

## **Responsibility for the Livelihood of Correctional Inmates for Their Families (A Study at Rumah Tahanan Negara Kelas IIA Pekalongan)**

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### **Abstract**

*In the concept of marriage is to Sharia guidelines, the husband should give love and affection to his wife wholeheartedly, in the form of good service and gentle speech and also provide for both physical and spiritual well-being. However, not all of these sacred bonds work as expected because there are factors that prevent the husband from being able to provide physical and spiritual support. This factor is that the husband is a prisoner/convict and is languishing in a State Detention Center so the fulfilment of his mental livelihood is hampered and not fulfilled, so how can a husband who has the status of a prisoner/convict fulfil his livelihood to support his wife? The author conducted field research located at the Rumah Tahanan Negara Kelas IIA Pekalongan. The research subjects were detainees/convicts who had Muslim families with the research object being efforts to fulfil their husband's support livelihood while being detainees/convicts. This research used a "purposive sampling" technique with a sample size of 5 out of 339 detainees & convicts. Research data was obtained from field observations, interviews with employees and prisoners/convicts and literature studies or other materials related to this research. After the data is obtained, it is then processed using qualitative methods and presented descriptively. In the conclusion, it is found how the husband of a prisoner/convict can provide/not provide for his wife and what the implications are for household resilience and harmony.*

**Keywords:** livelihood, prisoners, and Islamic families

### **A. Introduction**

Marriage is an example of a worship that contains two elements at once, namely the physical and spiritual elements. Islam places marriage as something sacred and very noble. By getting married a person tries to perfect half of his religion. (Abdul Syatar, 2019). Carrying out a marriage makes the man and woman legally bound by marriage and officially living as husband and wife. The contract is one of the tasks that Muslims must carry out in achieving the goals of marriage. Carry out and regulate the life of husband and wife in order to achieve the goals of marriage, and religion also regulates the rights and livelihood as husband and wife.

The rights discussed are what a person and others receive, while the livelihood discussed are what a person must do towards other people. The rights and livelihood of husband and wife are the wife's rights which are the husband's livelihood and the husband's livelihood are the wife's rights. There are three types of rights and livelihood of husband and wife, namely: wife's rights over husband, husband's rights over wife, and joint rights. (Beni Ahmad Saebani, 2016). Support (living costs) is the right of the wife and children in terms of food, clothing and shelter, medical treatment, as well as several other basic needs, even if the wife is rich. Family

livelihood is spending or using money for living needs or other needs in the family. (Abdur Rahman, 1996)

A husband who is capable and has a wife from a family who is also capable, then he must provide a living according to what a capable person consumes. Wives also have the right to be given clothes worn by people who can afford it. Regarding beds and other household equipment, they must also be the same as those used by people who can afford it. Meanwhile, women who are poor and have poor husbands also have the right to get food, clothing and shelter like women who are equal to them.

If a wife carries out her livelihood well and a husband does the same, it means a harmonious family is created. However, if a husband cannot carry out an livelihood due to an action that is against the law or Islam, then he must undergo punishment according to what he has done and a husband must enter prison.

However, in this day and age, in married life there are various kinds of problems that a husband as head of the family must face while still maintaining family life. The increasingly difficult demands of family life in fulfilling life's needs sometimes make a husband carry out prohibited actions in earning a living to meet the needs of his family, which is not justified, in the actions of a husband earning a living, while working, sometimes a husband makes mistakes and mistakes. which is carried out intentionally or unintentionally, so that this action constitutes a violation of the law and makes him a convict so that he is obliged to serve a sentence which is then called a prisoner.

On the other hand, when husbands commit an act of violation of the law which makes them prisoners, then there is a new burden and task for the wife, namely how they maintain their household while their husband is serving a sentence. Their task is very difficult, apart from being housewives who have to take care of their children, they also act as heads of families who have to think about the survival of their families.

In the situation of a husband who is serving time as a prisoner, as long as his wife does not disobey her husband, and the husband does not divorce or divorce, their relationship is still valid as husband and wife, and the wife is still bound only to her husband and the husband is still responsible for his wife and his family.

When serving a sentence in prison, the prisoner's movements are very limited and he still has the responsibility to support his wife because they are still legally husband and wife and their children, so this is a problem faced by a prisoner regarding his livelihood provider.

## **B. Research Methods**

This research is field research which is located at the Rumah Tahanan Negara Kelas IIA Pekalongan. The research subjects were detainees/convicts who had Muslim families with the research object being efforts to fulfill their husband's support livelihood while being detainees/convicts. This research used a "purposive sampling" technique with a sample size of 5 out of 235 detainees & prisoners. Research data was obtained from field observations, interviews with employees, detainees/convicts and the wives of detainees/convicts and literature studies or other materials related to this research. After the data is obtained, it is then processed using qualitative methods and presented descriptively.

## C. Discussion

### Living in The Anthropology of Family Law

#### 1. Anthropology of Family Law

One of the figures associated with the structural approach in the anthropology of family law is Claude Lévi-Strauss. Lévi-Strauss was a famous anthropologist who developed the theory of structuralism in anthropological studies.

In the context of the anthropology of family law, Lévi-Strauss emphasized the importance of structure in understanding family institutions in various societies. He views the family as a social structure governed by certain rules and norms. According to Lévi-Strauss, there are universal patterns in the institution of the family that underlie many cultural variations.

Lévi-Strauss argued that family structures emerged from marriage systems that regulated the exchange of women between social groups. He states that the marriage system produces rules and taboos that regulate family relationships and shape the broader social structure.

In his structural approach, Lévi-Strauss identified kinship structures that involve opposing relationships such as the relationship between husband and wife and the relationship between mother and child. According to him, these relationships reflect the exchanges and conflicts inherent in the kinship system.

Through Lévi-Strauss's structural approach, we can understand how the kinship system is structured, such as the division of roles in family relationships. In the development of family relationship roles, the head of the family is held by the husband. The head of the family has one livelihood to provide support for the family.

#### 2. The Meaning of Livelihood

The word Livelihood or Nafkah is taken from the word nafaqah. Meanwhile, the word nafaqat is the plural form of the word nafaqah, which means everything a person tries to fulfill their basic needs and the needs of other people, whether in the form of food, drink and others. (Ash-Shani, 2015). Support in general is a sum of money or goods given by someone for the living needs of other people, such as wife, children, parents, family, and so on. (Muhammad Baghir Al Habsyi, 2002). What is meant is providing maintenance for the wife, the wife's maintenance is obligatory for her husband. The responsibility for earning and providing for the family is the father (husband). (Sabiq Sayyid, 2004). In order to fulfill their needs in the form of food, clothing, shelter (including its contents), household help and so on, in accordance with the needs and habits that apply to the community. (Muhammad Baghir Al Habsyi, 2002)

Etymologically, livelihood is what you earn and spend for your family and for yourself. Anfaqa al-mal, meaning spending one's livelihood. Meanwhile, terminologically, providing a living means: providing food, clothing and shelter for the people who are dependent on them. (Yahya Abdurrahman, 2005) In the large Indonesian dictionary, livelihood is defined as: shopping, to maintain daily life, spending money given to the wife, income money to earn sustenance, working to earn money to live, shopping money. (W.J.S Poerwadaminta, 2003)

According to the term fiqh experts, these are expenses that must be incurred by people who are obliged to provide for someone, whether in the form of bread, sugar, clothes, shelter and all the needs and necessities that apply according to the circumstances and place, such as food, clothing, house and so on. (Syaikh Hasan Ayyub, 2011) Subsistence is all the needs and requirements that apply according to the circumstances.

### 3. The Livelihood History

Livelihood, as a concept related to fulfilling life's needs, has existed since ancient times. The history of livelihood can be traced in various civilizations and legal systems in the world.

In many traditional societies, livelihoods are based on gender roles and the division of tasks within the family. In general, men are considered the main breadwinners of the family, while women are responsible for taking care of the household and children. Therefore, men are expected to provide support for their wives and children as their responsibility.

In several legal systems, such as Roman law, Islamic law and European law, there are legal provisions that regulate maintenance in the context of marriage. For example, in Roman law, the concept of "obligatio alimentaria" regulated the husband's livelihood to provide support for his wife and children.

In Islam, livelihood is an important aspect of family relationships. The Islamic Law Book (Al-Qur'an) and Hadith regulate the rights and livelihoods of husbands in providing support for their wives and children. This is considered a moral and legal responsibility for the husband to ensure the family's economic needs are met.

During the development of modern society, the concept of livelihood has undergone changes and adaptations in accordance with changes in social, economic and cultural values. The development of women in the world of work and changes in gender roles have influenced the way livelihoods are defined and regulated in modern legal systems.

In many countries, family law regulates maintenance livelihoods between married couples and their children. This law determines the rights and livelihoods in providing and receiving maintenance, as well as establishing legal procedures for determining the amount of maintenance that must be provided.

Technological developments and globalization have also influenced the concept of livelihood. For example, in cross-border divorce cases, there are complex issues in determining the support that should be awarded, including determining jurisdiction and border arrangements.

Overall, subsistence history reflects the social, cultural, and legal changes that occurred over time. The basic principles remain related to fulfilling life's needs and family responsibilities in ensuring the welfare of family members.

### **Rumah Tahanan Negara Kelas IIA Pekalongan**

One of the correctional sub-systems that is known to the public and operates during the pre-trial period is the state detention center or what is known as the detention center. The layman's view is that it is difficult to differentiate between prisons and detention centers, people are more familiar with calling both "prisons". It's not surprising, because the function of both is almost the same, namely providing guidance to correctional residents. However, long before carrying out the guidance process, the detention center has the function of being a place of care for someone during the trial process, or in more detail: Detention center is a place where suspects or defendants are held during the investigation, prosecution and examination process at the court hearing. (Government Regulation no. 27 of 1983 concerning Implementation of the Criminal Code).

According to the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 6 of 2013 concerning Rules and Regulations for Correctional Institutions and State Detention Centers, State Detention Centers, hereinafter referred to as State Detention Centers, are places where suspects or defendants are detained during the process of investigation, prosecution and examination at the court hearing. .

According to the Decree of the Minister of Justice of the Republic of Indonesia Number: M.04-PR.07.03 of 1985 concerning the Organization and Working Procedures of State Detention Centers and State Storage Centers for Confiscated Objects, the State Detention Center has the task of carrying out care for suspects or defendants in accordance with statutory regulations applicable. To carry out these tasks, the State Detention Center has the following functions:

1. Carry out prisoner services;
2. Maintain security and order at the State Detention Center;
3. Manage the State Detention Center;
4. Carrying out administrative affairs.

In addition to the duties and functions mentioned above, the State Detention Center is also tasked with and functions in providing training for prisoners and students, namely all efforts aimed at improving and improving the morals (character) of prisoners and students who are in the State Detention Center (intramural treatment). . This is based on the Decree of the Minister of Justice Number: M. 02-PK.04.10 of 1990 concerning Patterns for the Development of Prisoners/Detainees.

On May 1 2024, it was found that the number of correctional inmates was 339 people out of a total capacity of 197 people with the following details: (Interview with Eko Kurniawan as Technical Implementation Head of the Prisoner Services Subsection)

Capacity	197
Detainees	162
Convicts	177
Amount	339
Details	
Males	326
Females	13
Terrorist	0
Drug	99
Corruption	2
Criminal	235
Trafficking	0
Illegal Logging	2
Death Penalty	0
Life Sentence	0
Foreign	1
Recidivist	87

From this data, the researcher took a total of 5 detainees and convicts as research samples with the following information:

Number	1	2	3	4	5
Initial Name	S	UDS	M	MGM	EV
Gender	Male	Male	Male	Male	Male
Age	53	63	54	25	24
Status	Convicts	Detainees	Detainees	Detainees	Convicts
Case	Embezzlement	Drugs	Fuel Abuse	Drugs	Embezzlement
Birth Place	Kendal	Sukoharjo	Pekalongan	Pekalongan	Rembang

Family Domicile	Kendal	Kedungwuni, Pekalongan	Kuripan Kidul, Pekalongan	Krapyak, Pekalongan	Rembang
Job	Notary Employee	Retired Local Government Civil Servant	Principal / Elementary Teacher & Sound System Rental	Entrepreneur	Private Sector
Children	2	3	3	1	1

### Distribution of Livelihood

In terms of fulfilling the livelihood of a husband who is a prisoner/convict, the author divides the typology of maintenance livelihoods while in detention into 3 types:

#### 1. Material Livelihood

Namely the livelihood to provide income in material form (money, furniture and material household needs) in order to maintain family economic stability to maintain family harmony.

#### 2. Inner Livelihood

Livelihood livelihoods in the form of close emotional/psychological bonds by maintaining communication patterns with the family such as asking about the condition of the house, praising the wife and pampering the wife both verbally and non-verbally through the Wartelsuspas (Special Community Telephone Shop) service provided by the Pekalongan Detention Center and visiting services face to face for the immediate family of the detainee/inmate.

#### 3. Biological/Sexual Livelihood

In this case, the Pekalongan Detention Center does not provide a "love room" for inmates and visitors (families) to have husband and wife relations because this is not regulated in the laws of the Republic of Indonesia.

Meanwhile, on the other hand, this biological income is mandatory to maintain household harmony, in line with what Shaykh Zuraq explained, "A wife's right to be respected by her husband twice a week. It may be less or it may be more depending on the satisfaction needs. Because making your wife happy is obligatory. Therefore, it is not appropriate for a husband to delay sexual intercourse until his wife really misses him. (Ilham Abdulloh, 2003)

In this case, the researcher's focus is on prisoners strategies regarding preventing the livelihood to have sexual intercourse.

### Interview Result

A. Based on the results of interviews with 5 prisoners, the following were found:

#### 1. S

##### a. Material Livelihood

Since 1996, S and his wife saved around 4,500,000 per month until 1999, then bought the money for a house and land. There are 6 plots of land cultivated for gardens, there are 4 heritage ponds. In total it produces 150,000,000 per month. Then, from the past until now, his wife has owned a baby clothing business and salon with a total income of 6,000,000 per month.

With these economic conditions, S feels that it is very helpful regarding his livelihood livelihoods and making the family economy stable so that family resilience can be formed.

b. Inner Livelihood

S uses the detention center's telephone facilities for telephone video calls with a frequency of 8 times per month. S maintains communication with his family by asking about the condition of his home and business. S receives food/clothing packages with a frequency of once every 2 months via an expedition sent by his family from Kendal.

c. Biological/Sexual Livelihood

S overcomes his biological livelihood/sexual desires by increasing his worship and taking part in maintaining the detention center mosque.

2. UDS

a. Material Livelihood

To support the family, the delegation of economic responsibility is handed over to the wife who works at opening a food stall. Apart from that, his wife also has a private pension, while UDS himself is a retired local government civil servant, for which he still gets a pension. With this economic strength, family resilience can be maintained.

b. Inner Livelihood

UDS maintains communication with families through telephone facilities provided by the detention center with a telephone frequency of 2 times per week. UDS receives face-to-face visits from families twice a month. During the visit, UDS always asked about the family's situation and was always willing to carry out his time as a prisoner.

c. Biological/Sexual Livelihood

UDS and also his wife who has entered old age really understand the age factor related to sexual desire, so UDS prioritizes sexual needs, of course this is also agreed with the wife.

3. M

a. Material Livelihood

M still gets 50% of his salary from his job as a civil servant, school principal/teacher, around Rp. 2,000,000, apart from that M's business in the form of renting layouts and sound systems is still continuing which is now managed by his wife, with income of Rp. 3,000,000 to 5,000,000 per month. With this income, M is considered sufficient to support the family so that M's family finances remain stable.

b. Inner Livelihood

M always telephones his family every day using the detention center's telephone facilities. The family is always worried about M's condition in the detention center, but M always assures the family that he is fine in the detention center. Through the telephone, M asked about his family's condition, how his friends were doing, and didn't forget about his layos & sound system rental business.

M also gets family visits once a week and receives food/clothing packages sent by his wife, even though at home his wife is also busy looking after her sick mother.

- c. Biological/Sexual Livelihood
 

M has not felt a reaction of passionate sexual desire because he has only been in detention for 2 months. Apart from that, according to M, a depressed mental condition will divert thoughts to sexual matters.
4. MGM
- a. Material Livelihood
 

MGM said that he had consulted with his Koran teacher regarding providing a living, that in the event of an excuse (absence), in this case being a prisoner, a husband is not obliged to provide a living. He conveyed this to his wife if he was unable to provide a living. On the other hand, his wife works as a private employee. The wife was also entrusted to the family. With his wife's income, the MGM family's economy is quite stable.
  - b. Inner Livelihood
 

MGM calls his parents and wife once a week via the detention center to maintain peace of mind when his wife is upset or worried. MGM pampered his wife by telephone or letters he wrote and sent once a month which were entrusted to MGM's parents when they visited him. MGM in winning his wife, he puts his soul as if he were at home by asking about economic conditions, what help his wife needs, also talking sweetly, even occasionally flashing back about the love story he had with his wife in the past so that he remembers how they fought. The letters that MGM wrote to his wife, he usually filled them with poetry or poems.
  - c. Biological/Sexual Livelihood
 

MGM does not discuss sexual relations with his wife as much as possible. He and his wife try to protect their hearts. MGM prays to divert his thoughts. He looks for things to be busy mentally and physically so he doesn't become careless about his lust, he doesn't watch TV to avoid watching women who provoke his lust. He reads books diligently to fill his busy life. MGM believed that people could be physically imprisoned, but not their souls.
5. EV
- a. Material Livelihood
 

EV entrusts his wife to EV's parents. EV's wife doesn't work, EV still has savings for the family's needs. While outside, EV was also kind to his friends, so his friends helped him by giving him around Rp. 500,000 per month from 3 - 4 friends taking turns. Apart from that, EV's half-brother gives an allowance of IDR 500,000 / month.
  - b. Inner Livelihood
 

EV contacts the family every day via telephone at the detention center. He has the principle that "don't get irritated often, be self-aware of yourself" towards his wife, and don't bring problems into the house. However, he was never visited by his family because he lives in Rembang. EV gets a food package once a month which is sent via expedition. EV never tells his wife about sad things so that his wife's mind is at peace, EV also always invites his wife to joke over the phone so that she doesn't take herself too seriously.
  - c. Biological/Sexual Livelihood



EV cannot provide biological or sexual support to his wife. However, if EV feels sexual desire/desire emerging, he vents it by masturbating.

#### B. Interview with the wives of correctional inmates

##### 1. S's Wife

While S was in the detention center, the family's economy could be said to be stable because there were several businesses left behind by S and were able to support the family. The intensity of telephone calls is rare because I am also busy managing my business.

##### 2. UDS's Wife

Every day I sell cooked food to support my family's needs, because the UDS pension money is only enough to support my household needs, while there are other needs, namely for my children and my personal needs.

##### 3. M's Wife

I often communicate with M because since he entered prison, I have managed his sound system business. It's a bit of a problem in managing this business because sometimes there are customers I don't know, whereas I can only contact M at certain times according to the telephone schedule at the detention center. Thank God, the family economy is still safe.

##### 4. MGM's Wife

My husband is quite romantic, he always seduces me in various ways. This is what I realize builds family harmony even though my husband is serving a sentence. Previously I didn't work, but since my husband was arrested I was forced to work to meet the needs of my family, especially my child who was born a few months ago.

##### 5. EV's Wife

Regarding the economy, I really get help from my older brother who gives me monthly money, and sometimes from my husband's friends who give me money. For me, this is enough to meet my family's needs because I don't need too many.

#### D. Conclusion

The division system in family relations has existed since ancient times along with its development process. As time goes by, some roles that according to the rules/norms should be carried out by husbands are replaced by wives, and vice versa. Likewise with the laws that accompany it, anthropology records how society regulates and adapts laws to social reality. The livelihood to provide a living should be given by the husband to the wife, but the husband becomes a prisoner/convict which results in his ability to earn a living, so that in this case the husband is excused/obstructed in carrying out his worship (livelihood).

Even though the husband's livelihood to provide maintenance in positive law and Islam is mandatory, it cannot be avoided that sociological facts show that this role is replaced by the wife. This is the subject of an anthropological study of family law, how the law has developed over time to explain a person's role in family relationships.

#### REFERENCES

Abdulloh, Ilham. 2003. *Kado Buat Calon Mempelai*. Yogyakarta: Absolut.

Abdurrahman, Yahya & Mujahidin Muhayan. 2005. *Fikih Wanita Hamil*. Jakarta: Qisthi Press.

Al-Habsyi, Muhammad Baghir. 2002. *Fiqh Praktis*. Bandung: Mizan.

\_\_\_\_\_ 2002. *Fiqh Praktis*. Bandung: Mizan.

Ash-Shani, Muhammad bin Islam Al-Amir. 2015. *Subuh As-Syarh Bulugh Al-Maram*. Jakarta Timur: Darus Sunnah Press.

Ayyub, Syaikh Hasan. 2011. *Fiqhul Usrotil Muslimati*, Penerjemah Abdul Ghofar Em, *Fikih Keluarga*. Jakarta: Pustaka Al-Kautsar.

Poerwadaminta, W.J.S. 2003. *Kamus Besar Bahasa Indonesia, Edisi Ke-3*. Jakarta: Balai Pustaka.

Peraturan Pemerintah No. 27 Tahun 1983 tentang Pelaksanaan Kitan Undang-Undang Hukum Pidana

Sayyid, Sabiq. 2004. *Fiqh Sunnah*. 2004. Jakarta Pusat: Darul Fath