

## **Fulfillment of Livelihood in Islamic Law in Family Resistance**

Imam Sujoko, IAIN Pekalongan, [imamsujoko321@gmail.com](mailto:imamsujoko321@gmail.com)

Abdul Qhoni, IAIN Pekalongan, [guzzdul@yahoo.co.id](mailto:guzzdul@yahoo.co.id)

Ahmad Mujahid, IAIN Pekalongan, [tjahedan1995@gmail.com](mailto:tjahedan1995@gmail.com)

### **Abstract**

*This article aims to explain how to interpret a husband's livelihood for his wife and family members according to Islamic law, and what are the implications of providing a living for the family. Through library research, data processing is analyzed by descriptive analysis. The results obtained from this study indicate that a living can be formulated in terms of a person's obligations that arise as a result of his actions that contain a burden of responsibility, namely in the form of paying a number of costs to meet both primary and secondary needs for something that is under his responsibility. In addition, living in Islam is also seen as a form of worship where its implementation will result in not only material-worldly issues, but also considerations of ascetic life. A valid marriage contract creates rights and obligations between a husband and wife. Among the obligations of the husband which is the wife's most important right is the obligation to provide a living, either in the form of food, clothing (kiswah), or a place to live together. With the marriage, the husband is obliged to provide a living for his wife, both physically and mentally. The husband's obligation is a guide, towards his wife and household, but regarding matters relating to the household that are important, it must be decided by the husband and wife together. The husband is obliged to protect his wife and provide everything for the needs of family life according to his ability.*

**Keywords:** Life, Contextual Fiqh, Family, Islamic Law.

### **A. Introduction**

A valid marriage contract creates rights and obligations between a husband and wife. Among the obligations of the husband which is the wife's most important right is the obligation to provide a living, either in the form of food, clothing (kiswah), or a place to live together.

With the marriage, the husband is obliged to provide a living for his wife, both physically and mentally. The husband's obligation is a guide, towards his wife and household, but regarding matters relating to the household that are important, it must be decided by the husband and wife together. The husband is obliged to protect his wife and provide everything for the needs of family life according to his ability.

## **B. Discussion**

### ***1. Definition and Legal Basis of Livelihood***

Linguistically, livelihood comes from the syllables *انفاق* , *انفف*, which means spending or financing. Therefore, the word Nafaqah means cost. In the Big Indonesian Dictionary, a living is a husband's income that must be given to his wife.

While in Islamic law, the word sustenance can be interpreted as all living expenses which are the rights of the wife and children in terms of food, clothing and shelter as well as some other basic needs, even if a wife is a rich woman.

Wahbah Zuhaili Nafkah provides a definition that a living is an expenditure that is usually given by a person to another person who is his responsibility in meeting all the necessities of life, both in the form of clothing, food and housing and other things with something good. Meanwhile, according to Sayyid Sabiq, a living is to meet the needs of food, shelter, as well as housekeepers and wife's treatment, if he is a rich person.

From some of these definitions it can be concluded that a person's obligation to provide a living to those who are entitled to receive it, such as a husband is obliged to pay a living to his wife, children and even the main income given is aimed at meeting basic needs in household life, namely in the form of food, , clothing and shelter. The obligation to provide a living is given according to their abilities, this can be adjusted according to the needs and abilities of each to suit their circumstances and standard of living.

Among the verses of the Qur'an that state the obligation of living is contained in the letter al-Baqarah (2) verse 233:

لَى الْمَوْلُودِ لَهُ الْمَعْرُوفِ لَا لَفَّ لَا أَلَا أَرَّ الدَّةُ لِدَهَا لَا لُودٌ لَهُ لَدِهِ

“It is the father’s duty to provide shopping and clothes for his wife. A person is not burdened except as much as he can afford, a mother will not be in trouble because of her child, and a father will not be in trouble because of his child.

In addition, it is also contained in the Word of Allah SWT in Surah Ath-Thalaaq verses 6 and 7:

لَا أَرْوَهُنَّ لِتَضَيَّقُوا لِيَهِنَّ أَوْلَاتٍ لِيَأْيِهِنَّ لَهِنَّ لَكُمْ  
لِيُنْفِقُ مِنْ سَعَتِهِ لِيَهِنَّ لِيُنْفِقُ إِيَّاهُ اللَّهُ لَا لَفَّ اللَّهُ إِلَّا إِيَّاهُ (6) وَأَنْتُمْ رَوَا تَعَاَسَرْتُمْ لَهُ

"Put them (wives) where you live according to your ability and do not trouble them to constrict their (hearts) ..., Let people who are able to provide a living according to their ability. and the person whose sustenance is narrowed should provide for him from the wealth that Allah has given him. Allah does not carry a burden on a person but only what Allah has given him. Allah will provide space after hardship" (Ath-Thalaaq: 6 and 7)

In addition to the word of God which explains the obligation to provide for the wife, the obligation to provide a living is also mentioned in the Sunnah of the Prophet:

الْوَجْهَ «لَا - اِكْتَسَبْتَ - اِكْتَسَبْتَ» حَكِيمِ اَوِيَّةَ الْقَشِيرِيِّ اَلْ لُتْ اَلِ اَلِ اَلِ اَلِ اَلِ اَلِ اَلِ  
لَال

"The husband’s obligation to his wife is to feed him when he eats, and to clothe him when he is dressed. Don’t hit him in the face, don’t badmouth him, and don’t isolate him in the house."

## **2. Purpose and Principles of Livelihood**

If a wife lives at home with her husband in family life, then the husband is obliged to bear his living and fulfill all the needs of his wife such as: food, clothing, and so on. So in this case the wife should not ask for a living more than her husband’s ability. Because basically the provision of a living by the husband in meeting the daily needs of his wife is in accordance with his ability.

Al-Qur'an and hadith do not mention the level or amount of maintenance that must be given by a husband to his wife. The basic principle of living in general is that the provision of a living must be in accordance with the needs of the wife and according to the ability and ability of the husband. In this case, the income is given by the husband to the wife according to what is appropriate, in the sense that it is sufficient to meet the needs of the wife and in accordance with the husband's income.

Neither the Qur'an nor the Hadith explicitly mentions the regulation regarding the level of living that must be fulfilled by a husband or father. However, if studied further, it can be concluded that the provisions contained in the Qur'an are very in accordance with the nature of husband and wife who love and care for each other, and between each other must give mutual understanding both in terms of advantages and in terms of shortcomings. each.

The scholars have agreed on the obligatory law in providing a living, but the scholars still have different opinions regarding the level or amount of a living that must be given.

Hanafi scholars argue that the amount of income for the wife is adjusted to the ability of the husband, rich or poor, not just looking at how his wife is. Abu Hanifah, Malik and Ahmad argue: "Wife's income is measured and adjusted to the circumstances".

Meanwhile, according to Imam Shafi'i, the determination of the amount of living is not measured by the number of needs, but is determined based on the syara'. Although Imam Shafi'i agrees with the Hanafi group, namely regarding the rich and poor condition of the husband, Imam Shafi'i stipulates for husbands who rich is obliged to provide a living every day two mud. As for the poor, it is determined one day one mud. And for those who are one and a half young.

### ***3. Kinds of Livelihood***

Lives are divided into two types:

#### **1. Live For Yourself**

Islam recommends that living for yourself should take precedence over living for others. It is not justified if oneself suffers, because he prioritizes living for others.

## **2. Support for Others Due to Marriage and Kinship Relationships.**

The reasons for the obligation to provide a living can be classified into three reasons, namely:

a. Because there is a kinshi

In Islam, the existence of a lineage or descent relationship is a relationship that can dominate. Therefore, with this relationship, one can receive one's property. Because the family relationship is very close, it results in rights and obligations between each individual. As is the case in the obligation to provide a living, both to the wife and to the husband, to the children or to both parents.

The fuqoha' argue that the family relationship that causes the obligation to provide a living is a close family who needs help. According to Imam Hanafi, there is an obligation to pay a living for a person to his family, if between them it is a relationship that makes marriage unlawful.

If a person is considered capable and his relatives really need help because they are poor and so on, then providing a living for the relatives is an obligation for him. Close relatives who are more entitled to be supported than distant relatives, even though both of them need help if the property to be spent is only sufficient to provide a living for one of them.

b. Cause of Ownership

A person is also obliged to provide a living for those he has, such as slaves and pets, in the form of food and drink for his survival. If a person does not want to carry out this obligation, the judge may force that person to provide a living for his pets and slaves.

c. Cause of Marriage

One of the reasons that give rise to a living obligation is a valid marriage contract. With the marriage contract, a wife becomes attached to her husband, takes care of children and manages the household, and so on. Therefore, all the needs of the wife become an obligation for her husband.

Household needs that must be met by the husband include the following:

- a. Shopping and daily household needs.
- b. Costs for the maintenance of children's lives.
- c. Shopping for schools and education for children.

## **4. Livelihoods in Islam**

a. Husband's sustenance to wife

The obligation to pay a living for the wife is also based on several conditions that must be met, if not fulfilled, then the wife is not entitled to a living. The conditions for the wife to be entitled to receive a living are as follows:

- a. The bond must begin with a valid marriage contract.
- b. The wife is obedient and obedient to her husband.
- c. Wife serves her husband all the time allowed.
- d. The wife does not refuse if the husband takes her on a trip, unless the wife feels sure that the trip is not safe for herself and her property.
- e. Husband and wife want to help each other.

b. Child's sustenance to parents

A child is obliged to provide a living for his parents if he lives in a state of well-being, while his parents are in a state of distress, such as if his parents are poor or the parents are not mentally healthy.

c. The sustenance of parents to their children

Just as a well-off child is obliged to provide a living for his parents, a well-off parent is also obliged to provide a living for the child, if a child is in a state of:

- a. Still small (immature) and poor.
- b. Children who are poor and unable to work.
- c. The child is unreasonable.

***5. The loss of the husband's obligation to provide for his wife***

Basically, a living is required to support the life of husband and wife, if the life of husband and wife is in normal conditions, where husband and wife fulfill each other's rights and obligations. However, if the husband does not carry out his obligations related to providing a living, then the wife can suspend her obedience in ways such as not wanting to be mixed by her husband. The majority of scholars are of the opinion that a wife who does not earn a living from her husband has the right not to provide services to her husband, and she is even allowed to choose to annul the marriage or Faskh.

On the other hand, the wife's right to receive a living can also become invalid if she does not carry out her obligations. Among others are:

- a. If it turns out that their marriage contract is invalid or fasid (damaged), as in the future it turns out that the two husbands and wives have a mahram relationship and so on.
- b. The wife is still small (not yet mature) and she still lives at her parents' house.
- c. The wife is sick and she does not want to be at home with her husband. But if she is willing to live with her husband, she still has the right to earn a living.
- d. If the wife violates the provisions or religious prohibitions related to the life of husband and wife.
- e. If the wife is nusyuz, the wife is no longer carrying out her obligations as a wife.

### **C. Concluding Remarks**

Giving a living by a husband to his wife and parents to their children is an obligation and responsibility that must be fulfilled and must not be violated. This living obligation is regulated in Islamic law as contained in the letter al-Baqarah verse 233 and also the Hadith. There are three reasons that require the provision of a living, namely because of kinship, ownership and marriage.

The obligation to fulfill the livelihood is in the form of basic needs, such as food, shelter, education and others. Meanwhile, the level or size of the income that must be met by the parents or husband cannot be determined, because it must be adjusted to the ability of the person who provides the living.

Livelihood is not only a gift given by a husband to his wife, but also an obligation between a father and his son and also has a responsibility between an owner and something he owns. The obligation to make a living has been stated in the sources of Islamic law, the Koran and the hadith, including the Surah Ath-Thalaq verse (6), Al-Baqarah verse: 233, and others. Nafkah means an obligation that must be carried out in the form of providing shopping related to basic needs, both husband to wife and father to children or their families. Once the importance of a living in the study of Islamic law, even a wife who has been divorced by her husband is still entitled to earn a living for herself and her child. Besides that, although living

is an obligation to be fulfilled, but regarding the level of living, one must first look at the limits of the provider's ability.

## REFERENCES

- Abdurrahman. 1992. Marriage in Islamic Shari'ah. Cet, I, Jakarta: Rineka Cipta.
- Abu Dawud, Solomon. 1998. Sunan Abu Dawud, Beirut: Daa al-Kutub al-Ilmiyah.
- Al-Zuhaili, Wahbah. 2002. Al-Fiqh Al-Islami Wa Adilatuhu. Syria: Dar Al-Fikr bi Damsyiq.
- Ash-Shiddieqy, Muhammad Hasbi. Islamic Fiqh Laws, Cet. IV, Jakarta: Star Moon,
- Bahri, Syamsul. "The Concept of Livelihood in Islamic Law" Kanun Journal of Legal Studies, (No. 66, Th. XVII (August, 2015).
- Big Indonesian Dictionary Editorial Team. 2008. Big Indonesian Dictionary, Jakarta: PT Gramedia Pustaka Utama
- Hasan, M. Ali. .2006. Guidelines for Household Life in Islam. Jakarta: Prenada Media Group.
- Moh. Rifa'i, Moh. Zuhri, Solomon. 1978. Translation of Khulasah Kifayatul Akhyar, Semarang: CV. Toha Son.
- Mughniyah, Muhammad Jawad. 1994. Fiqh of the Five Schools, Cet. I Jakarta: Basrie Press.
- Munawir, Ahmad Warson. al-Munawir, Indonesian Arabic Dictionary. Yogyakarta: Progressive Library
- Sabiq, M. Sayyid. 1990. Fiqh as-Sunnah. cet. 2nd. Bandung: Alma'arif.
- Soemiyati. 1982. Islamic Marriage Law and Marriage Law (UU No. 1 of 1974), Yogyakarta: Liberty.