

## Islamic Family Law in Diaspora: Negotiating Gender and Marital Authority among Indonesian Muslim Immigrants in Sydney

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Received: 07-10-2025 | Revised: 14-01-2026, 19-02-2026 | Accepted: 28-02-2026

### Abstract

This article examines how marital authority and gender relations are negotiated among Indonesian Muslim immigrant families in Sydney within the framework of Islamic family law. While Muslim family norms are often portrayed as uniform, migration to multicultural societies creates new contexts in which Islamic legal doctrines are interpreted and practised in diverse ways. This study, therefore, investigates how key concepts of Islamic family law—*qiwamah* (leadership), *nafaqah* (financial maintenance), *ṭā'ah* (spousal obligation), *shūrā* (consultation), and *mu'āsharah bi al-ma'rūf* (equitable marital relations)—are understood and implemented in Muslim immigrant households. Employing a qualitative socio-legal approach, the research draws on fieldwork and in-depth interviews with Indonesian Muslim immigrant couples in Sydney, complemented by participant observation and doctrinal analysis of Islamic legal texts. The findings identify five patterns of marital relations: owner–property, head–complement, senior–junior partner, equal partner, and equity–equality partner. These relational models reflect different interpretations of Islamic legal authority, ranging from hierarchical readings of *qiwamah* to more reciprocal and justice-oriented understandings grounded in *maqāsid al-sharī'ah*. The study demonstrates that migration operates as a space of legal negotiation in which Islamic family norms are neither abandoned nor mechanically preserved but continuously reinterpreted through processes of contextual reasoning and everyday marital practice. By linking empirical family dynamics with Islamic legal interpretation, this research contributes to socio-legal scholarship on the transformation of Shari'ah in minority and diasporic contexts.

[Artikel ini menganalisis bagaimana otoritas perkawinan dan relasi gender dinegosiasikan dalam keluarga imigran Muslim Indonesia di Sydney dalam kerangka hukum keluarga Islam. Meskipun norma keluarga Muslim sering dipandang bersifat seragam, migrasi ke masyarakat multikultural menghadirkan konteks baru di mana doktrin hukum Islam ditafsirkan dan dipraktikkan secara beragam. Penelitian ini bertujuan untuk mengkaji bagaimana konsep-konsep utama dalam hukum keluarga Islam—*qiwamah* (kepemimpinan), *nafaqah* (*nafkah*), *ṭā'ah* (*ketaatan*), *shūrā* (*musyawarah*), dan *mu'āsharah bi al-ma'rūf* (*hubungan yang baik*)—dipahami dan dijalankan dalam rumah tangga Muslim di diaspora. Penelitian ini menggunakan pendekatan kualitatif sosio-legal melalui kerja lapangan dan wawancara mendalam dengan pasangan imigran Muslim Indonesia di Sydney, yang dilengkapi dengan observasi partisipatif serta analisis doktrinal terhadap literatur hukum Islam. Hasil penelitian mengidentifikasi lima pola relasi perkawinan, yaitu model berbasis harta, kepala-komplementer, mitra senior-junior, mitra setara, dan mitra setara-adil. Pola-pola tersebut mencerminkan beragam interpretasi terhadap otoritas dalam hukum keluarga Islam, mulai

*dari pembacaan hierarkis terhadap konsep qiwāmah hingga pemahaman yang lebih resiprokal dan berorientasi pada keadilan berdasarkan pendekatan maqāṣid al-sharī‘ah. Temuan ini menunjukkan bahwa migrasi menjadi ruang negosiasi hukum di mana norma-norma keluarga Islam tidak sekadar dipertahankan atau ditinggalkan, tetapi terus ditafsirkan ulang melalui proses ijtihad kontekstual dan praktik kehidupan keluarga sehari-hari. Dengan menghubungkan dinamika keluarga Muslim di diaspora dengan interpretasi hukum Islam, penelitian ini memberikan kontribusi bagi kajian sosio-legal mengenai transformasi syariat dalam konteks masyarakat minoritas dan diaspora.]*

**Keywords:** Gender Relations, Islamic Family Law, Marital Authority, Muslim Immigrants, Socio-Legal Pluralism, *Qiwāmah*.

## Introduction

Sydney, Australia’s largest and most culturally diverse city, has long been a primary destination for immigrants, supported by state policies that actively promote multiculturalism.<sup>1</sup> While this diversity has enabled the formation of vibrant cultural and religious communities, it has also generated socio-cultural tensions that shape immigrants’ experiences. Forrest and Dunn observe that immigrants in Sydney and Melbourne frequently navigate complex social dynamics arising from cultural differences, belonging, and public perception.<sup>2</sup> These tensions are particularly visible in debates surrounding religious expression and minority integration within the broader Australian social framework.

Within this context, Islam has become a focal point of public and political scrutiny in Sydney, mirroring developments in other Western metropolitan centres. Dunn highlights the political resistance faced by Muslims in establishing mosques, where Islamic institutions are often associated with intolerance, radicalism, militancy, fundamentalism, and misogyny.<sup>3</sup> Similarly, Bugg and Gurrán note that the establishment of Muslim schools in Sydney has been the subject of sustained public debate.<sup>4</sup> Humphrey, in *Islam, Immigrants and the State*, further demonstrates how Islam in Australia has been shaped by broader cultural politics in which Muslim identity is negotiated in relation to state authority and public discourse.<sup>5</sup> Despite Sydney’s multicultural reputation, Muslims continue to experience various forms of marginalisation.<sup>6</sup> In response, Muslim communities in Sydney have increasingly asserted their religious identity—including through the practice of Islamic law—even as media representations frequently reproduce Islamophobic narratives. Saeed, in *Islam in Australia*,

<sup>1</sup> Australian Government, *Life in Australia: Australian Values and Principles*, Portfolio Media and Engagement Branch (Australia, 2020); Concern Australia, “Cultural Diversity Policy,” June 2016, <https://www.concernaustralia.org.au/wpcontent/uploads/2021/03/Cultural-Diversity-Policy.pdf>.

<sup>2</sup> James Forrest and Kevin Dunn, “Attitudes to Multicultural Values in Diverse Spaces in Australia’s Immigrant Cities, Sydney and Melbourne,” *Space and Polity* 14, no. 1 (April 2010): 81–102.

<sup>3</sup> Kevin M. Dunn, “Representations of Islam in the Politics of Mosque Development in Sydney,” *Tijdschrift Voor Economische En Sociale Geografie* 92, no. 3 (August 2001): 291–308.

<sup>4</sup> Laura Bugg and Nicole Gurrán, “Urban Planning Process and Discourses in the Refusal of Islamic Schools in Sydney, Australia,” *Australian Planner* 48, no. 4 (December 2011): 281–91.

<sup>5</sup> Michael Humphrey, “Islam, Immigrants and the State: Religion and Cultural Politics in Australia,” *Islam and Christian-Muslim Relations* 1, no. 2 (December 1990): 208–32.

<sup>6</sup> Rogelia Pe-Pua et al., *Meeting the Needs of Australian Muslim Families: Exploring Marginalisation, Family Issues and ‘Best Practice’ in Service Provision*, Report (Australia: Social Policy Research Centre, 2010), 29–30.

argues that Muslim communities have developed adaptive strategies that balance religious commitment with civic participation,<sup>7</sup> while Rane et al., in their national survey of Muslim Australian citizens and permanent residents, demonstrate that most Muslims affirm both Islamic values and democratic citizenship.<sup>8</sup> Kabir further suggests that these conditions have contributed to a shift from a singular Muslim identity towards more diverse and adaptive forms of religious self-understanding within Australia's multicultural environment.<sup>9</sup>

These broader socio-cultural pressures significantly affect Muslim immigrant family life, particularly marital relationships. Beyond identity politics and social adaptation, marriage constitutes the central domain in which Islamic family law (*fiqh al-usrah*) is enacted in everyday life.<sup>10</sup> Islamic legal doctrines such as *qiwamah* (leadership), *nafaqah* (financial maintenance), *ṭā'ah* (spousal obligation), *shūrā* (consultation), and *mu'āsharah bi al-ma'rūf* (equitable marital relations) define a structured system of reciprocal rights and duties between husband and wife. When these doctrines operate within Australia's secular family law regime—where legal authority is grounded in statutory equality and contractual marriage—a normative encounter emerges between religious law and state law. This encounter raises several important questions: How are marital rights and obligations administered when Shari'ah-based norms coexist with Australian civil law? Is *qiwamah* maintained as hierarchical authority, reframed as functional responsibility, or limited by state legal principles? Are certain Islamic legal expectations contested, strategically accommodated, or pragmatically set aside in everyday practice?

From the perspective of legal pluralism, this situation reflects the coexistence of multiple normative orders within the same social field. Griffiths conceptualises legal pluralism as the presence of more than one legal system operating within a single social arena,<sup>11</sup> while Merry emphasises how individuals navigate overlapping normative frameworks in everyday life.<sup>12</sup> The Australian context described by Humphrey<sup>13</sup> and Saeed<sup>14</sup> further illustrates how Islamic norms interact with state institutions, civic expectations, and public discourse. Muslim immigrant families in Sydney, therefore, inhabit a legally plural environment in which *fiqh al-usrah* and Australian state law simultaneously claim regulatory authority over marriage. The household thus becomes a key site of normative negotiation where religious doctrine, state regulation, and socio-cultural expectations intersect.<sup>15</sup>

<sup>7</sup> Abdullah Saeed, *Islam in Australia* (Australia: Allen & Unwin, 2003), 133.

<sup>8</sup> Halim Rane et al., "Islam in Australia: A National Survey of Muslim Australian Citizens and Permanent Residents," *Religions* 11, no. 8 (August 2020): 419.

<sup>9</sup> Nahid Afrose Kabir, "Muslim Women in Australia, Britain and the United States: The Role of 'Othering' and Biculturalism in Identity Formation," *Journal of Muslim Minority Affairs* 36, no. 4 (October 2016): 523–39.

<sup>10</sup> Nashaat Hussein, "Islam and Families," in *The Wiley Blackwell Encyclopedia of Family Studies* (John Wiley & Sons, Ltd, 2016), 1–4.

<sup>11</sup> John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (January 1986): 1–55.

<sup>12</sup> Cited in Paul Schiff Berman, "Sally Engle Merry and Global Legal Pluralism," *Law & Society Review* 54, no. 4 (December 2020): 839–45.

<sup>13</sup> Humphrey, "Islam, Immigrants and the State," 208–32.

<sup>14</sup> Saeed, *Islam in Australia*, 114–33.

<sup>15</sup> See: Hotnidah Nasution and Ahmad Rifqi Muchtar, "Negotiating Islamic Law: The Practice of Inheritance Distribution in Polygamous Marriages in Indonesian Islamic Courts," *Al-Manahij: Jurnal Kajian Hukum Islam*

Existing research on immigrant life in Sydney demonstrates the complexity of adaptation within a multicultural yet contested social environment. Forrest and Dunn document persistent challenges faced by immigrants despite Australia's pro-multicultural stance,<sup>16</sup> while Baum characterises Sydney as a globally inclusive city shaped by social plurality.<sup>17</sup> Dunn, Bugg, and Gurran further show how Muslims face scrutiny in institutional and educational contexts.<sup>18</sup> Rane et al.'s national findings confirm that Muslim Australians actively engage with democratic institutions while maintaining religious commitments, underscoring the dual normative frameworks within which Muslim families operate.<sup>19</sup> Comparable adjustment challenges are also evident among other immigrant groups: Kirkland describes Armenian immigrants' struggles with shifting social values,<sup>20</sup> while Nahas and Amasheh reveal experiences of psychological distress among Jordanian women in Australia.<sup>21</sup> Together, these studies illustrate how migration reshapes identity and social relations. However, they do not sufficiently examine how Islamic legal norms governing marital authority and spousal obligations function within a legally plural environment where state law ultimately retains enforceable authority.

Scholarship on marriage and gender further demonstrates how migration intersects with social status, religion, and economic conditions to reshape husband–wife relationships. Khurshid shows how education enhances women's agency,<sup>22</sup> while Alcorso highlights women's economic leadership in migrant households.<sup>23</sup> Studies by Widodo indicate that migration can modify patriarchal norms and redistribute spousal roles.<sup>24</sup> Ulya links social status differences to marital decision-making,<sup>25</sup> while Wulandari et al.,<sup>26</sup> Mujira et al.,<sup>27</sup> and

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18, no. 1 (June 2024): 125–44; Basri Basri et al., "Dating Practices: A Moral Negotiation in Pesantren," *Jurnal Ilmiah Peuradeun* 12, no. 2 (May 2024): 671–94; Yusida Fitriyati et al., "Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid al-Shariah," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 1 (May 2025): 122–40.

<sup>16</sup> Forrest and Dunn, "Attitudes to Multicultural Values in Diverse," 81–102.

<sup>17</sup> Scott Baum, "Sydney, Australia: A Global City? Testing the Social Polarisation Thesis," *Urban Studies* 34, no. 11 (November 1997): 1881–902.

<sup>18</sup> Kevin Dunn, "Islam in Sydney: Contesting the Discourse of Absence," *Australian Geographer* 35, no. 3 (September 2004): 333–53; Bugg and Gurran, "Urban Planning Process and Discourses in the Refusal of Islamic Schools in Sydney, Australia," 281–91.

<sup>19</sup> Rane et al., "Islam in Australia," 419.

<sup>20</sup> James R. Kirkland, "Modernization of Family Values and Norms Among Armenians in Sydney," *Journal of Comparative Family Studies* 15, no. 3 (October 1984): 355–72.

<sup>21</sup> Violeta Nahas and Nawal Amasheh, "Culture Care Meanings and Experiences of Postpartum Depression among Jordanian Australian Women: A Transcultural Study," *Journal of Transcultural Nursing* 10, no. 1 (January 1999): 37–45.

<sup>22</sup> Ayesha Khurshid, "Domesticated Gender (in) Equality: Women's Education & Gender Relations among Rural Communities in Pakistan," *International Journal of Educational Development* 51 (November 2016): 43–50.

<sup>23</sup> Caroline Alcorso, "And I'd like to Thank My Wife...: Gender Dynamics and the Ethnic 'Family Business,'" *Australian Feminist Studies* 8, no. 17 (March 1993): 93–108.

<sup>24</sup> Incka Aprillia Widodo, "Runtuhnya Budaya Patriarkhi: Perubahan Peran dalam Keluarga Buruh Migran," *Marnah: Jurnal Perempuan, Agama dan Jender* 19, no. 1 (June 2020): 65–76.

<sup>25</sup> Nanda Himmatul Ulya, "Pola Relasi Suami-Istri yang Memiliki Perbedaan Status Sosial di Kota Malang," *De Jure: Jurnal Hukum dan Syar'iah* 9, no. 1 (June 2017): 53–62.

<sup>26</sup> Puspita Wulandari, Elly Malihah, and Tutin Aryanti, "Menjadi Perempuan Pekerja Migran," *SOSIETAS* 12, no. 1 (June 2022): 35–50.

<sup>27</sup> Mujira, La Onu La Ola, and Nurdiana A, "Kontribusi Istri terhadap Pendapatan Keluarga Nelayan," *Jurnal Sosial Ekonomi Perikanan* 1, no. 1 (May 2016): 1.

Newkirk et al.<sup>28</sup> demonstrate how women's income-generating activities shift household authority. However, these analyses primarily frame marital change through sociological variables such as income, status, and adaptation. They do not directly interrogate how Islamic legal doctrines themselves are interpreted, contested, or reformulated within a plural legal order shaped by both Sharī'ah commitments and Australian statutory law. Despite growing scholarship on Muslim minorities in Western societies, limited attention has been paid to how classical doctrines of *fiqh al-usrah* are practically interpreted within migrant households operating under secular legal regimes.

Building on this literature, the present study examines how Muslim immigrant couples in Sydney negotiate marital authority and gender relations within the framework of Islamic jurisprudence (*fiqh*) in a context of legal pluralism. It investigates how doctrines of *qiwāmah*, *nafaqah*, and spousal obligation are practised and negotiated when Islamic norms coexist with Australian family law, and whether legal authority within the household becomes hierarchical, complementary, egalitarian, or equity-based as a result of this normative interaction. By analysing patterns of marital relationships as manifestations of differing juristic interpretations, this study shifts the analytical focus from immigrant adaptation alone towards the lived practice and transformation of *fiqh al-usrah* within a multicultural secular society.

### Research Methodology

This study employs a qualitative socio-legal design to examine how *fiqh al-usrah* doctrines are interpreted and practised among Indonesian Muslim immigrant families in Sydney, Australia. Fieldwork was conducted in 2023 within Indonesian Muslim community networks across metropolitan Sydney. A socio-legal approach was adopted because the research seeks to connect doctrinal analysis of *fiqh*, particularly concepts such as *qiwāmah*, *nafaqah*, and *ṭā'ah*, with their lived implementation in a legally plural environment shaped by Australian family law. Primary data were collected through semi-structured, in-depth interviews with ten married couples (see Table 1), selected purposively to reflect variations in education, occupation, length of residence, and marital type (intra- and inter-ethnic marriages). All participants' names are presented as pseudonyms in this article. Participatory observation was conducted at religious gatherings and community events, while documentary sources included classical and contemporary *fiqh* texts, Australian family law statutes, and organisational materials from the community. This triangulation enhances methodological robustness and ensures alignment with the study's objectives.

The data were analysed using the Miles and Huberman interactive model, involving data condensation, systematic display, and iterative verification.<sup>29</sup> This analytical process allows themes to emerge iteratively while maintaining the systematic organisation of qualitative evidence. The analytical framework integrates three complementary perspectives:

<sup>28</sup> Katie Newkirk, Maureen Perry-Jenkins, and Aline G. Sayer, "Division of Household and Childcare Labor and Relationship Conflict Among Low-Income New Parents," *Sex Roles* 76, nos. 5–6 (March 2017): 319–33.

<sup>29</sup> Matthew B. Miles, A. M. Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, Third edition (Thousand Oaks, California: SAGE Publications, Inc, 2014), 12–5.

doctrinal analysis of *fiqh al-usrah*, legal pluralism theory,<sup>30</sup> and gender analysis.<sup>31</sup> Doctrinal analysis identifies the normative structure of marital rights and obligations within classical *fiqh*. Legal pluralism theory explains the interaction between Islamic normative frameworks and Australian state law. Gender analysis is employed to examine patterns of authority, reciprocity, and negotiation between spouses in everyday marital relations. Together, these analytical perspectives provide a robust framework for assessing how Islamic legal doctrines are maintained, contested, or reformulated within Muslim minority contexts operating under secular legal regimes.

**Table 1**  
**Profile of Migrant Families in Sydney**

Husband (Country of Origin)	Husband's Occupation	Wife (Country of Origin)	Wife's Occupation
Ameer (Syria)	Retired (restaurant owner)	Nina (Indonesia)	Not employed
Abdullah (Lebanon)	Agriculture and school manager	Siti (Indonesia)	Homemaker
John (Australia)	Company employee	Yanti (Indonesia)	Homemaker and social worker (particularly engaged in women's issues)
Rafa (Indonesia)	Musician	Marga (Australia)	Teacher
Zazay (Indonesia)	Non-civil servant lecturer	Riris (Indonesia)	Civil servant lecturer
Andi (Indonesia)	President of the Indonesian Community Council (ICC)	Vievie (Vietnam)	International social activist
Wawan (Indonesia)	Taxi driver	Caca (Indonesia)	Government employee (medical condition, leg injury, state-supported benefits)
Asep (Indonesia)	Teacher	Euis (Indonesia)	Qur'anic teacher
Alaud (Indonesia)	Employee at Macquarie University	Nana (Indonesia)	Early childhood education teacher
Baba (Iran)	Owner of a private company (CV)	Dewi (Indonesia)	Financial manager (household)

### Multicultural Dynamics in Sydney

Australia does not have an official state religion, allowing its citizens the freedom to practise any faith, provided they adhere to the law. Christianity remains the dominant religion in the country, with significant communities adhering to Catholicism, Islam, Hinduism, and Buddhism. In Sydney, Christianity is the most widely practised religion; however, approximately 30.5 per cent of the population identifies as having no religious affiliation.<sup>32</sup> The Australian government actively protects religious freedom, which is reflected in the

<sup>30</sup> Griffiths, "What Is Legal Pluralism?," 1–55.

<sup>31</sup> Zara Saaidzadeh, "Gender Research and Feminist Methodologies," in *Gender-Competent Legal Education*, ed. Dragica Vujadinović, Mareike Fröhlich, and Thomas Giegerich (Cham: Springer International Publishing, 2023), 183–213; Hannah Warren, "Using Gender-Analysis Frameworks: Theoretical and Practical Reflections," *Gender & Development* 15, no. 2 (July 2007): 187–98.

<sup>32</sup> Gary D. Bouma and Anna Halafoff, "Australia's Changing Religious Profile—Rising Nones and Pentecostals, Declining British Protestants in Superdiversity: Views from the 2016 Census," *Journal for the Academic Study of Religion* 30, no. 2 (November 2017): 129–43.

presence of various religious communities that promote and preserve diverse beliefs, including Lebanese Muslim, Middle Eastern Muslim, and Southeast Asian Muslim communities.<sup>33</sup>

Although Sydney is home to populations with diverse national, cultural, and religious backgrounds, interfaith relations in the city generally remain harmonious. This harmony is fostered by a strong commitment to tolerance and mutual understanding, supported by government policies that protect against racial and religious discrimination.<sup>34</sup> Residents of Sydney enjoy the freedom to practise their religion or choose not to adhere to any faith. Religious communities collectively oppose violence and intolerance, working together to promote inclusivity and cooperation, even with individuals and groups who adhere to secular or atheist perspectives.<sup>35</sup> A notable example of interfaith engagement can be observed in the Ramadan Night Market in Lakemba, which attracts participants from various religious and cultural backgrounds and reflects the spirit of multicultural solidarity.<sup>36</sup>

Approximately 45 per cent of Sydney's residents originate from countries around the world, making the city a hub of diverse cultural, ethnic, and national backgrounds.<sup>37</sup> Linguistic diversity brought by immigrants is also reflected in the educational system, with several schools and universities offering instruction in multiple languages.<sup>38</sup> To maintain cultural identity and strengthen social networks, immigrant communities establish associations that facilitate social engagement and cultural preservation.<sup>39</sup> Sydney is also home to a Multicultural Council, an organisation that provides a platform for different national communities to interact and collaborate.<sup>40</sup> To promote social cohesion and combat racial discrimination, the New South Wales government, in partnership with the United Nations, organises Harmony Day, an initiative designed to celebrate cultural diversity and strengthen social inclusion.<sup>41</sup>

According to the 2016 Australian Census, Indonesian-born residents are predominantly concentrated in New South Wales and Victoria, particularly in Sydney and

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<sup>33</sup> Paul Babie and Ben Mylius, "The Constitution, Religious Education, and the Future of Religious Freedom in Australian Schools," in *International Perspectives on Education, Religion and Law* (Routledge, 2014), 116.

<sup>34</sup> Douglas Ezzy et al., "Religious Diversity in Australia: Rethinking Social Cohesion," *Religions* 11, no. 2 (February 2020): 92.

<sup>35</sup> Ezzy et al.; Gabrielle McKinnon, "Social Cohesion and Human Rights: Would a Bill of Rights Enhance Social Cohesion in Australia," in *Social Cohesion in Australia*, 1st ed., ed. James Jupp, John Nieuwenhuysen, and Emma Dawson (Cambridge University Press, 2007), 191–203.

<sup>36</sup> Rafqa Touma, "Ramadan Night Markets Bring Thousands of Visitors to Lakemba – A Suburb Where Pauline Hanson Claims People 'Feel Unwelcome,'" World News, *The Guardian*, February 20, 2026, <https://www.theguardian.com/world/2026/feb/21/ramadan-night-markets-bring-thousands-of-visitors-to-lakemba-a-suburb-where-pauline-hanson-claims-people-feel-unwelcome>.

<sup>37</sup> Siqin Wang et al., "Tracking the Settlement Patterns of Culturally and Linguistically Diverse (CALD) Populations in Australia: A Census-Based Study from 2001 to 2021," *Cities* 141 (October 2023): 104482.

<sup>38</sup> Fong Peng Chew, "Factors Influencing Malay Language Learning among Malaysian Chinese Independent Secondary School Students," *Jurnal Arbitrer* 12, no. 3 (September 2025): 304–21.

<sup>39</sup> Bugg and Gurrán, "Urban Planning Process and Discourses in the Refusal of Islamic Schools in Sydney, Australia," 281–91.

<sup>40</sup> Hurriyet Babacan and Alperhan Babacan, "Social Inclusion, Multiculturalism and Difference," *Australian Mosaic* 23 (October 2009): 18–20.

<sup>41</sup> Department of Communities and Justice, *Cultural Diversity in NSW Celebrated at the Premier's Harmony Dinner | NSW Government*, March 13, 2025, <https://www.nsw.gov.au/ministerial-releases/cultural-diversity-nsw-celebrated-at-premiers-harmony-dinner>.

Melbourne, with 5,259 Indonesians recorded in metropolitan Sydney.<sup>42</sup> Most Indonesian migrants hold permanent residency or Australian citizenship, which provides access to public healthcare (Medicare), education, and social security benefits, while full political participation—such as voting and eligibility for public office—remains restricted to citizens. Indonesian migration to Australia increased significantly beginning in the 1970s, initially driven by student mobility, diplomatic exchanges, and skilled migration pathways following the normalisation of bilateral relations after the mid-1960s. Census data indicate that the Indonesian-born population remained relatively small in the late 1970s but grew steadily throughout the 1980s and 1990s, reflecting expanding educational and professional links between the two countries.<sup>43</sup> By the mid-1990s, annual arrivals had increased substantially through student visas, family reunion schemes, and skilled migration programmes. According to the 2021 Australian Census, approximately 42,000 residents were born in Indonesia, demonstrating sustained demographic growth. This expansion parallels the institutional strengthening of Australia–Indonesia relations, particularly in education and cultural diplomacy. Studies by Saeed and Rane et al. further note that Indonesian Muslims constitute a visible and increasingly established segment of Australia’s Muslim population, contributing to religious, educational, and civic life within the country’s multicultural framework.<sup>44</sup>

Sociologically, the Indonesian community in Sydney demonstrates strong associational engagement. Religious and philanthropic organisations such as Dompot Dhuafa Australia, PCI Nahdlatul Ulama (NU) Australia and New Zealand, Muhammadiyah Australia, and the Iqro Foundation function not only as sites of religious learning but also as networks of social support, charity distribution, and cultural preservation.<sup>45</sup> Consistent with the findings of Rane et al., such institutional participation reflects broader patterns of Muslim civic integration in Australia, where religious organisations operate as mediating structures between minority communities and the multicultural state.<sup>46</sup> These organisations also serve as informal arenas for the interpretation and transmission of Islamic legal norms.<sup>47</sup> In the absence of formal state recognition of *fiqh al-usrah*, community institutions become important spaces of diasporic *fiqh*, where doctrines concerning *qiwamah*, *nafaqah*, marital validity, and divorce are discussed and negotiated.<sup>48</sup> Thus, Sydney’s multicultural environment produces a condition of practical legal pluralism: while Australian law retains ultimate authority over

<sup>42</sup> Australian Bureau of Statistics, “People in Greater Sydney Who Were Born in Indonesia,” Government, Australia: Australian Bureau of Statistics, 2016, [https://www.abs.gov.au/census/find-census-data/quickstats/2016/5202\\_1GSYD](https://www.abs.gov.au/census/find-census-data/quickstats/2016/5202_1GSYD).

<sup>43</sup> “Population: Census, 2021 | Australian Bureau of Statistics,” December 2, 2022, <https://www.abs.gov.au/statistics/people/population/population-census/latest-release>.

<sup>44</sup> Saeed, *Islam in Australia*, 133; Rane et al., “Islam in Australia,” 419.

<sup>45</sup> Sukron Ma’mun et al., “Religious Moderation within Indonesian Diaspora in Australia’s Secular Society,” *Al-Tabir: Jurnal Pemikiran Islam* 25, no. 1 (May 2025): 153–72.

<sup>46</sup> Rane et al., “Islam in Australia,” 419.

<sup>47</sup> Ma’mun et al., “Religious Moderation within Indonesian Diaspora in Australia’s Secular Society,” 153–72.

<sup>48</sup> Siti Nurjanah and Iffatin Nur, “Gender Fiqh: Mobilization of Gender-Responsive Movement on Social Media,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 1 (May 2022): 1–18; Tri Wahyu Hidayati, Ulfah Susilawati, and Endang Sriani, “Dynamics of Family Fiqh: The Multiple Roles of Women in Realizing Family Resilience,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (December 2022): 219–38.

the legal regulation of marriage, *fiqh al-usrah* continues to shape moral obligations, gender roles, and intra-household authority within the Muslim diaspora.

Building upon the foregoing discussion of legal pluralism in Sydney, the city's multicultural structure not only produces external normative coexistence between Islamic law and Australian secular family law but also activates internal plurality within the Islamic legal tradition itself.<sup>49</sup> Classical *fiqh* has long recognised *ikhtilāf al-fuqahā'* (juristic disagreement) as an inherent epistemological feature, arising from methodological diversity, contextual reasoning, and differing assessments of *maṣlahah* (public interest).<sup>50</sup> In diaspora settings, this doctrinal elasticity becomes socially consequential. Indonesian Muslim migrants operate within a secular legal regime governed by the Marriage Act 1961 (Cth) and egalitarian gender norms, yet they simultaneously draw upon doctrines such as *qiwāmah*, *nafaqah*, and marital obligation. This condition fosters contextualised *ijtihad* (independent legal reasoning), whereby religious norms are neither abandoned nor mechanically preserved but recalibrated through reference to *maqāṣid al-sharī'ah*, particularly justice, welfare, and family stability.<sup>51</sup> The result is a layered configuration of pluralism: externally, Islamic norms coexist with state law; internally, multiple juristic interpretations compete and adapt within the community. Accordingly, marital practices among Indonesian Muslims in Sydney should be understood not merely as cultural accommodation but as manifestations of ongoing juristic negotiations within a legally plural and multicultural environment.

### Spousal Relationships in Muslim Immigrant Families in Australia

Indonesian migrant families in Australia assume various roles, including professionals, entrepreneurs, students, and religious workers, contributing to businesses, educational institutions, and Islamic organisations such as mosques and Qur'anic centres. Many also engage in intercultural marriages, resulting in diverse marital dynamics. Relationships among Muslim immigrant couples vary considerably due to influences from migration experiences, religious values, and socio-cultural contexts. Based on these factors, spousal relationships within Indonesian Muslim migrant families in Sydney can be classified into four distinct patterns. These four relationship patterns illustrate how Islamic family norms are interpreted and negotiated differently among migrant households operating within a legally plural environment.

The first type is the owner–property relationship pattern. In this pattern, the husband assumes absolute authority over his wife, treating her as his possession and exercising extensive control over household life. Wives of Indonesian origin, often characterised by

<sup>49</sup> Nadirsyah Hosen, ed., *Research Handbook on Islamic Law and Society* (Massachusetts: Edward Elgar Publishing, 2018), 13–47.

<sup>50</sup> Muhammad Khalid Masud, "Ikhtilaf al-Fuqaha: Diversity in Fiqh as a Social Construction," *Wanted: Equality and Justice in the Muslim Family*, 2019, 65–93.

<sup>51</sup> See: Imam Syafī'i et al., "Harmonization of Islamic Law and Local Wisdom: A Methodological Reconstruction of Ijtihad in Family Law Based on Yusuf al-Qaradawi's Istinbāt Approach," *NUSANTARA: Journal of Law Studies* 5, no. 1 (January 2026): 25–43; Aksin Wijaya, Ibnu Muchlis, and Dawam Multazam Rohmatulloh, "Rethinking Gender Justice in the Quran: A Critical Exploration of Muslim Feminist Perspectives," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 26, no. 1 (March 2025): 77–98; Nur Faizah et al., "The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law," *Al-'Adalah* 21, no. 2 (December 2024): 323–46.

traits of modesty, obedience, and deference to their husbands, tend to conform to this traditional dynamic. Consequently, the husband maintains dominance in nearly all aspects of domestic life, including decision-making and even meal preparation. In some instances, the husband determines the household menu and insists that meals be prepared according to his preferences, restricting the wife from cooking independently. Couples such as Ameer from Syria and Nina from Indonesia, as well as Abdullah from Lebanon and Siti from Indonesia, illustrate this pattern of marital relations. From a financial perspective, the household relies primarily on the husband's pension, as the wife is prohibited from working and is not permitted to apply for government assistance, even in her role as a carer for her elderly husband.<sup>52</sup> Although Australian regulations allow individuals to apply for financial support, the wife remains confined to domestic responsibilities with limited financial autonomy. In certain Indonesian traditions, particularly among specific ethnic groups, it is customary for wives to adopt their husband's clan or tribal name as part of their identity, further reinforcing traditional gender roles within the marital structure.<sup>53</sup>

This relationship pattern suggests that the wife's role within the family is largely complementary, functioning primarily as a carer for her elderly husband. Several characteristics define her position: she is regarded primarily as a supporting figure within the household, responsible for her husband's well-being; her main priority is ensuring her husband's comfort and happiness, often at the expense of her own interests; she is discouraged from pursuing personal fulfilment or independence; her social status is closely tied to her husband, sometimes requiring her to adopt his clan or family identity; and major life decisions remain largely the husband's prerogative, requiring the wife's continued approval and compliance. This arrangement reflects a strongly hierarchical interpretation of *qiwamah*, in which male authority is understood not merely as functional responsibility but as unilateral decision-making power.<sup>54</sup> Within the diasporic context of Sydney's legally plural environment, such a pattern illustrates the persistence of traditional patriarchal norms despite the surrounding framework of legal equality under Australian family law.

The second pattern is the head-complement relationship type. In this model, the husband perceives his wife as a complementary partner in family life. Unlike the owner-property type, this relationship structure emphasises consultation and mutual consideration in decision-making. While the wife remains primarily responsible for managing the household and educating the children, the husband continues to serve as the primary breadwinner. In Indonesian-Australian mixed marriages, the husband typically assumes responsibility for financial provision and family welfare, while the wife focuses on domestic duties and child-rearing. This pattern is exemplified by Yanti, an Indonesian woman who has

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<sup>52</sup> Nina, "Personal Interview in Sydney," September 2023; Siti, "Personal Interview in Sydney," September 2023.

<sup>53</sup> See: Felia Wati, "Tradisi Maisi Sasuduik dalam Perkawinan Masyarakat Minangkabau: Studi Interaksi Adat dan Hukum Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2023): 370–91; Halimatussa'diyah Halimatussa'diyah et al., "Minangkabaunese Matrilineal: The Correlation between the Qur'an and Gender," *HTS Theologiese Studies / Theological Studies* 80, no. 1 (2024), a8643.

<sup>54</sup> Nadzrah Ahmad and Muhammad Abdul Rasheed, "The Qur'anic Concept of Qiwamah: A Review of Commentaries on the Verse: 4:34," *Al-Shajarah Journal of the International Institute of Islamic Thought and Civilisation (ISTAC)* 23, no. 1 (July 2018): 169–81.

been married to John, an Australian, and has lived in Australia for more than 25 years. This relationship pattern resembles the findings of Ismail et al., who examined the experiences of Sundanese women married to French men.<sup>55</sup> Despite the husband's role as the head of the household, the wife retains a degree of autonomy, particularly in religious and social matters. Moreover, when the husband has free time, he often assists with household tasks, including accompanying the children to and from school.<sup>56</sup>

The third pattern is the equal-partner relationship type. In this arrangement, the husband and wife maintain an egalitarian partnership in which neither partner exercises dominance over the other. Household roles and responsibilities are shared equitably based on mutual agreement. The wife is free to pursue a career outside the home and may earn an income equal to or even greater than that of her husband without disrupting the balance of the relationship. The central principles of this pattern include cooperation, mutual respect, and recognition of each partner's rights and contributions.<sup>57</sup> Marriages following this model move beyond traditional role divisions and emphasise equal opportunities for both partners to develop according to their education, professional skills, and personal aspirations. Examples of this pattern include the mixed-marriage couples Arif, an Indonesian, and Margaret, an Australian, both of whom work in the music industry, as well as Andi, an Indonesian, and Vievie, a Vietnamese national. Their households operate on principles of equality, with decisions regarding work, finances, and domestic responsibilities made collaboratively.<sup>58</sup> Their relationships demonstrate mutual understanding and support, free from rigid hierarchical expectations.<sup>59</sup>

Finally, the senior–junior partner relationship type describes a marital arrangement in which the husband remains the primary leader of the family and bears responsibility for fulfilling the household's financial needs. At the same time, the wife plays a significant role in everyday family life, particularly in managing domestic affairs and supporting the husband's decisions. Within this framework, the husband functions as both the primary breadwinner and the principal decision-maker in financial matters.<sup>60</sup> Meanwhile, the wife often assumes the role of household manager, ensuring that family needs are met within the budget determined by the husband. This pattern is commonly observed among Indonesian

<sup>55</sup> Nany Ismail et al., "Language Maintenance in the Family to Maintain Family Harmony: A Case Study of Mixed Marriages between Sundanese Women and French Men," *Forum for Linguistic Studies* 6, no. 1 (April 2024), 1–11.

<sup>56</sup> Yanti, "Personal Interview in Sydney," September 2023.

<sup>57</sup> Yoav Lavee and Ruth Katz, "Division of Labor, Perceived Fairness, and Marital Quality: The Effect of Gender Ideology," *Journal of Marriage and Family* 64, no. 1 (February 2002): 27–39; Ming-Chang Tsai, "Intimacy, Similarity, and Equality Among Married People in East Asia," in *Quality of Life in Japan*, vol. 13, ed. Ming-Chang Tsai and Noriko Iwai, Quality of Life in Asia (Singapore: Springer Singapore, 2020), 171–92.

<sup>58</sup> Laura Radcliffe, Catherine Cassell, and Leighann Spencer, "Work-Family Habits? Exploring the Persistence of Traditional Work-Family Decision Making in Dual-Earner Couples," *Journal of Vocational Behavior* 145 (September 2023): 103914.

<sup>59</sup> Andi, "Personal Interview in Sydney," September 2023; Arif, "Personal Interview in Sydney," September 2023.

<sup>60</sup> Sri Seti Indriani and Deddy Mulyana, "Communication Patterns of Indonesian Diaspora Women in Their Mixed Culture Families," *Journal of International Migration and Integration* 22, no. 4 (December 2021): 1431–48; Nina Nurmila, "Pengaruh Budaya Patriarki terhadap Pemahaman Agama dan Pembentukan Budaya," *KARSA: Jurnal Sosial dan Budaya Keislaman* 23, no. 1 (June 2015): 1.

Muslim families who have resided in Australia for an extended period and hold permanent residency status. Although these families adapt to Australia's multicultural environment, they often retain a traditional family structure that emphasises the husband's leadership in economic matters and major household decisions.<sup>61</sup> Nevertheless, wives may still contribute their perspectives and participate in family decisions, particularly in matters related to children's education and family social relations.

The implementation of this relationship pattern can be observed in the Wawan–Caca and Asep–Euis families, both of whom have lived in Australia for an extended period. These families maintain a marital dynamic that emphasises the husband's leadership within the household while simultaneously recognising the wife's important role in maintaining overall family well-being. Although the husband retains primary authority over financial matters, strategic household decisions are often made through consultation with the wife, illustrating a negotiated balance between traditional Islamic family norms and the evolving social realities of migrant life. Such adaptive strategies represent practical efforts by migrant couples to address the challenges of building and sustaining a harmonious family in a diasporic context.<sup>62</sup> Rather than abandoning established religious norms, these families reinterpret marital roles through everyday negotiation, allowing traditional concepts such as *qiwamah* to operate in a more consultative and complementary manner.

### Spousal Authority and Gender Dynamics in Muslim Immigrant Families

Muslim immigrant families in Australia, particularly those of Indonesian origin, display diverse spousal relationship patterns shaped by migration experiences, religious interpretations, cultural backgrounds, and Australia's multicultural context. These families occupy varied social roles—as professionals, entrepreneurs, students, and religious workers—and contribute actively to economic life and Islamic institutions such as mosques and Qur'anic centres. Intercultural marriages (e.g., Indonesian–Australian, Indonesian–Lebanese, Indonesian–Syrian) further diversify marital dynamics. Drawing on interview data, this study identifies five dominant spousal relationship patterns: owner–property, head–complement, senior–junior partner, equal partner, and equity–equality partner. These patterns extend and contextualise Scanzoni's typology<sup>63</sup> within the lived realities of Muslim immigrant families in Sydney.

The owner–property pattern represents the most hierarchical form of marital relations. In this model, the husband exercises absolute authority over his wife, who is positioned as

<sup>61</sup> Lina Nur Anisa, "The Psychological Well-Being in Building Resilience of Indonesian Muslim Families: A Study of Hussein Muhammad's Thought," *De Jure: Jurnal Hukum dan Syari'ah* 15, no. 1 (July 2023): 163–77; Nurmila, "Pengaruh Budaya Patriarki terhadap Pemahaman Agama dan Pembentukan Budaya," 1.

<sup>62</sup> See: Rosdalina Bukido et al., "The Resilience of Blind Families in Building a Sakinah Family: Adaptive Strategies and the Role of Islamic Values," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 2 (October 2025): 399–425; Muchimah et al., "Legal Culture and the Dynamics of Religious Interaction in Ritual Practices among Interfaith Marriage," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (November 2024): 333–48; Kamarusdiana Kamarusdiana et al., "Family Dispute Resolution Practices in Kepulauan Seribu (Study of the Role of Religious Leaders, Community and State Apparatus)," *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 2 (February 2024): 163–75.

<sup>63</sup> Letha Dowson Scanzoni and John Scanzoni, *Men, Women, and Change: A Sociology of Marriage and Family*, 2nd ed. (New York: McGraw-Hill Book Company, 1981), 610–56.

economically and socially dependent. Decision-making, financial control, and even domestic practices such as cooking are monopolised by the husband.<sup>64</sup> This pattern is reinforced by patriarchal cultural norms and conservative religious interpretations and is often associated with stereotypes of Indonesian—particularly Javanese—women as obedient and devoted.<sup>65</sup> Even within Australia’s legal framework, which allows women access to employment and welfare, wives in this pattern are frequently prohibited from working or seeking government support. As Siti, an Indonesian woman married to a Lebanese man, explained:<sup>66</sup>

*“In Lebanese culture, men are seen as strong and as the head of the household. They appreciate Indonesian women because they are known for being gentle and devoted. However, Lebanese culture can also be quite strict. In my family, I maintain the Javanese tradition of being a good wife and obeying my husband, but at times, I find myself influenced by their cultural norms as well.”*

In this context, migration does not necessarily dismantle patriarchal structures; rather, it may reinforce them by increasing women’s dependence on their husbands. This dependency is often intensified by social and economic isolation, which limits wives’ access to independent networks, resources, and opportunities.<sup>67</sup>

The head–complement pattern retains male leadership but introduces greater deliberation and cooperation. Husbands remain the primary breadwinners, while wives manage domestic affairs and child-rearing, participate in household decision-making, and are often permitted to work.<sup>68</sup> This pattern is common in mixed marriages, such as Indonesian–Australian unions, where egalitarian values influence marital negotiations. Yanti, who is married to an Australian husband, explained:<sup>69</sup>

*“For Australians, equality is a fundamental principle, so I do not experience any unusual restrictions. I have the freedom to manage my life, including my finances and daily activities. Similarly, my husband has the autonomy to make his own choices. He also does not impose strict limitations on me.”*

While a wife’s social status may still be associated with her husband’s position, this pattern reflects a partial adaptation to Australian norms of gender equality while maintaining certain traditional role divisions. Such arrangements illustrate how migrant families selectively incorporate elements of the host society’s egalitarian ideals without entirely abandoning established cultural and religious expectations. This process of adaptation is not unique to Muslim immigrant families in Australia; similar negotiations between religious norms, social change, and gender expectations can also be observed within family practices

<sup>64</sup> Carol J. Pierce Colfer et al., “The Balance of Power in Household Decision-Making: Encouraging News on Gender in Southern Sulawesi,” *World Development* 76 (December 2015): 147–64; Angela C. Lyons et al., “For Better or Worse: Financial Decision-Making Behavior of Married Couples?,” *SSRN Electronic Journal*, ahead of print, 2007, 39.

<sup>65</sup> Nurmila, “Pengaruh Budaya Patriarki terhadap Pemahaman Agama dan Pembentukan Budaya,” 1.

<sup>66</sup> Siti, “Personal Interview in Sydney,” September 2023.

<sup>67</sup> Benazir Bona Pratamawaty, “Potensi Konflik Perkawinan Lintas Budaya Perempuan Indonesia dan Laki-Laki Bule,” *Kafa’ah: Journal of Gender Studies* 7, no. 1 (June 2017): 1; Michelle Carnegie, “Intermarriage and Reciprocal Household Exchange Practices in a Mixed Community in Roti, Indonesia,” *The Australian Journal of Anthropology* 24, no. 1 (April 2013): 81–98.

<sup>68</sup> Shelly Lundberg, “Gender and Household Decision-Making,” in *Frontiers in the Economics of Gender* (London: Routledge, 2008), 45; Colfer et al., “The Balance of Power in Household Decision-Making,” 147–64.

<sup>69</sup> Yanti, “Personal Interview in Sydney,” September 2023.

and judicial institutions in Indonesia.<sup>70</sup> Together, these dynamics suggest an ongoing transformation of marital expectations that increasingly recognises women’s agency and contributions while still preserving aspects of traditional gender roles. This duality highlights the complex nature of gender relations in migrant contexts, where aspirations towards equality coexist with enduring cultural and religious frameworks that continue to shape perceptions of authority, responsibility, and familial identity.<sup>71</sup>

The senior–junior partner pattern falls between hierarchy and equality. The husband remains the primary provider and final decision-maker, particularly in financial matters, but allows the wife to work and express her opinions.<sup>72</sup> However, women’s economic participation is often conditional and subordinate. Asep, an Indonesian Muslim husband, explained:<sup>73</sup>

*“I was educated in the Islamic education system, and I believe that a wife should obey her husband. However, I also allow her the freedom to express her opinions and provide input. Regarding employment, I do not permit her to work for several reasons, primarily because she is responsible for caring for our children. In Australia, childcare services are costly, as is hiring domestic help. Additionally, if our children are cared for by non-Indonesians, we are concerned about the habits they may develop.”*

This pattern is indicative of long-established families who hold permanent residency in Australia. It demonstrates how these families selectively adapt to Australian life while preserving traditional leadership structures. Although they incorporate certain aspects of Australian culture into their daily lives, they continue to maintain customary hierarchical frameworks rooted in their cultural heritage. This dual orientation reflects their capacity to integrate into a new social environment without relinquishing core elements of their cultural identity.<sup>74</sup>

More egalitarian arrangements appear in the equal-partner pattern, in which husbands and wives share authority, domestic responsibilities, and economic roles based on mutual agreement. Neither spouse dominates the other, and both are encouraged to pursue

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<sup>70</sup> See: Roslina Roslina et al., “Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia,” *Jurnal Ilmiah Peuradeun* 13, no. 3 (September 2025): 2339–64; Masyithah Mardhatillah and Saoki, “Women in the Madurese Translation of the Qur’an: Questioning Gender Equality in Family Legal Verses,” *Jurnal Studi Ilmu-Ilmu Al-Qur’an dan Hadis* 26, no. 1 (March 2025): 99–130; Eko Budiono et al., “Analyzing the Legal Framework of Substitute Heirs in Islamic Inheritance Cases: DKI Jakarta High Religious Courts Perspective,” *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 2 (April 2024): 281–99.

<sup>71</sup> Sarimah Surianshah and Sarah Bridges, “Gender Differences in Household Education Expenditure in Malaysia,” *International Journal of Social Economics* 53, no. 1 (January 2026): 163–79; Hongyun Zheng and Wanglin Ma, “Decision-Making in Credit Access and Household Welfare: A Gender Perspective,” *Economic Modelling* 152 (November 2025): 107263; Svenja Flechtner, Ulli Lich, and Setu Pelz, “Women’s Decision-Making Power, Cooking Fuel Adoption and Appliance Ownership: Evidence from Rwanda, Nepal and Honduras,” *Energy Research & Social Science* 118 (December 2024): 103780.

<sup>72</sup> Indriani and Mulyana, “Communication Patterns of Indonesian Diaspora Women in Their Mixed Culture Families,” 1431–48.

<sup>73</sup> Asep, “Personal Interview in Sydney,” September 2023.

<sup>74</sup> Helena Verusha Ali, Setiono Sugiharto, and Christine Manara, “Navigating Identity and Agency through English Education: Narrative Inquiry of an Indonesian Migrant Worker in Kuwait’s Kafala System,” *Social Sciences & Humanities Open* 12 (2025): 101816; Yue Xu et al., “‘I Am Rooted, but I Flow’: A Photovoice Investigation into the (Re)Construction of Professional Identity among Immigrant Early Childhood Educators in Australia,” *International Journal of Educational Research* 136 (2026): 102890.

education and professional careers.<sup>75</sup> This model is often found among highly educated couples and those with inclusive religious interpretations. Decision-making is collaborative, and household labour is negotiated rather than prescribed. Such relationships emphasise cooperation, mutual respect, and recognition of each partner's contributions, challenging rigid gender hierarchies without rejecting religious identity.<sup>76</sup>

Finally, the study identifies an equity–equality partner pattern, which goes beyond formal equality to emphasise justice, fairness, and shared authority. In this model, husbands actively support their wives' professional aspirations, even when the wives earn higher incomes. Household tasks are distributed flexibly according to availability and capacity rather than gender. This pattern aligns closely with Kodir's *mubādalah* theory,<sup>77</sup> which promotes reciprocal and collegial leadership within marriage. Zaid, a postgraduate student, described this arrangement:<sup>78</sup>

*“In terms of household responsibilities, since my wife is still pursuing her studies, I adjust to her schedule. When she is on campus, I take care of household tasks. When she is at home, we share the responsibilities, even if she is not engaged in online coursework or academic activities. There are times when she is at home but occupied with online guidance sessions or Zoom meetings. Therefore, we maintain a mutual understanding and accommodate each other's commitments.”*

Relationships among academic and professional couples are relatively common and can be attributed to several factors. Higher education often exposes individuals to more progressive ideas and values.<sup>79</sup> Moderate interpretations of religious teachings also contribute by fostering more reciprocal partnership dynamics. In addition, exposure to egalitarian social norms encourages shared responsibilities and mutual support between spouses.<sup>80</sup> Collectively, these factors create conditions in which both partners can pursue their aspirations while sustaining a cooperative marital relationship.

Taken together, these patterns demonstrate that spousal relationships among Muslim immigrant families in Sydney are neither uniform nor static. Instead, they reflect ongoing negotiations between inherited cultural norms, religious values, and the structural conditions of life in a multicultural society.<sup>81</sup> While some couples reproduce hierarchical models, others

<sup>75</sup> Zheng and Ma, “Decision-Making in Credit Access and Household Welfare”; Mary Cheptoo, Benard Mwori Sorre, and Eric Kiprono Bor, “Cultural Determinants of Household Decision Making among the Nandi Community in Kenya,” *International Journal of Research and Innovation in Social Science* VIII, no. XI (2024): 327–36.

<sup>76</sup> Lavee and Katz, “Division of Labor, Perceived Fairness, and Marital Quality,” 27–39.

<sup>77</sup> Faqihuddin Abdul Kodir, *Qiraah Mubadalah* (Yogyakarta: RCiSoD, 2019), 117–221; Hamam, “Mengenal Dr. KH. Faqihudin Abdul Kodir dan Metode Qira'ah Mubadalah,” *Figur, Keadilan dan Kesetaraan Gender - Mubadalah*, November 6, 2024, <https://mubadalah.id/mengenal-dr-kh-faqihudin-abdul-kodir-dan-metode-qiraah-mubadalah/>.

<sup>78</sup> Zaid, “Personal Interview in Sydney,” September 2023.

<sup>79</sup> Kimmo Eriksson, Marie Björnstjerna, and Irina Vartanova, “The Relation Between Gender Egalitarian Values and Gender Differences in Academic Achievement,” *Frontiers in Psychology* 11 (February 2020): 236.

<sup>80</sup> Tracy Scurry and Marilyn Clarke, “Navigating Dual-Careers: The Challenge for Professional Couples,” *Personnel Review* 51, no. 7 (August 2022): 1823–40.

<sup>81</sup> Sapna Cheryan and Benoît Monin, “Where Are You Really from?: Asian Americans and Identity Denial,” *Journal of Personality and Social Psychology* 89, no. 5 (2005): 717–30; Hanieh Naeimi et al., “Through the Cultural Looking Glass: Diversity Ideologies and Cultural Sharing in Intercultural Romantic Relationships,” *Journal of Social and Personal Relationships* 41, no. 1 (January 2024): 247–73; Marco Marinucci et al., “Intimate Intergroup Contact across the Lifespan,” *Journal of Social Issues* 77, no. 1 (March 2021): 64–85.

adapt towards more egalitarian or equity-based arrangements. These findings highlight migration as a transformative context for gender relations and underscore the diversity of Muslim family life beyond monolithic or stereotypical representations.<sup>82</sup> These patterns can, therefore, be understood as a continuum of marital authority within diasporic legal pluralism, ranging from strongly hierarchical interpretations of *qiwāmah* to more reciprocal and justice-oriented models of marital partnership.

### The Influence of Religious Understanding on Relationship Patterns

Examining husband–wife relationships in Muslim immigrant families in Sydney, Australia, requires not only an analysis of gender dynamics but also an understanding of how *fiqh al-usrah* is interpreted in diaspora settings. Islamic teachings function as a normative legal framework that regulates rights and obligations between spouses, particularly through concepts such as *qiwāmah*, *nafaqah*, *ṭā'ah*, and *mu'āsharah bi al-ma'rūf*.<sup>83</sup> These legal-ethical principles shape attitudes and behaviour within marriage and influence how Muslim families organise authority, the division of labour, and decision-making processes. Gender sensitivity, therefore, is not merely a sociological issue but is mediated through juristic interpretation and the plurality of legal understandings within the Islamic tradition.

In Indonesia, Muslim perspectives on gender issues are often categorised as extreme fundamentalist, moderate, and semi-moderate. This typology, employed by Nuronyah in analysing kyai families in Cirebon,<sup>84</sup> can also be utilised to understand how Muslim immigrants interpret Islamic legal norms in Sydney. From an Islamic legal perspective, these categories reflect varying methodological approaches to scriptural interpretation, ranging from textualist readings (with a *Zāhiri* tendency) to contextualist approaches informed by *maṣlaḥah* and *maqāsid al-sharī'ah*. The extreme fundamentalist orientation tends to privilege literal readings of Qur'anic verses and classical juristic formulations, particularly regarding *qiwāmah* and gender hierarchy, treating them as fixed normative commands. By contrast, moderate and semi-moderate approaches demonstrate greater openness to hermeneutical mediation, historical contextualisation, and ethical purposivism, allowing reinterpretation of marital authority in light of justice, reciprocity, and socio-economic change. When transposed into a diasporic setting such as Sydney, these interpretive orientations shape how immigrant couples negotiate marital authority under conditions of legal pluralism, revealing that doctrinal variations within Indonesian Islam continue to structure family practices beyond the national context.

<sup>82</sup> Nasrin Khandoker, Đermana Kurić, and James Carr, “Rethinking Gendered Anti-Muslim Racism in a Relational Matrix of Race and Gender,” *Women's Studies International Forum* 107 (November 2024): 102983; Amir Saeed, “Media, Racism and Islamophobia: The Representation of Islam and Muslims in the Media,” *Sociology Compass* 1, no. 2 (November 2007): 443–62; Saeed, *Islam in Australia*, 133; Ma'mun et al., “Religious Moderation within Indonesian Diaspora in Australia's Secular Society,” 153–72.

<sup>83</sup> Muḥyi al-Dīn Yaḥyā ibn Sharaf al-Nawawī, *Al-Majmū' Sharḥ al-Muḥadḍhab* (Lebanon: Dār al-Fikr, n.d.), 22:117; Abū Muḥammad 'Abd Allāh ibn Aḥmad ibn Qudāmah, *Al-Mughnī wa al-Sharḥ al-Kabīr* (Beirut: Dār al-Fikr, 1984), 10:114.

<sup>84</sup> Wardah Nuronyah, “Gender Discourses within Pesantren in Cirebon: Understanding the Typologies of Kyais' Interpretations of the Concept of Qawwām,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (May 2023): 875.

### *Extreme Fundamentalist*

Fundamentalism is commonly understood as an attempt to return to what is perceived as the “pure” form of religious teaching while resisting reinterpretation.<sup>85</sup> Within Islamic legal discourse, this orientation corresponds to a literalist approach that emphasises strict adherence to textual evidence regardless of contextual considerations. Religious teachings are interpreted rigidly to avoid practices considered deviant, and legal authority is viewed as fixed and immutable. In methodological terms, this approach privileges the apparent meaning (*ẓāhir al-naṣṣ*) of Qur’anic verses and ḥadith, often minimising recourse to contextual reasoning, historical criticism, or purposive interpretation. Classical juristic formulations are treated as normative closures rather than historically situated responses, thereby limiting the scope for adaptive *ijtihād*. As a result, social change—such as shifts in gender roles, economic participation, or migration to non-Muslim-majority societies—is framed not as a basis for doctrinal recalibration but as a test of communal fidelity. In the sphere of family law, this orientation typically reinforces hierarchical models of marital authority, construing *qiwāmah* as divinely mandated leadership rather than as an ethically conditioned responsibility subject to contextual negotiation.<sup>86</sup>

This literalist orientation has direct implications for the structuring of marital authority within Muslim households. Families adopting this perspective tend to interpret *qiwāmah* as absolute authority, positioning the husband as the sole decision-maker while confining the wife primarily to domestic responsibilities.<sup>87</sup> Wives are often discouraged from working outside the home, as *nafaqah* is viewed exclusively as the husband’s duty, thereby reinforcing a highly patriarchal household structure. Decision-making rarely involves *shūrā*, despite its recognition within Islamic ethical teachings. This pattern demonstrates how a textualist reading of Islamic law may reinforce hierarchical gender relations even within a multicultural environment where external social change does not necessarily alter internal legal convictions.<sup>88</sup> Consequently, migration does not automatically produce reinterpretation; rather, it may strengthen defensive adherence to inherited legal constructions of authority.

### *Moderate*

Conversely, moderate Muslims advocate a balanced approach that avoids extremism and excessive rigidity while remaining committed to authentic religious values. This moderate

<sup>85</sup> Natalie Delia Deckard and David Jacobson, “The Prosperous Hardliner: Affluence, Fundamentalism, and Radicalization in Western European Muslim Communities,” *Social Compass* 62, no. 3 (September 2015): 412–33; Nur Zen Hasanah et al., “Contemporary Traditions and Challenges: Tafsir Maudhu’i’s Study of Islam and Fundamentalism,” *Bulletin of Islamic Research* 2, no. 2 (June 2024): 181–98.

<sup>86</sup> Sukron Ma’mun and Ibnu Akbar Maliki, “A Socio-Historical Study of Women’s Rights Advocacy in Islamic Legal Construction,” *Journal of Southeast Asian Human Rights* 7, no. 1 (June 2023): 1.

<sup>87</sup> Ade Daharis, “The Role and Position of Women in the Family According to Islamic Law: A Critical Study of Contemporary Practices,” *LITERATUS* 5, no. 2 (October 2023): 382–87; Emily Suzanne Johnson, “Family and Gender,” in *The Oxford Handbook of Christian Fundamentalism*, 1st ed., ed. Andrew Atherstone and David Ceri Jones (Oxford University Press, 2023), 435–52; Shahin Gerami and Melodye Lehnerer, “Women’s Agency and Household Diplomacy: Negotiating Fundamentalism,” *Gender & Society* 15, no. 4 (August 2001): 556–73.

<sup>88</sup> Joshua M. Roose and Joana Cook, “Supreme Men, Subjected Women: Gender Inequality and Violence in Jihadist, Far Right and Male Supremacist Ideologies,” *Studies in Conflict & Terrorism* 48, no. 5 (May 2025): 528–56.

orientation reflects a more equitable and justice-oriented perspective that rejects violence and intolerance in thought, behaviour, and action. In Arabic, the concept of moderation is closely associated with *tawassuṭ* (moderation or middle position), *i'tidāl* (justice), and *tawāḏun* (balance), all of which emphasise the importance of equilibrium in various aspects of life, including marital relations.<sup>89</sup> Within the moderate paradigm, husband–wife relationships are understood through a more flexible and reciprocal framework. Both spouses possess rights and responsibilities in managing household life. Leadership within the family is not interpreted solely through gender hierarchy but is linked to the ability of both husband and wife to fulfil their respective responsibilities in accordance with Islamic ethical principles. In moderate families, both partners often pursue careers while sharing responsibilities related to domestic management, children’s education, and major family decisions.<sup>90</sup>

In a multicultural society such as Sydney, Muslim immigrant couples who embrace moderation often integrate into the surrounding culture without abandoning their religious commitments. While continuing to observe Islamic teachings in everyday life, they remain open to engaging with the broader social environment. Moderate Muslim immigrant families frequently participate in community activities through religious organisations such as NU and Muhammadiyah or through ethnic associations such as the Minangkabau (Padang) community. This moderate orientation is often reflected in the equal-partner model, where spouses share responsibilities and demonstrate mutual respect. Observations and interviews indicate that individuals raised within NU and Muhammadiyah families tend to exhibit more accommodative and balanced marital perspectives.<sup>91</sup> This pattern is consistent with the long-standing reputation of both organisations for promoting moderate interpretations of Islam and constructive engagement with local cultural contexts.

### *Semi-Moderate*

Semi-moderate thought patterns emerge as a middle ground between extreme fundamentalism and full moderation. Within this perspective, the husband is still recognised as the head of the household, yet the wife is not positioned as subordinate.<sup>92</sup> Instead, the relationship follows a complementary model in which both spouses hold defined roles within

<sup>89</sup> Etin Anwar, “The Ethics of Wasatīyah and the Pursuit of Gender Equality,” *American Journal of Islam and Society* 32, no. 4 (October 2015): 47–65; Ma’mun and Maliki, “A Socio-Historical Study of Women’s Rights Advocacy in Islamic Legal Construction,” 1; Zunly Nadia and Niswatin Faoziah, “Gender Equality within Family in Islamic Perspective: Insights from The Hadiths of Ummul Mukminin,” *Jurnal Studi Ilmu-Ilmu Al-Qur’an dan Hadis* 25, no. 1 (June 2024): 161–86.

<sup>90</sup> Suud Sarim Karimullah et al., “The Changing Role of Gender in Contemporary Muslim Families,” *Martabat: Jurnal Perempuan dan Anak* 7, no. 2 (December 2023): 167–88.

<sup>91</sup> Nasikhin Nasikhin, Raharjo Raaharjo, and Nasikhin Nasikhin, “Moderasi Beragama Nahdlatul Ulama dan Muhammadiyah dalam Konsep Islam Nusantara dan Islam Berkemajuan,” *Islamic Review: Jurnal Riset dan Kajian Keislaman* 11, no. 1 (April 2022): 19–34; Ma’mun et al., “Religious Moderation within Indonesian Diaspora in Australia’s Secular Society,” 153–72; Aniek Rahmaniah et al., “The Movement of Muhammadiyah Women: Religious Values, Culture, and Gender Equality,” *Jurnal Ilmiah Peuradenn* 13, no. 1 (January 2025): 669–94; Mukhsin Mukhsin, Ilzam Hubby Dzikrillah Alfani, and Ridwan Fauzi, “The Role of Nahdlatul Ulama and Muhammadiyah Youth in Promoting Islamic Moderation in Indonesia,” *An-Nida’* 48, no. 2 (December 2024): 183–205.

<sup>92</sup> Rifki Azkya Ramadhan, Nurul Fadhilah Ramadhani Arqam, and Asep Abdul Muhyi, “The Concept of Religious Moderation: A Study of Maudhu’i’s Interpretation,” *Bulletin of Islamic Research* 2, no. 3 (June 2024): 399–412.

the family while cooperating and supporting each other. This semi-moderate approach may be described as moderately patriarchy-centric, where the husband retains leadership but the wife functions as an active partner who participates in decision-making and household management. The relationship structure is therefore more flexible and conditional, adapting to family circumstances and needs.

In many cases, wives continue to assume a larger share of domestic responsibilities, while husbands focus primarily on financial provision.<sup>93</sup> However, in certain situations, both spouses collaborate in managing domestic affairs and supporting each other's professional aspirations. Although the husband retains primary authority, the wife does not experience marginalisation or complete subordination. This pattern is commonly observed among couples who adopt the head-complement or senior-junior partner models, where leadership remains present but is exercised within a framework of mutual respect and cooperation.

Among couples such as Wawan and Caca or Awik and Rani, the husband remains the head of the household; however, the wife maintains significant autonomy in participating in family life. Both partners collaborate in raising children and managing family finances while adhering to Islamic principles.<sup>94</sup> This relational dynamic emphasises mutual respect and adaptability, enabling spouses to respond to changing circumstances without abandoning their religious commitments.<sup>95</sup> This pattern often emerges among individuals whose initial religious understanding was relatively limited but who later engage more intensively with religious learning. Observations indicate that some migrants become more religiously observant after studying religion more formally in Australia. However, their continued interaction with Australia's social and cultural environment often encourages a semi-moderate orientation that balances religious commitment with social adaptation.<sup>96</sup>

Empirical evidence suggests that moderate marital models are the most prevalent among migrant families in Australia. This predominance may be attributed to sustained intercultural encounters and the development of religious understanding through engagement with Australia's secular public sphere. Exposure to egalitarian norms, institutional frameworks, and plural social interactions appears to encourage adaptive interpretations of gender roles and marital authority. Moreover, this tendency is facilitated by the religious orientation of many Indonesian immigrants who adhere to Sunnī Islam, particularly those affiliated with NU and Muhammadiyah. Both organisations, while rooted in classical *fiqh*, have historically accommodated contextual reasoning and social reform, thereby enabling more flexible interpretations of family law in diaspora contexts.<sup>97</sup>

Overall, moderate and semi-moderate orientations demonstrate that husband-wife relations among Muslim immigrants are shaped by an ongoing interpretive process rather

<sup>93</sup> Ivan Nurseha, "Ketimpangan Gender dalam Keputusan Rumah Tangga: Studi Interseksi Ekonomi, Pendidikan, dan Konstruksi Sosial," *MASADIR: Jurnal Hukum Islam* 4, no. 2 (December 2024): 947–55; Ma'mun and Maliki, "A Socio-Historical Study of Women's Rights Advocacy in Islamic Legal Construction," 1.

<sup>94</sup> M. Afiquil Adib, "Pemikiran Aminah Wadud tentang Relasi Kuasa dalam Rumah Tangga," *Living Islam: Journal of Islamic Discourses* 7, no. 2 (August 2024): 359–76.

<sup>95</sup> Bart Neyrinck et al., "Cognitive, Affective and Behavioral Correlates of Internalization of Regulations for Religious Activities," *Motivation and Emotion* 30, no. 4 (December 2006): 321–32.

<sup>96</sup> Benjamin Beit-Hallahmi, *Psychological Perspectives on Religion and Religiosity*, 1st ed. (Routledge, 2014), 166–78.

<sup>97</sup> Ma'mun et al., "Religious Moderation within Indonesian Diaspora in Australia's Secular Society," 153–72.

than by static doctrine. Religious understanding interacts dynamically with social context, producing diverse applications of *fiqh al-usrah*. Research by Neyrinck et al. supports this interaction by demonstrating that the internalisation of religious values influences behaviour and attitudes,<sup>98</sup> while Beit-Hallahmi highlights the psychological dimensions through which religious teachings shape human action.<sup>99</sup> These perspectives confirm that marital patterns among Muslim immigrants emerge through a dialectical interaction between normative religious teachings and lived social experiences. In Islamic legal terms, this reflects the continuing operation of *ijtihad* as Muslims seek to realise the ethical objectives of Shari‘ah within changing social environments. These findings indicate that religious interpretation functions as a critical mediating factor linking Islamic legal doctrine with the everyday negotiation of marital authority in diaspora settings.<sup>100</sup>

## Conclusion

This study demonstrates that marital relationships among Indonesian Muslim immigrant families in Sydney are characterised by significant diversity shaped by migration, cultural interaction, and, most importantly, varying interpretations of Islamic family law (*fiqh al-usrah*). The five identified relational patterns—owner–property, head–complement, senior–junior partner, equal partner, and equity–equality partner—reflect not merely processes of social adaptation but different modes of interpreting key Islamic legal concepts such as *qiwamah* (leadership), *nafaqah* (financial maintenance), *ta‘ab* (obedience), *shūrah* (consultation), and *mu‘asarah bi al-ma‘rūf* (equitable marital relations). These patterns indicate that Muslim marriages in diaspora contexts cannot be reduced to a single normative model. Rather, they represent a spectrum of juristic interpretations ranging from textualist preservation to contextual and *maqāsid al-shari‘ah*–oriented reformulations. While some couples maintain hierarchical arrangements grounded in classical understandings of authority, others reinterpret marital leadership as functional responsibility and mutual partnership, particularly among highly educated families and those exposed to more inclusive religious discourses.

By situating empirical findings within the framework of Islamic legal interpretation, this study contributes to socio-legal scholarship on the transformation of Shari‘ah in minority contexts. Migration does not dissolve Islamic norms; instead, it creates a space for ongoing *ijtihad* (independent legal reasoning), in which doctrinal principles are rearticulated to address new socio-cultural realities. The emergence of equity-based partnership models illustrates how Islamic values of justice, *maṣlahah* (public interest), and reciprocity can inform contemporary Muslim family life within multicultural societies. This research is limited by its focus on Indonesian Muslim immigrants in Sydney and by its qualitative design, which prioritises interpretive depth rather than statistical generalisation or longitudinal analysis. Future studies may expand comparative analysis across different Muslim diasporas, employ

<sup>98</sup> Neyrinck et al., “Cognitive, Affective and Behavioral Correlates of Internalization of Regulations for Religious Activities,” 321–32.

<sup>99</sup> Beit-Hallahmi, *Psychological Perspectives on Religion and Religiosity*, 166–78.

<sup>100</sup> Jasser Auda, *Maqasid al-Shariah: A Beginner’s Guide* (London: International Institute of Islamic Thought (IIIT), 2008), 22–35.

mixed-method approaches, or explore intergenerational transformations to further examine how *fiqh al-usrah* continues to evolve in global contexts.

### Acknowledgments

This article is based on research conducted in Sydney, Australia, funded by the Institute for Research and Community Service (*Lembaga Penelitian dan Pengabdian kepada Masyarakat*, LP2M) of UIN Salatiga under Decree Number B-922/Un.29/PN.03.1/02/2003. The authors gratefully acknowledge LP2M UIN Salatiga for its financial support.

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