patriarchal structures that result in children's spiritual neglect constitutes a *dharī'ah* (means) to the harm of faith erosion; and (4) the methodology of *maqāṣid al-shari'ah*, systematized by al-Shāṭibī, which establishes that when literal adherence to a ruling contradicts its ultimate purpose, the purpose takes precedence. These are not modern innovations but classical juristic tools that *Qirā'ah Mubādalah* applies consistently to gender-related texts, demonstrating that the approach operates firmly within Islamic epistemological boundaries rather than imposing external frameworks.

In practice, this approach begins by identifying universal Qur'ānic values such as justice, compassion (*rahmah*), kindness, and reciprocity. The inter-

preitive process then reverses gender roles mentioned in the text to reveal the mutual ethical obligations embedded within. For example, a command for husbands to treat their wives kindly also applies reciprocally to wives toward their husbands. This transforms the text into a relational ethic of partnership, affirming Islam's foundational principle of equality in social and family life.

Within this study, *Qirā'ah Mubādalah* is used to reinterpret paternal leadership (*qawwāmiyyah*) not as hierarchical authority but as shared moral responsibility. This framework supports the argument that moral fatherlessness when fathers fail spiritually rather than physically is more destructive, and that leadership within *Fiqh al-Usrah* should be exercised reciprocally. Empirical studies reinforce this view: families that apply *mubādalah* principles demonstrate lower domestic conflict and higher mutual empathy, as communication and decision-making are more equitable.<sup>15</sup>

When *Qirā'ah Mubādalah* reinterprets a text to produce results that appear to diverge from centuries of scholarly consensus such as transforming unilateral male headship into shared leadership this constitutes reconstruction of justice rather than functional abrogation (*naskh*) of the original legal ruling, for several methodologically rigorous reasons. First, *naskh* in classical *uṣūl al-fiqh* refers exclusively to the divine abrogation of one revealed text by another revealed text, either Qur'ān abrogating Qur'ān or later Prophetic *sunnah* abrogating earlier *sunnah*. Human reinterpretation, regardless of how transformative, cannot constitute *naskh* because scholars lack the authority to nullify revelation. What *Mubādalah* engages in is *ijtihād* (independent legal reasoning) applied to *zannī* (probabilistic) texts, which classical jurists unanimously recognized as both necessary and legitimate when circumstances change.

Second, the divergence from historical consensus (*ijmā'*) must be carefully distinguished from divergence from historical dominant interpretation (*tafsīr sā'id*). True *ijmā'* requires the unanimous agreement of all qualified

<sup>15</sup> Arifah Millati Agustina and Nor Ismah, "Challenging Traditional Islamic Authority: Indonesian Female Ulama and the Fatwa Against Forced Marriages," *Journal of Islamic Law* 5, no. 1 (February 2024): 125–46, <https://doi.org/10.24260/jil.v5i1.2319>.

jurists (*mujtahidūn*) in a given era on a definitive legal ruling. However, on the precise nature and implications of *qawwāmiyyah*, no such unanimous consensus existed. Al-Ṭabarī, al-Qurṭubī, al-Rāzī, and Ibn ‘Āshūr offered varying interpretations, with some emphasizing material responsibility, others moral authority, and yet others viewing it as conditional. The Ẓāhirī school, represented by Ibn Ḥazm, interpreted *qawwāmiyyah* more restrictively as financial obligation without broad authority. Contemporary scholars such as Muḥammad ‘Abduh, Rashīd Ridā, and Muḥammad al-Ghazālī questioned absolutist readings, suggesting that *qawwāmiyyah* was contextually tied to historical economic realities. Therefore, *Mubādalah* does not contradict an established *ijmā'* but rather offers an alternative interpretation within a historically plural exegetical tradition.

Third, the finality of revelation (*khatm al-nubuwwah*) is not challenged by reinterpretation because finality refers to the completeness and perfection of the revealed text, not to the fixity of human understanding of that text. The Qur’ān itself in Āl ‘Imrān [3]:7 distinguishes between *āyāt muhkamāt* (clear verses) and *āyāt mutashābihāt* (ambiguous verses), acknowledging that some texts require ongoing interpretation. The Prophet Muhammad (peace be upon him) prayed for Ibn ‘Abbās: “*Allāhūmma faqqihhu fī al-dīn wa ‘allimhu al-ta’wīl*” (O Allah, grant him deep understanding of religion and teach him interpretation), establishing that *ta’wīl* (interpretive reasoning) is a divinely sanctioned intellectual activity. Imam al-Shāfi‘ī’s recognition that “the *mujtahid* who errs receives one reward, while the one who is correct receives two” institutionalized the legitimacy of diverse interpretations as part of Islam’s epistemological flexibility. What *Mubādalah* reconstructs is not the text’s meaning in an absolute sense but rather the *fahmunā li al-naṣṣ* (our understanding of the text), bringing it into alignment with the *maqāṣid* that the text ultimately serves—justice, compassion, and the preservation of faith.

Finally, the reconstruction of justice operates through the principle of *tahqīq al-manāt* (verification of the occasioning factor), which classical jurists used to determine whether the conditions (*manāt*) that warranted a specific ruling still obtain. When the historical *manāt* for male-exclusive *qawwāmiyyah* namely, male monopoly on economic provision and public authority no lon-

ger universally obtains in contemporary societies where women contribute economically and exercise public leadership, the ruling's application must be verified anew. This does not abrogate the text but fulfills its original intent: ensuring that families are led responsibly by those capable of fulfilling both material and spiritual obligations. In cases of fatherlessness, where the father is absent or negligent, *taḥqīq al-manāt* demonstrates that the conditions for exclusive paternal leadership are absent, warranting the transfer of spiritual authority to capable mothers or community guardians. This methodological approach, rooted in classical jurisprudence, ensures that *Qirā'ah Mubādalah* remains a legitimate reconstructive project rather than an abrogative departure from Islamic legal tradition.

In the context of family law, *Qirā'ah Mubādalah* corrects classical interpretations that assign domestic roles solely to women. It redefines *qawwām* in Qur'ān 4:34 not as absolute male dominance but as responsible management of relationships based on competence and circumstance.<sup>16</sup> This concept aligns paternal authority with accountable guardianship rather than privilege, enabling both parents to preserve religious and moral continuity (*hifz al-dīn* and *hifz al-nasl*).

Beyond family dynamics, *Qirā'ah Mubādalah* also promotes women's leadership and prevents gender-based violence. Aliyah and Aulia argue that *hadith* seemingly restricting female leadership must be contextualized, as early Islamic history recorded active female leaders.<sup>17</sup> Similarly, *mubādalah* readings of marital *hadith* foster dialogue and compassion, rejecting domestic violence and reinforcing mutual respect.<sup>18</sup>

Ultimately, *Qirā'ah Mubādalah* integrates thematic and contextual exege-

<sup>16</sup> Wahyu Fahrul Rizki, "Qirā'ah Mubādalah Approach to the Qur'an: The Interpretation of Q.S. Al-Nisā' [4]: 34," *ULUL ALBAB Jurnal Studi Islam* 21, no. 2 (December 2020): 269–88, <https://doi.org/10.18860/ua.v21i2.10218>.

<sup>17</sup> Siti Alfi Aliyah and Raihan Safira Aulia, "Metode Qira'ah Mubadalah Pada Kasus Kepemimpinan Perempuan," *An-Nida'* 46, no. 2 (December 2022): 174, <https://doi.org/10.24014/an-nida.v46i2.20860>.

<sup>18</sup> Ulin Na'mah, Rezki Suci Qamaria, and Hesti Ayu Makrufah, "The Concept of Mubādalah (Mutuality) and the Public Role of Wife to Prevent Domestic Violence," *Al-'Adalah* 19, no. 2 (December 2022): 291–314, <https://doi.org/10.24042/adalah.v19i2.13682>.

sis within the *maqāṣid al-shari‘ah* framework, aiming for justice, human dignity, and social harmony. It embodies the inclusive spirit of Islam as *rahmatan li l-‘ālamīn*, offering an interpretive paradigm that transforms patriarchal narratives into a theology of shared moral responsibility and relational justice.

### The Impact of Fatherlessness on Muslim Families: An Analysis of Qi-rā‘ah Mubadalah

The phenomenon of fatherlessness namely the physical and moral-spiritual absence of fathers in their children's lives has become a growing social and ethical issue in contemporary Muslim societies. This absence may result from divorce, death, labor migration, or a father's neglect of his educational and spiritual responsibilities. In the framework of Islamic family ethics (*Fiqh al-Usrah*), such absence represents not only a sociological imbalance but also a disruption of the *maqāṣid al-shari‘ah*, particularly the preservation of faith (*hifz al-dīn*) and lineage (*hifz al-nasl*).<sup>19</sup> The father's withdrawal from his role as *qa-wwām* leader, guide, and protector undermines the internalization of *tawhīd*, moral discipline, and social stability within the household. Consequently, fatherlessness weakens both individual and collective moral consciousness.

Statistical data reinforces the magnitude of this issue. The National Socio-Economic Survey (*Susenas* MSBP, 2021) recorded that about 7.48 percent of early-childhood children in Indonesia live with only one parent, while 1.69 percent live apart from both biological parents.<sup>20</sup> These figures reveal a serious challenge to family integrity and to the transmission of religious and moral education. Empirical studies confirm that children raised without active paternal involvement show lower levels of religious understanding and spiritual discipline compared with those guided by an engaged father.<sup>21</sup> This

<sup>19</sup> Ilham Laman et al., “Pengaruh Fatherless Terhadap Akhlak Anak Dalam Kajian Hukum Keluarga Islam,” *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 10, no. 2 (December 2023): 135–58, <https://doi.org/10.24252/al-qadau.v10i2.39203>.

<sup>20</sup> Lilis Anisah, “Anak Indonesia Dalam Statistik,” Badan Pusat Statistik (BPS) Kota Semarang, 2024.

<sup>21</sup> Arsyia Fajarrini and Aji Nasrul Umar, “Dampak Fatherless Terhadap Karakter Anak Dalam Pandangan Islam,” *Abata : Jurnal Pendidikan Islam Anak Usia Dini* 3, no. 1 (March 2023): 20–28, <https://doi.org/10.32665/abata.v3i1.1425>.

finding echoes the argument raised in the introduction: that moral and emotional fatherlessness causes deeper harm than physical absence, as it severs the chain of ethical formation (*ta'dīb*) and religious habituation within the home.

Research in the *Al-Qadāu* Journal shows that fatherless children tend to experience identity crises, weak social responsibility, and a higher inclination toward deviant behavior.<sup>22</sup> Fathers are not only breadwinners but moral authorities who model daily Islamic practice teaching prayer, manners, and the understanding of *halāl* and *harām*. When this presence disappears, children often seek alternative identity figures outside the family, exposing them to inconsistent or even destructive moral influences. Hence, fatherlessness in Muslim families should be understood as a moral vacuum that threatens the intergenerational continuity of Islamic values.

From this perspective, *Qirā'ah Mubādalah* offers an interpretive framework capable of responding to the crisis of fatherlessness through its principles of reciprocity (*mubādalah*), justice ('*adl*), and compassion (*rahmah*). Developed by Faqihuddin Abdul Kodir, this approach views family leadership not as hierarchical but as cooperative and complementary. When the father is absent, whether physically or functionally, the principle of reciprocity in family life becomes disrupted. Mothers who must assume dual roles as breadwinners and moral educators often bear a disproportionate emotional, spiritual, and economic burden, creating relational fatigue and educational imbalance. Through a *mubādalah* reading, this imbalance is recognized as a structural injustice that must be restored through shared moral responsibility rather than gender hierarchy.

The *Qirā'ah Mubādalah* framework provides specific legal basis (*dalīl sharī'*) for mothers to demand external *nafaqah* (maintenance) or community support (communal *ta'dīb*) from the father or the state/community, thereby correcting this structural imbalance, through several interconnected juristic principles. First, the foundational principle of *nafaqah* in classical *fiqh* estab-

<sup>22</sup> Siti Istiyati, Rosmita Nuzuliana, and Miftahush Shalihah, "Gambaran Peran Ayah Dalam Pengasuhan," *Profesi (Profesional Islam) : Media Publikasi Penelitian* 17, no. 2 (March 2020): 12–19, <https://doi.org/10.26576/profesi.v17i2.22>.

lishes that when a father is alive but neglects his financial or educational duties, the mother who assumes these responsibilities is entitled to compensation. The Mālikī school, in particular, recognized that a wife who spends her own wealth to maintain the household when the husband fails to provide is entitled to reclaim that expenditure as a debt (*dayn*) upon the husband. This principle, articulated in *al-Mudawwanah al-Kubrā*, extends by analogy (*qiyās*) to the spiritual and educational labor a mother performs when the father is absent or negligent. The '*illah* (effective cause) for financial *nafaqah* namely, the fulfillment of essential family needs applies equally to spiritual needs, as *hifz al-dīn* (preservation of faith) ranks as a *darūrah* (essential necessity) in *maqāṣid al-shari'ah*, equal in priority to *hifz al-nafs* (preservation of life) which material *nafaqah* serves.

Second, the Qur'ānic verse in al-Nisā' [4]:9—"Wa al-yakhsha alladhīna law tarakū min khalfihim dhurriyyatan dī'afan khāfū 'alayhim" (Let those fear who, if they left behind weak offspring, would fear for them) establishes communal responsibility for vulnerable children, including those experiencing fatherlessness. Classical exegetes such as al-Qurṭubī interpreted this verse as mandating collective guardianship (*walāyah jamā'iyyah*) when biological guardians fail in their duties. This principle grounds the legal obligation of the Muslim community, through the state or charitable institutions (*waqf, bayt al-māl*), to provide material and educational support to single mothers and fatherless children. The Prophetic statement "*Anā wa kāfil al-yatīm fī al-jannah hākadhabā*" (I and the guardian of the orphan will be in Paradise like this—indicating with his two fingers) establishes that caring for fatherless children is not merely a voluntary act of charity (*ṣadaqah*) but a communal obligation (*fard kifāyah*) that, when neglected by the community, results in collective sin.

Third, the principle of *wilāyah* (guardianship) in Islamic law recognizes functional competence over formal status. The Ḥanafī school, in cases where the paternal grandfather was absent or incapable, permitted the mother or maternal relatives to assume educational guardianship. Ibn Qudāmah in *al-Mughnī* acknowledged that when the father's *wilāyah* becomes harmful (*muḍirr*) to the child's welfare including spiritual welfare it can be transferred or restricted by judicial intervention (*hasbah*). *Qirā'ah Mubādalah* extends this

classical principle by arguing that when a father's moral negligence demonstrably harms *hifz al-dīn*, the mother's *wilāyah* in spiritual education becomes not merely permissible but legally recognized and enforceable. This recognition empowers mothers to seek legal recourse through Islamic courts to obtain financial compensation for educational expenses and to formalize their authority in religious upbringing, ensuring that their spiritual labor receives the same legal protection as paternal authority traditionally enjoyed.

Fourth, the concept of *haqq al-hadānah* (right of custody) in classical *fiqh* primarily concerned physical care but increasingly encompasses educational and moral formation. Contemporary *fiqh* councils, including the International Islamic Fiqh Academy, have recognized that *hadānah* includes the responsibility and right to provide religious education. When mothers exercise *hadānah* in the context of fatherlessness, *Qirā'ah Mubādalah* argues that this right necessarily includes the authority to enforce religious practices such as *salāh*, fast, and Qur'ānic instruction, with corresponding entitlement to state or community support in fulfilling these duties. The legal basis for communal *ta'dīb* derives from the Prophetic practice of collective responsibility in education, exemplified when the Prophet (peace be upon him) appointed teachers (*mu'allimūn*) from the *Suffah* to instruct children, establishing that when individual families lack capacity, the community must provide educational infrastructure. Thus, *Qirā'ah Mubādalah* does not create novel obligations but rather applies existing juristic principles of compensation, communal responsibility, functional guardianship, and custodial rights to ensure that mothers' spiritual labor in the context of fatherlessness is legally recognized, financially compensated, and communally supported.

Nevertheless, *Qirā'ah Mubādalah* also provides practical and normative solutions. In this approach, gender roles are not static but flexible and situational. When the father is absent, caregiving duties may be carried out by the mother or another trusted family or community member on the basis of empathy, volunteerism, and justice without violating *sharī'ah* principles. Parenting, therefore, becomes a communal responsibility rooted in *rahmah* rather than an individual burden.

The principle of reciprocity (*mubādalah*) applies specifically to the *ṣalāh* mandate in al-Taḥrīm [66]:6—“*Qū anfusakum wa ahlīkum nārā*” (O you who believe, protect yourselves and your families from the Fire) by establishing that this imperative, addressed to all believers (*alladhīna āmanū*), devolves as a shared legal obligation upon both parents rather than exclusively upon fathers. Classical exegetes, interpreting the masculine plural imperative (*qū*) as addressing male heads of households, concentrated the responsibility of religious instruction in fathers. However, applying the *uṣūl al-fiqh* principle of ‘*umūm al-khiṭāb* (generality of address), *Qirā'ah Mubādalah* argues that when the Qur’ān addresses “those who believe” without textual restriction (*takhṣīṣ*), the obligation applies to all members of that category. The term *ahlīkum* (your families) encompasses both spouses and children, meaning that both husband and wife bear the obligation to protect each other and their offspring from spiritual ruin.

This means that the mother is legally co-responsible for enforcing *salāh* from the outset of family formation, not merely when the father is absent. The mutual responsibility (*mas'ūliyyah mutabādalah*) strengthens the child’s moral formation in several empirically demonstrable ways. First, it provides redundancy in moral oversight when one parent is temporarily unable to fulfill educational duties due to work, illness, or travel, the other parent maintains continuity in religious instruction, preventing gaps in the child’s spiritual development. Classical *fiqh* recognized this principle in the context of *ḥadānah*, where temporary transfer of custody ensured uninterrupted care; *Mubādalah* applies the same logic to spiritual formation. Second, mutual responsibility models egalitarian partnership (*sharākah*) for children, demonstrating that moral authority in Islam derives from knowledge and piety rather than gender, thereby cultivating in children a more robust understanding of Islamic ethics as universally applicable rather than gender-specific. Third, when both parents actively enforce *ṣalāh*, children receive consistent messaging reinforced through multiple channels the mother’s instruction complements rather than substitutes the father’s, creating what educational psychology terms “redundant coding,” which enhances retention and internalization of religious practices.

Furthermore, the Prophetic *hadith* “*kullukum rā'in wa kullukum mas'ūlun 'an ra'iyyatih*” (Each of you is a shepherd and each is responsible for his flock), followed by the specification “*wa al-mar'ah rā'iyyah fī bayti zawihihā wa mas'ūlah 'an ra'iyyatihā*” (and the woman is a shepherd in her husband's household and is responsible for her flock), explicitly establishes maternal responsibility for household members, which classical scholars interpreted to include children's moral upbringing. The term *rā'iyyah* (shepherd) connotes active guardianship and accountability, not passive care. Ibn Ḥajar al-'Asqalānī in *Fath al-Bārī* explained that this *hadith* establishes that mothers bear independent moral authority (*sultah akhlāqiyah*) within the domestic sphere, including the duty to command good (*amr bi al-ma'rūf*) and forbid wrong (*nahy 'an al-munkar*) among family members. When applied to *ṣalāh* enforcement, this means that a mother who observes her child neglecting prayer is not merely permitted but obligated to correct this behavior, with her authority deriving directly from the Prophetic mandate rather than being derivative of paternal permission.

Compared to the traditional unilateral mandate where *ṣalāh* enforcement was considered primarily the father's responsibility, the mutual responsibility model under *Qirā'ah Mubādalah* addresses a critical vulnerability in classical family structure: the assumption that paternal spiritual leadership would remain consistent and effective. Historical reality demonstrates that fathers' work obligations, travel, or simple negligence often created gaps in religious instruction. By establishing co-responsibility, *Mubādalah* ensures that the essential *maqṣad* of *hifz al-dīn* remains protected regardless of circumstantial variations in parental availability. Moreover, mutual responsibility prevents the problematic dynamic where mothers, though often more consistently present in children's daily lives, felt constrained in enforcing religious discipline without explicit paternal authorization, leading to inconsistent religious training. The *Mubādalah* framework liberates mothers to exercise their inherent religious authority while simultaneously holding fathers accountable for active engagement rather than passive delegation, thereby strengthening the structural integrity of Islamic moral formation within the family.

The Qur'ān itself provides narrative models illustrating this principle.

The story of Prophet Ibrāhīm and his son Ismā'īl depicts ideal paternal communication grounded in spiritual dialogue, trust, and joint decision-making. Conversely, the story of Prophet Ya'qūb shows that even amid physical separation, emotional and spiritual connection can sustain paternal guidance. These Qur'ānic exemplars affirm that presence in Islam is not merely physical but moral and communicative. Correspondingly, research in *RESLAJ* indicates that fatherlessness should be defined not only by physical absence but by the loss of emotional connection and moral mentorship within the family.<sup>23</sup>

*Qirā'ah Mubādalah* further critiques the structural roots of fatherlessness by questioning patriarchal and legal systems that centralize authority in men yet fail to address the consequences of male negligence.<sup>24</sup> The Indonesian Islamic legal framework, which often assumes male dominance in *qawwāmiyyah*, lacks adaptive mechanisms to balance relationships when fathers fail in their duties. Within a *mubādalah* interpretation, leadership must be redefined as responsible partnership (*sharākah mas'ūlah*), ensuring that both parents share the divine mandate of nurturing faith, character, and justice in their children.

The reconstructed *Fiqh al-Usrah* model grounded in *Qirā'ah Mubādalah* explicitly redefines *qawwāmiyyah* as "shared moral leadership contingent on performance" (*qiyādah akhlāqiyyah mushtarakah mashruṭah bi al-adā'*), fundamentally transforming the classical understanding from status-based authority to function-based stewardship. In this reconstructed framework, *qawwāmiyyah* comprises three analytically distinct but practically integrated dimensions: (1) *nafaqah* (financial maintenance), (2) *ri'āyah rūhiyyah* (spiritual guardianship), and (3) *ḥimāyah 'āṭifiyyah* (emotional protection). While classical *fiqh* concentrated all three dimensions in the father's role and made them

<sup>23</sup> Nur Hamimah, Wiwin Ainis Rohtih, and Amir Mahmud, "Dampak Pola Asuh Fatherless Dalam Al-Qur'an: Study Kritis Parenting Dalam Kisah Nabi Ya'kub," *Reslaj: Religion Education Social Laa Roiba Journal* 6, no. 6 (June 2024), <https://doi.org/10.47467/reslaj.v6i6.3247>.

<sup>24</sup> Abed Majidi, Nurul Kartika Laili, and Douglas N. Jaime, "Redefining Equality in Marriage Laws: An Analysis of Husband-Wife Relations Through *Qirā'ah Mubādalah*," *Indonesian Journal of Islamic Law* 7, no. 2 (December 2024): 43–63, <https://doi.org/10.35719/dvnwmw07>.

contingent solely on financial provision, the *Mubādalah* model distributes these responsibilities according to capacity, presence, and functional competence.

Specifically, when a father is found to be morally negligent evidenced by poor *salāh* discipline, failure to provide religious instruction, or modeling unethical behavior the reconstructed model proposes a graduated response mechanism. First, judicial intervention through Islamic family courts (*maḥākim shar'iyyah*) can issue a remedial directive (*tawjīh iṣlāḥī*) requiring the father to fulfill his spiritual obligations within a specified timeframe, potentially mandating participation in Islamic parenting programs or supervised engagement with children's religious education. This intervention parallels classical *fiqh* mechanisms where courts could compel husbands to fulfill *nafaqah* obligations or face legal consequences.

Second, if remediation fails or the father's negligence persists, the *qa-wwām* spiritual mandate specifically the *ri'āyah rūhiyyah* dimension—can be formally transferred to the mother through judicial decree (*qarār qadā'i*), granting her exclusive legal authority (*wilāyah shar'iyyah*) to make decisions regarding children's religious education, including school selection, *tahfīz* enrollment, and enforcement of religious practices. This transfer does not constitute revocation of the father's *nafaqah* obligation, which remains legally binding as compensation for his abdication of spiritual duties. The juristic basis for this transfer derives from the Mālikī principle of *wilāyah muqayyidah* (conditional guardianship), where guardianship rights are contingent on the guardian's fulfillment of fiduciary duties. Imam Mālik in *al-Muwaṭṭa'* recognized that when a guardian's actions contradicted the ward's welfare (*maṣlaḥah*), judicial authorities could restrict or transfer guardianship.

Third, in cases of extreme paternal absence or comprehensive negligence where neither remediation nor maternal sole guardianship suffices, the *Mubādalah* framework legitimizes communal guardianship (*walāyah jamā'iyyah*), whereby the Muslim community, through institutional mechanisms such as mosque educational committees (*lajnah tarbawiyyah*), Islamic schools, or state welfare agencies, assumes collective responsibility for the

child's spiritual formation. This communal intervention finds precedent in the classical concept of *walī al-hākim* (guardianship of the authority), where the state, representing the collective interest of Muslims, exercises guardianship over individuals who lack capable private guardians. The Qur'ānic verse in al-Anfāl [8]:75—"Wa ūlū al-arḥām ba'duhum awlā bi ba'din fī kitāb Allāh" (Blood relations are more entitled to inheritance according to the Book of Allah) establishes a hierarchy of responsibility, but classical jurists recognized that when blood relations failed, the community must intervene to prevent *mafsadah* (harm).

Therefore, the reconstructed *qawwāmiyyah* operates as a dynamic, performance-based stewardship where spiritual authority follows functional competence and active engagement. When fathers fulfill their multidimensional obligations, they retain primary spiritual leadership; when they fail partially, shared leadership with empowered maternal authority becomes operative; when they fail comprehensively, communal guardianship ensures that *hifz al-dīn* remains actualized. This model resolves the critical flaw in classical family structure: the assumption that formal patriarchal authority would naturally translate into effective moral leadership. By making spiritual authority contingent on demonstrated performance and providing institutional mechanisms for transferring or supplementing that authority when performance falters, the *Qirā'ah Mubādalah* framework ensures that the ultimate *maqṣad*—the preservation of children's faith and moral formation remains paramount, taking precedence over the preservation of rigid gender hierarchies. This represents not an abrogation of Islamic family law but its evolutionary adaptation, applying classical juristic principles of conditional guardianship, communal responsibility, and *maqāṣidic* reasoning to ensure that the family institution effectively fulfills its divine purpose in contemporary contexts where traditional structures have demonstrably failed.

Practically, this perspective calls for social interventions grounded in *maqāṣid al-shari'ah*. Programs such as Islamic parenting education for single mothers, community-based mentoring for fatherless children, and public awareness campaigns on paternal spiritual engagement are essential.<sup>25</sup> These

25 Laman et al., "Pengaruh Fatherless Terhadap Akhlak Anak Dalam Kajian

initiatives correspond to the objectives of *hifz al-dīn* (preserving faith), *hifz al-nafs* (safeguarding emotional well-being), and *hifz al-nasl* (maintaining family lineage). Through reciprocal education and community solidarity, the moral and psychological effects of fatherlessness can be mitigated.

Ultimately, the phenomenon of fatherlessness in Muslim families is not merely a private domestic issue but a theological and civilizational concern. It risks severing the transmission of *īmān*, *akhlāq*, and social harmony across generations. By integrating *Qirā'ah Mubādalah* with the ethical aims of *Fiqh al-Usrah*, this study proposes that spiritual fatherhood must be reconstructed as a shared moral enterprise where paternal presence is measured not only by physical availability but by consistent participation in nurturing faith, justice, and emotional security.

Therefore, establishing support systems grounded in *mubādalah* values is urgent to restore the equilibrium of Muslim families. Such systems rooted in mutual care, dialogical parenting, and communal accountability ensure that even in the absence of the father's physical presence, the spiritual and moral upbringing of children continues in accordance with the holistic and just vision of Islam.

### *Qirā'ah Mubādalah in Comparative Hermeneutical Perspective*

To situate *Qirā'ah Mubādalah* within the broader landscape of Islamic interpretive traditions and to assess its contribution to *Fiqh al-Usrah*, this section compares it with four major hermeneutical approaches in Islamic scholarship: the Classical Textualist (*al-Tafsīr al-Athārī*), Contextual-Rationalist (*al-Tafsīr bi al-Ra'y*), Maqāṣidic (*al-Tafsīr al-Maqāṣidi*), and Feminist or Gender-Sensitive Hermeneutics. This comparison demonstrates that *Qirā'ah Mubādalah* provides a distinctive methodological bridge between classical textual fidelity and modern contextual relevance especially in addressing contemporary challenges such as fatherlessness, gender equity, and family justice.

The hermeneutical reversal that *Mubādalah* employs asserting that when a text refers to one gender, its moral message applies reciprocally to the oth-

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Hukum Keluarga Islam."

er unless explicitly restricted—is justified through several specific linguistic tools and rules of *Uṣūl al-Fiqh* that operate firmly within Islamic methodological boundaries. First, the principle of ‘*umūm al-lafz*’ (generality of wording) established by Imam al-Shāfi‘ī in *al-Risālah* holds that when a Qur’ānic or Prophetic statement employs general language (*lafz ʻāmm*), it applies universally to all members of the category addressed unless a specifying text (*mukhaṣṣiṣ*) restricts its application. When the Qur’ān addresses “*alladhīna āmanū*” (those who believe) or uses inclusive imperatives, classical jurists recognized these as encompassing both male and female believers. Al-Shāfi‘ī explicitly stated: “*al-ʻāmm yuhmalu ‘alā ‘umūmihi ḥattā ya’tiya mā yukhaṣṣiṣuhu*” (the general term is carried upon its generality until a specifier comes to restrict it). *Mubādalah* applies this principle rigorously, arguing that ethical commands framed in general terms bind both genders reciprocally.

Second, the juristic rule (*qā’idah fiqhīyyah*) “*al-aṣl fī al-khiṭāb al-umūm*” (the default in address is generality) establishes that specificity requires proof, not the reverse. When a *hadīth* commands “treat your wives well,” the *Mubādalah* methodology asks: Is there textual evidence (*dalīl*) restricting this reciprocal obligation exclusively to husbands? In the absence of such restriction, the ethical obligation extends to wives as well. This aligns with another fundamental maxim: “*mā lam yarid bi-takhṣīṣihī dalīl fa-huwa ‘āmm*” (what does not come with evidence for its specification remains general). Third, *Qiyās* (analogical reasoning), one of the four primary sources recognized by the majority of jurists, provides methodological grounds for extending rulings across parallel cases. The effective cause (*‘illah*) for commands of marital kindness, compassion, and justice is not gender but the shared humanity (*insāniyyah*) and mutual vulnerability within marriage. Since the *‘illah* exists equally for both spouses, the ruling applies equally through *qiyās*.

Fourth, the principle of *musāwāt al-aṣl* (original equality) posits that all humans are equal before Allah in moral accountability unless the *sharī’ah* establishes a specific differentiation. This principle, grounded in al-Ḥujurāt [49]:13 (“Indeed, the noblest of you in the sight of Allah is the most righteous”), means that gender-based legal distinctions require explicit textual justification rather than being assumed as default. Finally, the juristic maxim

*“al-ḥukm yadūru ma'a 'illatihi wujūdan wa 'adaman”* (the ruling revolves with its effective cause in existence and non-existence) establishes that when the rationale for a gender-specific command—such as male economic monopoly justifying *qawwāmiyyah*—no longer universally obtains, the ruling's application must be reassessed. These tools are not innovations but classical *uṣūlī* principles that *Mubādalah* applies systematically to gender-related texts, demonstrating that interpretive reciprocity operates within rather than outside Islamic legal methodology.

### 1. Classical Textualist Approach (*al-Tafsīr al-Athārī*)

The Classical Textualist tradition, represented by exegetes such as Ibn Kathīr and al-Ṭabarī, prioritizes literal readings and transmitted reports (*riwāyah*) from the Prophet's Companions (*sahābah*) and their successors (*tābi'īn*). This approach values authenticity (*sahīh isnād*) and collective consensus (*ijmā'*) as the foundation of interpretation. In the sphere of family law, it often treats Qur'ānic verses like Surah al-Nisā' [4]:34 as establishing a rigid hierarchy, designating men as unqualified leaders (*qawwāmūn*) with authority over women.<sup>1</sup>

While this method preserves orthodoxy and textual integrity, it offers little room for adaptive interpretation in the face of changing family dynamics. It provides no hermeneutical framework to redistribute spiritual leadership when fathers are physically or morally absent. Recent scholarship observes that strict adherence to *tafsīr bil-ma'thūr* often reinforces patriarchal assumptions and neglects the *maqāṣid* justice ('adl) and compassion (*rahmah*) that underlie Qur'ānic ethics.<sup>26</sup> Thus, while Textualism secures doctrinal purity, it lacks ethical flexibility to address issues such as fatherlessness within modern Muslim families.

### 2. Contextual-Rationalist Approach (*al-Tafsīr bi al-Ra'y*)

The Rationalist school, developed by figures such as al-Zamakhsharī and al-Rāzī and modernized by reformers like Muḥammad 'Abduh and

<sup>26</sup> Izza Rohman, “New Approaches in Interpreting the Quran in Contemporary Indonesia,” *Studia Islamika* 14, no. 2 (January 1, 2007), <https://doi.org/10.15408/sdi.v14i2.544>.

Rashīd Riḍā, integrates rational reflection (*i'māl al-'aql*), linguistic nuance, and socio-historical analysis into Qur'ānic exegesis. It upholds the principle that revelation must be interpreted in light of changing human circumstances, emphasizing ethical universals such as justice and mercy.<sup>27</sup>

Applied to family law, the contextualist approach recognizes that Qur'ānic injunctions emerged in a patriarchal context but aims to extract their moral essence for contemporary society. However, its limitation lies in being descriptive rather than reciprocal: it grants interpretive space for women's agency but does not systematically apply *mubādalah* the principle of interpretive reciprocity. Consequently, even rationalist readings may still perpetuate androcentric assumptions. In the context of fatherlessness, while this method acknowledges the erosion of paternal authority, it stops short of legitimizing mothers or communities as shared moral leaders within the family.

### 3. Maqāṣidic Approach (*al-Tafsīr al-Maqāṣidī*)

The *Maqāṣidic* approach, rooted in the works of al-Shāṭibī and expanded by Ibn 'Āshūr, Yūsuf al-Qaraḍāwī, and Jasser Auda, evaluates Islamic rulings through their higher purposes (*maqāṣid al-shari'ah*): preserving faith (*hifẓ al-dīn*), life (*hifẓ al-nafs*), intellect (*hifẓ al-'aql*), lineage (*hifẓ al-nasl*), and wealth (*hifẓ al-māl*). Its focus is teleological rather than literal, measuring the validity of interpretation by its ethical and social outcomes.<sup>28</sup>

Within family law, this framework has enabled legal reforms promoting equity, as seen in contemporary debates on child guardianship and shared parental responsibility.<sup>29</sup> However, its flexibility is functional rather than linguistic it adjusts outcomes but rarely deconstructs gendered assumptions in

<sup>27</sup> Asma Afsaruddin, *Contemporary Issues in Islam*, 2022, <https://edinburghuniversitypress.com/book-contemporary-issues-in-islam.html>.

<sup>28</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* - Jasser Auda - Google Buku, 2022, <https://books.google.co.id/books?id=5sKQF-16gdWgC&printsec=frontcover&hl=id#v=onepage&q=&f=false>.

<sup>29</sup> Muharir Muharir and Sérgio António Neves Lousada, "Maqāṣid Al-Shari'ah in the Digital Era: Challenges in Islamic Family Law and Halal Lifestyle in Indonesia," *Munakahat* 1, no. 1 (December 20, 2024): 42–57, <https://ejournal.kampusalazhar.ac.id/index.php/jmk/article/view/17>; Siti Musdah Mulia, "Muslim Family Law Reform In Indonesia A Progressive Interpretation of The Qur'an," *Al-Mawarid* 15, no. 2 (2015): 1–18, <https://doi.org/10.20885/almawarid.vol15.iss2.art1>.

the text itself. Hence, while *maqāṣidic* reasoning promotes justice and welfare, it lacks a textual mechanism to reverse patriarchal structures—a gap that *Qirā'ah Mubādalah* effectively fills.

The critical distinction between *Maqāṣid* alone and *Mubādalah* lies in the difference between ethical justification and legal certainty (*yaqīn*). *Maqāṣid* can demonstrate that transferring spiritual leadership to mothers when fathers are absent serves the higher purpose of *hifz al-dīn* (preservation of faith), thereby providing ethical and teleological justification for such transfer. However, *maqāṣidic* reasoning operates at the level of *maṣlahah* (public interest) and *darūrah* (necessity), which classical jurists categorized as complementary rather than textual sources of law. A ruling justified solely through *maqāṣid* without direct textual grounding (*naṣṣ*) remains vulnerable to the critique that it represents *istiḥsān* (juristic preference) or human innovation rather than divinely mandated law. This creates uncertainty regarding the legal enforceability and obligatory nature of maternal spiritual authority.

By contrast, *Qirā'ah Mubādalah* provides the necessary legal certainty (*yaqīn*) by grounding the transfer of spiritual mandate directly in the Qur'ānic text itself through the principle of '*umūm al-lafz*'. When *Mubādalah* demonstrates that al-Taḥrīm [66]:6—"Qū anfusakum wa ahlīkum nārā"—addresses all believers without gender specification, and that no *mukhaṣṣiṣ* (specifying text) restricts this obligation exclusively to males, the resulting obligation upon mothers becomes *qat'ī al-thubūt* (definitive in establishment) because it derives directly from Qur'ānic command. This transforms maternal spiritual authority from a permissible accommodation (*jā'iz*) under *maqāṣid* reasoning into a binding obligation (*wājib*) grounded in textual exegesis. The legal certainty stems from demonstrating that the text itself, when properly understood through classical *uṣūlī* tools, already mandates shared responsibility.

Furthermore, *Mubādalah* provides operational clarity that *maqāṣid* alone cannot supply. *Maqāṣid* can establish that "something must be done" to preserve faith when fathers are absent, but it cannot specify with legal precision what that something is, who has the authority to do it, or through what mechanism. Is community intervention mandatory or discretionary? Does

the mother have legal standing to enforce religious education, or merely moral permission? *Maqāṣid* leaves these questions ambiguous because it operates at the level of objectives rather than specific legal relationships (*mu'āmalāt*). *Mubādalah*, by establishing that the protective command in al-Tahrim [66]:6 creates a reciprocal obligation upon both spouses, provides clear legal answers: mothers possess independent, textually grounded authority (*wilāyah naṣṣiyyah*) to enforce religious education; this authority is not derivative of paternal permission but co-original; and its scope encompasses all aspects of spiritual formation that the father would have been obligated to provide. This specificity enables courts to recognize, enforce, and adjudicate maternal spiritual authority with the same legal mechanisms available for paternal authority, something *maqāṣid* reasoning alone cannot accomplish.

The analytical demonstration proceeds through examining a concrete legal scenario: a divorced mother seeks judicial recognition of her authority to enroll her children in Islamic education against the father's objection (or his negligent absence). Under *maqāṣidic* reasoning alone, the court might acknowledge that the children's religious education serves *hifz al-dīn* and that maternal custody (*haḍānah*) implies some educational role, but the legal basis remains indirect and potentially overridable by paternal *wilāyah* if the father asserts his traditional authority. The ruling would likely invoke *maslahah* (the children's welfare) as a supplementary consideration (*dalīl taba'i*) rather than a primary source. By contrast, under *Mubādalah* reasoning, the mother can cite al-Tahrim [66]:6 as direct textual authority (*dalīl aṣlī*) establishing her independent obligation and corresponding right to protect her children from spiritual harm. The court must recognize this authority not as an exception granted by judicial discretion but as a textual entitlement (*haqq shar'i*) inherent in her status as a believing parent. This distinction between discretionary judicial accommodation and recognized legal right constitutes the difference between ethical justification and legal certainty, demonstrating why *Mubādalah* not *maqāṣid* alone provides the necessary foundation for reforming *Fiqh al-Usrah*.

Historically, the Islamic tradition has demonstrated deep moral concern for orphans (*yatāmā*) and children deprived of paternal care. The Prophet

Muhammad himself was an orphan, and his life set a precedent for communal responsibility in nurturing children without fathers. Qur'ānic injunctions, such as in Surah al-Duhā [93]:6–9 and al-Nisā' [4]:10, emphasize the moral obligation to protect and educate orphans, equating neglect of them with moral corruption. This historical ethic reflects that the early Islamic civilization viewed fatherlessness not merely as a social misfortune but as a collective moral test. Consequently, within *Fiqh al-Usrah*, paternal absence entails a shared duty of moral and spiritual guardianship, aligning with the *maqāṣid* principles of safeguarding lineage (*hifz al-nasl*) and faith (*hifz al-dīn*). In this sense, *Qirā'ah Mubādalah* can be understood as a hermeneutical continuation of this prophetic ethic, offering a gender-inclusive framework for maintaining moral equilibrium in families affected by fatherlessness.

#### 4. Feminist and Gender-Sensitive Hermeneutics

Modern feminist exegetes such as Amina Wadud, Asma Barlas, and Kecia Ali advocate re-readings of the Qur'ān that foreground women's agency, moral equality, and human dignity (*karāmah insāniyyah*).<sup>6</sup> Their scholarship dismantles the patriarchal bias of classical *tafsīr*, emphasizing that the Qur'ān's ethical message is fundamentally egalitarian. In Indonesia, figures like Musdah Mulia and Siti Ruhaini Dzuhayatin have advanced similar frameworks in reforming Islamic family law.<sup>30</sup>

The feminist critique of *qawwāmūn* in Surah al-Nisā' [4]:34 and the *Qirā'ah Mubādalah* interpretation differ fundamentally in their relationship to the text's authority and their hermeneutical objectives. Feminist approaches, particularly those influenced by Western liberal theory, often seek to de-legitimize or minimize the verse by contextualizing it as a cultural accommodation to 7th-century Arabian patriarchy that no longer binds contemporary Muslims. Scholars like Amina Wadud argue that *qawwāmiyyah* reflected historical economic realities where male financial dominance was universal, and that

<sup>30</sup> Siti Aisyah and Ahdiyatul Hidayah, "The Concept of Qiwanah and Its Implications for Gender Justice in Islamic Family Law in Indonesia," *An-Nisa Jurnal Kajian Perempuan Dan Keislaman* 16, no. 2 (December 29, 2023): 251–68, <https://doi.org/10.35719/annisa.v16i2.181>; Mulia, "Muslim Family Law Reform In Indonesia A Progressive Interpretation of The Qur'an."

changed circumstances render the verse's prescriptive force obsolete. Some feminist readings suggest the verse should be understood as descriptive (describing what was, not prescribing what should be) rather than normative. This approach risks appearing to subordinate revealed text to contemporary values, leading traditional scholars to reject it as subjecting *shari'ah* to external judgment.

By contrast, *Qirā'ah Mubādalah* seeks to re-legitimize the principle of *qa-wwāmiyyah* through reciprocity, affirming rather than diminishing the verse's continuing normative authority. *Mubādalah* does not argue that al-Nisā' [4]:34 has become obsolete; rather, it contends that the classical interpretation misunderstood the verse's true meaning from the outset. The verse is not de-legitimized but re-read: *qa-wwāmiyyah* is reinterpreted as responsible stewardship and caring maintenance (*qiyām bi al-mas'ūliyyah*) rather than hierarchical authority, and the conditions for this stewardship "*bi mā faddala Allāhu ba'dahum 'alā ba'd*" (because of what Allah has given one over the other) and "*wa bi mā anfaqū*" (and because of what they spend) are understood as functional and reciprocal rather than gender-essential. When these conditions apply to women (when they possess knowledge, economic capacity, or circumstantial advantage), the principle of stewardship extends to them as well.

This methodological difference produces different relationships with Islamic tradition. Feminist approaches, by often relying on external theoretical frameworks (liberal egalitarianism, human rights discourse, existential personalism), face the accusation of imposing foreign paradigms upon Islamic texts, limiting their acceptance within traditional scholarly circles. *Mubādalah*, by operating through established *uṣūl al-fiqh* principles '*umūm al-lafz*, *qiyās*, *ta'lil al-ahkām* and demonstrating that reciprocity exists within the Islamic epistemological framework itself, maintains internal legitimacy. It does not reject the verse but recovers its egalitarian intent that patriarchal interpretation obscured. This strategy proves more effective in reforming *Fiqh al-Uṣrah* because it speaks the language of classical jurisprudence while achieving substantively egalitarian outcomes, presenting reform as *iḥyā'* (revival) rather than *tabdīl* (replacement) of Islamic legal tradition.

Although feminist hermeneutics successfully exposes power imbalances in textual interpretation, critics argue that these approaches often rely on external theoretical models unfamiliar to classical *uṣūl al-fiqh*. This externality limits their acceptance among traditional scholars. In contrast, *Qirā'ah Mubādalah* retains internal legitimacy by employing Islamic legal methodology (*uṣūlī* reasoning) while advancing gender justice. Thus, it represents an “intradisciplinary feminism” emerging from within the epistemic boundaries of *Shari'ah* rather than external critique.

### 5. *Qirā'ah Mubādalah*: A Reciprocal-Relational Framework

Articulated by Faqihuddin Abdul Kodir (2019), *Qirā'ah Mubādalah* introduces reciprocity (*mubādalah*) as the hermeneutical principle for interpreting gendered religious texts. It asserts that unless a verse or *hadith* specifies otherwise, its ethical and legal injunctions apply equally to both genders. For instance, when husbands are commanded to treat wives kindly (*mu'āsharah bi al-ma'rūf*), wives are equally obliged to extend the same virtue. This interpretive symmetry transforms patriarchal hierarchy into relational justice.<sup>31</sup>

Based on this comparative analysis, the single most fundamental classical *fiqh* principle that *Qirā'ah Mubādalah* must structurally change to achieve relational justice ('*adālah 'alāqiyyah*) is the unilateral assignment of *wilāyah* (guardianship) to the father regardless of spiritual competence. Classical *fiqh* constructed guardianship as a status-based entitlement (*istihqāq*) deriving from patrilineal identity and gender, rather than as a performance-based responsibility (*taklīf*) contingent on capacity and actual fulfillment. The *fuqahā'* established hierarchies of *wilāyah*—with the father as *walī mubāshir* (direct guardian), followed by paternal grandfather, then paternal uncles—all prioritizing male patrilineal relatives regardless of their spiritual competence, moral character, or actual engagement in the child's upbringing.

This unilateral assignment created structural injustice (*zulm*) because it concentrated religious authority in fathers while providing no mechanism to

31 Lili Rahmawati Siregar and M. Iqbal Irham, “Perempuan Sebagai Kepala Keluarga: Tafsir Qira'ah Mubadalah,” *Jurnal Hawa : Studi Pengaruh Utamaan Gender Dan Anak* 4, no. 2 (December 10, 2022): 219, <https://doi.org/10.29300/hawapsga.v4i2.4732>; Kodir, *Qira'ah Mubadalah*.

evaluate or transfer that authority when fathers proved spiritually negligent. A father who neglected *ṣalāh*, demonstrated poor moral character, or simply absented himself from educational responsibilities retained legal *wilāyah* that could override maternal efforts at spiritual formation. The classical principle operated on the assumption that biological paternity and economic provision automatically qualified one for spiritual leadership an assumption contradicted by the *maqāṣidic* imperative that authority must serve the objectives of preserving faith (*hifz al-dīn*) and protecting children's welfare. *Qirā'ah Mubādalah* fundamentally transforms this principle by establishing that *wilāyah* in spiritual matters is not a gender-based entitlement but a competence-based responsibility that both parents potentially possess, and that becomes operative in whoever demonstrates the capacity and commitment to fulfill it.

The structural change involves three specific shifts. First, from *wilāyah* as static status to *wilāyah* as dynamic function: guardianship authority is no longer an immutable attribute of fatherhood but a role that must be actively earned and maintained through demonstrated spiritual leadership, with judicial mechanisms available to evaluate performance and transfer authority when necessary. Second, from hierarchical monopoly to reciprocal partnership: *wilāyah* is reconceived as potentially shared between both parents, with collaboration rather than subordination defining their relationship. When both parents possess competence, they exercise co-guardianship; when one is more competent, that parent assumes primary responsibility; when both are absent or negligent, the community intervenes. Third, from formal patriarchy to functional meritocracy: the determinant of spiritual authority shifts from gender and lineage to actual knowledge ('ilm), piety (*taqwā*), and engagement (*ishtighal*), aligning guardianship with the Islamic principle that leadership belongs to those most qualified ("ūlū al-amr minkum"—those in authority among you—understood as those possessing knowledge and righteousness). This structural transformation addresses the root cause of spiritual fatherlessness: by making guardianship contingent on performance, *Mubādalah* creates accountability mechanisms that prevent negligent fathers from retaining authority that harms children's spiritual development, while empowering competent mothers with recognized legal standing to fulfill the

protective mandate of al-Tahrīm [66]:6.

Methodologically, *Qirā'ah Mubādalah* synthesizes the strengths of prior approaches:

- From Textualism: Preserves scriptural integrity without confining meaning to historical patriarchy.
- From Contextualism: Engages rational analysis to separate universal ethics from local culture.
- From Maqāṣidism: Aligns interpretation with *Shari'ah*'s objectives of justice and welfare.
- From Feminism: Challenges gender bias yet remains grounded in Islamic epistemology.

In confronting fatherlessness, *Qirā'ah Mubādalah* provides a theological and methodological pathway unavailable in previous models. It allows maternal and communal actors to assume spiritual leadership when paternal guidance is absent legitimized through reciprocal reasoning and *maqāṣidic* ethics thus ensuring the preservation of *hifz al-dīn* and *hifz al-nasl* within disrupted family structures.

**Table 1. Comparative Summary**

Approach	Strengths	Limitations in Addressing Fatherlessness
Classical Textualist	Preserves orthodoxy and <i>riwāyah</i> authenticity	Inflexible gender hierarchy; lacks adaptability
Contextual-Rationalist	Rational and historically aware	Ethically progressive but lacks structured reciprocity
Maqāṣidic	Oriented toward justice and <i>maṣlahah</i>	Evaluates outcomes, not textual bias; provides ethical justification without legal certainty
Feminist	Centers women's agency and equality	Often perceived as external to <i>Shari'ah</i> tradition; risks delegitimizing revealed text

Qirā'ah Mubādalah	Integrative, reciprocal, textually rooted; redistributes moral leadership equitably; provides both textual grounding and legal certainty	Still developing; requires institutional validation and wider scholarly engagement
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## Conclusion

This study concludes that fatherlessness, both in its physical and moral-spiritual dimensions, constitutes a critical challenge for Muslim families in contemporary Indonesia. Within the framework of *Fiqh al-Usrah*, the father's role as *qawwām* is not merely a position of authority but a moral mandate rooted in the *maqāṣid al-shari'ah* preserving faith (*hifz al-dīn*), lineage (*hifz al-nasl*), intellect (*hifz al-'aql*), and emotional well-being (*hifz al-nafs*). When fathers withdraw from their moral and educational duties, the family structure loses its spiritual balance, resulting in what this research identifies as "moral fatherlessness." Such absence leads to the erosion of ethical formation (*ta'dīb*), disruption of intergenerational value transmission, and weakening of emotional security within the home. Through the interpretive lens of *Qirā'ah Mubādalah*, this study reconstructs the understanding of fatherhood as a reciprocal and compassionate partnership rather than hierarchical control. This approach enables an equitable redistribution of parental responsibilities while maintaining the theological integrity of Islamic family law. The synergy between *Fiqh al-Usrah* and *Qirā'ah Mubādalah* thus offers a renewed vision of fatherhood where paternal leadership is defined not by dominance but by the consistent presence of moral guidance, emotional care, and spiritual example. Addressing fatherlessness, therefore, requires not only legal reform and social awareness but also the reactivation of the father's ethical consciousness as a servant-leader within the family. By aligning paternal responsibilities with the *maqāṣidic* objectives of justice, mercy, and shared moral accountability, Muslim families can rebuild spiritual resilience and restore the holistic function of the household as a cradle of faith, compassion, and moral civilization.

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