



The Feasibility of Modifying and Deferring the Wife's Financial Rights During Infectious Disease Outbreaks in Light of Islamic Jurisprudential Principles

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1. Introduction

The outbreak of infectious diseases, particularly the COVID-19 pandemic, has generated unprecedented social and economic challenges that have significantly affected family life. Economic recession, unemployment, business closures, and increasing medical expenses have reduced the financial capacity of many households, making the fulfillment of marital financial obligations increasingly difficult. Within Islamic family law, the wife's financial rights—particularly maintenance (*nafaqah*) and dower (*mahr*)—constitute essential legal and religious obligations imposed upon the husband. Nevertheless, extraordinary circumstances may raise important questions regarding the manner and timing of fulfilling these obligations.

This study examines whether exceptional situations caused by widespread infectious diseases justify the modification or postponement of the wife's financial rights under Islamic jurisprudence and Iranian law. Particular attention is devoted to the jurisprudential principles of **No Harm (La Darar)**, **Negation of**

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Hardship (Nafy al-Haraj), and Necessity (Darurah). The research seeks to answer three principal questions: (1) Can the wife's financial rights be modified or deferred during infectious disease outbreaks? (2) To what extent do Islamic jurisprudential principles authorize such adjustments? (3) What legal conditions and limitations govern these exceptional measures? The study hypothesizes that although the husband's financial obligations remain legally valid, their enforcement may, under exceptional circumstances and judicial supervision, be modified or deferred to achieve a fair balance between protecting the wife's rights and preventing excessive hardship for the husband.

2. Literature Review

Recent legal scholarship has increasingly examined the consequences of the COVID-19 pandemic for family law and contractual obligations. Previous studies have analyzed the application of hardship doctrines, the principle of no harm, and the legal implications of force majeure in family relationships. Several researchers have discussed the effects of infectious diseases on maintenance, dower, custody, and other marital rights. However, existing literature has generally addressed these issues within broader discussions of pandemic-related legal challenges, while a comprehensive jurisprudential analysis focusing specifically on the modification and postponement of the wife's financial rights remains limited. Accordingly, this study seeks to fill this gap by providing a systematic analysis based on Islamic jurisprudential principles and Iranian family law.

3. Research Method

This research adopts a descriptive-analytical methodology based on documentary research. Relevant data were collected from classical and contemporary Islamic jurisprudential sources, Iranian legal materials, statutory provisions, and academic literature. The collected

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materials were then analyzed through doctrinal and comparative legal reasoning in order to evaluate the jurisprudential foundations supporting the modification or postponement of marital financial obligations during public health emergencies.

4. Research Findings

The findings demonstrate that Islamic jurisprudence and Iranian law recognize maintenance and dower as binding legal and religious obligations that cannot be extinguished solely because of financial hardship. Nevertheless, exceptional circumstances such as widespread infectious diseases may justify adjustments in the manner or timing of their enforcement. Jurisprudential principles, particularly the doctrines of *La Darar* (No Harm) and *Nafy al-Haraj* (Negation of Undue Hardship), provide legitimate grounds for temporary modification where immediate performance would impose severe and disproportionate hardship upon the husband.

Such modifications may include installment payments, temporary postponement of payment deadlines, or proportional adjustment of maintenance according to the husband's actual financial capacity. The analysis further indicates that judicial discretion plays a decisive role in assessing financial incapacity, balancing the competing interests of both spouses, and ensuring that temporary relief measures do not undermine the substantive rights of the wife. Rather than eliminating the husband's obligations, these mechanisms preserve the underlying debt while adapting its enforcement to exceptional social and economic realities.

5. Conclusion

The study concludes that the wife's financial rights remain legally enforceable even during periods of widespread infectious disease and economic crisis. However, Islamic jurisprudence possesses sufficient flexibility through secondary legal principles to accommodate exceptional circumstances without compromising the essential nature

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of these rights. Judicially supervised modification or postponement of financial obligations represents a balanced legal solution that simultaneously protects the wife's legitimate interests and prevents excessive hardship for the husband. These findings demonstrate the adaptability of Islamic family law in responding to contemporary crises while preserving the principles of justice, equity, and family stability.

6. Keywords

Infectious Diseases, Wife's Financial Rights, Maintenance (Nafaqah), Dower (Mahr), Modification of Obligations, Deferral of Payment, Islamic Jurisprudence