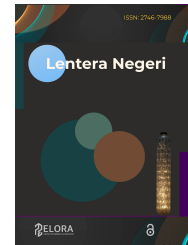




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The legal formulation of the spiritual marital bond in the division of joint property following divorce

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ABSTRACT

Article 1 of Law Number 1 of 1974 conceptualizes marriage as an institution requiring a balance between spouses' external and inner obligations. However, judicial practice has not adequately considered the inner dimension, as judges tend to emphasize measurable economic contributions. This study examines the legal standing of the marital bond as a consideration in the division of joint property and formulates its legal construction following divorce. It employs a descriptive-analytical method, a normative juridical approach, and qualitative analysis of legislation, legal doctrines, and judicial practice. Supreme Court Decision Number 477 K/Ag/2014, Stabat Religious Court Decision Number 606/Pdt.G/2011/PA.Stb., and Surabaya Religious High Court Decision Number 345/Pdt.G/2020/PTA.Sby. demonstrate that joint property division remains dominated by material considerations of economic contribution, whether through equal or proportional distribution, while the inner dimension of marriage remains insufficiently accommodated. From the perspective of *maṣlaḥah*, the marital bond should be assessed hierarchically through *ḍarūriyyah* (essential), *ḥājiyyah* (complementary), and *taḥsīniyyah* (enhancing) considerations. Incorporating this dimension is therefore essential to achieving substantive justice in the division of joint property following divorce.



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Introduction

Article 1 of Law Number 1 of 1974 concerning Marriage defines marriage as an external and inner bond between a man and a woman as husband and wife, with the aim of establishing a happy and enduring family or household based on the belief in the One and Only God. This normative formulation demonstrates that marriage is positioned not merely as a formal and administrative legal relationship but also as an institution encompassing moral and spiritual dimensions. Accordingly, this provision implies two fundamental categories of obligations inherent in the roles of husband and wife: external obligations relating to the fulfillment of the material and social aspects of household life, and inner obligations encompassing psychological, ethical, and religious responsibilities as the foundation for establishing a just, harmonious, and sustainable family.

The external bond is established through a formal ceremony, namely the pronouncement of the marriage contract (*akad nikah*) for Muslims (Pratama & Amri, 2025; Situmorang & Sitanggang, 1991). Wantjik states that the external bond is manifested in a formal relationship, whereas the inner bond constitutes a non-formal relationship that cannot be seen. Natadimadja further explains that:

An external bond without an inner bond will be fragile; therefore, the external and inner bonds constitute the primary foundation for establishing and nurturing a happy and enduring family. Enduring means that marriage is intended to be entered into only once in a lifetime, except where unforeseen circumstances arise. As an inner bond, marriage constitutes a union of souls formed through the shared and sincere willingness of a man and a woman to live together as husband and wife. At the initial stage, this inner bond is marked by the consent of the prospective spouses to enter into marriage (Amberi, 2023; Natadimadja, 2008, p. 30).

A strong marriage requires the integration of external and inner bonds as the principal foundation for establishing a happy and enduring family. Normatively, marriage is envisioned as a lifelong union, except under certain unavoidable circumstances. In its inner dimension, marriage represents a union of souls founded upon the mutual agreement, willingness, and sincerity of both prospective spouses from the initial stage of its formation.

Within the normative framework of Islamic family law, the obligations of husbands and wives, as formulated in *Sharah 'Uqud al-Lujjain* (N. Al-Bantani, n.d.) affirm that:

Marriage is a legal institution that entails binding consequences in the form of inner rights and obligations. A husband's inner obligations include treating his wife humanely and justly, protecting her honor and dignity, providing moral and religious guidance, and assuming responsibility for preserving the integrity of the household. Meanwhile, a wife's inner obligations are manifested through obedience to her husband within the limits of sharia, respect for her husband's leadership, and the preservation of family harmony and tranquility. This reciprocal relationship demonstrates that Islamic marriage law regulates not only formal and material aspects but also internalizes ethical and spiritual values as the foundation for establishing a lawful, just, and sustainable family.

The legal facts reflected in several court decisions indicate that the inner obligations of husbands and wives have not been explicitly used as a basis for determining the division of joint property. The legal considerations employed by judges tend to rely more heavily on the fulfillment of external obligations, particularly those relating to economic contributions and the tangible roles of the parties in acquiring property during the marriage, as described below.

When both husband and wife are employed, joint property is divided equally, with each party receiving one-half. This practice is reflected in Stabat Religious Court Decision, Langkat Regency, North Sumatra, Number 606/Pdt.G/2011/PA.Stb. However, where both parties work but the husband's economic contribution is more dominant—particularly because he had already established a business before the marriage—the joint property is no longer divided equally. In such circumstances, the widow receives one-third, while the widower receives two-thirds, as stipulated in Surabaya Religious High Court Decision Number 345/Pdt.G/2020/PTA.Sby.

The foregoing discussion demonstrates that the considerations adopted in several court decisions tend to base the division of joint property on a physically tangible form of formal equality, under which the parties receive either one-half ($1/2$) each or shares in a one-third ($1/3$) to two-thirds ($2/3$) proportion, without giving sufficient consideration to the dimension of inner obligations within the marital relationship.

This indicates that judicial considerations are more oriented toward the external or formal aspects of the marital relationship, while dimensions of inner obligations—such as fidelity, harmony, and moral responsibility for preserving the integrity of the household—have not yet acquired a significant position as a basis for determining the division of joint property. Therefore, this study aims to: (1) examine the legal standing of the marital bond as a legal consideration in the division of joint property; and (2) formulate the marital bond within the legal framework governing the division of joint property following divorce. Accordingly, this study is entitled: The Legal Formulation of the Marital Bond in the Division of Joint Property Following Divorce.

As reference materials, the author reviewed several published journal articles, including: Family Harmony in Contemporary Islamic Law: Ibn Ashur's Maqasid Perspective on Marital Rights and Duties (Muttaqin, 2026), Hak dan Kewajiban Suami Istri dalam Al-Qur'an, Rights and Obligations of Husbands to Wife According to Law No. 1 of 1974 Article 34 and Islamic Law (Fathoni & Wanti, 2024), Reframing Nusyuz in Islamic Family Law: A Maqasid-Based Reading of Ibn Asyur on Quran 4:34 and 4:128 (Arni et al., 2025), and Rights and Obligations of Husband and Wife (Theological Normative and Sociological Approach) (Pamula & Sayehu, 2024).

Method

To obtain a comprehensive understanding of the legal formulation of the marital bond in the division of joint property following divorce, a method is required that can explain the applicable legal norms while examining their relevance to evolving legal theories. Therefore, this study employs a specific methodological approach that enables the researcher to analyze positive law, legal doctrines, and their practical application in court decisions. The research specifications, approach, and analytical method employed in this study are described below.

This study employs a descriptive-analytical research specification, a method that describes the applicable laws and regulations and subsequently relates them to legal theories and practices concerning the implementation of positive law relevant to the issues under examination (Muhaimin, 2020). This method is used to analyze and formulate the legal construction of the marital bond between husband and wife in relation to the division of joint property following divorce, thereby producing a comprehensive and systematic legal formulation.

The approach employed in this study is normative juridical, which examines laws and regulations, legal concepts, and legal principles related to the issues under investigation. This approach is conducted through a literature review involving the systematic examination of primary, secondary, and tertiary legal materials to develop comprehensive legal arguments (Hamzani et al., 2023; Marzuki, 2005). It is employed to analyze and formulate the legal framework governing the marital bond between husband and wife in relation to the division of joint property following divorce, thereby identifying a normative basis and legal construction capable of providing legal certainty and justice for the parties.

Meanwhile, the analytical method employed is qualitative analysis within a normative juridical framework, through the systematic processing and analysis of legal materials obtained from the literature review. The analysis involves legal interpretation, classification, and the deductive drawing of conclusions to clarify the issues under examination in accordance with positive law and applicable legal principles (Muhaimin, 2020). This method is used to analyze and formulate the legal framework governing the marital bond between husband and wife in relation to the division of joint property following divorce, thereby producing a legal formulation that ensures legal certainty, justice, and utility based on considerations concerning the fulfillment of obligations inherent in the marital bond between husband and wife.

Results and Discussions

The practice of dividing joint property in a number of court decisions demonstrates a tendency to rely on legal considerations of an external (formal) nature, without fully giving adequate consideration to the inner dimension of the marital relationship. This tendency can be observed in the following decisions. First, where the husband was the sole income earner, the joint property was nevertheless divided equally, with each party (the former wife and former husband) receiving one-half. This is reflected in Supreme Court Decision Number 477 K/Ag/2014, which upheld Kayu Agung Religious Court, Palembang, Decision Number 0737/Pdt.G/2012/PA.KAG.

Second, in cases where both husband and wife were employed, the joint property was also divided equally, with each party receiving one-half. This practice is reflected in Stabat Religious Court Decision, Langkat Regency, North Sumatra, Number 606/Pdt.G/2011/PA.Stb. Third, where both parties were employed but the husband's economic contribution was more dominant, particularly because he had established a business before the marriage, the joint property was no longer divided equally. In this case, the former wife received one-third, while the former husband received two-thirds, as stipulated in Surabaya Religious High Court Decision Number 345/Pdt.G/2020/PTA.Sby.

These three decisions demonstrate that, in determining the division of joint property, judges tend to place greater emphasis on external and measurable forms of economic contribution, such as which party was employed, the amount of income earned, and the dominant role in acquiring property during the marriage. This approach reflects an orientation toward formal and material parameters that are relatively easy to establish through legal evidence. Meanwhile, non-material contributions, such as managing the household, providing moral and emotional support, maintaining family harmony, and making personal sacrifices that do not have direct economic value, have not yet been accorded proportionate consideration in judicial assessments.

Within this context, the Legal Formulation of the Marital Bond in the Division of Joint Property Following Divorce is proposed as a conceptual effort to address the gap in legal considerations that have thus far tended to focus exclusively on external aspects. This formulation emphasizes the importance of incorporating the inner dimension of the marital bond as an integral component in assessing the parties' contributions during marriage. Accordingly, the division of joint property should not be based solely on visible economic measures but should also take into account essential non-material contributions that cannot be directly quantified. This approach is therefore expected to achieve more substantive and proportional justice in resolving disputes over joint property following divorce.

As an inner bond, marriage constitutes a union of souls formed through the shared and sincere willingness of a man and a woman to live together as husband and wife. At its initial stage, this inner bond is marked by the consent of the prospective spouses to enter into marriage. Within the normative framework of Islamic family law, the obligations of husbands and wives, as formulated in *Sharah 'Uqud al-Lujjayn* (N. Al-Bantani, n.d.), affirm that:

Marriage is a legal institution that entails binding consequences in the form of inner rights and obligations. A husband's inner obligations include treating his wife humanely and justly, protecting her honor and dignity, providing moral and religious guidance, and assuming responsibility for preserving the integrity of the household. Meanwhile, a wife's inner obligations are manifested through obedience to her husband within the limits of sharia, respect for her husband's leadership, and the preservation of family harmony and tranquility. This reciprocal relationship demonstrates that Islamic marriage law regulates not only formal and material aspects but also internalizes ethical and spiritual values as the foundation for establishing a lawful, just, and sustainable family.

Scholars have extensively examined and written about the obligations of husbands and wives in *fiqh al-munākahāt*. Among them, Al-Nawawī explains that a husband has ten primary obligations toward his wife (Bantani, 2004; Sanusi et al., 2024). First, the husband is expected to treat his wife with kindness and wisdom, particularly in his speech and in allocating time for her (Al-Nawawī, 2000). Second, he is responsible for providing maintenance according to his financial means (Khasanah, 2017, p. 17). Third, he should provide his wife with counsel, instruction, and reminders. Fourth, he is required to exercise patience in dealing with his wife (M. N. Al-Bantani, 2000). Fifth, he should seek to please his wife by accommodating her reasonable wishes (Nuhdi, 2020). Sixth, the husband has the responsibility to teach his wife the religious knowledge that she requires (Khasanah, 2017), including matters related to worship (Umar et al., 2021, p. 80). Seventh, he should demonstrate good moral character and teach these values to his family (Umar et al., 2021). Eighth, he must refrain from deliberately seeking ways to cause hardship or difficulty for his wife (Jalil, 2021). Finally, the husband is entrusted with the responsibility of leading the family (Al-Nawawī, 2000, p. 6). Taken together, these obligations demonstrate that, in *fiqh al-munākahāt*, the husband's role extends beyond financial provision to encompass emotional care, religious guidance, moral education, patience, protection from hardship, and responsible leadership within the family.

Regarding a wife's obligations, Al-Nawawī identifies eight primary obligations that should be fulfilled within the marital relationship (Bantani, 2004). First, the wife is expected to obey her husband in matters that are lawful and reasonable (Al-Nawawī, 2000). Second, she should seek to please her husband and contribute to a harmonious marital relationship (Hanbal, n.d.). Third, she should refrain from causing hardship or unnecessary difficulty for her husband (Umar et al., 2021). Fourth, the wife is expected to seek her husband's permission in matters for which such permission is required (Erniati, 2015). Fifth, she should honor and respect her husband's family (Khasanah, 2017). Sixth, she should sincerely accept and appreciate what her husband provides for her and the household (Purwodarsono, 2004). Seventh, she is encouraged to exercise patience toward her husband's conduct and shortcomings (Al-Nawawī, 2000). Finally, the wife has the responsibility of managing household affairs and maintaining the well-being of the home (A. A. bin M. I. Al-Bukhari, n.d.). Taken together, these obligations reflect the wife's role in maintaining harmony, cooperation, respect, and stability within the family, while complementing the responsibilities that Al-Nawawī assigns to the husband.

The foregoing discussion demonstrates a strong normative emphasis on the inner dimension of marriage. Of the ten obligations formulated for husbands, only a small proportion explicitly concern external obligations, while the remainder are oriented toward moral, ethical, and spiritual responsibilities. Furthermore, all eight obligations of wives described above relate to the inner dimension. This normative construction affirms that Islamic marriage law, as understood in the aforementioned work, places the inner relationship at the core of the marital bond. Consequently, the validity and continuity of a household are

measured not only by the fulfillment of material aspects but, more importantly, by the fulfillment of moral and spiritual responsibilities between husband and wife.

The emphasis on the inner dimension of marriage is explained in Tafsir al-Munir, which states that:

The term mīthāqan ghalīẓan in the context of marriage indicates that the marriage contract occupies a particularly strong and sacred position because it embodies a commitment to fulfill moral, legal, and spiritual responsibilities between husband and wife. According to this interpretation, the use of this term emphasizes that the marital relationship is not merely biological or contractual but constitutes a profound bond of responsibility before Allah (Az-Zuhaili, 1991).

In line with the foregoing view, Sayyid Qutb explains that the use of the term mīthāqan ghalīẓan in the verse concerning marriage demonstrates that Islam regards the family as a fundamental institution within society. Therefore, the marital relationship is founded upon a strong spiritual, emotional, and moral bond rather than merely an ordinary legal agreement (Qutb, 1980; Rajab et al., 2026).

Another perspective is offered by Abdul Rahman Ghozali, who states that:

The marriage contract in Islam is regarded as a strong and sacred covenant because it entails responsibilities that are not only legal but also moral and religious. Therefore, marriage should not be understood merely as a civil relationship but as a bond encompassing spiritual dimensions and social responsibilities (Ghozali, 2010; Rajab et al., 2026).

These three perspectives agree that marriage in Islam is not merely a formal relationship or an ordinary legal contract but a profoundly strong, sacred, and responsibility-laden bond. The term mīthāqan ghalīẓan emphasizes that the marriage contract entails a profound commitment encompassing a moral dimension before Allah. Accordingly, the marital relationship must be understood as a strong bond and an act of worship, rather than merely a physical, biological, or administrative relationship.

Based on this conceptual framework, a formulation is required that is not merely descriptive but also evaluative in assessing the depth and quality of the inner relationship between husband and wife as the core of marital life. The primary emphasis of this framework lies in the extent to which spiritual, moral, and emotional dimensions are genuinely internalized and actualized in the spouses' daily interactions, thereby establishing a strong and enduring marital bond.

Within this context, the theory of *maṣlaḥah mursalah* Burhanudin et al. (2025) provides a significant analytical foundation for assessing the degree of benefit arising from the dynamics of the marital relationship. Through this approach, the inner relationship between husband and wife can be evaluated more systematically, encompassing both fundamental (essential) and enhancing (complementary) aspects, thereby enabling a deeper understanding of the quality of harmony and spiritual integrity within household life.

By classifying actions into three principal categories, namely *ḍarūriyyah* (primary), *ḥājiyyah* (secondary), and *taḥsīniyyah* (tertiary), inner contributions within marital life can be analyzed in a more structured and proportional manner. The *ḍarūriyyah* category encompasses fundamental aspects that constitute the principal foundations for the continuity and integrity of the household, such as trust, responsibility, and spiritual commitment. The *ḥājiyyah* category concerns needs that complement and facilitate the achievement of harmony, such as effective communication and the fulfillment of emotional needs. Meanwhile, the *taḥsīniyyah* category encompasses enhancing aspects that refine and strengthen the quality of the relationship, such as mutual respect, gentleness, and expressions of affection.

Legal Formulation of the Husband's Marital Bond with His Wife

The classification of a husband's inner obligations from the perspective of *maṣlaḥah*, based on the hierarchy of needs (*ḍarūriyyah*, *ḥājiyyah*, and *taḥsīniyyah*), may be formulated by considering their degree of urgency and their impact on the continuity and quality of the inner marital relationship. This approach assigns each obligation a proportional position according to its contribution to maintaining the stability and harmony of the marital relationship, as described below.

The *Ḍarūriyyah* (Primary) Category

Ḍarūriyyah refers to fundamental needs that are essential to human life and whose absence would result in harm or the breakdown of the established order of life. Within the husband's relationship with his wife, these obligations can be categorized as *ḍarūriyyah* because they are essential to maintaining the religious and familial order of the household. They include teaching his wife the religious knowledge she requires, teaching her matters related to worship, and providing leadership for the family. These responsibilities are

fundamental because they contribute to the religious guidance, moral development, and proper functioning of the family, the absence of which may undermine the stability and well-being of the household.

When examined according to the classification of *maṣlaḥah* based on its relationship with *sharʿi* law, these obligations fall within the category of *maṣlaḥah muʿtabarah*, namely a form of benefit that receives normative legitimacy because it is explicitly or implicitly supported by *sharʿi* evidence. Accordingly, this construction of benefit is not speculative but is rooted in a legal framework recognized under Islamic law. Teaching one's wife the religious knowledge she requires is based on the Prophetic Hadith (Khasanah, 2017), which means: "Fear Allah concerning women, for they are a trust from Allah under your authority" (Muslim, n.d.-b). Teaching one's wife matters of worship is based on the words of Allah Almighty in Q.S. At-Tahrim: 6, which state: "O you who believe, protect yourselves and your families from the Fire." Meanwhile, leading the family is based on the Prophetic Hadith, "Kullukum rā'in..." ("Each of you is a leader...") (S. Al-Bukhari, n.d.). As an elaboration of the meaning of the aforementioned Qur'anic verse, Surah An-Nisa verse 34:

Ibn Jarir al-Thabari states that the word *qawwāmūn* in the verse *al-rijālu qawwāmūna ʿalā al-nisāʾ* means *al-qiyyām*, or one who bears responsibility. *Qawwāmūna* is a *ṣiḡḥah mubālagḥah*, which conveys an intensified meaning. In its entirety, *al-rijālu qawwāmūna ʿalā al-nisāʾ* means that men are responsible for women and perform the functions of directing and protecting them, just as a leader does in relation to those under his leadership.

From the perspective of the hierarchy of needs, these three obligations satisfy the elements of *maṣlaḥah ḍarūriyyah*, as they constitute fundamental needs that sustain human life in both religious and worldly dimensions. If these benefits are absent, life will deteriorate, order will be disrupted, and suffering in the hereafter may result. In addition, these obligations satisfy several requirements or criteria. First, the benefit falls within the level of *ḍarūriyyah* (primary necessity), which is directly related to the continuity of human life. Second, the obligations are universal (*kullīyyah*) and are not limited to the interests of particular individuals. Third, these obligations are consistent with the objectives of Islamic law (*maqāṣid al-sharīʿah*). Fourth, they possess a strong degree of certainty (*qaṭʿiyyah*) and do not conflict with definitive *sharʿi* evidence (Al-Ghazali, n.d.; Al-Shatibi, n.d.; Al-Zuhaili, 1986).

Within the framework of *sharʿi* legal classifications, these three obligations constitute mandatory acts, namely acts that the *sharīʿah* definitively commands to be performed (*ṭalabān jāziman*). Consequently, performing these acts brings reward, whereas neglecting them entails sin (Al-Ghazali, n.d.; Al-Zuhaili, 1986; Ḥallāf, 2003).

The Ḥājiyyah (Secondary) Category

These obligations function to maintain stability and prevent hardship within the marital relationship. They emphasize the husband's role in fostering a supportive, harmonious, and compassionate relationship with his wife. This includes providing her with counsel, instruction, and reminders, particularly when guidance is needed; exercising patience in dealing with her, including her shortcomings and mistakes; and refraining from deliberately seeking ways to cause hardship or difficulty for her. Collectively, these obligations contribute to the preservation of harmony and mutual well-being within the marriage by encouraging communication, patience, and the avoidance of unnecessary conflict or harm.

When examined according to the classification of *maṣlaḥah* based on its relationship with *sharʿi* law, these obligations fall within the category of *maṣlaḥah muʿtabarah*. The obligation to provide counsel, instruction, and reminders to one's wife is based on the words of Allah Almighty in Q.S. Thaha: 132, which mean: "And command your family to establish prayer." The obligation to be patient in dealing with one's wife is based on the Prophetic Hadith, which means: "The best of you are those who are best to their families (wives), and I am the best of you to my family (Al-Tirmidī, n.d.)." Meanwhile, the obligation not to seek ways to cause hardship to one's wife is based on the Prophetic Hadith, which means: "A believing man should not hate his wife..." (Muslim, n.d.-a)"

These three obligations may be categorized as *ḥājiyyah* needs. Conceptually, *ḥājiyyāt* refers to needs required to protect human beings from hardship and difficulty in living their lives. Accordingly, such guidance by the husband not only fulfills the dimension of practical needs (*ḥājiyyah*) but also contributes to moral and ethical refinement within household life. These obligations also satisfy the requirements or criteria of the theory of *maṣlaḥah mursalah*.

These three obligations constitute *sunnah* acts and are therefore non-obligatory recommendations, reflecting the flexibility of the *shari'ah* in encouraging goodness without making it legally binding. As Khallaf explains, *sunnah* is "something that the *shari'ah* requires to be performed, but not through a definitive (binding) command (Ḥallāf, 2003)."

The Taḥsīniyyah (Tertiary/Enhancing) Category

These obligations function to refine and enhance the quality of the inner marital relationship by fostering affection, mutual understanding, and good character between husband and wife. They include speaking wisely and allocating sufficient time for one's wife, which reflects the importance of thoughtful communication and companionship within marriage. They also involve pleasing one's wife by accommodating her reasonable wishes, thereby promoting affection and mutual satisfaction in the relationship. Furthermore, the husband is expected to demonstrate good moral character and to instill such values in his family. Collectively, these obligations contribute to improving the quality of marital life by encouraging respectful communication, consideration, companionship, and the cultivation of virtuous character within the family.

When analyzed within the classification of *maṣlaḥah* based on its relationship with *shar'i* legal provisions, these obligations may be categorized as *maṣlaḥah mu'tabarah*. Speaking wisely and allocating time for one's wife is based on Q.S. al-Baqarah [2]: 83, which means: "...and speak kindly to people...", and the Prophetic Hadith, which means: "Whoever believes in Allah and the Last Day should speak good or remain silent." (HR. Ṣaḥīḥ al-Bukhari no. 6018; Ṣaḥīḥ Muslim no. 47). Furthermore, the obligation to please one's wife by accommodating her reasonable wishes is based on Q.S. an-Nisa' [4]: 19, which means: "And live with them (your wives) in kindness (*ma'rūf*)," and the Prophetic Hadith, which means: "The best of you are those who are best to their wives..." (HR. Sunan al-Tirmidī no. 3895, ḥasan ṣaḥīḥ). The obligation to demonstrate good moral character and teach it to one's family is based on Q.S. at-Taḥrīm [66]: 6, which means: "O you who believe! Protect yourselves and your families from the Fire..." (Q.S. at-Taḥrīm [66]: 6).

These obligations are categorized as *taḥsīniyyah* needs, namely "matters relating to good customs, noble character, and the preservation of *murū'ah* (personal dignity), which function to perfect human life. Their absence does not disrupt the social order as the absence of *ḍarūriyyāt* does, nor does it cause hardship as the absence of *ḥājiyyāt* does (Al-Shatibi, n.d.)." These three obligations constitute *sunnah* acts and are therefore non-obligatory recommendations.

Legal Formulation of the Wife's Marital Bond with Her Husband

The classification of a wife's inner obligations toward her husband from the perspective of *maṣlaḥah* is based on the hierarchy of *ḍarūriyyah*, *ḥājiyyah*, and *taḥsīniyyah* needs, each of which reflects a particular degree of urgency and has a different influence on sustaining the stability and harmony of the marital relationship, as explained below.

Ḍarūriyyah (Primary) Obligations

Ḍarūriyyah obligations occupy a fundamental position because they serve to preserve the continuity, stability, and proper functioning of the household. In the context of the wife's responsibilities, these obligations include obeying her husband in matters that are lawful and reasonable, seeking her husband's permission in matters for which such permission is required, and managing household affairs. These responsibilities are considered essential because they contribute to the orderly management of the family and the fulfillment of the respective roles of husband and wife. Through the fulfillment of these obligations, the wife contributes to maintaining harmony, stability, and the continuity of family life.

When examined according to the classification of *maṣlaḥah* based on its relationship with *shar'i* law, these obligations fall within the category of *maṣlaḥah mu'tabarah*. Obedience to one's husband is based on the Qur'an, An-Nisa verse 34, which means: "Therefore, righteous women are devoutly obedient (*qānitāt*)...", as well as the Hadith narrated by Abu Dawud no. 2140 and At-Tirmidhi no. 1161, which means: "If I were permitted to command one person to prostrate before another, I would command a wife to prostrate before her husband..." Furthermore, the requirement that a wife seek her husband's permission is based on the Hadith narrated by Al-Bukhari no. 5195 and Muslim no. 1026, which means: "It is not lawful for a wife to observe a voluntary fast while her husband is present except with his permission..." The obligation to manage household affairs is based on the Hadith narrated by Al-Bukhari no. 893 and Muslim no. 1829: "A woman is a guardian in her husband's household, and she will be held accountable for those under her care."

In addition, these obligations satisfy the criteria of *maṣlaḥah mursalah*: they are *ḍarūriyyah* (primary), universal (*kullīyyah*), consistent with *maqāṣid al-sharī‘ah*, possess a strong degree of certainty, and do not conflict with definitive evidence. Under *shar‘i* law, these obligations constitute mandatory acts (*ṭalaban jāziman*), the performance of which brings reward, while their abandonment entails sin (Al-Ghazali, n.d.).

Ḥājiyyah (Secondary) Obligations

These obligations function to maintain stability and prevent hardship within the inner marital relationship by encouraging consideration, harmony, and mutual satisfaction between husband and wife. They consist of refraining from causing hardship or unnecessary difficulty to her husband and seeking to please him through considerate and respectful conduct. By fulfilling these obligations, the wife contributes to the preservation of harmony within the marriage and helps prevent conflicts or tensions that may disrupt the stability of the household. Collectively, these responsibilities emphasize the importance of mutual consideration and cooperation in maintaining a healthy and stable marital relationship.

When examined according to the classification of *maṣlaḥah* based on its relationship with *shar‘i* law, these obligations fall within the category of *maṣlaḥah mu‘tabarah*. The obligation not to cause hardship to one's husband is based on the Qur‘an, Surah Al-Baqarah verse 228, which means:

“...and women have rights corresponding to their obligations, according to what is reasonable (ma‘rūf)...”

It is also based on the general legal maxim: *“Lā ḍarar wa lā ḍirār”* (there should be neither harm nor reciprocating harm). The obligation to please one's husband is based on the Hadith narrated by Ahmad ibn Hanbal no. 7421, which means: *“The best woman is one who pleases you when you look at her....”* These two obligations may be categorized as *ḥājiyyah* needs. Conceptually, *ḥājiyyāt* refers to needs required to protect human beings from hardship and difficulty in living their lives. These two obligations constitute *sunnah* acts and are therefore non-obligatory recommendations.

Taḥsīniyyah (Complementary/Ethical) Obligations

These obligations function to refine and enhance the quality of the inner marital relationship by fostering respect, gratitude, patience, and mutual understanding between husband and wife. They consist of honoring her husband's family, sincerely accepting and appreciating what her husband provides, and exercising patience toward her husband's conduct and mistakes. Through the fulfillment of these responsibilities, the wife contributes to creating a harmonious and supportive marital environment. Collectively, these obligations emphasize the importance of respect for the husband's family, gratitude for his efforts and provision, and patience in dealing with shortcomings, all of which help strengthen the quality and stability of the marital relationship.

When examined according to the classification of *maṣlaḥah* based on its relationship with *shar‘i* law, these obligations fall within the category of *maṣlaḥah mu‘tabarah*. Honoring one's husband's family is based on the Qur‘an, Surah An-Nisa verse 36, which means: *“...do good to parents... and relatives....”* The obligation to sincerely accept what one's husband provides is based on the Qur‘an, Surah An-Nisa verse 9, which means: *“...and live with them in kindness (ma‘rūf)...”* Similarly, the obligation to be patient with one's husband's conduct and mistakes is based on the Qur‘an, Surah Al-Baqarah verse 153, which means: *“Indeed, Allah is with those who are patient.”*

These obligations are categorized as *taḥsīniyyah* needs, namely “matters relating to good customs, noble character, and the preservation of *murū‘ah* (personal dignity), which function to perfect human life. Their absence does not disrupt the social order as the absence of *ḍarūriyyāt* does, nor does it cause hardship as the absence of *ḥājiyyāt* does.” These obligations constitute *sunnah* acts and are therefore non-obligatory recommendations.

Table 1. Classification and Weighting of the Husband's Inner Obligations Based on *Maṣlaḥah*

Maṣlaḥah Category	Husband's Obligations	Weight
Ḍarūriyyah (Primary)	a. Teaching his wife the religious knowledge she requires	3
	b. Teaching his wife matters of worship	3
	c. Leading the family	3
Ḥājiyyah (Secondary)	a. Providing counsel, instruction, and reminders to his wife	2
	b. Being patient in dealing with his wife	2
	c. Not seeking ways to cause hardship to his wife	2
	a. Speaking wisely and allocating time for his wife	1

Maslahah Category	Husband's Obligations	Weight
Tahsiniyyah	b. Pleasing his wife by accommodating her reasonable wishes	1
(Complementary/Ethical)	c. Demonstrating good moral character and teaching it to his family	1
TOTAL		18

Legal formulation value of the husband's marital bond with his wife = 52.95%

Table 2. Classification and Weighting of the Wife's Inner Obligations Based on Maslahah

Maslahah Category	Wife's Obligations	Weight
Ḍarūriyyah (Primary)	a. Obeying her husband	3
	b. Seeking her husband's permission	3
	c. Managing household affairs	3
Hājiyyah (Secondary)	a. Not causing hardship to her husband	2
	b. Pleasing her husband	2
Tahsiniyyah	a. Honoring her husband's family	1
(Complementary/Ethical)	b. Sincerely accepting what her husband provides	1
	c. Being patient with her husband's conduct and mistakes	1
TOTAL		16

Legal formulation value of the wife's marital bond with her husband = 47.05%

Conclusions

The essence of marriage under Law Number 1 of 1974 and Islamic law lies in the integration of external and inner bonds, which gives rise to the rights and obligations of husbands and wives across material, social, moral, and spiritual dimensions. However, the practice of dividing joint property continues to place greater emphasis on economic contributions, while inner contributions in the form of fidelity, devotion, caregiving, and moral responsibility have not yet received proportional recognition. This condition reveals a gap between the normative concept of marriage and judicial practice, thereby necessitating a legal formulation capable of integrating the external and inner dimensions as a basis for determining a more equitable division of joint property. This study employs a descriptive-analytical research specification, a normative juridical approach, and qualitative analysis through an examination of laws and regulations, legal doctrines, literature, and court decisions. This approach is used to formulate a legal construction that positions the marital bond as an integral component of the marital relationship, thereby providing a more comprehensive normative basis for achieving legal certainty, justice, and utility. The findings demonstrate that the prevailing paradigm governing the division of joint property remains dominated by assessments of external contributions. Through the *maṣlahah mursalah* approach, the inner contributions of husbands and wives are classified into the categories of *ḍarūriyyah*, *hājiyyah*, and *tahsiniyyah*, thereby enabling a more systematic and proportional assessment. This formulation provides a conceptual foundation for reconstructing the law governing the division of joint property by integrating economic contributions with devotion, fidelity, caregiving, and moral and spiritual responsibilities in order to achieve more substantive justice following divorce.

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