

An Examination of Islamic Legal Philosophy Regarding the Phenomenon of Domestic Neglect

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Abstract

Domestic neglect is a problem that runs counter to the very essence of married life. This qualitative research in the form of a literature review aims to identify cases of household neglect from the perspective of Islamic legal philosophy. This study is normative-philosophical Islamic legal research. Data obtained through documentation techniques, and data analysis includes reduction, presentation, and verification. The results of the study indicate that from the perspective of Islamic legal philosophy, cases of household neglect contradict the principles of *mu'āsyarah bi al-ma'rūf* and the purposes of *maqāsid al-sharī'ah*, particularly the protection of life, offspring, and property. This study highlights the importance of the values underpinning Islamic law as the basis for a preventive approach to cases of domestic neglect.

Keywords: Domestic Neglect, Islamic Law, Maqasid al-Sharia

Abstrak

Penelantaran rumah tangga menjadi problem yang bertentangan dengan orientasi kehidupan perkawinan itu sendiri. Penelitian kualitatif dalam format kajian pustaka ini bertujuan untuk mengidentifikasi kasus penelantaran rumah tangga dalam tinjauan filsafat hukum Islam. Penelitian ini merupakan penelitian hukum Islam normatif-filosofis. Data diperoleh melalui teknik dokumentasi, dan analisa data meliputi reduksi, penyajian, dan verifikasi. Hasil penelitian menunjukkan dalam perspektif filsafat hukum Islam, kasus penelantaran rumah tangga bertentangan dengan prinsip mu'āsyarah bi al-ma'rūf dan tujuan maqāsid al-syarī'ah, khususnya perlindungan jiwa, keturunan, dan harta. Penelitian ini berkontribusi pada pentingnya nilai-nilai orientasi penyariatatan hukum Islam sebagai basis paradigma preventif atas kasus penelantaran rumah tangga

Kata Kunci: *Penelantaran Rumah Tangga, Hukum Islam, maqāsid al-syarī'ah*

INTRODUCTION

Every human being fundamentally yearns for a happy family, prosperous in both material and spiritual terms—a concept known in Islamic tradition as *sakinah*, *mawaddah*, and *rahmah*. However, social reality shows that not all families are able to lead a harmonious family life. In practice, happiness, love, and compassion are not always fully present within a family. On the contrary, some households are instead marked by discomfort, psychological pressure, sadness, and even fear of one's own partner. Such conditions often lead to various forms of domestic violence (Diana, 2020).

The phenomenon described above runs counter to the principles of Islamic Family Law, which stipulate that a household's living expenses must be commensurate with its means. Furthermore, the husband is obligated to provide for his wife's maintenance, clothing, and housing, as well as household expenses, care costs, and medical expenses for both his wife and children. Thus, the acts of violence committed by the husband in this case not only contradict moral values and the principles of *sakinah*, *mawaddah*, and *rahmah*, but also clearly violate the normative provisions of Islamic family law, such as maintenance, clothing, and housing for the wife; household expenses; care costs; medical expenses for the wife and children; and educational expenses for the children. (Kompilasi Hukum Islam (KHI), 2018). Acts of physical violence accompanied by neglect of the family's basic needs constitute a serious breach of a husband's obligations. According to Agustin, domestic neglect is an act committed by allowing those under one's care to live in a state of abandonment, without proper care, with their basic needs unmet, and by restricting the victim's freedom of movement with the aim of controlling the victim's life and will (Hanapi, 2018).

This study aims to identify cases of domestic neglect from the perspective of Islamic legal philosophy. According to the author, many members of society still view the issue of domestic neglect as trivial or merely a domestic matter that does not require legal intervention. Such a view has the potential to perpetuate the practice of neglect and place victims in an increasingly vulnerable position

A number of previous studies have examined the issues of domestic neglect and domestic violence from various perspectives; for example, research conducted by Ulfiana Khaira, Ferdy Saputra, and T. Saifullah indicates that domestic neglect includes the failure to provide financial support, affection, care, and education to children, and that perpetrators may be subject to criminal penalties of imprisonment or fines (Ulfiana Khaira dkk, 2022) However, this research has not yet examined domestic neglect from the perspective of Islamic law or the psychological impact on victims in depth. Furthermore, several studies by Fitriani and Ade Yuliany Siahaan confirm that in *fiqh* literature, a husband's failure to fulfill his material and emotional support obligations is viewed as a violation of religious duties that can serve as grounds for a lawsuit or the dissolution of the marriage (Fitriani and Siahaan, 2024).

Furthermore, research by Luh Putu Shanti Kusumaningsih shows that domestic neglect has a significant impact on the mental health of victims, such as the onset of prolonged stress, feelings of insecurity, depression, and economic dependence. These

effects are experienced not only by wives but also by children living in dysfunctional family environments (Kusumaningsih, 2024).

This study offers a novel approach by integrating an analysis of Islamic legal philosophy based on the maqasid al-sharia in examining cases of domestic neglect. Furthermore, this study not only complements existing normative legal analyses but also provides conceptual and practical contributions to preventive efforts aimed at curbing domestic neglect. Therefore, this research is urgently needed.

RESEARCH METHODS

The main research question in this study is to identify cases of domestic neglect from the perspective of Islamic legal philosophy. To answer this question, this qualitative study in the form of a literature review falls under the category of normative-philosophical Islamic legal research, employing the theory of maqasid al-sharia as its foundational perspective. Research data was obtained through documentation. The data utilized various scholarly works that explain the concept of domestic neglect and its relationship to the Islamic legal perspective.

Data analysis was conducted qualitatively through the stages of data reduction, data presentation, and drawing conclusions to address the perspective of Islamic legal philosophy in responding to cases of domestic neglect and to formulate prescriptive recommendations regarding efforts to prevent domestic neglect from the perspective of Islamic law.

RESULTS AND DISCUSSION

Understanding Domestic Abuse

Along with the construction of the dynamic social life of Muslims, the issues of Islamic family law have also become increasingly complex, such as in the case of family neglect cases (Setiawan, et.al., 2026). Neglect can be understood as the process, method, or act of allowing someone to remain in a neglected state. Meanwhile, the term “family” (Manumpahi, and Shirley, 2016). Meanwhile, the term “family” refers to a social bond that provides a sense of security, protection, and peace of mind for each of its members, and exists in a private and personal context (Amalia & Pradana 2024).

The family should be the primary setting for meeting physical, psychological, social, and spiritual needs, so that every family member receives adequate protection, care, and support (Adams, 2006) and serve as a refuge from various pressures and difficulties originating from the environment outside the family. Ideally, the family is a space where every member can feel a sense of self in a peaceful, safe, and serene atmosphere. Ironically, however, various studies show that families do not always function as they should; in many cases, they can even become the cradle of violence (Dince Kodai, 2018), namely the primary setting where various forms of violence, neglect, and violations of family members’ rights particularly those of women and children occur. Furthermore, domestic neglect also encompasses any act by an individual that creates economic dependence by restricting or prohibiting the victim from engaging in decent work, whether inside or outside the home,

thereby placing the victim under the control and authority of the perpetrator (Evi Tri Jayanthi, 2009).

Domestic neglect can also be understood as the act of ignoring or failing to fulfill one's legal and moral responsibilities to provide a decent standard of living, care, and support to those under one's care.

Factors Contributing to Domestic Neglect and the Consequences of the Problem

The various factors contributing to domestic neglect can be explained through several key aspects, including the following: (Jayanthi, 2009).

First, social inequality within the family structure. This is generally influenced by a strong patriarchal culture. This culture places the husband and/or father in a dominant position within the household, thereby creating hierarchical relationships that perpetuate inequality between husband and wife as well as between parents and children. When power is concentrated in one party as the primary authority figure, such dominance has the potential to give rise to various forms of domestic violence, including neglect through the disregard of economic rights, care, and protection of other family members. Patriarchy, as Bhasin points out, is a social system that grants men dominant power and control over women and children. In line with this, Usman asserts that gender relations are shaped by a patriarchal "social contract" that places men in a strategic position, while women are in a subordinate position, both in decision-making and in access to resources. In the household context, the legitimization of this domination creates unequal relationships and creates opportunities for economic, emotional, and social neglect of family members in subordinate positions (Jayanthi, 2009).

Second, the perpetrator's poor moral character. Morality pertains to the quality of human actions in distinguishing between right and wrong, which serves as the ethical foundation for attitudes and behavior, including within family life. Irresponsible attitudes, selfishness, and neglect of family obligations reflect low moral standards and have the potential to give rise to various forms of domestic violence, one of which is neglect in the form of failure to provide financial support, care, and protection for family members. (Evi Tri Jayanthi, 2009).

Third, a lack of understanding of the law. The public's limited understanding of legal norms and sanctions leads to weak legal awareness and the ineffective enforcement of laws and regulations. Although the Law on the Elimination of Domestic Violence and the Child Protection Law have explicitly established prohibitions and sanctions against domestic neglect, these provisions have not yet fully resulted in a reduction in cases. One of the causes is the public's limited understanding of the legal substance and implications of acts of domestic neglect (Jayanthi, 2009).

Domestic neglect, as a form of domestic violence, has severe consequences. In many cases, neglect is often linked to and occurs alongside other forms of violence, such as psychological abuse. For example, a husband who cheats or has another woman often neglects his wife and children by failing to provide adequate financial support or attention. Such conditions can cause psychological distress, stress, and trauma in the victims, as well

as negatively impact children's development both physically and psychologically. Various cases of domestic neglect indicate that the impacts experienced by victims include (Jamilya Susantin dkk, 2025). First, the psychological impact. Victims of domestic neglect are at risk of developing psychological issues such as emotional distress, stress, trauma, low self-esteem, and a loss of self-confidence. In children, neglect can hinder their growth and development and trigger a crisis of self-confidence (Natalia Bueso-Izquierdo dkk, 2025). Meanwhile, neglected spouses or elderly parents are also vulnerable to deep sadness, disappointment, and prolonged psychological distress. Second, the economic impact. Economically, victims of domestic neglect often find themselves in dire circumstances, such as food insecurity, lack of adequate housing, and unmet basic daily needs. In children, economic neglect can result in the failure to meet nutritional needs essential for growth and development (Susantin et.al., 2025). Third, physical consequences. Domestic neglect can also lead to physical consequences, including deteriorating health, illness, and even death. These risks can arise as a result of starvation, lack of medical care, and the constant psychological stress experienced by the victims (Zhang et.al., 2024).

Given the consequences of domestic neglect, it can be argued that domestic neglect, like other forms of violence, not only leads to poor economic and social conditions but also to adverse psychological effects, and may even result in physical consequences such as illness or even death for the victim. For example, if a father or mother (parent) leaves a child unattended, particularly when the child is ill, or if a husband or wife allows a situation to persist where one of them is in urgent need of assistance, care, or support such as failing to provide money for medication, thereby allowing the illness to worsen (Leni et.al., 2025).

An Examination of the *Maqāsid al-Sharī'ah* Regarding Domestic Neglect and Preventive Strategies

In this context, Islam does not explicitly or systematically recognize the term or definition of domestic violence as formulated in positive law. Nevertheless, Islamic teachings strictly prohibit all forms of violence in family life. This prohibition is reflected in many verses of the Qur'an and hadiths of the Prophet Muhammad, peace be upon him, which command husbands to treat their wives with *mu'āsarah bi al-ma'rūf*—that is, with kindness, respect, and compassion. (Ekawati, 2025). From the perspective of Islamic law, the family is a social unit with clearly defined rights and obligations among husbands, wives, and children. The primary purpose of marriage in Islam is to establish a household characterized by *sakinah, mawaddah, and Rahmah* that is, a life of harmony, love, and peace. Therefore, any action that hinders the achievement of this goal, including domestic neglect (Syahriad et.al., 2025).

Providing financial support, clothing, and housing for one's wife; covering household expenses, care costs, and medical expenses for one's wife and children; covering educational expenses for one's children. These obligations are inherent and cannot be disregarded. Failure to fulfill these obligations especially when accompanied by physical abuse or psychological neglect may constitute a serious violation of Sharia law.

Islam emphasizes the principle of *mu'āsarah bi al-ma'rūf*, or kind and loving treatment between husband and wife. In the Qur'an, Allah commands that one treat one's wives with kindness...QS. An-Nisā [4] ayat 19). This prohibition encompasses all forms of physical and psychological violence, as well as the neglect of financial and caregiving responsibilities toward family members. Therefore, neglecting one's wife or children whether materially or emotionally is clearly contrary to Islamic teachings (ath-Ṭabarī, 2001).

Furthermore, domestic neglect is, in essence, fundamentally at odds with the principles of *maqāsid al-syarī'ah* as the spirit and primary objectives of Islamic law. From the perspective of Islamic law, *maqāsid al-sharī'ah* is understood as the fundamental objectives that the Sharia seeks to achieve for the benefit of humanity, as affirmed in the classical definition: Indeed, *maqāsid al-sharī'ah* are the objectives established by the Sharia to bring about the welfare of Allah's servants (humanity) (Ahmad Arraysuni, 1992).

Based on the explanation above, any act that causes suffering and undermines the well-being of human life is contrary to Islamic law. Domestic neglect, whether in the form of neglecting financial support, protection, or emotional care, directly hinders the fulfillment of family members' basic needs and disrupts the order of family life. This practice contradicts the primary objectives of Islamic law (*al-maqāsid al-darūriyyah*). (Ahmad Arraysuni, 1992), In particular, it violates *hifz al-nafs* by threatening physical and psychological well-being, *hifz al-nasl* by hindering children's growth and development and the continuity of future generations, and *hifz al-māl* because the failure to provide financial support risks plunging the family into poverty and economic instability. Thus, domestic neglect cannot be understood merely as a violation of individual obligations within family relations, but rather as a form of denial of the fundamental objectives of Islamic law. From the perspective of *maqāsid al-syarī'ah*, domestic neglect is a prohibited act (*mahzūr*) that must be prevented because it undermines the welfare of the family as the basic unit of society, while simultaneously hindering the realization of a just, dignified, and civilized social order. (Mulyana dkk, 2025).

Domestic neglect from the perspective of Islamic law is not only a violation of the husband's normative obligations as head of the household, but also reflects a failure to fulfill the substantive objectives of marriage as intended by Islamic law. Such practices contradict the principle of *mu'āsarah bi al-ma'rūf*, violate the basic rights of wives and children, and undermine the *maqāsid al-syarī'ah* as the primary orientation for the enforcement of Islamic law. Therefore, the handling of domestic neglect must be carried out comprehensively through the strengthening of religious awareness, the enforcement of just laws, and the prioritization of family protection values, so that the family institution continues to function as a safe, dignified, and just space for all its members (Aulia Ranny Priyatna dkk, 2025).

Preventive measures to address domestic neglect can be implemented by identifying and eliminating its underlying causes through various strategies aimed at preventing or at least reducing the intensity and psychological impact of domestic violence. These efforts include strengthening the family's social network, built upon shared values,

vision, common goals, and familial bonds, where the quality of interpersonal relationships among family members as reflected in communication, mindset, and behavior is key to fostering harmony and preventing domestic violence, grounded in values derived from religious teachings as well as local traditions and culture. (Leni dkk, 2025).

Furthermore, strengthening the family's economic foundation is also a crucial factor given the complexities of modern life, which is fraught with demands; the primary responsibility lies with the husband as the head of the household, supported by the wife's role according to her capabilities, while children are not burdened with economic obligations but contribute by adopting a frugal and simple lifestyle (Auliya Dayu Kholifah & Siti Bahiroh, 2023).

In addition to social and economic factors, the practice of religious teachings through acts of worship such as prayer, recitation of the Quran, and other religious practices plays a crucial role in maintaining the mental health and psychological resilience of family members; as a result, individuals who embrace religious values tend to be better equipped to cope with life's challenges and avoid neglectful behavior within the household (Iredho Fani Reza, 2015).

CONCLUSION

Based on the main focus of this study, it can be said that, from the perspective of Islamic legal philosophy, abandonment constitutes a serious violation of the obligations of financial support, protection, and care imposed upon husbands and parents. This practice contradicts the principle of *mu'āsarah bi al-ma'rūf* and undermines the purpose of marriage to establish a family characterized by *sakinah*, *mawaddah*, and *rahmah*. Viewed from the perspective of *maqāṣid al-syarī'ah*, domestic neglect contradicts the objectives of protecting life (*ḥifẓ al-nafs*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).

The findings of this study underscore the importance of preventive measures against domestic neglect, grounded in various values derived from Islamic legal principles that emphasize the strengthening of family relationships, economic foundations, and the internalization of Islamic religious values. However, this study still has limitations as a normative and conceptual study, namely that it has not examined the extent to which Islamic religious institutions in society have implemented practical strategies to prevent cases of domestic neglect. Therefore, a case study is essential for future research.

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