

Reinterpreting Marital Maintenance: A *Maqāṣid al-Sharī'ah* Study on Skincare and Cosmetics Consumption in Indonesia and Algeria

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ABSTRACT

In Islamic law, research on marital maintenance (*nafkah*) has traditionally focused on clothing, food, and shelter. In contrast, the role of skincare and cosmetics as part of a wife's maintenance remains underexplored, especially in a comparative context between Indonesia and Algeria. Prior studies limit *nafkah* to basic needs, overlooking emerging consumption patterns shaped by health awareness and modern self-care practices. This study addresses this gap by reinterpreting *nafkah* through the lens of *maqāṣid al-sharī'ah* and *'urf*, employing a normative-comparative approach. The research examines classical and contemporary *fiqh* sources, national regulations—including Indonesia's Marriage Law and Compilation of Islamic Law, and Algeria's *Code de la Famille*—and recent socio-cultural dynamics in both countries. Findings suggest that skincare, due to its preventive and health-related functions, aligns with *ḥifẓ al-nafs* (protection of life/health) and *ḥifẓ al-'ird* (protection of dignity), and thus qualifies as obligatory *nafkah bil-ma'rūf*. Cosmetics are conditional, required only if they were part of the wife's pre-marital habits (*'urf khāṣṣ*) or requested by the husband, falling under *taḥsīniyyāt*. Comparative analysis highlights differences in family law orientation: Indonesia tends toward a formalistic approach, whereas Algeria adopts an adaptive framework emphasizing *'urf* through the Maliki school. This study contributes to contemporary Islamic family law discourse by illustrating how consumption culture, gender expectations, and modern health practices intersect with marital obligations.

Keywords: *Maqāṣid al-Sharī'ah*, Reinterpretation of *Nafkah*, Skincare and Cosmetics, *'Urf*

Introduction

The evolution of modern lifestyles has shifted societal perceptions of primary needs, particularly in the context of self-care. Recent studies indicate that skincare and cosmetics are no longer merely regarded as aesthetic necessities but have become integral to health maintenance and overall quality of life. Ma & Kwon (2021) found that, following the COVID-19 pandemic, there was a shift from makeup consumption toward skincare products as part of daily routines. Meanwhile, Bouhout et al. (2023) demonstrated that skincare use enhances well-being and life quality. Millennials and Generation Z have embraced skincare as a symbol of a healthy and ethical lifestyle (Delannoy et al., 2024; Wood, 2024). Moreover, recent research shows that the demand for skincare transcends gender boundaries, with men increasingly incorporating skincare into their personal grooming routines (Simanjuntak et al., 2025). From a sociological perspective, this shift reflects a cultural transformation in which self-care has become a primary need that encompasses health, moral, and aesthetic values. However, from the perspective of Islamic law, particularly contemporary fiqh, a fundamental question arises: can skincare be categorized as *nafkah*—the financial support that a husband is obligated to provide to his wife? This phenomenon illustrates that the scope of household *nafkah* extends beyond basic needs such as clothing, food, and shelter, encompassing other reasonable needs, such as skincare and cosmetics. This reality necessitates a re-examining the concept of *nafkah* within Islamic family law, which increasingly encounters the complexities of modern lifestyles.

The concept of *nafkah* in Islamic law refers to the husband's obligation to provide for his wife's livelihood, encompassing clothing, food, shelter, and other needs recognized by custom, as long as they do not contradict the principles of Sharia. This obligation is not only material but also includes moral and social dimensions, reflecting the husband's responsibility to maintain the continuity and harmony of the household. Karaman (2025) explains that classical sources of Islamic law—including the Qur'an, Hadith, and *ijma*—consistently recognize *nafkah* as a Sharia-based and social obligation of the husband, whose validity is not constrained by time as long as the marital bond remains. In the practice of family law across various Muslim countries, this obligation extends not only during the marriage but also throughout the *iddah* period following divorce (Ramadhita et al., 2023; Wimpelmann & Saadat, 2025). Studies conducted by Maktabi further indicate that in the family law frameworks in Tunisia, Egypt, Morocco, and Algeria, *nafkah* is regarded as an economic right of the wife (Maktabi, 2024).

Studies on *nafkah* have been mainly limited to clothing, food, and shelter obligations. Studi Alfikri et al. (2024) indicate that skincare constitutes a mandatory *nafkah* for wives. In contrast, cosmetics are not obligatory, except according to the Maliki school of thought when approached through the Burhani framework. Meanwhile, Osuly et al. (2024) do not explicitly address skincare but emphasize that a wife's *nafkah* includes hygiene products and items considered necessary according to prevailing societal customs. Sameem et al. (2025) argue that beauty-related items can be categorized as *nafkah* if they align with local *'urf* and do not exceed the husband's financial capacity. This perspective aligns with Schenk & Hasbullah (2022) who assert that regulations under Muslim Personal Law in various countries incorporate matrimonial maintenance as a core element of family law, providing a formal legal framework for emerging needs. These studies demonstrate that research on skincare and cosmetic *nafkah* from the perspective of contemporary *fiqh* remains relatively nascent and underexplored. Previous investigations have predominantly focused on normative aspects, without adequately considering the socio-cultural contexts that shape the evolving understanding of marital maintenance.

The research gap identified is that no prior studies have specifically compared skincare and cosmetic *nafkah* across countries, particularly Indonesia and Algeria, despite sharing Islamic legal foundations but differing regulatory frameworks and practices. This study aims to address this gap by re-examining the concept of *nafkah* in contemporary *fiqh* in accordance with modern lifestyles. Accordingly, two research questions are formulated: (1) What is the status of skincare and cosmetics as part of *nafkah* from the perspective of contemporary *fiqh*? (2) How do regulations and practices regarding the provision of skincare and cosmetic *nafkah* differ in Islamic family law between Indonesia and Algeria? The answers to these questions are expected to provide in-depth insights that can serve as references for religious court judges, fatwa institutions, and policymakers in formulating a scope of *nafkah* that is more adaptive to evolving societal needs.

In contemporary *fiqh*, the understanding of the scope of *nafkah* cannot be confined solely to the classical framework, which emphasizes only basic needs such as clothing, food, and shelter. Changes in modern lifestyles, the development of the beauty industry, and increasing societal awareness of the importance of self-care have made skincare and cosmetics needs that cannot be overlooked. However, the legal status of skincare and cosmetics as part of *nafkah* requires a thorough examination so that their provision is not merely based on widespread consumption but has apparent legitimacy within the perspective of *fiqh*. Based on this premise, the theory of *'urf* serves in this study as an essential instrument for determining legal rulings on new issues that are not explicitly addressed in the texts (*nash*). Skincare and cosmetics have become a widespread social

practice (*'urf 'ām*), accepted for beautification, hygiene, and health maintenance. Therefore, a contemporary *fiqh* study is needed to examine this practice as part of a valid *'urf* that can serve as a legal basis for a husband's *nafkah* obligation toward his wife.

Meanwhile, the theory of *maqāṣid al-sharī'ah* is employed to understand the *maslahah* of skincare and cosmetic use. In family law practice, *maqāṣid al-sharī'ah* allows for interpreting *nafkah* to include needs that serve preventive and health functions, such as skincare and maintaining personal dignity, as these directly relate to the principles of *ḥifẓ al-naḥs* (protection of life) and *ḥifẓ al-'ird* (protection of honor) (Harisudin & Choriri, 2021). In this context, it is necessary to consider both the protection of life and health (*ḥifẓ al-naḥs*) and the safeguarding of honor, dignity, and self-respect (*ḥifẓ al-'ird*). Consequently, an in-depth examination of this issue is required to assert that *nafkah* encompasses biological needs psychological and social well-being.

This in-depth study demonstrates that *'urf* and *maqāṣid al-sharī'ah* possess both theoretical and methodological legitimacy within Islamic law. Through an analytical and argumentative approach to primary sources, such as the Qur'an, Hadith, and classical jurisprudential literature, these concepts provide interpretative frameworks for addressing new issues. They encompass fundamental values, including public welfare, social justice, and the continuity of legal norms. When a particular *'urf* meets essential criteria—such as sustained practice, conformity with the *nash*, and broad societal acceptance—it further reinforces its status as a valid instrument of *ijtihād*. This instrument is not only adaptive to modern dynamics but also firmly grounded in the normative principles of Sharia.

Methods

This study employs normative and comparative approaches to analyze the obligation of *nafkah* in Islamic family law, focusing on self-care practices such as skincare and cosmetics (Espíndola, 2024; Taylor, 2024). The normative approach examines legal texts, classical and contemporary *fiqh* literature, and relevant statutory documents to understand the legal basis of *nafkah* obligations within Islamic family law. The comparative approach contrasts Islamic family law regulations in Indonesia and Algeria regarding self-care *nafkah*, considering the differences in social and cultural contexts between the two countries. Within this framework, the paradigms of *al-'urf*, *maqāṣid al-sharī'ah*, and socio-cultural perspectives are applied as interpretative tools to analyze the evolving concept of *nafkah*, which contemporary self-care practices and societal habits have reshaped.

This study encompasses two countries with distinct social and cultural contexts: Indonesia and Algeria. Indonesia has an Islamic family law system governed by Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan dan Kompilasi Hukum Islam. In contrast, Algeria is regulated by the *Code de la Famille*, which has its own approach to *nafkah* within Islamic family law. This study also considers the socio-cultural values in both countries to understand how *nafkah* is conceptualized, particularly concerning skincare and cosmetics.

The primary legal sources include statutory regulations forming the foundation of family law in Indonesia and Algeria, namely Undang-Undang Nomor 1 tentang Perkawinan Tahun 1974, Kompilasi Hukum Islam, and *Code de la Famille*. Secondary legal materials were derived from contemporary *fiqh* books, works on the four schools of Islamic jurisprudence, nationally and internationally accredited academic journals, and relevant research studies supporting the analysis. Data collection was conducted through a literature review (Snyder, 2019). This review involved identifying, collecting, and analyzing various documents related to the concept of *nafkah*, particularly *nafkah* about skincare and cosmetics. Sources included statutory regulations, *fiqh* books, academic journals, and relevant research findings. All data were analyzed using descriptive-analytical and comparative techniques. Descriptive-analytical analysis was employed to present the concept of skincare and cosmetic *nafkah* based on contemporary *fiqh* perspectives. In contrast, comparative analysis was used to contrast Islamic family law practices in Indonesia and Algeria.

Findings

The Status of Skincare and Cosmetics from the Perspective of Contemporary Fiqh

Nafkah in marriage refers to the provision a husband gives to his wife once the marriage contract (*'aqd*) is valid and fulfilled. *Nafkah* constitutes an essential component of the marital relationship, affirming the husband's obligation to adequately meet his wife's and children's living needs (*bil-ma'rūf*). This provision is given solely for the welfare of family life, as the wife is under the husband's responsibility, and *nafkah* is one of his fundamental duties (Ja'far & Hermanto, 2021). The obligation of *nafkah* is articulated in the Qur'an, specifically in Surah Al-Baqarah 233 and Surah Ath-Thalaq 6. These verses clearly establish the husband's duty to provide *nafkah* to his wife.

The jurists (*fuqaha*) of the four schools of thought—Hanafi, Maliki, Shafi'i, and Hanbali—agree that *nafkah* constitutes the husband's obligation to his wife following a valid marriage contract (*'aqd*). *Nafkah* becomes obligatory when the husband and wife

have conducted a valid marriage contract, the wife can perform her duties and obligations, is eligible for marriage, and does not refuse except for a valid *udhur shar'ī*. After the marriage contract, the wife is bound (*mahbusah*) to the husband, who benefits from her, obliging him to provide *nafkah*. This is analogous to the ruler's obligation to support the families of those engaged in jihad, as they are unable to provide for their own families. Az-Zuhaili (2010) details three main components of *nafkah*: food, clothing, and shelter, with additional needs recognized by custom (*'urf*), such as hygiene tools and small household items. In general (*ijtimali*), *nafkah* for the wife becomes the husband's duty arising from the valid marriage contract and the wife's presence in marital life (*tamkīn/ihtibās*), as long as the wife does not commit *nusyūz* (rebellion) and the marital relationship can be conducted appropriately. However, there are differences among the school imams regarding the specific conditions that make *nafkah* obligatory for the wife.

The Hanafi school asserts that from the moment of a valid marriage contract (*'aqd*), the obligation of *nafkah* becomes the wife's right once she has provided sufficient *tamkīn*, even if consummation (*dukhūl*) has not yet occurred, provided there are no *shar'ī* impediments on the part of the wife. Here, *tamkīn* is defined as the wife's readiness to reside in the husband's home and not to refuse marital relations without a valid excuse. If the wife refuses to move to the husband's residence, the husband is not obligated to provide *nafkah*. Conversely, if the delay in *dukhūl* originates from the husband, the *nafkah* obligation remains in effect. The Hanafi school also addresses conditions of *uzr* (such as illness, menstruation, or postpartum bleeding), which do not nullify the *nafkah* obligation, as they are not considered *nusyūz* (Haider et al., 2023). The Maliki school emphasizes the degree of *tamkīn*: *nafkah* becomes obligatory when the wife moves into and resides in the husband's home and provides full access to the husband within the limits of Sharia (Rushd, 1995). If the wife is present but withholds certain marital rights, *nafkah* may be suspended. A distinctive feature of the Maliki view is the influence of *'urf* on the details of *nafkah*, such that customary and reasonable personal care items, including cosmetics, can be considered part of *nafkah* if they were habitual for the wife before marriage. Regarding *dukhūl*, some Maliki scholars require that factual *tamkīn* enabling consummation occur, rather than relying solely on the formal contract.

The Shafi'i school occupies an intermediate position between the Hanafi and Maliki schools. In Shafi'i jurisprudence, *nafkah* becomes obligatory upon a valid marriage contract (*'aqd*) and complete *tamkīn*, while consummation (*dukhūl*) is generally not a requirement as long as *tamkīn* is evident. If the wife refuses to move to the husband's home without a valid *uzr* or chooses to reside with her family in a way that limits her rights, *nafkah* is not yet obligatory. However, if the delay originates from the husband, the

obligation to provide *nafkah* remains. Illness, menstruation, and postpartum bleeding (*nifas*) are not considered *nusyūz*, so the wife continues to receive *nafkah*. Shafi'iyyah often treats medical expenses as outside the scope of obligatory *nafkah*. However, contemporary authorities argue that reasonable healthcare can be considered *nafkah bil-ma'rūf* through considerations of '*urf* and *maṣlahah* (Nashuha et al., 2025). The Hanbali school is similar to the Shafi'i position, where *nafkah* becomes obligatory upon *tamkīn* without waiting for consummation, provided there is no *nusyūz*. If the wife refuses to move to the husband's home without a valid reason or refuses marital relations without a legitimate *uzr*, *nafkah* is still obligatory. Conversely, if the impediment originates from the husband, the obligation to provide *nafkah* remains in effect.

The jurists (*fuqaha*) state that a husband must provide for his wife's needs, such as soap, perfume, combs, *sidr* leaves for cleaning her hair in old age, and anything necessary for her personal hygiene. However, the husband is not required to purchase perfume if it is intended solely to please him, as this is his personal right (Haider et al., 2023). Anything considered the husband's personal right is not obligatory for him to provide. Nevertheless, if the purpose of purchasing perfume is to remove unpleasant odors, the husband must do so. There are differing opinions regarding skincare and cosmetics. Classical *fiqh* texts do not explicitly mention skincare or cosmetic products. However, a comparison can be drawn: skincare that is used to cleanse and maintain skin health can be considered part of *nafkah*, whereas cosmetics, which are intended for beautifying the face while also maintaining facial skin health, can be evaluated similarly depending on societal norms and necessity.

The contemporary *fiqh* paradigm views the concept of *nafkah* as no longer limited to basic needs such as clothing, food, and shelter, but rather adjusted to accommodate modern necessities that provide *maṣlahah* (benefit) to the wife. Contemporary scholars, such as Yusuf al-Qaradawi in *Fiqh al-Uṣrah al-Muslimah fī al-Da'wa wa al-Islah*, explain that the obligation of *nafkah* is dynamic and may include additional needs, provided they help maintain the wife's health, hygiene, and dignity. According to him, any need socially recognized as part of valid '*urf* ('*urf ṣaḥīḥ*) can be categorized as *nafkah bil-ma'rūf*. Accordingly, skincare and cosmetics can be considered part of *nafkah bil-ma'rūf* if they support the wife's hygiene, health, and appearance, contributing to household harmony. However, Yusuf al-Qaradawi distinguishes between skincare with health benefits and cosmetics used solely for beautification. Cosmetics intended purely for adornment do not constitute a mandatory *nafkah*, unless the husband desires his wife to beautify herself, or if the cosmetics were part of the wife's habitual routine prior to marriage, as this effort contributes to maintaining marital harmony (Al-Qaradawi, 2000).

Wahbah az-Zuhaili also comments on modern *nafkah* in his monumental work *al-Fiqh al-Islami wa Adillatuhu*. He emphasizes that a husband is obligated to provide *nafkah* to his wife in accordance with societal standards of living and customary practices (*'urf*), encompassing both basic needs and additional needs considered reasonable. In a modern context, az-Zuhaili states that personal care requirements for health and hygiene, such as soap, hair oil, and body cleansing products, fall within the husband's *nafkah* obligations. Although he does not explicitly mention skincare and cosmetics, based on az-Zuhaili's perspective, skincare products can be equated with essential hygiene tools referenced by classical jurists. Az-Zuhaili also stresses the importance of the principle of *maslahah*, whereby anything that provides health benefits, preserves dignity, and ensures psychological comfort for the wife can be considered part of *nafkah*. However, regarding cosmetics, he maintains that the husband is not obligated to provide them unless they are used within reasonable limits, were part of the wife's habitual routine before marriage, or are requested by the husband to maintain marital harmony. (Az-Zuhaili, 2010).

Both scholars mentioned above argue that medical expenses are also a component of a wife's obligatory *nafkah* that the husband must fulfill (Nasution & Jazuli, 2020). Contemporary scholars consider that covering the wife's medical costs is a mandatory part of *nafkah*, given that in modern times, women are frequently exposed to pollutants, industrial smoke, and radiation. Women's health, particularly skin health, is generally more vulnerable than men's. Although they do not specifically detail skincare and cosmetic maintenance, based on opinions regarding personal care, it can be concluded that skincare aimed at cleansing and maintaining skin health falls within the scope of a wife's *nafkah*. In contrast, cosmetics used solely for beautification do not constitute obligatory *nafkah*, except when they were part of the wife's habitual routine before marriage, as such efforts contribute to maintaining marital harmony.

The use of skincare and cosmetics in Indonesia indicates that the two scholars mentioned above consider medical expenses as part of a wife's obligatory *nafkah* that the husband must fulfill (Nasution & Jazuli, 2020). Contemporary scholars argue that covering a wife's medical costs is a mandatory component of *nafkah*, given that in modern times women are frequently exposed to pollution, industrial smoke, and radiation. Women are generally more susceptible to illnesses, and their skin is more vulnerable than men's. Although these scholars do not specifically detail skincare and cosmetic maintenance, based on opinions regarding personal care, it can be concluded that skincare aimed at cleansing and maintaining skin health falls within a wife's obligatory *nafkah*. In contrast, cosmetics used solely for beautification do not constitute obligatory *nafkah*,

except when they were part of the wife's habitual routine before marriage, as such efforts contribute to maintaining marital harmony.

Consumers tend to prefer natural personal care products which are believed to be safer for skin health and free from harmful chemicals (Setiawan et al., 2024). According to data from the Central Bureau of Statistics (BPS), the cosmetics industry grew by 5.59% in 2020, with a projected increase of 7% in 2021. This reflects a significant trend in consumption patterns, particularly among women. These figures indicate economic growth in the cosmetics sector and serve as a strong indicator of Indonesia women's rising needs and awareness regarding personal care, including skincare and cosmetics as part of daily necessities. This aligns with findings showing that health considerations, physical benefits, and anti-aging effects are primary drivers of the intention to purchase personal care products (Simanjuntak et al., 2025). Concerns over skin issues such as pigmentation, premature aging, and irritation have led to the use of skincare as a means to maintain skin health while enhancing self-confidence (Kimoto et al., 2022). Meanwhile, in Algeria, skincare and cosmetics is also widespread. A study by Afia highlights the growth of pharmaceutical entrepreneurship in Algeria, where the skincare and cosmetics sector is positioned as part of the health and parapharmaceutical industry (Afia et al., 2024). This phenomenon emphasizes that skincare and cosmetics beautify, maintain skin health and prevent disease. Overall, literature from both Indonesia and Algeria indicates a transformation in the meaning of skincare and cosmetics, from merely aesthetic symbols to instruments of health maintenance.

Differences in Regulation and Practice in Indonesia and Algeria

Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan dan Kompilasi Hukum Islam (KHI) governs Islamic family law and Indonesia. These regulations include provisions governing the husband's obligation to provide *nafkah* to his wife. However, neither explicitly mentions skincare or cosmetics as part of a wife's *nafkah*. Undang-undang Nomor 1 Tahun 1974 Article 34, paragraph (1) states: "The husband is obliged to protect his wife and provide all necessities of household life according to his ability.". Meanwhile, the KHI Article 80, paragraph (2) states: The husband is obliged to protect his wife and provide all necessities of household life according to his ability," and paragraph (4) specifies that "according to his income, the husband bears: a) *nafkah*, clothing, and residence for the wife; b) household expenses, maintenance costs, and medical expenses for the wife; and c) educational expenses for the children" (Rouf et al., 2023). Both regulations employ general phrasing without detailing the wife's specific needs.

Therefore, there is room for interpretation that skincare and cosmetics may be included under “household maintenance or other household expenses”.

In Algeria, Islamic family law is governed by the *Code de la Famille*, enacted in 1984. This legislation contains provisions regarding the husband’s obligation to provide *nafkah* to his wife. Article 74 states: “*Sous réserve des dispositions des articles 78, 79, et 80 de la présente loi, le mari est tenu de subvenir à l’entretien de son épouse dès la consommation du mariage ou si celle-ci le requiert sur la foi d’une preuve,*” which translates as: “Subject to the provisions of Articles 78, 79, and 80 of this law, the husband is obliged to provide for his wife’s maintenance from the consummation of the marriage – or if the wife requests it with valid proof. The types of obligatory *nafkah* provided by the husband are specified in Article 78: “*L’entretien consiste en la nourriture, l’habillement, les soins médicaux, le logement ou son loyer et tout ce qui est réputé nécessaire au regard de l’usage et de la coutume,*” meaning: “Maintenance includes food, clothing, medical care, housing or its rent, and everything deemed necessary according to custom and usage.” The components of *nafkah* cover food, clothing, shelter, medical care, and other primary needs based on customary practice (Bouguendoul, 2021). Medical care here refers specifically to health services required by the wife and does not explicitly include cosmetic or skincare products. Therefore, from a textual perspective, cosmetics and skincare are not considered part of the obligatory *nafkah* as explicitly stated in these articles.

Nevertheless, it is important to note that interpreting legal provisions, particularly within contextual Islamic family law, is not always confined to their literal meaning. While *soins médicaux* narrowly refers to medical health services, the scope of “care” in modern life can be broadened to include preventive measures and daily health maintenance (Maktabi, 2024). In this context, basic skincare products, such as moisturizers, sunscreen, and facial cleansers, can be interpreted as a form of preventive care aimed at maintaining skin health.

Discussion

Skincare and Cosmetics from the Perspective of *Maqāṣid al-Sharī’ah*

Modern lifestyles have transformed societal perceptions of needs, including personal care. Skincare, which was previously considered merely a cosmetic adjunct, has now become essential for preventing and maintaining skin health. Skincare refers to a range of products used to care for the skin, aiming to preserve its health, hygiene, and appearance. Its primary focus is not only on aesthetic beauty but also on preventive health aspects. Skincare products typically include: 1) Facial Wash, used to cleanse the face by removing dirt or dead skin cells, available in forms such as milk cleansers, oil cleansers,

and micellar water; 2) Toner, which refreshes the skin and reduces excess facial oil; 3) Moisturizer, to prevent skin damage caused by makeup and sun exposure; and 4) Sunscreen, which protects the skin from ultraviolet rays. In dermatological literature, skincare is understood as a component of self-care that impacts both physical and psychological health. Research by Bouhout et al. demonstrates that skincare provides positive effects, including relaxation and improved quality of life.

Contemporary analysis positions skincare not merely as a cosmetic product but as a form of self-care closely linked to health protection and quality of life, directly relevant to *Maqāṣid al-Sharī'ah*. The framework of *Maqāṣid al-Sharī'ah* indicates that every provision of Islamic law is directed toward preserving the essential objectives of Sharia (*al-darūriyyāt al-khams*). From the perspective of *ḥifẓ al-nafs* (protection of life), skincare prevents skin damage caused by UV exposure, pollution, and infections. For instance, sunscreen functions to avoid skin cancer, while moisturizers hydrate the skin and protect against chronic skin conditions. This aligns with the Sharia principle that all forms of health maintenance safeguarding the body (Az-Zuhaili, 2010). From the perspective of *ḥifẓ al-'ird* (protection of honor and dignity), skincare helps maintain healthy and well-cared-for skin, supporting self-confidence and promoting a positive self-image. Research by Bouhout et al (2023) demonstrates that skincare provides psychological and physiological benefits, including relaxation and enhanced emotional well-being. Consequently, skincare protects social honor, particularly for women in social interactions and domestic life. Although initially perceived as a practice for hygiene and health, skincare also carries dimensions that can be linked to protection from actions prohibited by Sharia, such as conflicts, unwarranted divorce, or even infidelity. By fulfilling the *nafkah* of skincare as part of a wife's personal care, a husband contributes to household harmony. He reduces the potential for moral deviations, a perspective further reinforced by Yusuf al-Qaradāwī.

Yusuf al-Qardawi emphasizes that any need that provides health benefits and psychological comfort to the wife can be categorized as *nafkah bil ma'rūf*. He explains that necessities supporting the wife's cleanliness, health, and dignity of the wife fall within the scope of *nafkah bil ma'rūf*. According to him, any widely accepted positive societal habit that does not contradict the *nash* can serve as a legal basis, in line with the fiqh principle *al-'ādah muhakkamah*. If skincare has become an everyday necessity for women to maintain skin health against pollution, UV exposure, and environmental stress, it can be classified as *nafkah bil ma'rūf*. Similarly, Wahbah az-Zuhaili states that one of the drivers of the development of *nafkah* law is the emergence of relevant societal issues. In modern societies exposed to pollution, extreme climate changes, and psychosocial stress, skincare is not a luxury but a real necessity. Az-Zuhaili notes that medical care and health maintenance,

including preventive tools, are obligatory *nafkah*. Therefore, preventive skincare can be regarded as a husband's mandatory *nafkah* for his wife.

Cosmetics are products designed to be applied, attached, or sprayed onto various body parts (such as hair, skin, lips, nails, and other areas) to maintain and enhance attractiveness, protect the body, and promote self-confidence (Oktasari, 2018). The primary purpose of cosmetics is aesthetic enhancement rather than preserving skin health. Examples of cosmetic products include: 1) Makeup, such as foundation, powder, lipstick, eyeshadow, eyeliner, and blush; 2) Hair and nail coloring products, including hair dye and nail polish; and 3) Fragrances, such as perfumes and body mists.

Unlike skincare, cosmetics primarily emphasize aesthetics and personal appearance. Most Islamic jurists do not consider providing cosmetics a mandatory obligation, except for the Maliki school, which requires a husband to supply essential beauty products if the wife is accustomed to using them (Yono & Muttaqin, 2024). The Hanafi, Shafi'i, and Hanbali schools generally maintain that cosmetic items such as eye makeup, hairstyling products, and nail polish are not obligatory for the husband to provide. In contrast, the Maliki school obliges the husband to supply essential cosmetic tools—such as kohl, oils, and other cosmetics—if their absence detracts from or impairs the wife's appearance. Meanwhile, most Shafi'i scholars hold that cosmetics and nail polish are not obligatory; however, if the husband desires his wife to use them, he must provide them. This position refers to the view of Imam Abu Ishaq as-Syirazi in *al-Muhadzdzab*: “As for henna, if the husband does not require it, he doesn't need to provide it. However, if the husband requests it from his wife, it becomes obligatory for him to provide it at its purchase price, as it is considered an adornment. This obligation arises due to certain specific requirements, which are fundamentally limited to enhancing the physical beauty of the woman, and are not mandatory by default” (As-Sirazi, n.d.).

Contemporary fiqh explains that cosmetics can be categorized as *nafkah* under two conditions. First, if the husband desires his wife to adorn herself, he is morally and legally obliged to provide the required cosmetic products, as he seeks the benefit of their use. Second, suppose the use of cosmetics has been a habitual practice of the wife before marriage (*'urf khāṣṣ*). In that case, it constitutes a recognized custom (*'urf shāḥīḥ*), and the husband is therefore obligated to meet this standard as a means of maintaining marital harmony. Based on this analysis, cosmetics differ from skincare within the framework of *Maqāṣid al-Sharī'ah*, as their function primarily emphasizes aesthetics or adornment. In the hierarchy of *Maqāṣid al-Sharī'ah*, this falls under the category of *taḥsīniyyāt* (enhancements of beauty and refinement). In contrast, skincare is more directly linked to preventive health and well-being.

The differences between skincare and cosmetics can be summarized in the following Table 1:

Table 1. Differences Between Skincare and Cosmetics

Aspect	Skincare	Cosmetics
Primary Objective	Maintain skin health, hygiene, and protection (preventive & self-care)	Enhance appearance, beauty, and aesthetic appeal
Main Function	Care for skin to remain healthy; prevent damage from pollution, UV radiation, or premature aging	Add color, conceal imperfections, beautify, or highlight facial/body features
Common Components	Cleanser, toner, moisturizer, serum, sunscreen, facial mask	Foundation, powder, lipstick, eyeliner, eyeshadow, blush, hair dye, nail polish, perfume
Health Benefits	Prevent acne, skin cancer, dehydration, premature aging	Primarily aesthetic; some products may cause allergies/irritation
Psychological Benefits	Comfort, confidence, relaxation, improved quality of life	Confidence, self-expression, status symbol, lifestyle indicator
Fiqh Status	Considered obligatory (<i>naflkah wajib</i>) if reasonable, as it falls under ' <i>urf ṣaḥīḥ</i> and supports <i>ḥifẓ al-naḥs</i> and <i>ḥifẓ al-'irḍ</i>	Conditional obligation; required if it is a pre-marriage habit (' <i>urf khāṣṣ</i>) or requested by husband
Maqāṣid Category	<i>Maslahah dharūriyyah</i> (protection of life/health) & <i>ḥājiyyah</i> (comfort/necessity)	<i>Maslahah taḥsīniyyah</i> (enhancement/beautification)

Comparison of Modern Alimony Laws in Indonesia and Algeria

Skincare and cosmetics are no longer perceived as luxury items or mere adornments but as essential needs for women in personal care. Data from the Indonesian Central Statistics Agency (BPS) indicate an increase in the cosmetics industry of 5.59% in 2020, with a projected growth of 7% in 2021. This reflects significant patterns in consumer behavior, particularly among women. These figures represent economic growth in the cosmetics sector and indicate the rising awareness and demand among Indonesian women for personal care, including skincare and cosmetics, as part of daily necessities. In this context, skincare and cosmetics are not solely related to aesthetic concerns but also encompass skin health, hygiene, self-confidence, and professional workplace appearance.

The growth of this industry also demonstrates that the consumption of skincare and cosmetic products has reached various social classes, with increasingly diverse product offerings. This phenomenon supports the argument that the need for cosmetics and skincare has become part of *'urf*, or common societal practice, among Indonesians. Within Islamic law and national family law, such social customs can serve as a legal consideration for including cosmetics and skincare as reasonable alimony for a wife, particularly when their use is proportionate and not excessive.

In the Islamic legal tradition, a husband's obligation to provide for his wife is regulated based on the principle that he is responsible for fulfilling her material needs in accordance with his capacity and the social customs of the wife. The Maliki school of thought is Algeria's official and most dominant madhhab. In Maliki jurisprudence, scholars assert that a husband is obliged to provide his wife with cosmetic or beautification tools if such adornments are considered part of the prevailing local customs (*'urf*) in the community where the wife resides, and if the wife was accustomed to using these items before marriage. In other words, if the wife previously used cosmetics, perfumes, hair oils, or other personal care products before marriage, the husband must fulfill these needs as part of her marital maintenance.

One of the principles applied is *al-'ādah muhakkamah*, which means that customary practices can be recognized as law as long as they do not contradict Sharia. Therefore, in this context, if it has become customary for women in Algerian society to use cosmetics and skincare products in their daily lives, these needs can be considered part of marital maintenance (*nafkah*), sought according to social custom (*mu'tadah*), rather than as a form of luxury or extravagance. This perspective demonstrates that Islamic law within the Maliki school is flexible and adaptive to the social context of the community. Consequently, although the Algerian Family Code does not explicitly mention cosmetics or skincare as components of marital maintenance, the Maliki approach provides a strong legal basis to accommodate these needs as part of the husband's obligations, provided that they are used within reasonable limits and according to the wife's customary practices.

From the discussion above, the differences between Indonesia and Algeria in regulating Islamic family law, particularly regarding marital maintenance, can be summarized in the following comparative Table 2:

Table 2. Comparison of Marital Maintenance Law in Indonesia and Algeria

Aspect	Indonesia	Algeria
Legal Basis	Law No. 1/1974 & Compilation of Islamic Law (KHI)	Code de la Famille (Article 78)
Components of Nafkah	Food, clothing (<i>kiswah</i>), housing, other household expenses	Food, clothing, housing, medical expenses (<i>frais médicaux</i>)
Skincare	Not explicitly mentioned; can be interpreted as <i>bil ma'ruf</i> (customarily required)	Not explicitly mentioned but recognized as part of health care
Cosmetics	Not obligatory unless it is customary or requested by the wife	Obligatory if it is a reasonable customary practice (<i>'urf</i>) of the wife
Legal Approach	Formalistic with room for interpretation	Adaptive, based on <i>'urf</i> and Maliki jurisprudence
Socio-Cultural Context	Patriarchal culture in Indonesia varies; in some regions, <i>nafkah</i> is understood as only basic needs, while modern lifestyle aspects (including skincare/cosmetics) remain debated	Arab-Maghrebi culture influenced by the Maliki school places <i>'urf</i> as a strong basis; Algerian women are accustomed to certain social standards (e.g., cosmetics and self-care), so these are considered reasonable needs

The expansion of marital maintenance (*nafkah*) cannot be separated from the social transformation accompanying the growth of the beauty industry and the evolving roles of women in society. Available data indicate that the cosmetic industry in Indonesia has experienced significant growth, reflecting that cosmetics and skincare have become an integral part of women's daily lives. These products are not solely associated with beauty but also with skin health, self-confidence, and even professionalism in the workplace. This demonstrates that women's need for personal care has become part of basic needs in a modern, increasingly developed society.

In the socio-cultural context, the role of women within the family and society has gained increasing recognition, creating expectations for husbands to support their wives' needs materially, psychologically, and emotionally. Personal care, such as skincare and cosmetics, is no longer viewed as an indulgence or luxury but as an integral part of the wife's well-being and health, directly affecting the overall quality of family life. This is also reflected in the growing awareness among women regarding the importance of personal care for maintaining skin health, which over time has become a socially accepted norm, including within the framework of marital maintenance (*nafkah*) in Islamic family

law. Contemporary studies demonstrate how modern courts assess *nafkah* based on “reasonableness,” “capacity,” and local ‘urf, in line with the classical principle of al-‘ādah muḥakkamah. In India and South Asia, the practice of legal pluralism results in variations in the fulfillment of *nafkah* across Sharia provisions, state law, and judicial rulings (Carroll, 1979; Larouche & Lemons, 2020). These provisions provide interpretive space, allowing judges and legal practitioners to consider that skincare and cosmetics may be categorized as *nafkah* for wives, provided it can be demonstrated that such products are used reasonably, not excessively, and for the health or personal care of the wife.

From the perspective of contemporary *fiqh*, skincare and cosmetics can be understood as concrete representations of the interaction between ‘urf (custom) and *maqāṣid al-sharī’ah* (objectives of Islamic law). Both reflect how modern societal habits, which increasingly emphasize personal care, have reshaped the household’s conceptualization of *nafkah* (marital maintenance). However, the status of skincare and cosmetics is not identical, as significant distinctions require a differentiation between ‘urf *ṣaḥīḥ* (valid custom) and ‘urf *fāsid* (invalid custom). The practice of using skincare has now become ‘urf *ṣaḥīḥ* because it meets the criteria of a sound habit, does not contradict the *nash* (textual sources), and provides tangible *maṣlaḥah* (benefit). Preventive functions of skincare, such as sunscreen to protect the skin from UV radiation or moisturizers to prevent skin damage, are clearly aligned with the *maqāṣid* of *ḥifẓ al-nafs* (preservation of life/health) and *ḥifẓ al-‘ird* (protection of dignity). Therefore, a husband who bears the cost of his wife’s skincare is fulfilling his obligation of *nafkah bil-ma’rūf* in accordance with ‘urf *ṣaḥīḥ* recognized in modern society. Neglecting such care may be considered a deficiency in safeguarding the fundamental *maqāṣid* of the household.

In contrast, cosmetics can be categorized as ‘urf *ṣaḥīḥ* when used proportionally to enhance personal appearance to maintain household harmony, or if they have been a habitual practice of the wife before marriage. In this context, cosmetics are related to the *maqāṣid* of *ḥifẓ al-‘ird* (protection of dignity), as they help preserve the wife’s dignity before her husband and the public. On the other hand, cosmetics may fall into the category of ‘urf *fāsid* when their use becomes excessive, leading to *tabdīr* (wastefulness), *isrāf* (extravagance), or is intended for purposes that violate *shar’i* norms, such as attracting the attention of non-mahram men. Therefore, cosmetics are dynamic in nature: they can be classified as either ‘urf *ṣaḥīḥ* or ‘urf *fāsid* depending on the context of use and the intention behind their application.

This analysis indicates that, conceptually, skincare aligns more closely with ‘urf *ṣaḥīḥ* and is consistent with the *maqāṣid al-sharī’ah*, making it appropriate to be considered part of the obligatory marital maintenance (*nafkah*). Cosmetics, on the other hand, have a

dual nature: they can be deemed *ṣaḥīḥ* when they reinforce *ḥifẓ al-'ird* (protection of dignity) and household harmony, but they may also be *fāsid* if they violate principles of moderation and the objectives of *sharī'ah*. Therefore, the contemporary reinterpretation of *nafkah* should employ a combined approach of '*urf* and *maqāṣid* to assess which needs are obligatory, conditional, or impermissible.

Conclusion

This study reconstructs the boundaries of marital maintenance (*nafkah*) in Islamic family law by incorporating modern self-care practices into the legal and ethical framework of spousal support. A comparative analysis of Indonesia and Algeria reveals that, although legal texts do not explicitly mention skincare or cosmetics, interpretive flexibility through '*urf* and *maqāṣid al-sharī'ah* allows both to be considered as part of *nafkah*. Skincare, due to its preventive and health-preserving functions, can be regarded as obligatory *nafkah* because it fulfills the objectives of *ḥifẓ al-naḥs* (protection of life/health) and *ḥifẓ al-'ird* (protection of dignity). Cosmetics, conversely, are conditional: they become obligatory if they were part of the wife's pre-marital habits or requested by the husband, thus fitting more appropriately under the category of *taḥsīniyyāt*.

Theoretically, this study enriches contemporary *fiqh* scholarship by bridging classical doctrine and modern consumption realities, demonstrating how Islamic law can adapt without compromising its normative principles. The findings provide a foundation for judges, legislators, and fatwa institutions in resolving domestic disputes and formulating family policies relevant to contemporary developments. More broadly, the study shows that the consumption of skincare and cosmetics represents a socio-legal shift in gender roles, health awareness, and marital expectations within modern Muslim societies. Future research should focus on empirical studies, particularly court rulings and the lived practices of Muslim couples across different jurisdictions, to assess the practical application of this reinterpretation of *nafkah*. In this way, the study underscores the importance of continuous *ijtihād* to ensure that Islamic family law remains responsive and relevant to contemporary challenges.

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