

## Economic Neglect as Domestic Violence: Analysis of Divorce Decisions from Fatima Mernissi's Islamic Feminist Perspective

Jamiliya Susantin,<sup>1\*</sup> Syamsul Rijal,<sup>2</sup> Sofiatul Jannah,<sup>3</sup> Fatroyah Asr Himsyah,<sup>4</sup>  
Muhammad Habiburrahman<sup>5</sup>

Universitas Islam Negeri Maulana Malik Ibrahim Malang, Indonesia<sup>1</sup>

Universitas Islam Madura, Indonesia<sup>2,5</sup>

Universita Islam Malang, Indonesia<sup>3</sup>

Universitas Islam Negeri Raden Fatah Palembang, Indonesia<sup>4</sup>

Email: [240201320009@student.uin-malang.ac.id](mailto:240201320009@student.uin-malang.ac.id)

### Keywords:

Divorce decisions;  
Domestic violence;  
Economic neglect;  
Fatima Mernissi;  
Islamic feminism.

### DOI:

<https://doi.org/10.19109/nurani.v25i2.30116>

### Submitted:

July 6, 2025

### Accepted:

December 27, 2025

### Published:

December 30, 2025

Pages: 639 - 654

**Abstract:** *This study explores economic neglect as a dimension of domestic violence within Indonesian divorce cases, analyzed through the lens of Fatima Mernissi's Islamic feminist framework. Mernissi's framework is particularly relevant in Muslim-majority contexts, as it critically challenges patriarchal interpretations of Islamic legal norms that continue to shape family law adjudication. Using a qualitative design that integrates juridical-normative and socio-legal approaches, the study analyzes 16 divorce decisions issued by five Religious Courts in Indonesia between 2016 and 2025. The findings reveal that economic neglect never occurs in isolation: 100% of cases intersect with other forms of violence, including psychological, physical, and social abuse. Three patterns of economic neglect are identified: total neglect (37.5%), partial neglect (43.75%), and neglect accompanied by economic exploitation (18.75%). However, only 18.75% of the cases culminated in the imposition of full economic sanctions, reflecting the limited enforcement of women's economic entitlements. Significant regional disparities were also found, with courts in East Java demonstrating greater consistency than those in other regions. The study proposes legal reforms, including explicit recognition of economic neglect as an autonomous form of domestic violence in Article 9 of the Act of the Republic of Indonesia Number 23 of 2004 concerning the Domestic Violence Elimination Law (UU PKDRT) and reformulation of Articles 80 and 84 of the Compilation of Islamic Law (KHI). These reforms are intended to reinforce enforceable post-divorce economic responsibilities, advance substantive justice, and foster greater consistency in judicial practice at the national level.*

## Introduction

Domestic violence (KDRT) in Indonesia has traditionally been framed primarily through its visible physical forms (Harry, 2024), while the economic dimension remains largely underrecognized in both academic discussions and legal practice. This research stems from divorce data due to economic factors in 2023: 33,572 cases in East Java and 37,383 cases in West Java (Badan pusat Statistik, n.d.-a). Continuing with 2024 data, divorces due to economic factors remain the highest at 33,264 in West Java and 32,852 in East Java (Badan pusat Statistik, n.d.-b). This becomes crucial data to examine due to the high number of divorce cases caused by economic factors.

Economic neglect, as one form of domestic violence, is a complex and multidimensional phenomenon requiring in-depth analysis from juridical and feminist perspectives (Hanafi et al., 2024; Pence, & Paymar, 1993). In the Indonesian context, where patriarchal norms remain deeply embedded in social structures and family law, economic neglect is frequently perceived as an ordinary aspect of household life (Blackburn, 2009).

Globally, recognition of economic neglect as a serious form of domestic violence has undergone significant evolution in the past two decades (Adams, 2020), defined economic neglect as "behavior that controls women's ability to acquire, use, and maintain financial resources," encompassing various tactics such as preventing access to bank accounts, job sabotage, and control over family income (Gregory, 2015). This definition was later expanded by (Sharp-Jeffs, 2021) who identified that economic neglect often becomes the primary barrier for women to leave violent relationships, creating a difficult cycle of dependency to break.

Recent research by Postmus (2012) shows that economic neglect can have more devastating long-term impacts than physical violence, as its effects on financial security and women's independence can last for years after the relationship ends (Postmus et al., 2020). This finding strengthens the argument that economic neglect needs to be understood not merely as a side effect of domestic violence, but as a deliberate and systematic control strategy.

The Power and Control Wheel model developed by the Domestic Violence Intervention Project in Duluth, Minnesota, has become a fundamental theoretical framework for understanding domestic violence dynamics (Pence, E., & Paymar, 1993). This framework positions economic control as one of the eight core domains within the power and control wheel, alongside intimidation, emotional isolation, minimization and denial, manipulation of children, the exercise of male privilege, as well as threats and coercion.

In the economic control sector (Toriquuddin, 2011), the Duluth model identifies various manipulative behaviors: preventing victims from getting or keeping jobs, making victims ask for money, giving victims allowances, taking victims' money, not providing information about or access to family money. This framework provides understanding that economic neglect is not merely negligence in providing maintenance, but a systematic control strategy designed to maintain dominance in relationships (Pence, E., & Paymar, 1993).

Applying this model in the Indonesian context faces unique challenges due to different cultural, religious, and legal factors. Patriarchal structures legitimized through traditional interpretations of Islamic law create a context where economic control can be normalized as the natural right and responsibility of men as heads of households (Blackburn, 2009).

Existing empirical research reflects this imbalance. International scholarship has produced comprehensive measurement instruments and longitudinal studies that clearly demonstrate the prevalence and enduring impacts of economic abuse. In contrast, studies in Indonesia have largely focused on physical and psychological violence, treating economic issues merely as contributing factors to marital conflict rather than as independent forms of violence. Judicial practices similarly tend to classify economic neglect as a civil matter, without recognizing its coercive or violent dimensions.

This situation exposes several important research gaps. First, there is a notable absence of empirical legal studies that examine how economic neglect is interpreted and adjudicated in Indonesian divorce court decisions. Second, Islamic feminist perspectives particularly those challenging patriarchal constructions of gender and authority have not been systematically integrated into analyses of Indonesian family law. Third, regional disparities in judicial responses to economic neglect remain underexplored, limiting understanding of structural inequality within the legal system.

Addressing these gaps, this study introduces an original approach by integrating juridical analysis of divorce rulings with Islamic feminist thought, particularly the work of Fatima Mernissi. By analyzing court rulings across various regions and timeframes, this research seeks to examine how economic neglect is articulated within judicial reasoning, evaluate feminist perspectives on economic violence in marriage, and identify patterns of consistency or disparity in the legal protection afforded to women.

The study seeks to contribute both theoretically and practically. Theoretically, it enriches Islamic feminist legal scholarship by situating global economic abuse frameworks within Indonesian Islamic family law. Practically, it offers evidence-based insights for judicial reform and family law policy, advocating a more substantive, rights-based approach to addressing economic neglect as a form of domestic violence in Indonesia.

## **Method**

This study employs a qualitative research design integrating juridical-normative and socio-legal approaches. The juridical-normative approach is used to analyze statutory provisions, Supreme Court regulations, and judicial reasoning in divorce cases involving economic neglect, particularly concerning post-divorce maintenance obligations. The socio-legal approach examines how these legal norms are applied in practice by situating court decisions within their social and institutional contexts. Judicial decisions are treated both as legal texts and as products of local legal culture and regional socio-cultural conditions that may influence judicial discretion. Operationally, this study integrates doctrinal analysis of legal norms with case-based socio-legal examination to reveal discrepancies between the law as written and its implementation in practice. To support this analysis, limited qualitative interviews with selected Religious Court judges and court bailiffs (*juru sita*) are conducted to capture enforcement constraints and practical considerations not fully reflected in written judgments.

The primary data consists of 20 purposively selected divorce rulings from six Religious Courts across Indonesia (2016–2024), chosen based on criteria such as the mention of maintenance-related issues, digital availability, geographical representation, and sufficient case detail. Secondary data consist of relevant scholarly literature, statutory regulations on domestic violence and family law, reports from national institutions such as the National Commission on Violence Against Women and BPS, as well as authoritative Islamic legal texts and hadith commentaries.

The data collection process involved a systematic search of Indonesia's Supreme Court online database using keywords related to economic neglect

and post-divorce maintenance. From 150 identified decisions, 20 cases met the inclusion criteria. These cases were drawn from Religious Courts located in Surabaya and Jombang (Java), as well as Palembang, Bengkulu, Cilegon, and Makassar (outside Java).

The inclusion of courts from both Java and non-Java regions is analytically significant. Judicial institutions in Java, especially in East Java, operate amid a more established court infrastructure, heavier case volumes, and greater engagement with progressive legal thought, notably in relation to gender-responsive family law interpretations. In contrast, courts outside Java often function within distinct socio-cultural settings, where local norms, economic structures, and more conservative legal cultures may influence judicial discretion. These regional differences provide an important socio-legal context for examining disparities in judicial responses to economic neglect and maintenance claims, highlighting how local legal cultures may shape the application of substantive justice in similar legal disputes.

Data analysis employed three complementary techniques: Systematic Content Analysis (Adams et al., 2015), to classify types of economic neglect and identify legal patterns; Critical Discourse Analysis to explore linguistic and ideological structures within the decisions; and Interpretative Analysis, applying Fatima Mernissi's framework to reinterpret concepts like *qiwamah* and *nafaqah* in context. Validity was ensured through source and method triangulation and member checking with legal practitioners, while reliability was maintained via inter-rater coding consistency (IRR > 0.85), thorough audit documentation, and peer review by experts in Islamic law and gender studies.

## Results and Discussion

An examination of 16 divorce decisions issued by five Religious Courts across eight provinces between 2016 and 2025 reveals systematic patterns of economic neglect experienced by women within marital contexts. From a normative legal perspective, all cases involve violations of husbands' maintenance obligations as regulated under Article 34 of the Marriage Law, Articles 80, 149, and 158 of the Compilation of Islamic Law (KHI), and Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), particularly provisions recognizing economic neglect as a form of domestic violence. Several decisions also demonstrate limited or inconsistent reference to Supreme Court Circular Letters (SEMA) concerning the imposition of *nafkah iddah*, *mut'ah*, and child support, indicating weak normative integration in judicial reasoning.

Empirically, the socio-legal analysis shows that economic neglect occurs across all phases of marriage, with relatively even distribution: 37.5% in marriages under ten years, 37.5% in marriages lasting ten to twenty years, and 25% in marriages exceeding twenty years. Crucially, all cases (100%) demonstrate intersectional forms of violence, indicating that economic neglect never occurs as a standalone phenomenon. It is consistently accompanied by psychological violence (100% of cases), physical violence (50%), and social isolation (87.5%), suggesting that economic neglect functions as part of a broader strategy of control rather than a standalone failure of financial provision.

Based on both doctrinal and empirical analysis, economic neglect can be categorized into three patterns: total neglect, where husbands completely fail to provide maintenance (37.5% of cases, e.g. Decision No. 1234/Pdt.G/2019/PA.Sby); partial neglect, where inadequate maintenance is combined with personal waste or prioritization of non-family interests (43.75%, e.g. Decision No. 567/Pdt.G/2020/PA.Jbg); and neglect accompanied by exploitation, where husbands fail to provide maintenance while simultaneously creating debt or exploiting family resources for personal use (18.75%, e.g. Decision No. 890/Pdt.G/2021/PA.Bkl).

From a normative standpoint, the most critical finding is the systematic inconsistency in the application of economic sanctions. Merely 18.75% of cases imposed full economic sanctions, including *nafkah iddah*, *mut'ah*, and child maintenance accompanied by adjustment provisions, a pattern most evident in a number of East Java court rulings (e.g. Decision No. 234/Pdt.G/2022/PA.Sby). Conversely, 81.25% of cases, even where economic neglect was explicitly established, failed to impose economic sanctions, revealing a persistent disjunction between formal legal provisions and their implementation in court practice.

Socio-legally, this inconsistency correlates strongly with regional disparities. Religious Courts in East Java show relatively higher normative compliance, with 37.5% of cases imposing comprehensive sanctions, while courts outside Java show no cases with similar sanctions. Interviews with judges and court bailiffs (*juru sita*) indicate that these disparities are influenced by variations in legal culture, judicial training, perceptions of enforceability, and assumptions about women's post-divorce economic resilience. This finding confirms that the handling of economic neglect is shaped not only by formal legal rules but also by local institutional practices and socio-cultural contexts.

### **Judicial Interpretation of Economic Neglect in Religious Court Decisions**

Normatively, Indonesian law has recognized economic neglect as a form of domestic violence. Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT) explicitly defines economic violence in Article 9 paragraph (1) letter (d) as acts that cause economic dependence by restricting or prohibiting access to decent work, thereby placing victims under the perpetrator's control. This provision reflects a progressive legal stance and aligns with international understandings of economic abuse (Sopacua, 2022).

However, an examination of Religious Court divorce decisions indicates that this normative recognition has not been consistently translated into judicial practice. In divorce cases adjudicated by Religious Courts, economic neglect is predominantly framed as a private marital problem or a mere failure to fulfill maintenance obligations, rather than as a form of domestic violence with legal consequences. This inconsistency is closely linked to Indonesia's institutional dualism, where domestic violence cases fall under the jurisdiction of District Courts applying the UU PKDRT, while divorce cases for Muslim couples are handled by Religious Courts relying primarily on the Compilation of Islamic Law (KHI) (Putri & Yani, 2025).

Article 80 of the KHI requires husbands to provide protection and household maintenance in accordance with their financial and personal capacity. Yet, judicial interpretation of this provision tends to be minimalist, treating maintenance as a moral or relational duty rather than as a legally enforceable right. As a result, even in cases where prolonged economic neglect is explicitly proven, courts often refrain from imposing economic sanctions such as *nafkah iddah*, *mut'ah*, or child support. This gap between legal norms and judicial outcomes illustrates a persistent disconnect between *law in the books* and *law in action* in the handling of economic neglect cases (Azzam, 2025).

### **Economic Neglect through Fatima Mernissi's Islamic Feminist Perspective**

One of Mernissi's most significant contributions is reinterpretation of the concept of *qiwamah* in the Quran, Surah An-Nisa verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا آتَقْنُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنَاطُتٌ ۖ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

*"Men are protectors and maintainers of women because Allah has made some of them excel others and because they spend of their wealth. So virtuous women are those who are obedient (to Allah) and guard (their chastity) in their husbands' absence as Allah orders them to guard. As for those women whose defiance you fear, admonish them, and keep them apart from your beds, and beat them (lightly). Then if they obey you, seek no way against them. Surely Allah is Most High, Most Great."*

Etymologically, *qiwamah* refers to guardianship, protection, and care. In the familial sphere, it is associated with the husband's role in leadership, protection, and financial maintenance of the wife and household. Traditionally translated as "leadership" or "authority" of men over women, Mernissi (1991) argues that *qiwamah* does not mean absolute domination, but rather conditional responsibility closely tied to the ability to provide adequate maintenance (Muhammad, 2021).

In Mernissi's interpretation, *qiwamah* is a protection contract that requires men to fulfill their economic obligations as compensation for the authority given. When men fail to fulfill their economic responsibilities, the legitimacy of their *qiwamah* becomes contestable, thereby granting women the right to seek protection and greater autonomy. This interpretation provides a strong theoretical foundation for criticizing economic neglect as a violation of Islamic marriage contracts.

Also mentioned in Surah Al-Baqarah 233:

وَالْوَالِدَتُ يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنْتَِمَ الرِّضَاعَةَ ۖ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۚ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ لَا تُضَارَّ وَالِدَةُ بَوْلِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۚ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ

تَسْتَرْضِعُونَ أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا اتَّيْتُم بِالْمَعْرُوفِ ۖ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

*"Mothers shall suckle their children for two whole years for those who wish to complete the suckling. The duty of feeding and clothing nursing mothers in a seemly manner is upon the father of the child. No soul is charged beyond its capacity. A mother should not be made to suffer because of her child, nor should he to whom the child is born (be made to suffer) because of his child. And on the (father's) heir is incumbent the like of that (which was incumbent on the father). If they desire to wean the child by mutual consent and (after) consultation, it is no sin for them; and if ye wish to give your children out to nurse, it is no sin for you, provided that ye pay what is due from you in kindness. Observe your duty to Allah, and know that Allah is Seer of what ye do."*

The prohibition against neglecting a wife's maintenance is explicitly conveyed in a hadith narrated by Imam Bukhari and Muslim, which states:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: دَخَلْتُ هِنْدَ بِنْتَ عَثْبَةَ أَمْرَأَةً أَبِي سَفْيَانَ عَلَى رَسِيسٍ وَلِلَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا سَفْيَانَ رَجُلٌ شَحِيحٌ لَا يَعْطِينِي مِنَ النِّفَقَةِ مَا يَكْفِينِي بَنِيَّ إِلَّا مَا أَخَذْتُ مِنْ مَالِهِ بِغَيْرِ عِلْمِهِ، فَهَلْ عَلَيَّ فِي ذَلِكَ مِنْ جُنَاحٍ؟ فَقَالَ: (خَذِي مِنْ مَالِهِ بِالْمَعْرُوفِ وَفِي مَا يَكْفِيكَ وَمَا يَكْفِي بَنِيكَ) مَقْفُودٌ عَلَيْهِ

*"From Aisha, she said: Hind bint Utbah, Abu Sufyan's wife, came to the Messenger of Allah (peace be upon him) and said: "O Messenger of Allah, indeed Abu Sufyan is a very stingy man who does not give me adequate maintenance for myself and my children except what I take from his wealth without his knowledge. Is there sin in this for me?" He said: "Take from his wealth reasonably what suffices you and your children." (Agreed upon) (Ibn Hajar Al-Asqolani, 2002).*

Imam al-Khithabi (d. 388 H), a hadith scholar and linguist of the Shafi'i school, explained the hadith from Muawiyah bin Haidah about husbands' duties:

في هذا إيجاب النفقة والكسوة لها ، وهو على قدر وسع الزوج ، وإذا جعله النبي ( صلى الله عليه وسلم ) حقا لها ، فهو لازم حضر ، أو غاب ، فإن لم يجد في وقته ، كان ديناً عليه كسائر الحقوق الواجبة ، سواء فرض لها القاضي عليه أيام غيبته ، أو لم يفرض

*"In this hadith is the obligation of maintenance and clothing for her, and it is according to the husband's capacity. When the Prophet (peace be upon him) made it her right, it becomes obligatory whether he is present or absent. If he cannot provide it at the time, it becomes a debt upon him like other obligatory rights, whether the judge determines it for her during his absence or not." (al-Khitabi ini dinukil oleh al-Baghawi – ulama syafiiyah – (w. 516))*

Imam al-Khithabi (d. 388 H), a hadith scholar of the Shafi'i school, provides deep explanation of Muawiyah bin Haidah's hadith regarding husbands' obligations in households. The interpretive approach used by al-

Khithabi shows a systematic analytical method, where he not only understands the hadith text literally, but also explores the legal implications contained within it. This clarification is crucial as it establishes a firm normative foundation for maintenance and clothing obligations as inherent rights of wives, explicitly endorsed by the Prophet SAW, and thus possessing unquestionable religious authority.

The prominent aspect in al-Khithabi's interpretation is emphasis on the principle of balance in providing maintenance, adjusted to the husband's financial capacity. This concept reflects the flexibility of Islamic law in accommodating the diverse economic realities that exist within society. The principle of "according to husband's capacity" does not mean providing room for neglecting obligations, but rather establishing fair and realistic standards (Nur et al., 2023; Pelu et al., 2024; Utama & Saraswati, 2021). This approach shows that Islam does not apply the same burden to everyone, but adjusts obligations to each individual's capacity, thus achieving substantive justice in marital relationships.

Al-Khithabi emphasizes that maintenance obligations have a continuous nature and are not interrupted by certain circumstances, whether the husband is at home or traveling. This concept is important to understand because it illustrates that a husband's responsibilities toward his wife are not merely situational or dependent on physical presence. This obligation is inherent in marital status itself and cannot be ignored based on absence reasons. This interpretation provides legal certainty for wives that their rights will remain guaranteed in various conditions, while establishing consistent responsibility standards for husbands in fulfilling their obligations as heads of households (Sumbulah, 2019; Wahyuni & Kusrin, 2025).

Mernissi's analytical method would critique how al-Khithabi's interpretation constructs asymmetrical gender roles. The concept of "maintenance according to husband's capacity" can be analyzed as a mechanism that perpetuates women's economic dependence, where women are positioned as passive recipients dependent on husbands' "goodwill" and economic capacity. Mernissi would critically question why this interpretation fails to address wives' economic contributions or acknowledge women's potential for economic independence. Mernissi's feminist approach would reveal that this construction potentially limits women's agency and reinforces gender hierarchy that places men as providers and women as dependents, which in turn can hinder women's self-actualization in various aspects of life (Ahsan et al., 2023).

Following Mernissi's reconstructive approach, this analysis would propose more egalitarian alternative interpretations. The hadith about maintenance can be interpreted as a principle of mutual responsibility in marriage, where both parties have obligations to support each other according to their respective capacities, not just husbands who are obligated and wives who have rights (Asman & Muda, 2023). Mernissi would advocate interpretation that recognizes women's potential economic contributions and encourages equal partnership in managing household economics. This approach does not dismiss the protective essence of the hadith; rather, it situates that protection within a framework of substantive gender equality,

where protection does not imply dependence and responsibility does not entail domination. This reconstruction would emphasize that the main purpose of Islamic marriage is to create *sakinah*, *mawaddah*, and *rahmah* that can only be achieved through equal and mutually respectful relationships.

Mernissi also provides important reinterpretation of the concept of *nafaqah* (maintenance) in Islamic law. In traditional patriarchal interpretation, *nafaqah* is often viewed as charity or alms given by men to women based on their goodwill. Mernissi argues that this understanding is fundamentally wrong and contrary to Islamic principles (Wijayanti et al., 2018).

### **Regional Disparities and Socio-Legal Contexts in Judicial Practice**

The socio-legal analysis reveals significant regional disparities in the adjudication of economic neglect cases. Courts in East Java demonstrate relatively higher consistency in imposing comprehensive economic sanctions, whereas courts outside Java show a systematic absence of similar measures, even in cases involving comparable factual circumstances.

These variations demonstrate that courts' treatment of economic neglect is shaped not merely by statutory norms, but also by localized legal cultures, institutional dynamics, and prevailing socio-cultural beliefs about gender roles and women's capacity to withstand economic hardship. Interviews with judges and court bailiffs (*juru sita*) suggest that considerations such as enforceability concerns, workload pressures, and perceptions of women's post-divorce independence influence judicial discretion.

Such regional variation undermines the principle of substantive justice (*'adl*), which requires equal legal protection regardless of geographical location. When women's access to economic justice depends on the jurisdiction in which their case is heard, the legal system fails to deliver uniform and predictable outcomes. Viewed socio-legally, this fragmentation reflects the significant role of legal pluralism and local judicial cultures in shaping how family law is interpreted and applied in Indonesia.

Systematic inconsistency in applying economic sanctions shows violation of the *'adl* principle emphasized by Mernissi. Of three cases receiving comprehensive sanctions, all came from Religious Courts in East Java, while similar cases in other regions did not receive the same treatment.

This regional disparity contradicts the *'adl* principle that requires substantive justice for all women regardless of geographical location. PA Cilegon case No. 754/Pdt.G/2016/PA.Clg involving "husband's inability as leader," "lack of maintenance," and "harsh attitude" but receiving no economic sanctions, shows systematic injustice in law implementation.

It can be concluded that categorization of economic neglect into three patterns: total, partial, and accompanied by exploitation provides understanding of how economic control is operationalized. Neglect patterns found in cases in East Java and Bengkulu show extreme levels of severity, where husbands completely ignore maintenance obligations.

*First*, Total Economic Neglect. This pattern is the most extreme form where victims have no access to economic resources at all. Perpetrators exercise total control over all financial resources, including income, savings,

and expenditures. Victims are deprived of money even for daily necessities and essential personal needs. Operationalization strategies include work prohibition, hiding family financial information, and restricting access to bank accounts or credit cards.

*Second*, Partial Economic Neglect. In this pattern, victims are given limited access to economic resources, but with tight control from perpetrators. Victims may be given some money for certain needs like household shopping or children's needs, but the amount is very limited and must be detailed accountability. Perpetrators monitor every expense and often provide sanctions if there are purchases considered unnecessary or exceeding the set budget.

*Third*, Neglect Accompanied by Exploitation. This third pattern combines neglect with active economic exploitation. Victims are not only limited in their access to resources, but also forced to surrender personal income or assets to perpetrators. This may include compelling victims to work while requiring them to surrender their wages entirely to the perpetrators, using victims' identities for financial transactions that benefit the perpetrators, or even coercing victims into illegal economic activities.

Partial neglect patterns combined with wasteful behavior like gambling or drugs show moral and social dimensions of this problem. This aligns with Mernissi's interpretation of *qiwamah* as conditional responsibility when men fail to fulfill their economic obligations, the legitimacy of their leadership becomes questionable.

### **Implications for Islamic Family Law Reform and Judicial Practice**

Law No. 23 of 2004 on Domestic Violence Elimination (DV Law) has recognized economic violence as one form of domestic violence in Article 9 paragraph (1) letter d, defining it as "acts that result in economic dependence by limiting and/or prohibiting decent work inside or outside the home so that victims are under that person's control." This definition is relatively progressive and aligned with international understanding of economic abuse (Santoso & Bachri, 2022).

However, implementation of this article in divorce court decisions still shows inconsistency and minimal recognition of the systematic impact of economic neglect on women (Jumarim et al., 2024; Sumbulah, 2019). This situation is largely attributable to the dualism within Indonesia's legal system, in which domestic violence cases are adjudicated by District Courts under the Domestic Violence Law, while divorce cases involving Muslim couples fall under the jurisdiction of Religious Courts, which apply the Compilation of Islamic Law (KHI) and Islamic law.

The Compilation of Islamic Law, which serves as guidance for Religious Courts, regulates husbands' maintenance obligations in Article 80, stating that "husbands are obligated to protect wives and provide all household necessities according to their ability." However, interpretation of this article is often minimalist and does not recognize that failure to provide adequate maintenance can be categorized as economic violence (Anisa & Ikawati, 2021).

Data from the National Commission on Violence Against Women indicate that domestic violence accounted for 75% of the 348,446 recorded cases of violence against women in 2022, with economic violence contributing a

significant share, although it remains insufficiently documented (Komnas Perempuan, 2016). This under-reporting phenomenon occurs due to complexity in identifying and proving economic violence, as well as minimal understanding among law enforcement officers regarding the economic dimension of domestic violence.

The relevance of Mernissi's perspective in the Indonesian legal context becomes important because the Compilation of Islamic Law (KHI) that guides Religious Courts still shows patriarchal bias in its interpretation of women's economic rights (Alamudi, 2022). Article 80 of the KHI, which regulates husbands' maintenance obligations, is often interpreted in a minimalistic manner, without acknowledging that failure to provide adequate maintenance may constitute economic violence (Anisa et al., 2021).

This research provides important contribution in understanding economic neglect phenomena as a form of domestic violence often overlooked in the Indonesian context. The approach used is highly relevant because it combines juridical analysis with Islamic feminist perspectives, particularly Fatima Mernissi's theoretical framework, providing more comprehensive and contextual analytical dimensions to family law problems in Indonesia.

The multidimensional theoretical framework integrating feminist legal theory, Mernissi's Islamic feminist jurisprudence, and intersectionality framework (Crenshaw, 1991) provides unique analytical strength Crenshaw, K. (1991). Mernissi's perspective that reinterprets the concepts of *qiwamah* and *nafaqah* in Islam provides more egalitarian alternative readings of religious texts that have been used to legitimize economic control over women.

It is particularly noteworthy that all 16 cases demonstrate intersections between economic neglect and other forms of abuse, underscoring the severity and complexity of domestic violence dynamics. This confirms the Power and Control Wheel Model (Pence & Paymar, 1993), that places economic control as one systematic strategy in maintaining dominance in relationships. In the Indonesian context, this pattern shows that economic neglect is not merely negligence, but part of a broader control system.

To enrich the socio-empirical dimension of the study, this research also incorporates in-depth interviews with survivors of economic neglect, women's rights activists, and female judges of the Religious Courts, enabling a more nuanced understanding of how legal norms are interpreted and experienced in practice. The fact that 8 out of 16 cases explicitly mention physical violence accompanying economic neglect indicates a serious escalation of violence. This finding aligns with previous studies demonstrating that economic neglect often becomes the primary structural barrier preventing women from leaving abusive relationships (Barkah et al, 2022; Mernissi, 1991).

In the Religious Court of Bengkulu case No. 101/Pdt.G/2021/PA.Tas, the defendant was explicitly described as "lazy to work" and "failing to provide physical and spiritual maintenance" for several years; however, the court did not impose any form of economic sanction. From Fatima Mernissi's Islamic feminist perspective, such judicial reasoning indicates the endurance of patriarchal legal interpretations that maintain male authority (*qiwamah*) while disconnecting it from economic responsibility and accountability, thereby perpetuating structural injustice against women (Muhammad, 2021).

Case analysis demonstrates that Religious Courts continue to treat *nafaqah* as a form of moral charity rather than as a guaranteed legal right, as conceptualized within Fatima Mernissi's Islamic feminist framework. In thirteen cases where no economic sanctions were imposed, judges tended to frame prolonged economic neglect as an "ordinary household problem," thereby failing to recognize it as a violation of women's legal rights and as a form of domestic violence with social, psychological, and legal dimensions. This judicial tendency reflects a persistent reluctance to transform normative obligations into enforceable rights.

A clear illustration of this pattern can be found in the Religious Court of Palembang Decision No. 525/Pdt.G/2025/PA.PLG, where the husband was proven to have engaged in drug abuse, gambling, and long-term failure to provide maintenance. Despite these findings, the court explicitly declared that no maintenance sanctions would be imposed. From Mernissi's perspective, such judicial reasoning represents a fundamental neglect of women's rights guaranteed under Islamic law, as it preserves male authority while detaching it from corresponding economic responsibility and accountability.

Building on these findings, this study addresses four interrelated analytical issues. First, it examines how Religious Courts interpret and apply the concept of economic neglect in divorce rulings. The analysis reveals that courts predominantly understand economic neglect as a private marital failure rather than as domestic violence, thereby limiting its legal consequences. This interpretive choice obscures the structural and coercive nature of economic neglect and weakens legal protection for women.

Second, the study critically explores the extent to which Fatima Mernissi's Islamic feminist perspective offers an alternative analytical framework for understanding economic violence within marriage. By reinterpreting *qiwāmah* as conditional responsibility and *nafaqah* as a legal right grounded in the principle of *'adl* (substantive justice), Mernissi's framework exposes the patriarchal assumptions embedded in judicial reasoning and provides a normative basis for holding husbands legally accountable for economic neglect.

Third, the research analyzes regional and temporal patterns in the handling of economic neglect cases by Religious Courts in Indonesia. The findings demonstrate significant regional disparities, with courts in East Java showing greater consistency in imposing economic sanctions compared to courts in other regions. This variation suggests that judicial outcomes are influenced not only by formal legal norms but also by local legal cultures, institutional practices, and socio-cultural assumptions, leading to a fragmented implementation of family law at the national level.

Finally, the study articulates the implications of these findings for Islamic family law reform and judicial practice in Indonesia. The persistent treatment of *nafaqah* as discretionary rather than enforceable underscores the need for harmonization between the Domestic Violence Elimination Law and the Compilation of Islamic Law, clearer national standards on economic sanctions, and the integration of Islamic feminist principles into judicial interpretation. Without such reforms, economic neglect will continue to be

normalized in divorce adjudication, perpetuating structural injustice against women despite the formal recognition of their rights.

## Conclusion

This research indicates that economic neglect constitutes a severe and systematic form of domestic violence in Indonesian divorce cases, yet it remains inadequately addressed by the judiciary. Although based on a limited corpus of 16 Religious Court decisions examined over the 2016–2025 period, the findings provide early indications of weak legal protection for women victims of economic neglect. The findings demonstrate that economic neglect systematically coexists with psychological, physical, and social abuse, reinforcing the understanding that it represents more than a financial issue and constitutes an element of wider coercive control against women.

From the perspective of Islamic feminism as articulated by Fatima Mernissi, these judicial practices reflect the persistence of patriarchal interpretations of *qiwamah* and *nafaqah*, in which male authority is preserved while its corresponding responsibilities are weakly enforced. Courts tend to regard *nafaqah* as a discretionary or moral duty rather than a legally enforceable right, thereby perpetuating gendered power imbalances that contradict Islamic principles of justice (*‘adl*) and accountability highlighted by Mernissi. This theoretical lens helps explain why, despite clear evidence of prolonged economic neglect, only a small fraction of cases resulted in meaningful economic sanctions.

The study further indicates significant regional disparities in judicial responses, suggesting the absence of standardized legal interpretation and enforcement. This inconsistency is exacerbated by Indonesia's fragmented legal framework, in which economic neglect is regulated separately under domestic violence law and Islamic family law, resulting in normative gaps and fragmented victim protection.

Although exploratory in nature and not nationally representative, this study offers an important foundation for rethinking judicial approaches to economic neglect in divorce cases. It underscores the urgent need to harmonize the Domestic Violence Elimination Law and the Compilation of Islamic Law, to explicitly recognize economic neglect as a form of domestic violence, and to institutionalize Islamic feminist principles within judicial reasoning. Without such reforms, women will continue to face structural injustice within a legal system that formally acknowledges their rights but fails to enforce them effectively.

## References

- Adams, A. E. (2020). The Revised Scale of Economic Abuse (SEA2): Development and Initial Psychometric Testing of an Updated Measure of Economic Abuse in Intimate Relationships. *Psychology of Violence*, 10(3), 268–278. <https://doi.org/10.1037/vio0000244>
- Adams, A. E., Beeble, M. L., & Gregory, K. A. (2015). Evidence of the construct validity of the Scale of Economic Abuse. *Violence and Victims*, 30(3),

- 363–376. <https://doi.org/10.1891/0886-6708.VV-D-13-00133>
- Ahsan, S., Thahir, B., & Safitri, F. M. (2023). *Konsep feminisme dan kesetaraan gender perspektif fatima mernissi*. 4(1), 31–40.
- Al-Baghawi. *Syarh as-Sunnah*. Volume 9. Chapter on Rights and Obligations of Spouses.
- Alamudi, I. (2022). Undang-Undang Peradilan Agama 1989 dalam Tinjauan Pemikiran Mark Cammack. *Legitima: Jurnal Hukum Keluarga Islam*. <https://ejournal.uit-lirboyo.ac.id/index.php/as/article/view/3694>
- Anisa, D., & Ikawati, E. (2021). Posisi Perempuan Dalam Hukum Keluarga Islam Di Indonesia (analisis Kompilasi Hukum Islam Kajian Gender Dan Feminisme). *Jurnal Kajian Gender Dan ....* <http://jurnal.iain-padangsidempuan.ac.id/index.php/JurnalGender/article/view/3730>
- Anisa, D., Ikawati, E., Fakultas, D., Keguruan, I., & Padangsidempuan, I. (2021). *Kajian Gender dan Anak*. 05(1), 1–16.
- Asman, A., & Muda, R. B. (2023). Marriage Agreement Controversy in Indonesia-Malaysia Border Communities in Sambas Regency. (2023). *El-Mashlahah*, 13(1), 1-16. <https://doi.org/10.23971/el-mashlahah.v13i1.4382>
- Azzam, M. G. (2025). *Hak-Hak Perempuan dan Anak Pasca Perceraian (Studi Putusan Cerai Talak dengan Verstek di Pengadilan Agama Batang)*. etheses.uingusdur.ac.id. <http://etheses.uingusdur.ac.id/12516/>
- Badan pusat Statistik. (n.d.-a). *No Title*. <https://www.bps.go.id/id/statistics-table/3/YVdoU1IwVmlTM2h4YzFoV1psWkViRXhqTlZwRfVUMDkjMw==/jumlah-perceraian-menurut-provinsi-dan-faktor.html?year=2023>
- Badan pusat Statistik. (n.d.-b). *No Title*. <https://www.bps.go.id/id/statistics-table/3/YVdoU1IwVmlTM2h4YzFoV1psWkViRXhqTlZwRfVUMDkjMw==/jumlah-perceraian-menurut-provinsi-dan-faktor.html?year=2024>
- Barkah, Q., Huzaimah, A., Rochmiyatun, S., & Ramdani, Z. (2022). Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 17(2), 383-411. <https://doi.org/10.19105/al-lhkam.v17i2.6725>
- Blackburn, S. (2009). *No Title*. *Women and the State in Modern Indonesia*. <https://doi.org/https://doi.org/10.1017/CBO9780511492198>
- Crenshaw, K. (1991). Mapping the margins: Identity politics, intersectionality, and violence against women. *Stanford Law Review*, 43(6), 1241–1299.
- Gregory, K. A. (2015). Evidence of the construct validity of the scale of economic abuse. *Violence and victims*, 30(3), 363-376. <https://doi.org/10.1891/0886-6708.VV-D-13-00133>
- Hanafi, D., Sabara, S., & Patimah, P. (2024). Social Media Usage Deviation and Impact on Muslim Family Dynamics in Makassar City, South Sulawesi. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8(3), 1597-1622. <https://doi.org/10.22373/sjhk.v8i3.24113>
- Harry, M., Saifullah, S., Jundiani, J., & Fajarani, M. (2024). Examining the Provision of Legal and Religious Education to Islamic Families to Safeguard the Rights and Well-Being of Women and Children: A Case Study Conducted in Malang Regency, East Java. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(3), 1526-1546. <https://doi.org/10.22373/sjhk.v8i3.19566>

- Jumarim., Muhsin, I., & Huda, M. C. (2024). The interplay of Fiqh, Adat, and state marriage law: shaping legal consciousness of Sasak women. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 27-52.  
<https://doi.org/10.19105/al-lhkam.v19i1.10522>
- Komnas Perempuan. (2016). Instrumen Monitoring dan Evaluasi Implementasi UU Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga (UU PKDRT). In *Jakarta: Komnas Perempuan*.
- Mernissi, F. (1991). *The veil and the male elite: A feminist interpretation of women's rights in Islam*. Perseus Publishing.
- Muhammad, H. N. (2021). Feminisme dalam Al-Qur'an (Analisis Penafsiran Fatima Mernissi Surat An-Nisa Ayat 34). *Al Muhafidz: Jurnal Ilmu Al-Qur'an*.  
<http://jurnal.stiq-almultazam.ac.id/index.php/muhafidz/article/view/17>
- Nur, E. R., Mu'in, F., & Hamsidar, H. (2023). The Reconstruction of The Livelihood Concept from A Mubādalāh Perspective in Lampung Province. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7(3), 1897-1920. <https://doi.org/10.22373/sjkh.v7i3.17613>
- Pelu, I. E. A., Tarantang, J., Fauzi, A., Badarulzaman, M. H., Sururie, R. W., & Anwar, S. (2024). Polygamy Law Reform Through the Development of the Aceh Qanun: A New Approach to Protecting the Rights of Women and Children in Indonesia. *El-Mashlahah*, 14(1), 149-168.  
<https://doi.org/10.23971/el-mashlahah.v14i1.7864>
- Pence, E., & Paymar, M. (1993). No Title. *Education Groups for Men Who Batter*. <https://doi.org/10.1891/9780826179913>
- Postmus, J. L. (2012). The impact of physical and economic abuse on maternal mental health and parenting. *Children and Youth Services Review*, 34(9), 1922–1928. <https://doi.org/10.1016/j.childyouth.2012.06.005>
- Postmus, J. L., Hoge, G. L., Breckenridge, J., Sharp-Jeffs, N., & Chung, D. (2020). Economic Abuse as an Invisible Form of Domestic Violence: A Multicountry Review. *Trauma, Violence, and Abuse*, 21(2), 261–283.  
<https://doi.org/10.1177/1524838018764160>
- Putri, S. R., & Yani, E. A. (2025). Studi Komparasi Hak Nafkah Anak Diluar Nikah Menurut Kompilasi Hukum Islam dan Kitab Undang-Undang Hukum Perdata. In *Legal Standing: Jurnal Ilmu .... Universitas Muhammadiyah ....*
- Santoso, M., & Bachri, S. (2022). Tinjauan Hak Asasi Manusia Terhadap Pasal 9 Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga. *Sakina: Journal of Family Studies*.  
<https://urj.uin-malang.ac.id/index.php/jfs/article/view/2305>
- Sharp-Jeffs, N. (2021). Understanding the economics of abuse: An assessment of the economic abuse definition within the Domestic Abuse Bill. *Journal of Gender-Based Violence*, 5(1), 163–173.  
<https://doi.org/10.1332/239788220X16076181041680>
- Sopacua, M. G. (2022). Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan. *Jurnal Pembangunan Hukum Indonesia*.  
<https://ejournal2.undip.ac.id/index.php/jphi/article/view/13423>

- Sumbulah, U. (2019). Perempuan dan Keluarga: Radikalisasi dan Kontra Radikalisme di Indonesia. *Female Terrorism and Militancy*, September, 87–95.
- Toriquddin, M. (2011). Pemberdayaan Ekonomi Di Pesantren Berbasis Syariah. *De Jure: Jurnal Hukum Dan Syar'iah*, 3(1), 24–35. <https://doi.org/10.18860/j-fsh.v3i1.1317>
- Utama, R. Y. T., & Saraswati, R. (2021). Independensi dan urgensi restrukturisasi sistem peradilan pidana Indonesia berdasarkan aspek kekuasaan kehakiman. *Ajudikasi: Jurnal Ilmu Hukum*. <https://ejurnal.lppmunsera.org/index.php/ajudikasi/article/view/2740>
- Wahyuni, S., & Kusrin, Z. M. (2025). Gender Equality in the Concept of Family Maintenance and Marital Property in Indonesian and European Legal Context: A Comparative study. *JURIS (Jurnal Ilmiah Syariah)*, 24(2), 265-276. <https://doi.org/10.31958/juris.v24i2.14909>
- Wijayanti, R., Adinugraha, H. H., Sartika, M., & Anas, A. (2018). *Pemikiran Gender Fatima Mernissi Terhadap Peran Perempuan*. 10(1), 58–68.