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Qiwamah and Emotional Nafkah Obligations in Islamic Family Law as a Preventive Measure Against the Fatherless Generation:
A Study of Divorce and Paternal Emotional Absence Among Generation Z in Indonesia

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ABSTRACT
The fatherless generation has become a significant social concern in Indonesia as increasing divorce rates and paternal emotional absence adversely affect children's development. Although previous studies have examined fatherlessness from psychological and educational perspectives, limited attention has been given to its prevention through Islamic Family Law. This study analyzes the concepts of qiwamah and nafkah batin as normative mechanisms for preventing the intergenerational transmission of fatherlessness. Using a normative-juridical method with statutory, conceptual, and comparative approaches, the study examines the Qur'an, Hadith, classical and contemporary Islamic legal literature, the Compilation of Islamic Law, Law No. 1 of 1974 as amended by Law No. 16 of 2019, and Law No. 35 of 2014 on Child Protection. The findings demonstrate that qiwamah encompasses not only financial responsibility but also moral, spiritual, emotional, and educational leadership. Likewise, nafkah batin should be understood as including children's rights to paternal emotional presence and active parenting. The study argues that fatherlessness reflects a failure to fulfill these obligations and undermines the objectives of maqasid al-shari'ah, particularly hifz al-nafs and hifz al-nasl. It proposes reconstructing qiwamah and nafkah batin as preventive legal principles to strengthen family resilience and child protection in contemporary Indonesia.

Keywords
Qiwamah; Nafkah Batin; Fatherless Generation; Islamic Family Law; Generasi Z

INTRODUCTION

Family is the smallest group In our society that greatly affects the child's personality, self-image, and future (Mohamad, 2020). Rather than being regarded as housemates, Islam considers the family a postulate from God that is grounded in the teachings of the Almighty. (Syafiuddin, 2025). In Surah Ar-Rum verse 21 of the Qur'an, Allah declares that His creation of life partners for humanity through whom one can achieve peace (sakinah), love (mawaddah), and compassion (rahmah) is one of the manifestations of His magnificence (Kurlianto Pradana Putra, 2021). Within family law, fathers and mothers occupy distinct yet complementary roles, both of which are indispensable to a child's physical, emotional, and spiritual development (Kurlianto Pradana Putra, 2021).

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Indonesia currently faces a serious challenge concerning paternal presence. The March 2024 National Socio-Economic Survey submitted by Statistics Indonesia (BPS) showed that a staggering amount of 15.9 million children do not have sufficient father involvement in their lives. Of these there are 11.5 million children with fathers who live at home and work more than sixty hours per week, making it difficult to provide child care (TV, 2025) and a further four point four million living without any father in the home. Worldwide, a 2021 UNICEF poll from Indonesia confirmed similar challenges with nearly one out of five Indonesian children (20.9%) growing up without their father at home, leaving the country more likely to confront intergenerational transmission problems and stay trapped in generations of rising poverty (Azky, 2024).

A major social worry is the phenomenon of children growing up without a father figure. It is commonly called the fatherless generation, or a situation in which there may be a father present physically, but fails to be involved in life giving attention and care of the boy child. This phenomenon pertains to multiple aspects of a child's life, including how s/he thinks about himself/herself, his moral understanding, as well as social interaction, and thus deserves close scholarly investigation (Nata, 2026). This term was used by Edward Elmer Smith to describe children whose missing fathers were not there to guide, provide, or love them. Including children living with fathers, but unable to receive what they are actually supposed to receive from men (Rahmadhani et al., 2024).

The bulk of these, including 251,800 cases in total, occurred due to perennial quarrels and problems between couples (Badan Pusat Statistik, 2024a). Now divorce has a detrimental effect on father-child relationships as it often weakens the bond if not completely severing the relationship such that children do not grow up with their fathers at all. Similar though distinct are fathers who may be there in flesh but not spirit. Given how important the father-child relationship is to a child's wellbeing, Dr. Rahmat Hidayat, Dean of the Faculty of Psychology at Universitas Gadjah Mada, has noted that a father's emotional absence can be just as harmful as his physical absence. (Grehenson, 2025).

Islamic Family law provide the family with rules that support developing a functional and everlasting family through *qiwamah, nafkah batin*, etc., as a concept of stable families (Nafisah & Isnaeni, 2025). Qiwamah: The rules of complete life must be followed, which involves the concept of household: Man is considered the head of the house (Surah An-Nisa verse 34). As mentioned, he has the household such as watchmen for his wife & children (Adyatama et al., 2023). This is also not only about the physical assets like money or supplies, but emotionally. It is all about love and care, it comes with giving advice and guidance and actively participating in raising the kids. Right now, many laws focus a lot on money matters but don't really consider the emotional and mental support that fathers need to give (Riska Wulandari et al., 2024).

According to a review of the literature, no research has yet examined how the ideas of *qiwamah* (paternal leadership) and *nafkah batin* (emotional provision) interact within Islamic family law, especially regarding the fatherlessness that Generation Z faces as a result of divorce or paternal emotional absence. Three important questions need to be answered to understand and fix this problem: first, how does Islamic family law explain the father's responsibilities related to qiwamah and nafkah batin; second, how does family law view the lack of fathers that Generation Z is experiencing because of divorce and emotional distance; and third, what solutions does Islamic family law offer to stop the cycle of not having a father across generations.

Based on these considerations, this study aims to examine the concepts of *qiwamah* and *nafkah batin* within the framework of Islamic Family Law as normative mechanisms for preventing the intergenerational transmission of fatherlessness among Generation Z in Indonesia. Unlike previous studies that primarily approached fatherlessness from psychological, educational, or sociological perspectives, this research offers a legal and normative analysis by integrating the principles of *qiwamah*, *nafkah batin*, and *maqasid al-shari'ah*. The study is expected to contribute to the development of Islamic Family Law by reconstructing paternal obligations beyond financial

maintenance, emphasizing emotional responsibility and active parenting as essential elements of child protection and family resilience in contemporary Muslim society.

LITERATURE REVIEW/ANALYTICAL FRAMEWORK

A. Theory of Qiwamah

Qiwamah derives from the root *qāma-yaqūmu*, meaning to stand, to be upright, and to bear responsibility. In Surah An-Nisa verse 34, Allah establishes men as leaders and guardians of their families on two grounds: the advantages Allah has bestowed upon them, and their obligation to provide financial support. The term *qawwamun* thus refers to men who bear responsibility for, and stand firm in caring for, their families (Adyatama et al., 2023). Modern Qur'anic scholars like M. Quraish Shihab in Tafsir Al-Misbah and Ibn Ashur in At-Tahrir wa At-Tanwir reject the understanding of *qiwamah* as a position of authority over women. Rather, they see it as a type of leadership where males are expected to be role models who offer moral, spiritual, emotional, and financial support in order to safeguard and foster the family's well-being in all spheres (Rifka Alkhilyatul Ma'rifat, I Made Suraharta, 2024).

According to (Asrori, 2024), the idea of qiwamah needs to be redefined in order to be applicable to the difficulties that modern families encounter. Rather than being reduced to financial provision, qiwamah should be understood as active parenting, spending time with, and helping to raise, children into good people. Asrori contends that equating qiwamah solely with meeting basic material needs is a significant reason some fathers remain disengaged from their families' emotional lives, and insists that qiwamah must extend to caring for children in every sense, not merely financially (Asrori, 2024).

B. Theory of *Nafkah Batin*

Within marital law, *nafkah* (maintenance) encompasses fulfilling all the needs of the wife and children, including both material and emotional support. A husband is obliged to attend to his family's emotional and spiritual needs as well, since married life entails mutual support across all dimensions material, psychological, and spiritual as established within *fiqh munakahat* (Islamic marital jurisprudence) (Jamal & Ramadanti Cania, 2024). In Indonesia, this obligation is codified in Law Number 1 of 1974 and Article 80 of the Compilation of Islamic Law (KHI), both of which govern material as well as non-material (emotional/spiritual) maintenance. In practice, however, maintenance is often equated solely with the provision of money or goods, while the importance of emotional support and mutual attention is largely neglected despite both the law and Indonesian society formally recognizing that legitimate maintenance encompasses far more than material resources alone (Haniva Shafa Anjani, Linda Firdawaty, 2026).

This study examines the concept of *nafakah* as encompassing not only a wife's right but also a child's right to receive support from their father understood through the *maqasid al-shari'ah principles of protecting life* (*hifz al-nafs*) and lineage (*hifz al-nasl*). Contemporary theorizing on nafakah increasingly accounts for a child's need for their father's emotional presence, consistent with these protective objectives (Darmawan et al., 2024). This stance is also in line with the 1989 United Nations Convention on the Rights of the Child, which was ratified by Indonesia as per Presidential Decree Number 36, dated and signed on October 30, 1990.(Pengesahan Convention On The Rights Of The Child (Konvensi Tentang Hak-Hak Anak), 1990).

C. Theory of *Maqasid Al-Syari'ah*

This article argues that *maqasid al-shari'ah* can explain why the absence of a father makes the five principal purposes of Sharia unattainable. This focuses on maintaining religion, protecting life, safeguarding the mind, preserving the family line, and ensuring wealth. This theory was originally drafted by Imam Al-Ghazali, who subsequently improved it, as a continuity of thought by Ibn Ashur. This shows the seriousness of the situation where life and family line may be at risk, so strong measures must be taken to prevent it from happening (Huda et al., 2022).

D. Previous Studies and Research Position

Several prior studies inform this research. Fajarrini and Umam (2023) examined the impact of fatherlessness on children's character from the perspective of Islamic education (Fajarrini & Umam, 2023). Rahmi (2023) approached the issue of paternal absence from the perspective of da'wah and tafsir (Rahmi, 2023). Rahman (2022) examined the financial dimension of spousal support, focusing on the mutual obligations between husband and wife (Rahman, 2022). Asrori (2024) explored how the concept of *qiwamah* is evolving within the modern family economy, finding that while *qiwamah* remains a relevant construct, it is being reinterpreted in new ways (Asrori, 2024). Rachmanulia and Dewi (2023) studied the psychological dynamics experienced by fatherless children (Rachmanulia Nurafifa & Dewi Kartika Sari, 2023). None of these studies, however, has examined Islamic family law's capacity to address the intergenerational transmission of fatherlessness among Generation Z the gap this study seeks to fill.

RESEARCH METHOD

This study employs a normative-juridical research method to examine and interpret legal norms governing paternal obligations in Islamic Family Law. The research applies three complementary approaches: the statutory approach, the conceptual approach, and the comparative approach. The statutory approach analyzes legal provisions regulating a father's obligations toward his family under Indonesian positive law. The conceptual approach examines the legal and doctrinal meanings of *qiwamah* and *nafkah batin* as fundamental principles of Islamic Family Law. Meanwhile, the comparative approach compares these normative principles with the contemporary phenomenon of fatherlessness in Indonesia to assess the relevance and adequacy of existing legal concepts in addressing the issue.

The research relies exclusively on library-based materials. Primary legal materials consist of the Qur'an, the Hadith, classical and contemporary Islamic legal literature, including *Fiqh Sunnah* by Sayyid Sabiq, *Fiqh al-Usrah* by Sheikh Hasan Ayyub, and *Tafsir Al-Misbah* by M. Quraish Shihab. Primary sources also include Indonesian legislation, namely Law No. 1 of 1974 concerning Marriage as amended by Law No. 16 of 2019, the Compilation of Islamic Law, and Law No. 35 of 2014 concerning Child Protection.

Secondary legal materials include scholarly books, peer-reviewed journal articles, official statistical reports from the 2024 National Socio-Economic Survey, UNICEF reports, and other relevant academic publications. Data were collected through library research by identifying, classifying, and systematically reviewing relevant legal sources. The collected materials were analyzed using descriptive-analytical methods within the framework of *ushul fiqh* and *maqasid al-shari'ah* to interpret legal norms and formulate normative recommendations for strengthening paternal responsibilities as a preventive measure against the fatherless generation.

RESULTS AND DISCUSSIONS

A. Qiwamah Obligations and Father's Inner Support in Islamic Family Law

Islamic family law positions the father as a central figure within the household, both as leader and caretaker, through the concept of *qiwamah*. Its principal basis is found in Surah An-Nisa verse 34: “Men are the protectors and maintainers of women because Allah has given men strength over women and because men support women with their money.” This verse establishes that a man's leadership over his family rests on two foundations: the qualities Allah has bestowed upon him, and his responsibility to provide for his family. Through *qiwamah*, the father is entrusted with leading and providing for his household (Adyatama et al., 2023).

In Tafsir Al-Misbah, M. Quraish Shihab interprets qiwamah not as superiority or domination, but as a form of leadership grounded in responsibility, one that extends to every dimension of family life, including financial, moral, spiritual, emotional, and intellectual matters (Rifka Alkhilyatul Ma’rifat, I Made Suraharta, 2024). So, Ibn Ashur, in his *At-Tahrir wa At-Tanwir*, also sees that *qiwamah* is that the father must always be present together with children. The father only has to lead, and nurture, and protect their spiritual health, not just their physical balance. In this context, *Qiwamah* sees the father as a parent, a teacher, and a guide (Asrori, 2024).

In terms of Islamic law that applies to marital relations, there exist two types of nafkah, which are obligations for one spouse to be paid by the other partner, namely Batinnya or spiritual and mental satisfaction (*nafkah batin*) and lahir or economic and physical support (*nafkah lahir*). According to *Fiqh Sunnah*, *nafkah batin* refers to the husband's obligation to fulfill the emotional, psychological, and spiritual needs of his wife and family. This obligation extends beyond material provision, emphasizing affection, emotional support, compassion, and responsible family care as integral components of Islamic family life (Fauzi, 2021). Surah Al-Baqarah verse 233 further instructs fathers to attend to their children's needs “*bil-ma'ruf*” (in a fitting and virtuous manner) a principle contemporary scholars interpret as requiring not only food and clothing but also love and emotional support (Mukhammad Syariful Hidayat & Rofiah, 2026).

As stated in the 1974 Marriage Law and Article 80 of the KHI, which require a husband to contribute based on his ability, Indonesian law also demands that spouses support their families in both material and emotional ways (UU RI No 1 Tahun 1974 Tentang Perkawinan, 1974). Law Number 35 of 2014, which amends the Child Protection Law from 2002, confirms that a child has the right to be cared for by both parents. However, since this part of being a parent hasn't been given enough legal focus, the importance of dads providing emotional support is still not really enforced (Rahmat & Masrokhin, 2025).

Table 1. Comparison of the Dimensions of *Qiwamah* and *Nafaqah* Obligations in Islamic Family Law

Dimensions	Qiwamah	Nafkah Batin
Legal basis	QS. An-Nisa: 34	QS. Al-Baqarah: 233; KHI Pasal 80
Scope	Moral, spiritual, emotional, and economic leadership of the family	Fulfilling the psychological and emotional needs of the wife and children.
Subject	Father as family leader (*qawwam*)	The father as the person responsible for the family's emotional and spiritual needs.
Dimensions concerning children	Active parenting, guidance, and protection of life.	Emotional presence, affection, and involvement in growth and development.
Positive Regulation	UU No. 1/1974, UU No. 16/2019, KHI	UU No. 35/2014, KHI Pasal 80
Legal Sanctions	Limited to the financial aspect (claim for maintenance)	Does not yet have a comprehensive enforcement mechanism.

Source: Author's analysis based on the Qur'an, the KHI, and statutory regulations (2025)

B. The "Fatherless" Phenomenon Among Generation Z: Divorce and Emotional Absence

Generation Z in Indonesia, born between 1997 and 2012, came of age amid rising divorce rates, a trend associated with reduced paternal involvement in family life (Meilia Qurrota A'yun, 2025). Fatherlessness among this generation stems primarily from two distinct but equally damaging conditions: parental divorce and paternal emotional absence, both of which can significantly disrupt a child's development (Fajarrini & Umam, 2023).

One way that children lose a father figure is through divorce, since separated parents frequently have less or sometimes no father-child interaction. 251,800 of the 399,921 divorce cases reported by Statistics Indonesia (BPS) in 2024 were brought on by ongoing marital strife (Badan Pusat Statistik, 2024a). Even though a father's duties of *qiwamah* and *nafkah batin* do not end with divorce, children usually live with their mothers after a divorce, while fathers tend to spend less time with them and offer less financial and emotional support (Nisa & Ahsan, 2024).

Having an absent father is thought to be very harmful for children, but a father who lives in the same house and sees his kids, yet is not emotionally available to them, can also cause damage (Rahmadhani et al., 2024). SUSENAS (2024) BPS Data 6,0 million children with Fathers who work more than 60 hours per day. BPS Susenas statistics from 2024. This means that even if these fathers live at home, their extended work obligations effectively render them unavailable to their children (Badan Pusat Statistik, 2024b). When examined through the prism of qiwamah, this situation illustrates how paternal leadership has become more and more focused on financial support, essentially ignoring its moral, spiritual, and emotional aspects (Janati et al., 2026).

Fatherlessness has a significant impact on Generation Z. Affected children frequently report feeling alone, having trouble making decisions, lacking role models, and having trouble interacting with others (Ahmad et al., 2025). This is a major issue from the standpoint of *maqasid al-shari'ah* since it directly undermines two of the five fundamental goals of Islamic law: the preservation of life and lineage (Azizah et al., 2025).

Of particular concern is the risk that fatherlessness may perpetuate itself across generations: children of Generation Z who grow up without a paternal role model may be

more likely to replicate this pattern as parents themselves, having neither learned parenting values from a father nor resolved their own unaddressed emotional wounds (Sona & Wiyatfi Linsiya, 2025). Fajarrini and Umam (2023) similarly find that a father's absence can shape a child's personality in ways that predispose them, as adults, to replicate emotional unavailability toward their own children, perpetuating the cycle of fatherlessness across generations (Fajarrini & Umam, 2023).

C. Islamic Family Law as a Measure to Prevent the Emergence of a "Fatherless Generation"

Islamic family law holds considerable potential to help prevent the fatherlessness phenomenon, provided its principles are properly understood, articulated, and implemented (Srinova, 2024). Three strategic pathways may be pursued toward this end.

The first is to reconstruct the concept of *qiwamah*. It is frequently perceived merely as an obligation to provide financial support; however, the concept should be understood more broadly, as encompassing the role of a devoted father and the fulfillment of the family's holistic needs. A person fulfilling the role of *qiwamah* must also be capable of offering spiritual guidance to the family (Borotan, 2024). Asrori (2024) similarly argues that *qiwamah* must be reinterpreted to align with contemporary family challenges, requiring fathers to be actively involved in raising their children, since such involvement itself constitutes a form of family leadership. *Qiwamah*, in this view, concerns not merely financial provision but active parenting and domestic involvement (Asrori, 2024).

The second pathway is to strengthen legal regulations to ensure children receive adequate financial support from their parents. Provisions should be added to the KHI and the Marriage Law explicitly affirming that such support is a right belonging to children, not merely to mothers, together with enforcement mechanisms to guarantee its fulfillment (Gushairi, 2021)(Undang - Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang – Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak, 2014). A father's emotional neglect may be interpreted as a breach of children's rights under Law Number 35 of 2014 concerning Child Protection, which offers a legal foundation for this development. The legitimacy of child protection policy among Indonesian Muslims would be strengthened by including these legal viewpoints, which would also encourage larger initiatives to protect children. (Karmawan, 2020).

The third pathway involves cultivating public understanding of fatherhood through programs grounded in Islamic family values. The Office of Religious Affairs (KUA) and Religious Courts play a vital role in educating the public on family leadership and support obligations. Such programs should incorporate material on paternal involvement consistent with Islamic law, an approach aligned with Islamic law's broader preventive orientation, which seeks to guide conduct proactively rather than merely resolve problems after they arise (Prayogi & Jauhari, 2021).

CONCLUSION

This study yields several key findings. First, Islamic family law offers a normative framework built upon the concepts of *qiwamah* and *nafkah batin*. Qiwamah is not limited to a man's financial authority but extends to moral, emotional, and spiritual responsibility for his family; when properly understood and practiced, it can help prevent fatherlessness. *Nafkah batin*, meanwhile, must be reconceived more broadly, not solely as a wife's right but also as a child's right to their father's emotional presence and active involvement in their lives.

Second, fatherlessness is a widespread phenomenon among Indonesia's Generation Z, driven by both divorce and paternal emotional absence. This is an example of fathers failing to uphold

their basic duty to support and care for their families. When viewed through the prism of *maqasid al-shari'ah*, this phenomenon puts life and ancestry in jeopardy, highlighting the need for action before the fatherlessness cycle continues for centuries. The issue of fatherlessness among Generation Z in Indonesia is therefore pressing and demands immediate attention.

Islamic family law can help prevent this phenomenon through three complementary strategies: reconstructing the concept of family leadership to more fully account for emotional needs; strengthening children's right to financial support; and educating fathers on parenting through Islamic-law-based programs. Realizing these strategies requires collaboration among government, community, and religious institutions, including the Office of Religious Affairs, Religious Courts, the Ministry of Religious Affairs, and the Ministry of Social Affairs.

This study is limited by its lack of empirical grounding. In gain firsthand knowledge of their experiences, future research should interact directly with individuals of Generation Z who have been fatherless, for example, in Temanggung Regency or other areas. Such studies would contribute to a deeper comprehension of the issue and aid in the creation of policies that better address the requirements of Generation Z.

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