

## Differences in Opinions of Ulama on the Law of Women Breadwinners (A Study of Female Cleaning Service Workers at the Alkahiraat Madinatul Ilmi Islamic Boarding School for Girls)

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ARTICLE INFO	ABSTRACT
<p>Volume: 4 ISSN: 2963-5489</p> <hr/> <p><b>KEYWORD</b></p> <p>working women, breadwinners, cleaning service, Islamic law, maqashid syariah</p>	<p>This study examines the phenomenon of women as breadwinners in the family, focusing on female cleaning service workers at the Alkahiraat Madinatul Ilmi Islamic boarding school. The purpose of this study is to determine the background of working mothers, the impact on their families, and how their work is viewed from the perspective of Islamic law, particularly from the maqashid syariah approach. This study uses a qualitative approach with a field study method. Data collection techniques were carried out through in-depth interviews with five cleaning service workers, two informants' children, two husbands, and a boarding school supervisor. The results show that the main factors driving women to work are the family's urgent economic conditions and the husband's inability to provide for the household. The cleaning service job is done voluntarily with the intention of helping the family and without neglecting maternal responsibilities. The husbands and children showed support for this choice. From an Islamic law perspective, women's employment is permissible as long as it does not violate religious norms, maintains honor, and continues to fulfill obligations as a wife and mother.</p>

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## 1. Introduction

The obligation to provide financial support is important in realizing the role and function of a harmonious family. In Islamic tradition, the obligation to provide financial support is generally borne by men (husbands), but in reality, women also often play a role as breadwinners, even though the main responsibility for providing for their wives remains with their husbands. Islam stipulates that providing financial support to wives is a command from Allah SWT. Providing financial support is the husband's obligation that begins when the marriage contract is legally valid, which means that from that moment on, the husband is responsible for providing financial support for his wife, with all the consequences that apply automatically. The wife also no longer has the same freedom after the marriage bond is legalized.

In Islam, the obligation to provide financial support is the responsibility of the husband. As stated in the Qur'an, Surah al-Baqarah, verse 233:

وَالْوَالِدَتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ ۖ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۚ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ ۚ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۚ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۚ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا اتَّيْنْتُم بِالْمَعْرُوفِ ۚ وَاتَّقُوا اللَّهَ ۚ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ﴿٢٣٣﴾

Translation

"Mothers should breastfeed their children for two full years, for those who wish to complete breastfeeding. It is the father's duty to provide food and clothing for them in a reasonable manner. No one should be burdened beyond their means. A mother should not be made to suffer because of her child, nor should the father be made to suffer because of his child. The same applies to heirs. If both parents wish to wean the child (before two years) by mutual agreement and consultation, there is no sin upon them. If you wish to have your child nursed by another, there is no sin upon you if you provide payment in a proper manner. Fear Allah and know that indeed Allah is All-Seeing of what you do." <sup>2</sup>

In line with this verse, most scholars from the Malikiyah, Shafi'iyah, and Hanabilah schools of thought argue that the husband's obligation to provide for his wife arises from the reciprocal relationship in marriage. A valid marriage not only requires the wife to submit to her husband and be treated as a wife, but also obligates the husband to provide for her. Therefore, if the wife has the obligation to manage the household, conceive, give birth, and care for the children, then the husband is obligated to earn a living. (Hidayat, 2022)

One phenomenon that can be seen in society today is women taking on the role of breadwinner for their families. (Lubis, 2018) This phenomenon also occurs in the environment of the Alkahiraat Madinatul Ilmi Islamic boarding school for girls, where female workers face a double workload that specifically affects them. The dual role itself means two or more roles that are carried out at the same time, namely the role of a woman as a wife, mother to children, and a woman who works outside the home. (Lubis, 2018)

## 2. Literature Review

This study is not a repetition of previous studies. To provide a more detailed picture and clarify this point, Table 1 is presented below to help understand the differences and further comparisons between this study and previous studies.

Description of the literature review

No.	Judul Penelitian	Persamaan	Perbedaan
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<sup>2</sup>Q.S. Al-Baqarah 2:233, Al-Qur'an kemenag In Microsoft Word. Indonesia: Badan Litbang dan Diklat Kementerian Agama RI.

No.	Judul Penelitian	Persamaan	Perbedaan
1.	The View of the Sapa Induk Village Community on Wives as Breadwinners in the Family Economy from an Islamic Law Perspective (A case study of Sapa Induk Village, Tenga Subdistrict, South Minahasa Regency).(Nadia Mamonto, 2021)	Both discuss women as breadwinners.	-Context: Rural communities with traditional values. -Driving factors: Community views and social norms. -Legal implications: Not focused on Islamic law. -Theory: Sociological theory.
2.	The wife works as an online motorcycle taxi driver to support her family in the Palu online motorcycle taxi driver community (Islamic Legal Perspective) (Andini, 2023)	The subject matter, which similarly discusses female breadwinners.	- Context: Urban communities with direct interaction with customers. Technology-based   - Legal implications: The right of wives to work and earn a living. Legal protection for female workers. - Theory: Feminism
3.	The role of women in improving family finances (Case study: female rice field workers in Lemoh Barat village, Tombabiri Tibur subdistrict, Minahasa district) (Tinanggen, 2020)	We both discussed female breadwinners.	- Context: The agricultural environment in villages, with a focus on rice field work. - Legal implications: Joint contributions to the family economy, as well as education and women's empowerment.

Tabel 1. Similarities and differences between previous studies and the study to be conducted by the researcher

### 3. Methodology

This study falls under the category of empirical legal research using a phenomenological approach. The location of this study is at the Alkhairaat Madinatul Ilmi Islamic boarding school for girls in Dolo District, Sigi Regency. This boarding school is not only a center for religious education, but also has economic activities involving women, such as in the cleaning service sector. Primary data in this study was collected directly from the original sources, such as Law No. 1 of 1974 concerning marriage, the Compilation of Islamic Law, interviews, surveys, experiments, and others.(Balaka, 2022) There were 12 subjects in this study, including 6 female workers, 6 family members, and 1 person from the Islamic boarding school. Data collection in the field or location was carried out using direct interview techniques with informants, observation, and documentation.

### 4. Results and Discussion

#### a. Pandangan hukum Islam terhadap perempuan yang bekerja sebagai petugas *Cleaning service*

In Islamic law, the obligation to provide for one's wife and family is essentially the responsibility of the husband. This is confirmed in Article 80 of the Compilation of Islamic Law, which states that a husband is obliged to provide for his household according to his means. (Undang-Undang R.I. Nomor 1 Tahun 1974 Tentang Perkawinan, 1974).

Marriage Law No. 1 of 1974 Article 34 also stipulates that husbands are obliged to fulfill all household needs in accordance with their means.(Undang-Undang R.I. Nomor 1 Tahun 1974 Tentang Perkawinan, 1974)

b. This principle is in line with Allah SWT's words in Surah Al-Baqarah verse 233, which emphasizes that providing for one's family is a moral and spiritual obligation of a husband. However, in the family life of cleaning service workers at Islamic boarding schools, which is the focus of this study, many of them have to work because their husbands' income is insufficient. This condition requires wives to play a role as additional breadwinners in order to maintain the family's economic stability, without neglecting the values of mutuality and responsibility in the household.

From a social and Islamic legal perspective, if the financial support provided by the husband is unable to meet the basic needs of the family in accordance with the standards of the surrounding community, then at a minimum, this financial support should still be able to guarantee the survival of the wife and children. Scholars from the four

main schools of Islamic jurisprudence—Hanafi, Maliki, Shafi'i, and Hanbali—agree that husbands are obligated to provide for their wives, but they differ in their views regarding the extent and form of such provision.

Hanafi and Hambali scholars emphasize that alimony must be adjusted to the husband's economic condition, whether he is wealthy or poor, and does not specify a fixed amount, but is adjusted to community customs and the wife's daily needs. Malikiyah scholars state that alimony depends on the husband's financial ability and the wife's social status, so it is not uniform. Meanwhile, Shafi'i scholars set the amount of alimony in more detail by dividing husbands into categories (rich, middle class, poor) and using the mudd as the standard for daily basic needs.

The reality on the ground shows that many wives choose to continue working even though their husbands are still fulfilling their obligations. This is done as an additional contribution to the household economy, especially when the husband's income is not yet sufficient to fully meet the family's increasing needs. As expressed by several informants in this study, for example Mrs. Anggi, Mrs. Naya, Mrs. Eko, and Mrs. Afni, they work as cleaning service officers to help meet basic needs, children's education costs, vehicle installments, and other daily needs. Their husbands are still present and contribute to the household income, but due to the nature of their jobs, which are often unstable or limited in income, the wives also take on the role of additional breadwinners. This shows that the ideal principles in classical fiqh cannot always be applied in their entirety, so a contextual understanding of the social and economic conditions faced by modern families is needed.

As happened to one of the women working as a cleaning service, Mrs. Eko, who said:

"My husband is a driver like a truck driver, but he is not a permanent driver. He only works when he is called as a new driver."

In cases like this, an important issue arises: when the husband's job is uncertain and his income is insufficient, in practice, the wife often takes on most of the family's economic responsibilities. This phenomenon raises questions about how Islam views situations where the wife becomes the main breadwinner of the household, even though according to Islamic law, this obligation rests on the husband's shoulders

This shows that the ideal principles in classical fiqh cannot always be applied in their entirety, so a contextual understanding of the social and economic conditions faced by modern families is necessary. Given the situation where husbands are unable to fully provide for their families, it is important to review the views of scholars on wives who also work. These views form the basis for understanding the position of women in the context of modern family economics. The following are some of the opinions of scholars that explain this matter:

- 1) According to Prof. Dr. Hj. Huzaemah Tahido Yanggo, a wife does not actually have a religious obligation to provide for her husband and family, because that obligation rests solely with the husband as the head of the household. However, if a wife chooses to provide financial support or assistance to her husband and family from her own hard work or income, then this action is permissible in Islam. Nevertheless, such provision must be based on sincere intentions and voluntary willingness, without coercion or pressure from any party. In other words, the wife's role in supporting the family's economy is a form of sacrifice and moral support that is highly valued, as long as it is done sincerely and does not alter the primary role and responsibilities established in religious teachings.(Tahido Yanggo, 2010)
- 2) According to Husein Syahatah, if a husband is in a state of economic hardship and is unable to provide for his family, his wife is permitted to play a role in supporting the household economy. This can be done by working or running a business. Such actions by the wife are not only permissible, but also considered a noble form of cooperation within the family, namely helping one another in good and beneficial matters, as taught and recommended in Islamic teachings. The wife's support in such situations reflects a spirit of solidarity and shared responsibility in creating a harmonious and prosperous household.(Husein Syahatah, 1998)
- 3) The opinion was also expressed by scholars of the Shafi'i school of thought. In the book *al-Muhazzab*, Sheikh Abi Ishaq Asy-Syirazi explains that if a husband is experiencing difficulties in providing for his family, then the wife may help by working. As long as the wife chooses to remain with her husband in these difficult circumstances, she is permitted to leave the house to earn an income. This can be a form of cooperation between husband and wife in maintaining family life so that it can continue despite the hardships.(Qudsiah, 2017)

After discussing Islamic provisions regarding women who work with their husband's consent, this discussion will now shift to a different situation, namely women who continue to work without their husband's presence, either because their husband has passed away or has chosen to remarry and no longer fulfills his household responsibilities.

This situation is reflected in the experiences of Mrs. Niar and Mrs. Ani, where Mrs. Niar had to support her children on her own after her husband remarried and no longer provided for them, while Mrs. Ani worked to meet her family's needs after her husband passed away. The following are some opinions from scholars who explain this matter:

- 1) According to Yusuf al-Qaradhwai, scholars from the Hanafi school of thought assert that in certain situations, working for women can become an obligation. This applies especially when a wife has to live without a partner, either because her husband has passed away or remarried, and she is fully responsible for providing for her children without any financial support from her family. (Qardhawi, 2002)

This is the situation experienced by Mrs. Niar and Mrs. Ani, who continue to work to provide for their families in the absence of their husbands. In Islamic jurisprudence, there is a principle that states *adh-dharurat tubihu al-mahzurat*, which means that emergency situations may permit something that is normally prohibited. Based on this principle, women who are in urgent circumstances, such as when their husbands are seriously ill, remarry and no longer provide financial support, or have passed away, are permitted to work outside the home in order to meet their daily needs. (Rizem Aizid, 2018)

The choice of mothers such as Mrs. Niar and Mrs. Ani to continue working despite the absence of their husbands is not merely a practical decision, but also a reflection of their determination and love for their families. They take full responsibility, not because they want to defy the role of their husbands, but because circumstances demand it, and their conscience cannot bear to let their children grow up without their basic needs being met.

As Mrs. Ani expressed in an interview,

"It's so sad, auntie, I keep thinking about how I will live with these children, what if I don't have a job, really only relying on my husband's income. It's because of the situation, dear, that's why what was impossible has become possible."

This statement not only depicts the bitter reality faced by a widow but also reveals the extraordinary inner strength within a mother. This phenomenon is not unfamiliar in Islamic history. We can recall the figure of Ummu Sulaim, one of the noble women during the time of the Prophet Muhammad SAW, who had to raise her children independently after her husband passed away. She remained active in society and even participated in several important events in Islamic history. Islam never prohibits women from working or playing an active role as long as it is within the limits of Sharia law and done with pure intentions. (Abdullah, 2021)

In situations where women are solely responsible for the family's finances, their decision to work is not only permissible, but can be categorized as a form of *maslahah mursalah*, a public interest that is not explicitly mentioned in the text, but is in line with the general objectives of Sharia law. Thus, women's work as cleaning services in conditions of economic need can be considered permissible, and in some cases even obligatory if it is the only way to ensure the family's survival. This is in line with the principle that necessity permits what is originally forbidden (*al-dharurat tubih al-mahdhurat*), as well as the principle of bringing about benefit and rejecting harm, which is at the core of the objectives of Sharia. (Agus Hermanto, 2021)

Seeing the reality of informants who work as cleaning service officers amid limited family economic conditions, there is an understanding that women's involvement in earning a living is not always contrary to Sharia law. In the views of a number of scholars, such as those expressed by Prof. Dr. Huzaemah Tahido Yanggo and Yusuf al-Qaradhwai, women are permitted to work as long as they maintain sharia boundaries, with the intention of helping their families, and without pressure. The situations faced by informants, such as husbands who are unemployed, deceased, or do not provide for their families, demonstrate a legitimate need to take on productive roles outside the home. The views of scholars from the Hanafi and Shafi'i schools of thought, which allow wives to work with their husbands' permission while continuing to carry out their household duties, also seem relevant in describing the daily lives of the informants. Many of them, despite working, still prioritize childcare, worship, and maintaining dress and interaction etiquette. This approach is in line with the theory of women's dual roles, which emphasizes that women can manage domestic and public responsibilities in a balanced manner, as long as there is no violation of basic values and norms

## 5. Conclusion

The main factor that drives wives to work as cleaning service workers is their husbands' limited income in meeting household needs. Some husbands have irregular incomes, work odd jobs, or even no longer provide for their families because they have remarried or passed away. These women continue to strive to fulfill their roles as housewives. They continue to cook, take care of their children, and carry out their household responsibilities to the best of their ability, demonstrating their commitment to motherhood and domestic roles.

From an Islamic legal perspective, wives are allowed to work as long as they meet certain conditions, including: the existence of urgent needs, permission from their husbands (if they are still alive), not neglecting their household obligations, and maintaining values of modesty and sharia. Although not required by sharia, the work of wives in emergency situations or when their husbands are unable to work is seen as a form of contribution that is justified and even encouraged by some contemporary scholars.

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