

Wife's Involvement in Making a Live in Islamic Law

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ABSTRAK

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This article discusses the Involvement of Wives Making a living in Islamic Law, the subject of this article is about the problems that arise due to the phenomenon of the wife participating in making a living, this is considered to have deviated from Islamic law where a wife has the responsibility of taking care of the house. in terms of taking care of children and serving her husband well, and absolutely making a living is the responsibility of a husband. The purpose of writing this article is to find out the context of the livelihood itself and how Islamic law accompanies and regulates the phenomena that have been seen in the current era. The author uses a qualitative research approach with library research data collection techniques, the author takes data from books, scientific journals, literatures and other publications that are worthy of being used as sources for this research. The qualitative research that the author uses is research that produces information in the form of notes and descriptive data contained in the text under study. The results of the research that the authors describe in this article state that in general providing a living to the family is the husband's obligation, where the husband is the head of the household who has the responsibility to meet all the economic needs of his family. Meanwhile, the wife has the responsibility to take care of the household which includes taking care of her children and serving her husband. From the problems that have experienced the development of the role of breadwinners, a social role under certain conditions can be done together husband and wife. Thus, husband and wife must be aware of the state of their household, not injure the marital commitments that are fostered together. The wife's involvement in earning a living can be allowed under the conditions given by Islamic law.

1. Introduction

Nafkah means "shopping". The meaning is something that a person gives to his wife, relatives, and property as a basic need for them. Basic necessities, such as food, clothing and shelter. If we are faced with the word livelihood, of course we will think of one of the obligations of the husband as the head of the household, namely to provide a living for his wife and the obligation to meet all the economic needs of his family.

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The existence of the husband's obligation as a provider to his wife has been stipulated in Islamic law, even in government regulations this has been stipulated. Even. In Islamic law, it has been explained quite clearly and wisely about the legal basis of livelihood as a law that has been determined by Allah SWT. What we must follow and apply in our daily lives in order to bring the family life to *sakinah*, *mawaddah*, and mercy.

In a family, there are obligations between husband and wife. In terms of livelihood, the husband is the holder of the responsibility in fulfilling it. Meanwhile, the wife has an obligation to manage household affairs as well as possible. Even in Islamic law, the wife is prohibited from leaving the house without her husband's permission and going out alone. This is because the wife's obligation is only to take care of the children, husband and other household matters, while the husband who has the obligation to provide for the family is the husband.

In the reality of people's lives that have undergone changes, the context of the above provisions has developed, where the role of the breadwinner is actually not based on nature but is related to social responsibility that can be carried out by anyone who is ready and able to carry out that role. The development of the context is based on the phenomenon of fulfilling family needs with efforts to maintain family life, increasing the need for education and health, so the sole breadwinner is actually not a problem if it has met the needs of the family, so that it can create a prosperous and *sakinah* life. However, if the sole breadwinner is not able to meet the needs of the family, then in reality society has shifted where it is ready or not ready, able or not the wife is able to take on a productive role outside of her duties as a wife, namely helping her husband in fulfilling the family economy.

In the current era, we are shown a lot of phenomena in which the behavior of a wife is more diligent in earning a living to meet the economic needs of their family, both from laborers, office workers, civil servants, selling online, traveling trade and others. In this case, it does not mean that her husband does not fulfill his obligation to work to earn a living for his family. The increasing economic needs of the family and the varied desires of family members, encourage women as wives to participate in increasing their husband's income, even in many families where the wife plays the main role in earning a living. This certainly raises the question, is there an obligation for the wife to earn a living, what are the legal provisions that apply to the wife as the breadwinner, as well as the occurrence of equality between husband and wife in fulfilling the family economy.

From the problem of the wife's involvement in making a living in Islamic law that has been described above, the author will discuss and provide answers to existing problems clearly and wisely based on the provisions of Islamic law.

2. Literature Review

Lughawi (language) comes from the word *nafaqah* (نَفَقَةٌ) which means shopping, meaning to spend sustenance, shopping to eat and live.

According to the general Indonesian dictionary, the definition of a living is:

1. Shopping to sustain life.
2. Sustenance, daily food.
3. Shopping money given to the wife
4. Income money looking for sustenance, shopping and so on. For living expenses, the husband must give his wife money shopping.

Legal experts give the definition of livelihood as follows:

1. Spend to live as income, money; spending from the husband given to the wife.
2. Shopping money, daily living expenses

According to fiqh experts, namely:

Livelihood according to the terms of fiqh experts, namely the expenditure of a person's expenses on people who are obliged to support him; which consists of bread, side dishes, shelter and other necessities such as the cost of water, oil, lamps and so on.

From some of the definitions above, it can be concluded that, a living is all a person's spending on people who are his responsibility to meet the basic needs needed. The basic needs in question are: food needs, clothing needs and housing needs.

Islamic law is law that originates from and becomes part of the religion of Islam. As a legal system, it has several key terms that need to be explained first, because they are sometimes confusing, if the exact meaning is not known. What is meant is the terms (1) *law*, (2) *hukm and ahkam*, (3) *sharia or sharia*, (4) *fiqh or fiqh* and some other words related to these terms.

The purpose of Islamic law is the benefit of human life, both spiritually and physically, individually and socially. The benefit is not only for life in this world but also for eternal life in the hereafter. Abu Ishaq al Shatibi (md 790/1388) formulated the five objectives of Islamic law, namely to maintain (1) religion, (2) soul, (3) mind, (4) offspring, and (5) property, which was (later) agreed upon by the other Islamic legal scholars.

3. Methodology

This research is a library research, the data collection technique used in this research is library *research* where library research is an activity to collect materials related to research from books, scientific journals, literatures and publications. Another publication that deserves to be used as a source for research that will be studied by the author by describing and describing the data is through several expert opinions. This study uses a qualitative research approach, namely research that produces information in the form of notes and descriptive data contained in the text under study.

4. Results and Discussion

4.1 Livelihood in Islamic Law

Lughawi (language) comes from the word *nafaqah* (which means shopping, meaning to spend sustenance, shopping to eat and live) .

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Among the verses that indicate the obligation of a living to someone who is his responsibility, the author takes one of the legal basis for a living, namely (at-Talaaq (65): 7):

لِيُنْفِقَ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَنْ قَدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ ۗ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا.

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"Let those who have breadth to provide a living according to their abilities, and those whose sustenance is limited, should provide a living from the wealth that Allah has given to them. Allah does not burden a person except (according to) what Allah has given him. Allah will later provide spaciousness after being narrow. "

As for the hadiths that explain about living, among others:

"From Aisha ra said: Hind bint Utbah Abu Sufyan's wife came to the Prophet Muhammad. Then said "O Messenger of Allah that Abu Sufyan is a miser. He did not give me enough for me and my son, other than what I took from him secretly, and he did not know it. Then it is a sin for me on that one?" the Prophet (saw) said, "Take what is sufficient for your livelihood and your children's income well." (Narrated by Bukhari)

Compilation of Islamic Law explains that living is the husband's obligation. This is confirmed in Article 80 paragraph 4, namely, according to his income the husband bears:

1. Lives, kiswah, and place of residence for the wife;
2. Household expenses, treatment costs, and medical expenses for wife and children;
3. Education costs for children.

As in Islamic law, it has been explained quite clearly and wisely about the legal basis of livelihood as a law that has been determined by Allah SWT. What we must follow and apply in our daily lives in order to bring the family life to *sakinah*, *mawaddah*, and *mercy*.

Imam Abdurrahman al-Jaziri said that the conditions or reasons for the obligatory provision of a living are as follows:

1. The existence of a marital relationship.
2. The existence of a relative relationship.
3. The existence of ownership.

As for Zakaria Ahmad al-Barry, the conditions for which he is obliged to provide a living are as follows:

1. There is a family relationship.
2. Members of the relatives concerned do need a living.
3. Members of the relatives concerned are unable to earn a living.
4. The person who is obliged to provide a living should be rich, capable, except in matters of livelihood for the father and mother who has been obligated to the child, and the maintenance of the child has been obligated to the father
5. Those who provide a living and are given a living are of the same religion, except in the matter of providing for the father to his child and the child to his parents. So a Muslim brother is not obliged to provide a living for his non-Muslim brother, because they are both different religions.

From the description above, in general, providing a living to the family is the husband's obligation, where the husband is the head of the household who has the responsibility to meet all the economic needs of his family. However, in the legal basis that underlies the obligation to provide a living to the family, it is explained that the provision of a living is in accordance with one's ability based on the level of one's ability to seek sustenance in meeting the economic needs of his family.

4.2. The Involvement of Wives in Making a living in Islamic Law

In the current era, the phenomenon of the wife involved in earning a living is very easy to find. In this case, it does not mean that the husband does not carry out his obligations in meeting the economic needs of the family and the wife does not carry out his obligations in taking care of the affairs in his household. The occurrence of this phenomenon has driving factors such as, the increasing economic needs of the family so that additional family income is needed, the husband experiences an economic shortage, the husband is unable to provide for his wife and children, and others.

On the other hand, a wife has a big responsibility in her family, namely managing all household matters, taking care of children, serving her husband and maintaining the honor of her family. The wife's job is not easy, so the wife leaving the house to earn a living will cause problems such as negligence in taking care of the household, neglecting to take care of children, neglecting to serve her husband and others.

Islam has laid down certain conditions for women who want to work outside the home, namely:

- a. Due to urgent family conditions;

This condition is the main requirement for women who want to work outside the home, this condition can be seen from problems in the household such as husbands experiencing difficulties in earning a living due to illness, lack of income, and increasing family economic needs and others.

- b. Go out with the mahram;

This condition means that a woman must be with her mahram when going out of the house so that there is no slander between them.

- c. Not jostling with men and mingling with them
- d. The work is in accordance with the duties of a woman.

The provisions above have informed us that it is compulsion that allows women to work outside the home. However, when they leave the house, they should not forget their origin and nature as women who do not mix with men, and some jobs require women such as nurses for female patients, teachers for special lessons on femininity and others.

Islam never leaves anything behind. Islam must lay down certain laws and regulations that have been conditioned by the development of the times in the current era. Women can also leave the house to work due to urgent elements such as no one who can meet their needs or provide a living for them or their children. He also cannot do this by jostling and mingling excessively with men or working at inappropriate times for women to get what he needs, must have permission and consent from the husband for a wife who will marry him. leave the house to earn a living, and continue to carry out responsibilities as a wife properly based on Islamic law.

Basically, a woman can work as she pleases even if she is asked and she needs it. If she is a widow (husband dies), divorced, or has no opportunity to marry, or if she has no income to avoid her shame from begging or humiliation from people. It could also be that his family needs him for work, such as helping his husband, or to take care of his children, or his younger brother and younger sister, taking care of his aging father. Allowance of some women to work must be limited by the following conditions:

- The work must be legal according to Islamic law so it cannot be in a job that is forbidden by Islam or leads to that which is forbidden, for example a female maid working in a bachelor's house, or as a private secretary for a male manager, or as a waitress in a restaurant serving alcohol.
- If a woman goes out of the house, she must remain obedient to the morals of a Muslim woman in dress, speech and behavior.

"And it is said to the believing women: Let them hold their gaze and guard their private parts, and let them not reveal their adornment, except what is (usually) visible from it. And let them cover their breasts and do not reveal their adornments, except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers' brothers, or their brothers' sons, or their sister's sons, or women Muslim women, or the slaves they have, or male servants who have no desire (towards women), or children who do not understand women's genitalia. And let them not beat their feet so that the jewels they hide may be known. And repent all of you to Allah, O you who believe, that you may be successful." (An-Nuur (24): 31)

- A woman's work must not affect her duties which cannot be neglected, such as those with children her son and her husband, which is her main and basic duty What the Muslim community needs is to regulate matters and make regulations so that the Muslim woman can work if she wishes or her family or society needs it without breaking her modesty, or going against her promises to Allah, her promises to herself or to her household members.

On the basis of the above phenomena, every family needs to prepare for economic management, especially finance which is very vital in realizing family welfare. Financial management does not mean that money is everything, but how sustenance is obtained, and that the distribution of sustenance is a provision and a secret of Allah alone.

In a number of cases in society, men are portrayed as absolute breadwinners, while wives are the breadwinners. When the husband is being laid off, the income is not fixed, not sufficient for the family's needs is seen as a fault that is imposed on the

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husband alone. Many people do not understand that the role of breadwinner is a social role under certain conditions that can be carried out together as husband and wife.

5. Conclusion

In general, providing a living to the family is the husband's obligation, where the husband is the head of the household who has the responsibility to meet all the economic needs of his family. Meanwhile, the wife has the responsibility to take care of the household which includes taking care of her children and serving her husband. With the problems that have developed, the role of breadwinner is a social role under certain conditions that can be done together husband and wife. Thus, husband and wife must be aware of the state of their household, not injure the marital commitments that are fostered together.

The law of the wife making a living varies according to the law, as long as the wife makes a living outside the household is *ibahah* (permissible), because this problem does not have a clear text that regulates it. There are no restrictions and no orders. The law turns into *sunnah* if the wife makes a living is a solution to help her husband overcome his inability to meet the family's economic needs, the law allows his wife to work for a living it will turn out to be unlawful if she works it will have a negative impact on the family and is unable to meet the conditions that have been determined.

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- a. Due to urgent family conditions;
- b. Go out with the mahram;
- c. Not jostling with men and mingling with them;
- d. The work is in accordance with the duties of a woman.

References

Books:

- Armia., & Nasution, Iwan (2020). *Pedoman Lengkap Fikih Munakahat*. Jakarta: Kencana.
- As-Sya'rawi, Syaikh Mutawalli (2018). *Fikih Perempuan (Muslimah)*. Jakarta: Rajawali Pers.
- Dapartemen Agama RI, *Al-Qur'an dan Terjemahannya* (2014). Jakarta: Pantja Cemerlang.
- Mardani. *Hukum Islam Kumpulan Peraturan tentang Hukum Islam di Indonesia, Edisi Kedua* (2013). Jakarta: Kencana.
- Mufidah. *Psikologi Keluarga Islam Berwawasan Gender (Edisi Revisi)* (2013). Malang: UIN-Maliki Press.
- Qaradhawi, Yusuf. *Fiqih Wanita* (2021). Bandung: Jabil.
- Tihami., & Sahrani, Sohari. *Fikih Munakahat* (2018). Depok: Rajagrafindo Persada.

Journal:

- Elimartati (2018) " *HUKUM ISTRI MENCARI NAFKAH DALAM TINJAUAN MAQASHID SYARIAH* ," Journal of Islamic Studies vol.02 No.02.