

Family Fulfillment In The Perspective Of Islamic Law

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ARTICLE INFO

ABSTRACT

Volume: 2

KEYWORDS

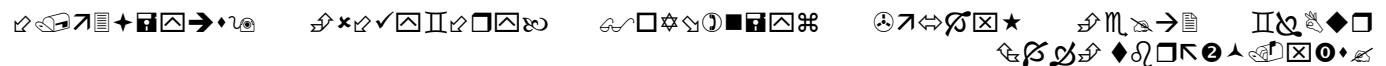
Livelihood, Family, Law

This study uses quantitative methods that aim to: describe and analyze the fulfillment of family income in the perspective of Islamic law. Researcher use the type of literary research, namely is research that uses literature data. The research method is descriptive quantitative, which is a method of collecting data by looking for information from book literature that aims to form a theoretical basis and then analyzed with the collected data, so that a conclusion can be drawn.

After conducting an analysis of the fulfillment of family support, it is necessary to have awareness of the husband about his obligations as the head of the family. Al Qur'an, hadith and ijma' (consensus) also mentioned the obligation of a husband to provide for his family. For this reason, husband and wife should always carry out their rights and obligations properly and understand each other, then for each family member to always care about family members so as to create a sakinah, mawaddah, warahmah family.

1. Introduction

Marriage in Islam called "nikah". It is making an agreement to bind a man to a woman on a voluntary basis carried out by the other party (guardian) according to the nature and conditions set by sharia 'to justify mixing between the two, so that both of them need each other to become partners as a life companion in the household. (Slamet Abidin and Aminudin, 1999) Coupled with the pleasure of both parties to create a happy family life full of love plus peace in ways that are blessed by Allah. Marriage is sunnatullah, Allah created a man and a woman so that they are in pairs as mentioned in the Qur'an surah Az-Zariyat verse 49:



"And We created pairs of all things¹ so perhaps you would be mindful."

Every family yearns to be a sakinah, mawaddah, warahmah family and to achieve that goal each family must carry out their respective rights and obligations. For example, a wife who has the right to receive maintenance from her

¹Masnaeni is a Student of Islamic Family Law Study Program at Postgraduate School, State Islamic University Datokarama Palu, Indonesia. This paper was presented at the 2nd International Conference on Islamic and Interdisciplinary Studies (ICIIS) 2023, as a presenter, held by the Postgraduate School State Islamic University Datokarama Palu, Indonesia.

husband.

A living is a gift from the husband given to the wife after the marriage bond. Sharia obliges the husband to provide for his wife. Livelihood is only required by the husband because of the demands of the marriage contract, plus the continuity of having fun because the wife is required to obey her husband, always accompany him, take care of the household plus educate the children. Husband is obliged to earn a living, the maintenance he has earned is his full right and henceforth a husband has the position of a provider, and conversely a wife is not the breadwinner and to fulfill her needs she is the recipient of the bread.

There are not many of the married couples fail in achieving their household goals because the rights and obligations between husband and wife are not fulfilled and what most often happens and ends up in court is a husband who does not fulfill his obligation to give his wife rights to provide maintenance.

Islamic scholars argue that the obligation to provide is fixed or permanent. If within a certain time the husband does not carry out his obligations, while he has the ability to pay them, then the wife is allowed to take her husband's property as much as the obligations she bears. Furthermore, according to the majority of scholars, if the husband does not carry out his maintenance obligations within a certain period, because of his incapacity, then this is a debt for him that must be paid after he has the ability to pay it. (Amir Syarifuddin, 2011)

In Indonesia's positive law, life issues or meeting family needs have been regulated, plus it is stated that providing is the husband's obligation. This is in accordance with Law No.1 of 1974 article 34 paragraph (1). In the article it is stated that the husband is obliged to protect his wife, plus provide all the necessities of life during the marriage according to his ability.

2.LiteratureReview

2.1 Livelihood

Livelihood is shopping for food needs which includes nine staples, clothing and home or colloquially called clothing, food and shelter. (Amir Syarifuddin, 2001) Based on this understanding, it can be understood that income is something spent to meet daily needs such as food, clothing, living places and so on.

2.2 Family

The family is the smallest unit of society consisting of husband, wife, child, father, mother. It can be understood that a family is a collection of individuals joined by marital ties, and blood or hereditary ties.

2.3 Islamic law

Islamic law is a system of rules based on Allah's revelations plus the Sunnah of the Prophet about the behavior of a recognized plus believed believer mukallaf (one who has been burdened with obligations), which binds all its adherents. (Eva Iryani, 2017)

Based on this understanding, it can be understood that Islamic law is a rule and is applied in the midst of society derived from the Qur'an and sunnah.

3.Methodology

To find out and explain the existence of something related to the subject matter, a research guide is needed, namely how to describe something by using the mind carefully to achieve a goal, while research is an activity to find, formulate and analyze reports in order to achieve one goal. (Cholid Narbuko and Abu Ahmadi, 1997)

Research methodology as a method used to find, formulate and analyze to compile to achieve one goal. To achieve the right goals in research, the author uses the literary research method, which is a research style whose source of information is obtained from the library.

In this study, the authors used a normative approach. The normative approach is an Islamic study that looks at

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problems from a legal-formal and/or normative point of view. Normative is all the teachings contained in the texts (Al-Qur'an plus Hadith). The data collection method in this study was carried out by literature research, namely examining reading sources related to the problems in this study, such as the Al-Qur'an, hadith, books, articles and other materials. The website is also a material for writing this research as long as it contains information relevant to this discussion. The results of this study are intended to provide a comprehensive and systematic picture, as well as provide information that is as accurate as possible. (Suharsini Arikunto, 1998) This study attempts to explain the concept of fulfilling family maintenance in an Islamic perspective.

4. Results and Discussion

Etymologically, the word subsistence means "the right to give or spend. (Muhammad Yunus, 1989) In Indonesian, the word livelihood means shopping for life or provisions for daily life. Meanwhile, in terms of terminology, livelihood is the right of the wife and children to get food, clothing and shelter and several other basic needs. Livelihood according to the term of fiqh expert is someone's expenses for someone who is obliged to support.

The law of providing for the family is found in the texts of the Qur'an and the hadith of the Prophet which indicates the recommendation to provide for a living. Qs. Al-Baqarah verse 233:

"The child's father will provide reasonable maintenance and clothing for the mother 'during that period'. No one will be charged with more than they can bear"

Based on the verse above, it can be seen that a husband is obliged to provide for his family according to his ability. Providing a living according to the needs of the family so that there is no waste.

The husband's obligation to provide for his wife is also mentioned in the hadith narrated by Abu Dawud:

وَأَكْتَسَيْتُ إِذَا وَتَكَسَوْتُهَا طَعَمْتُ إِذَا تُطِعْتَهَا أَنْ قَالَ عَلَيْهِ السَّلَامُ إِحْدَانَا زَوْجَةٌ حَقُّ مَا اللَّهُ رَسُولُ يَا قُلْتُ قَالَ أَبِيهِ عَنِ الْقَشْبِيرِيِّ مُعَاوِيَةَ بْنِ حَكِيمٍ عَنِ النَّبِيِّ فِي إِلا تَهْجُرُ وَلَا وَلا تَقْبَحَ الْوَجْهَ تُضْرَبُ لَا

It means:

"From Hakim bin Muawiyah al-Qusyairi, from his father he said: "I asked: "O Messenger of Allah, what is the right of a wife from us upon it? "The Prophet said: "Feed him when you eat and dress him when you dress. Do not hit the face, do not disfigure, and do not look away except inside the house".

The hadith above explains the husband's obligation to his wife to provide a living in the form of food and clothing, and the prohibition for a husband to hurt his wife, such as hitting his wife's face.

As the head of the family who has responsibilities to his wife, children and family, a husband has obligations that have been ordained by Allah, including the rights of a wife and children that must be given. The obligation is to provide for his wife, children and family.

Based on the Qur'anic postulates and hadith above, it is stated that the maintenance of a husband to his wife is a definite obligation based on the Al-Qur'an and hadith. The obligation of a husband to provide for his wife arises from the implementation of a valid marriage contract between husband and wife. The obligation to provide still applies even if the wife is a woman who is rich or has her own income. (Abdur Rahman I. Doi, 1996)

There are several conditions or reasons for making maintenance obligatory, as follows:

- 1) The existence of a marriage relationship. When a marriage contract or *ijab qabul* is held, the husband is obliged to provide for his wife, even though she was wealthy and her husband a poor man
- 2) The relationship between parents and children. Scholars have agreed, that children who have not reached puberty and cannot live economically independent, then the cost of living is the responsibility of the father. The livelihood is divided into two, namely:

4.1 Material Livelihood

There are several categories that are included in material living, including:

- 1) The husband is obliged to provide for the kiswa and shelter. A husband is given the responsibility to provide for his wife in the form of clothing, food, shelter and medicine in accordance with the times and conditions.
- 2) The husband is obliged to provide household expenses, treatment costs and medical expenses for the wife and children.
- 3) Education fees for children. (Slamet Abidin, 1999)

4.2 Non-material livelihood

The obligations of a husband towards his wife which are not material are as follows:

- 1) The husband should be courteous to his wife, respect her and treat her fairly.
- 2) Give full attention to the wife.
- 3) Loyal to the wife by maintaining chastity or marriage wherever it is.
- 4) Try to elevate the faith, worship and intelligence of a wife.
- 5) Guide the wife as well as possible. (Slamet Abidin, 1999)

Regarding the standard (size), type, quality, and quantity of maintenance that must be given by a person to his wife, children, and family, it varies according to the needs of the person receiving the income. As it is known that the types of needs are classified into 3 (three) levels, namely:

- 1) Adh-Dharuriyat, namely a primary and very vital need, in which a person will not be able to survive except by fulfilling these needs. Like eating, drinking, and having a decent place to live. Likewise with health care, treatment, education and so on.
- 2) Al-Hajiyyat, namely a secondary need, in which in general humans are still able to survive without the fulfillment of these needs, but if these needs are not met, then someone will encounter difficulties in his life. Such as the need of transportation, communication, entertainment and so on.
- 3) At-Tahsiniyat, namely a tertiary need, in which if these needs are not met, then in general a person will not experience significant difficulties. However, it would be nice if these needs are fulfilled. Such as the need for accessories, beauty tools or make up, furniture, and beautiful items and so on. (Hamdan Rasyid and, 2016)

From the three explanations above, we can see that the standard of providing can be adjusted according to the needs of the person who will receive the living. Providing a living begins with meeting basic needs such as clothing, food and shelter, which if not met will affect survival. The fulfillment of secondary and tertiary needs does not affect survival so that the fulfillment is dynamic.

5. Conclusion

Based on the description described above, it can be concluded that :

Livelihood is a gift by a husband to his wife and family. Providing is an obligation that must be fulfilled by a husband, because in a household the husband is positioned as the head of the family whose duty is to earn a living to meet the family needs. The legal basis for obligatory maintenance is mandatory as explained in Qs. Al-Baqarah verse 223 and the hadith of the prophet.

Fulfilling family maintenance is one of the obligations that must be fulfilled by the husband, because in a household the husband is the head of the family whose job is to earn a living to meet family needs. The obligation of a wife in a family is to take care of her husband and children and manage all household needs. Fulfillment of a living affects the harmony of a household, husband and wife who have an important role in a family are expected to carry out their respective obligations in accordance with what has been stipulated by sharia law in order to create a harmonious family. In the concept of the Muslim family, there is no fundamental difference between husband and wife. Wives have the same rights over their husbands as husbands have over themselves. Husband and wife have an equal relationship. Equality between husband and wife in a household does not mean positioning husband and wife to be treated equally. Aligning husbands and wives in household chores, for example the husband is obliged to take care of the children, just as the wife has the obligation to take care of the them too. This means that the obligation to take care of children is not solely the wife's obligation, but the joint obligation of husband and wife.

References

- Abidin, Slamet. (1999). Fikih Munakahat I. Bandung : Pustaka Setia
- Arikunto, Suharsimi. (2014). Prosedur Penelitian Suatu Pendekatan Praktik. Jakarta: Rineka Cipta
- Doi.I, Abdur Rahman. (1996). Karakteristik Hukum Islam Dan Perkawinan (Syariah). Jakarta: Pt Raja Grafindo Persada
- Narbuko, Cholid Dan Abu Ahmadi. (1997). Metode Penelitian. Jakarta: Bumi Pustaka
- Rasyid, Hamdan Dan Saiful Hadi El-Sutha. (2016). Panduan Muslim Dari Lahir Sampai Mati. Jakarta: WahyuQoKlbu
- Soemiyati. (2007). Hukum Perkawinan Dan Undang-Undang No.1 Tahun 1974. Yogyakarta: Liberty
- Syarifuddin, Amir. (2011). Hukum Perkawinan Islam Di Indonesia Antara Fiqh Munakahat Dan Undang-Undang Perkawinan. Jakarta: Kencana
- Yunus, M. (1989). Kamus Arab Indonesia. Jakarta: Hidakarya Agung