



Reinterpretation Of The Rights And Duties Of Contemporary Husbands And Wives

A. Kumedi Ja'far

The Faculty of Sharia of UIN Raden Intan Lampung

Agus Hermanto

The Faculty of Sharia of UIN Raden Intan Lampung

Email: khumeidi.jafar@radenintan.ac.id

Abstract: A concept of rights and obligations will work when there is a balance between the two. *Malahat* theory is an intra doctrinal reform for the realization of humane legal norms. However, in reality, this concept is not easy to implement. It is said that a woman is made as to the subordinate in the family and sometimes there is no justice for her. At this time, women not only play a role as housewives but also help earn money for the family. What becomes a problem is how to reinterpret the equitable distribution of household rights and obligations. This study aims to describe the rights and obligations of husband and wife by maintaining the values of justice. This research is library research that discusses the husband's income for his wife, who is also the breadwinner. The paradigm of the husband is the leader of the household, and the wife is the housewife is something that spurs Muslim feminists to reinterpret. It is because wives are no longer only responsible as housewives, but more than that, they also help make a living in the household. Then, the concepts of justice, equality, *ukhuwah islamiyah* and *mu'asyarah bil ma'ruf* must be prioritized for the benefit and the formation of a *sakinah, mawaddah wa rahmah* in a family. It needs to be reconsidered if we want to make it a new *fiqh* paradigm.

Keywords: Livelihood Reconstruction, Contemporary

Abstrak: Sebuah pernikahan merupakan ikatan yang legal (*mitsaqan ghalidhan*), dan demi terbentuknya keharmonisan tersebut dan konsekuensi dari akad tersebut, maka lahirlah sebuah hak dan kewajiban suami istri. *Malahat* merupakan salah satu teori intra doctrinal reform, yang selalu eksis dalam menganalisis dan menyikapi permasalahan kontemporer, yang dalam hal ini adalah permasalahan hak dan kewajiban suami istri. Yang menjadi pertanyaan adalah, bagaimana kondisi Istri yang bekerja di luar rumah untuk membantu ekomoni keluarga? Adapun tujuannya adalah untuk mendiskripsikan tentang hak dan kewajiban suami istri yang mana sumber ekonominya tidak secara mutlak datang dari suami. Penelitian ini adalah library research, yang akan membahas

tentang nafkah suami terhadap istri sebagai wanita karir. Paradigma suami adalah kepala rumah tangga dan istri adalah ibu rumah tangga menjadi hal yang memacu para feminis muslim untuk mereinterpretasikan dan merekonstruksi kembali, karena kenyataannya para istri tidak lagi banyak yang bertugas hanya menjadi ibu rumah tangga, tetapi lebih dari itu juga turut membantu mencari nafkah dalam rumah tangga, maka konsep keadilan, persamaan, ukhuwah islamiyah dan mu'asyarah bil ma'ruf haruslah diutamakan demi kemaslahatan dan terbentuknya keluarga yang sakinah, mawaddah wa rahmah, sehingga perlu untuk dipertimbangkan kembali jika harus dijadikan sebuah paradigma fikih baru.

Kata Kunci: Konsep Nafkah, Pencari Nafkah

Introduction

In the context of sharia, the law has three principles, namely, '*adam al-haraj* (removing difficulties),¹ *taqlilu al-takalif* (reducing the burden),² and *al-tadarruju fi al-tasyri'* (law comes in stages).³ There are several ways in the process of reforming Islamic family law, which are *talftq* (mixing several opinions of ulema), utilizing intra-doctrinal reform, *taghyir* (deconstruction), and *al-siyāsah al-syar'iyyah* (legal politics). Reconstruction⁴ is usually done through extra doctrinal reform (changing in Islamic law with an interdisciplinary approach with new theories).⁵ In terms of marriage law, regarding the rights and obligations of husband and wife, the husband as the household leader is responsible for maintaining his wife and children. In comparison, the wife's duties are responsible for household affairs.⁶

Contextually, in today's society, many women attempt to help their husbands earn money outside the home, which eventually is the husband's primary duty. The husband is responsible for protecting, nurturing, and

¹ Sangkot Nasution, "Konsepsi Islam Dalam Penegakan Keadilan." *Al-Irsyad* 7, no. 1 (2020). see Ismail, Zaky. "Penegakan Supremasi Hukum dalam Al-Qur'an." *Al-Risalah* 11, no 1 (2018), p. 43-64.

² Achmad Yasin, "Ilmu Usul Fiqh: dasar-dasar istinbat hukum Islam: buku perkuliahan Program S-1 Prodi Siyasah Jinayah Jurusan Hukum Islam Fakultas Syari'ah dan Hukum UIN Sunan Ampel Surabaya." (2015).

³ Paizah Ismail, "Penyelesaian Masalah Pertentangan antara Nas Berasaskan Prinsip Maqasid al-Syari'ah." *Jurnal Fiqh* 1, no. 1 (2014), p. 75-96.

⁴ Reconstruction means renewal that literally means maintaining the old and adding new or changing it with something better. In the sense that it does not change as a whole, but an old paradigm that has been preserved for years which is then considered less relevant in the future, that change is called reconstruction.

⁵ Muhammad Lalu Ariadi, "Hadhanah di Dunia Islam pada Era Kontemporer; Komparasi Kebijakan Hukum di Timur Tengah dan Asia Tenggara." *Maqasid: Jurnal Studi Keislaman dan Hukum Ekonomi Syariah* 8, no. 2 (2016), p. 78-95.

⁶ Kartika Sari, "Forgiveness Pada Istri Sebagai Upaya Untuk Mengembalikan Keutuhan Rumah Tangga Akibat Perselingkuhan Suami." *Jurnal Psikologi*, 11, no. 1 (2012), p. 9

maintaining the family. This situation might cause a conflict in the household that even leads to divorce. It is proved in several studies, including the research of Isnawati Rais with the title *Increasing the Number of Divorce*.⁷ Anjas L. Karman, *Review of Islamic Law due to Non-Fulfillment of Livelihoods in a family*.⁸

There have been many studies that discuss the offer of a new style of rights and obligations.⁹ For example, in her writing, *Nafkah Iddah Due to Talak Ba'in in a Gender Perspective*, Fadhilatul Maulida states that *iddah* (a waiting period that a Muslim woman observes after the death of her husband or after a divorce) is one of the obligations of the wife whom her husband divorces, either because of divorce from her husband or because of the wife's lawsuit to court (*khulu'*). During the *iddah* period, the wife is entitled to a place to live and living facilities, as in the case of *raj'i talak*. On the other hand, in *Talak Ba'in*, the Islamic marriage law in Indonesia does not allow the wife to earn a living even though she has to undergo the same obligation that is undergoing *iddah* and staying at her husband's house. It is certainly not in line with gender justice which promotes equality between men and women. Judging from the thoughts of the ulema, Imam Abu Hanifah's legal thought has first postulated to give the wife the right to earn a living by divorcing even though the divorce is in the form of divorce. It seems that the opinion of Imam Abu Hanifah should be considered in the renewal of Islamic marriage law in Indonesia, especially in realizing justice for women in marriage and divorce.¹⁰

Another opinion is from Hamidah Damayani's article about *Gender Analysis in Household Income Strategy*. Gender is a role between men and women shaped by socio-cultural construction, and its value is passed on to the next generation. These roles affect the activities of each individual in the household, which leads to determining access and control for decision-making in the household through gender analysis. The gender analysis framework used is the Harvard gender analysis framework. Differences in access to and control of household resources will affect differences in livelihood strategies. Livelihood strategies are activities carried out by individuals or households to earn income so that they can fulfill their daily needs. The purpose of writing this literature

⁷ Isnawati Rais, "Tingginya Angka Cerai Gugat (Khulu') di Indonesia: Analisis Kritis terhadap Penyebab dan Alternatif Solusi Mengatasinya." *Al-Adalah* 12, no. 1 (2014), p. 191-204.

⁸ Anjas R Kolman, "Tinjauan Hukum Islam Terhadap Tidak Terpenuhinya Nafkah Bathin sebagai Alasan Perceraian." *Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan (Jurnal Mahasiswa SI Fakultas Hukum) Universitas Tanjungpura* 1, no 2.

⁹ Mursyid Djawas, et. al, "The Government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi", *Ahkam: Jurnal Ilmu Syariah*, 21, no 1, (2021), p. 163-188.

¹⁰ Fadhilatul Maulida and Busyro, "Nafkah Iddah Akibat Talak Bain Dalam Perspektif Keadilan Gender (Analisis Terhadap Hukum Perkawinan Indonesia) Nafkah Iddah Akibat Talak Bain Dalam Perspektif Keadilan Gender (Analisis Terhadap Hukum Perkawinan Indonesia)." *Al Hurriyah: Jurnal Hukum Islam* 3, no. 2 (2018), p. 113-130.

report is to study the concept of gender and livelihood strategies. This literature study report was prepared using the literature study method and then analyzed the synthesis and concluded the concepts that were the focus of the discussion. In this sense, the results obtained that there were differences in the livelihood strategies carried out by men and women.¹¹

Furthermore, in his book, *Fulfilling the Rights and Duties of Husband and Wife in Creating a Sakinah Family*, M. B. Bakhtiar also asserted this problem. First, husband and wife understand that the position of wife and husband in the household is the same but has different rights and obligations. On the one hand, people understand that the position of the wife in the family is under the husband. It happens because they acknowledge this thought by understanding *salaf fiqh* (jurisprudence), which states that wives must uphold their husbands with honor and glory. Second, the concept of Islamic marriage teaches that the rights of both husband and wife are balanced. The duties imposed on them a husband or wife have balanced obligations. Third, creating a harmonious, *sakinah*, and peaceful family can be done by fostering the appreciation of the teachings of Islam. It will be implemented by fostering mutual respect, fostering an efficient life attitude, and fostering an introspective attitude between husband and wife.¹²

Although these three scientific works have discussed the livelihoods carried out by a gender approach, however, this work will emphasize reinterpretation models in dealing with contemporary problems that have opened up opportunities for women to have careers in their lives. This study will thoroughly discuss the mindset instilled by modern responsive thinkers.

If we look at the perspective of the classical ulema and the Muslim feminist paradigm, both have strong arguments to be considered, which is for achieving benefit. It is important to discuss because conceptually, the man is the person who is fully responsible for the maintenance of his wife and children. However, in reality, the wife helps her husband work outside the home to fulfill household needs which are the husband's duty. The question arises, what is the condition of the wife who works outside the home to help the family economy? The purpose is to describe the rights and obligations of husband and wife whose sources of income do not absolutely come from the husband. This research is library research that will discuss the husband's livelihood for his wife as a career woman.

¹¹ Hafidah Damayanti, "Analisis Gender Dalam Strategi Nafkah Rumah Tangga." *Studi Pustaka* 9, no. 2 (2020).

¹² Bastiar, "Pemenuhan Hak Dan Kewajiban Suami Istri Mewujudkan Rumah Tangga Sakinah." *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-undangan, dan Ekonomi Islam* 10, no. 1 (2018), p. 77-96.

Discussion

Etymologically, the meaning of *nafkah* (sustenance) means giving for living. It means something that a husband should give to his wife and relatives as a basic need for them.¹³ Livelihood includes necessities, such as food, clothing, and shelter. Livelihood is the husband's obligation to his wife in material form because the word livelihood itself has a connotation as material.¹⁴ At the same time, obligations in the non-material form, such as satisfying the wife's sexual needs, are not included in the meaning of living, even though the husband does it to his wife. The word that has been used inappropriately for this purpose is *nafkah batin* (inner sustenance), while in the material form, it is called *nafkah lahir* (outer livelihood). In the formal language, there is no inner or outer sustenance. What exists is a living, which means things that are outward or material.

The word *nafkah* comes from the Arabic word *anfaqa*, *yunfiqun infaqan* means to spend. This word is not used except for good only. The plural form is *nafaqat* which means; "Something that man issued for his dependents." According to the term *syara*, *nafkah* is; "Sufficient for the needs of the people who are under their responsibility in the form of food, clothing, and shelter." It also means; "A person's expenditure on something as a fee for the person who is obliged to provide for them, consisting of bread, side dishes, clothes, shelter, and other needs, such as the price of water, oil, lamps, and so on."

According to the Indonesian dictionary, the definition of a living is money to maintain life, sustenance, daily food, the money given to the wife, and the sources of income from sustenance, shopping, and so on. For living expenses, the husband is obliged to give his wife the money for buying daily needs. In the Encyclopedia of Islamic Law, a living is an expense usually used by a person for something good or spent on people under his responsibility. According to Sayyid Sabiq, a living is to fulfill the needs of food, shelter, housemaids, and the treatment for his wife if he is a rich person.¹⁵

Etymologically, *nafaqa* (*muta'addy anfaqa*) means the act of moving and diverting something. In comparison, livelihood as a basic word means something transferred or shifted and spent for a particular thing and purpose. The word *nafaqa* or *infaq* is only used in a positive sense. Meanwhile, in terminology, the term livelihood is formulated differently by some ulemas. Imam Malik, for example, said that a living is something in the form of food that can fulfill human conditions or needs that do not exceed the limits. Sayyid Sabiq said that the

¹³ Mayudah, *Hak Nafkah Istri dan Anak Pasca Perceraian (Ditinjau Dari Hukum Islam dan Hukum Positif)*. Diss. UIN SMH Banten, 2020.

¹⁴ Muhammad Syukri Albani Nasution, "Perspektif Filsafat Hukum Islam Atas Hak Dan Kewajiban Suami Istri dalam Perkawinan." *Analisis: Jurnal Studi Keislaman* 15, no. 1 (2015), p. 63-80.

¹⁵ Abdul Halim, "Perspektif Hukum Islam Terhadap Istri Sebagai Pencari Nafkah Dalam Keluarga." *Al Qodiri: Jurnal Pendidikan, Sosial dan Keagamaan* 15, no. 2 (2018), p. 167-183.

livelihood related to the household and the wife is the provision of necessities such as food, shelter, housemaid, and medicines. Even though the wife is wealthy, sustenance is a must for the husband. Thus, among those included as a living are clothing, food, and shelter, including secondary needs such as furniture.

According to Djamaan Nur, a living is something that a husband gives to his wife, relatives, and to his own to fulfill their basic needs. The basic needs are food, clothing, and shelter. According to the agreement among the ulema, the definition of a living is money for buying the food and needs, which includes the essential ingredients of clothing and housing or commonly named as clothing, food, and shelter. It can be understood that a living is all the expenses or expenditure of a husband to suffice and fulfill his family's basic needs.

The obligation to provide a living by a husband to his wife, which applies in *fiqh*, is based on the principle of separation of property between husband and wife. This principle follows the line of thought that the husband is a seeker of sustenance. The sustenance that he has obtained becomes his absolute right, and henceforth the husband is domiciled as the provider of the breadwinner.¹⁶ On the other hand, the wife is not a sustenance seeker, and to fulfill her needs, she is the recipient of the breadwinner. Therefore, the obligation of maintenance is irrelevant in a community that follows the principle of combining property in the household.

Basically, there are two kinds of *nafkah*. First, the *nafkah* that is required of man for himself, and if he is wealthy enough, he must provide a living for others. It is based on the hadith of the Prophet PBUH from Jabir, stating that "Start the fulfillment for yourself first, then give it to those around you." (Narrated by Ahmad, Muslim, Abu Dawud, and Nasa'i). It means that giving to the person you are obliged to provide for after you. Second, the *nafkah* that is required of humans for the needs of others. This is caused by several things, namely "*al-Zaujiyyah* (marriage), *al-Qarabah* (kinship), and *al-Milk* (ownership)." The wife's income is an obligation for the husband to fulfill because the wife is already responsible for her husband. Their relatives must fulfill the family's income due to the existence of blood and *mahram* relations. At the same time, the livelihood of a servant must be fulfilled by his master because of the ownership.¹⁷

Syamsuddin Muhammad ibn Muhammad al-Khatib al-Syarbaini limits the meaning of *nafkah* with; "Something that is taken out and not used except for something good. Terminologically, *nafkah* is interpreted in various ways by *fiqh* ulema. For example, Badruddin al-Aini defines a *nafkah* as: "It is like the flow of something with what perpetuates it."

¹⁶ Lestari Nur Cahya, *Makna Kesetiaan Wanita Jepang terhadap Keluarga pada Masa Pemerintahan Tokugawa*. Diss. Universitas Darma Persada, 2018.

¹⁷ Syamsul Bahri, "Konsep Nafkah dalam Hukum Islam." *Kanun Jurnal Ilmu Hukum* 17, no. 2 (2015), p. 381-399.

In many *fiqh* books, the discussion of *nafkah* is always associated with the discussion of marriage because *nafkah* is a consequence of an *aqad* (contract in relation to marriage) between a man and a woman (the responsibility of a man husband in the household/family). As expressed by al-Syarkawi: "The size of certain food given (responsibility) by the husband to his wife, assistants, parents, children of slaves and the livestock are according to their needs."

The definition that has been asserted by al-Syarkawi above does not include all forms of livelihood described in the verses and Sunnah of the Prophet. Wahbah al-Zuhaili explains the meaning of *nafkah* as follows: "That is to fulfill the needs of those who are responsible to the supply of food, clothing, and shelter." Based on the definitions above, it can be concluded that what is meant by *nafkah* is all needs and requirements that apply according to circumstances and places, such as food, clothing, houses, and so on.

It is obligatory for the husband to provide *nafkah* for his family. The sustenance given is to support the wife, both in money for shopping and clothing, which is obligatory for the husband. This obligation does not occur because the wife needs it for the family, but it is an obligation that arises by itself regardless of the wife's condition. Even Shi'ite ulema stipulate that even though the wife is wealthy and does not need assistance from her husband, the husband is still obliged to provide *nafkah* (Mughniyah: 207). The obligation to make a living is based on the texts of the Qur'an, Hadith of the Prophet, and the consensus of ulema.

Allah the Almighty said in the Quran Surah al-Thalaq verse 7: "Let the man of means spend in accordance with his means; and let him whose resources are restricted, spend in accordance with what God has given him. God does not burden any person with more than He has given him. God will soon bring about ease after hardship" (Quran Surah Al-Thalaq: verse 7)

Similarly, Allah the Almighty said in Quran surah al-Baqarah, Chapter 2: verse 233, which states, "...and their nutrition and clothing must be upon the father according to custom and usage (on a reasonable basis)". Jabir narrates that the Prophet PBUH said, "Be pious in matters of women. Verily, they are like prisoners by your side. You take them with the trust of Allah, and you make their private parts lawful with the word of Allah. They have the right to get sustenance and clothing from you."

The majority of ulema, among them Ibn Qudamah, believe that the husband's obligation to provide a living also applies to his wife from among the women of the Book (*Ahlul Kitab*). Suppose he has a wife from their group, based on the generality of the texts that require the husband to provide a living for his wife. Allah has not ordered one thing, but that it is surely loved by Him and has virtue with Him and brings goodness to the servants, including the problem of fulfilling family livelihoods.

Through the Prophet PBUH, Allah the Almighty has explained the obligations of *nafkah* that a husband must fulfill. As in the hadith of Sunan Abu Daud number 3065, which means: "Has told us Ahmad bin Yunus, has told us Zuhair has told us Hisham bin 'Urwah from 'Aisha that Hindun Ibn Muawiyah came to the Prophet PBUH and said, 'Abu Sofyan is a stingy person, he does not give me the sustenance what is sufficient for me and my son. Am I sinning if I take some of his wealth?" He said: "Take what is sufficient for you and your child in a good manner."

Furthermore, in the hadith of the Prophet Muhammad regarding the virtue of providing a living for the family, The Prophet said that "The dinar (money) you spend in the way of Allah, the dinar you spend to free slaves, the dinar you give to the poor, and the dinar you spend on your family, the greatest reward is the dinar you spend for your family."

In another hadith, the Prophet PBUH said, "What you give to feed yourself is a charity for you. What you give to feed your children is a charity for you. What you give to feed your parents is a charity for you. What you give to feed your wife is a charity for you, and what you give to feed your servant, it is charity to you."

Al-Hafizh Ibn Hajar al-Asqalani said, "Providing *nafkah* for the family is an obligatory deed for the husband. Sharia calls it alms to avoid assuming that husbands who have fulfilled their obligations (providing a living) will not get anything in return. They know what recompense will be given to those who give the charity. Therefore, the Sharia introduces them to the fact that giving sustenance for the family also includes alms (entitled to a reward). Thus, it is not permissible to give alms to other than their families before they provide their obligatory living for their own families first. It is also an encouragement to prioritize the alms that they are obliged to spend (providing for their own families) rather than *sunnah* (voluntary) alms."

In this sense, it is illogical for a husband to eat with his friends and treat them because he wants to look great in front of them while his wife and children are hungry at home. One thing that is also important to remember is that the husband is obliged to provide a living from *halal* (lawful) sustenance. Never give *nafkah* from an unlawful way because every meat that grows from an unlawful item will be tormented by hellfire. The husband will be asked for his responsibility for the income given to his family.

The Hanafi ulema believes that the obligation to provide *nafkah* begins to be imposed on the husband after a valid marriage contract happens, even though the wife has not yet moved to her husband's house. The basis of their opinion, among the consequences of a valid contract, is that the wife becomes a prisoner for her husband. Suppose the wife refuses to move to her husband's house without any *udzur syar'i* (a legally justified reason) after her husband asks for it. In that

case, she is not entitled to a living because the wife has been disobedient (*nusyuz*) to her husband by refusing her husband's request.¹⁸

Meanwhile, the ulema from the Shafi'iyah, Malikiyyah, and Hanabilah asserted that the obligation of *nafkah* had not been obliged to the husband solely due to the marriage contract. This obligation begins when the wife has surrendered herself to her husband or when the husband has intercourse with his wife. Moreover, this obligation also happens when the husband refuses to take his wife to his house, even though the wife has asked to live in the husband's house.

The obligation to provide a living or sustenance for someone else does not just immediately become obligatory for everyone. It is for several reasons so that someone is burdened with the obligation to provide a living for his dependents. If this obligation is neglected, it will be counted a sin for him. As the hadith of the Prophet Muhammad PBUH, "From Wahab bin Jabir from Abdillah bin Umar he said, the Messenger of Allah said: It is enough for a person to neglect his responsibility towards those he is responsible for."

The reasons that oblige a person to provide a living for others are as follows, first, because of heredity. For instance, a father or mother is obliged to provide a living for their children. If the father has passed away, the mother is obliged to provide for her children. The same applies to grandchildren. If the grandchildren do not have a father, then the grandchildren's mother is obliged to provide a living for them. Regarding this matter, Abu Sufyan's wife had experienced this situation where she complained to the Messenger of Allah. She said: "Abu Sufyan was a miser; he did not provide a living for me and my son other than what I took without him knowing. Does such a thing harm me?" The Messenger replied by saying, "Take his wealth in a good manner just to fulfill your needs and your children." The mandatory requirement for a living from both parents to the child is if the child is still small and poor or the child has become an adult, but he/she is unable to work or in poor condition. Vice versa, children are obliged to provide a living for their parents when both of them are too old, no longer able to work, and do not have the wealth to fulfill their needs.

According to the majority of ulema, it is obligatory to provide *nafkah* for both parents and the upper descendants (grandfathers and grandmothers). As Allah says in the Quran; "Your Lord has commanded that you should worship none but Him, and show kindness to your parents. If either or both of them attain old age with you, say no word of contempt to them and do not rebuke them, but always speak gently to them (Surah al-Isra' verse 23).

One way for a person to devote his parents is to provide them with a living if they need it. In addition, devotion to the parents must be realized as Allah commands us in Surah Luqman: 15: "But if they endeavor to make you associate

¹⁸ Mahudin, *Nafkah Atas Istri yang Ditalak Ba'in dalam Keadaan Tidak Hamil: Studi Komparatif Pendapat Ulama Hanafiyah dan Ulama Hanabilah*. Diss. IAIN Walisongo, 2007.

with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness and follow the way of those who turn back to Me [in repentance]. Then to Me will be your return, and I will inform you about what you used to do." It is obligatory for children to speak and treat their parents well, keep their feelings from getting hurt or wound, help both of them in fulfilling all their needs.

Second, because of the marriage. A marriage contract between a man and a woman has legal consequences in rights and obligations. These obligations are in the form of external and internal obligations. After the marriage contract, the husband is obliged to provide *nafkah* for his wife, such as providing food, clothing, shelter, household utensils, and others according to the conditions based on the husband's wealth. The husband must fulfill his livelihood as long as the wife is obedient to him. If the wife is *nusyuz* (disobedient), her right to earn a living from her husband is terminated.

Although some ulemas say that the wife's income is determined by a certain level, however, a mu'tamad (strong) opinion state that it is not specified and is only sufficient as well as adapted to the husband's condition. The explanation is the hadith from Abu Sufyan mentioned above and the word of Allah the Almighty in Surah Al-Baqarah: 2: 228: "And women have rights (income) in proportion to their obligations according to the right way."

Based on the verse above, it is clear that if a wife is disobedient to her husband, she is not entitled to all sustenance. As the Messenger of Allah said in a hadith which means: "Fear Allah in matters of women, for verily you took them in Allah's trust, and it is lawful for you to intercourse with Allah's words, and it is obligatory on you (husbands) to provide a living for them (wives) and provide clothing in the best manner (appropriate)." (Narrated by Muslim).

The verse and hadith above do not specify the provisions on how much of living or money a husband should give; instead, it is said with the words *ma'ruf* (appropriate). It means that it is according to the circumstances of one particular place and adjusted to the capability of the husband and his position in society.

Third, because of ownership. A person who owns a slave is obligatory for him to feed and give clothes to the slave. Moreover, he is obligated to take care of him and not burden him more than he can afford. As the Messenger of Allah said in a hadith, which means that "From Abu Hurairah, he said, The Messenger of Allah said, "The servant must be given food and clothing, and he is not burdened with the work except what he can afford" (Narrated by Muslim).

In another hadith, it says that Allah's Messenger PBUH said, "A woman was tortured and was put in Hell because of a cat which she had kept locked till it died of hunger." Allah's Messenger PBUH further said, (Allah knows better) Allah said (to the woman), 'You neither fed it nor watered when you locked it up, nor did you set it free to eat the vermin of the earth.' (Narrated by Bukhari and Muslim).

Having stated above, it is seen that the implementation of the marriage contract raises the rights and obligations between a husband and wife. Among the most fundamental obligations of a husband to his wife is the obligation to provide a living, in either food, clothing, or a place to live together.

As a consequence of a valid marriage contract, the husband is obliged to provide a living for his wife. The wife's right to earn a living is only acquired if the conditions for obtaining the rights described above have been fulfilled and the wife avoids things that cause the termination of her right to earn a living. In connection with the loss of the right to livelihood, the following will explain some of the things that cause the wife's right to terminate. The reasons for the loss of livelihood rights are as follows. First, *Nusyuz* means a woman who feels superior to her husband so that she does not want to be bound by the obligation to obey her husband. It is also the act of disobeying a wife against her husband without any reason, which is justified by the law of Islam. The second, the death of a husband or a wife. The wife's livelihood has terminated since the husband's death. If the husband dies before providing *nafkah*, the wife cannot make a living from her husband's property. If the wife dies first, then her heirs cannot take a living from her husband's property. The third is apostasy. If a wife apostatizes, her right is lost because the wife's expulsion from Islam prevents the husband from having intercourse with the wife. If the husband is an apostate, the wife's right to support does not terminate because the legal obstacle to having intercourse arises from the husband's side even though if he wants to remove the legal barrier by reverting to Islam that he can do. The fourth is *talaq* (divorce). *Fiqh* experts agree that women who have been divorced are still entitled to be given a living and a place to live. In this case, the ulemas have different opinions about the livelihood of women who have been divorced three times. Imam Malik, Syafi'i, and Ahmad argue that a woman who has been divorced three times does not earn a living, but according to Malik and Shafi'i, she is still entitled to a place to live. Meanwhile, according to Abu Hanifah, a wife who has been divorced three times is still entitled to a living and a place to live. Fifth, concerning the divorce, the ulema agrees that the right of providing sustenance for the wife is only as long as the wife is still in the *iddah* period (waiting period that a Muslim woman observes after the death of her husband or after a divorce). After the end of the *iddah* period, there is no single argument that reveals that the husband is still obliged to provide for his ex-wife. This, according to the author, can be understood why after the end of the *iddah* period the wife is no longer entitled to receive a living from her husband.¹⁹

The author believes that this is because once a divorce occurs and the wife's *iddah* period expires, the husband and wife are no longer bound by marital ties. Thus, automatically with the release of the marriage bond, both parties will

¹⁹ Laurensius Mamahit, "Hak Dan Kewajiban Suami Isteri Akibat Perkawinan Campuran Ditinjau Dari Hukum Positif Indonesia." *Lex Privatum* 1, no. 1 (2013).

automatically be released from the obligation to do something related to their right or obligation to each other.

Based on the description and explanation above, it can be understood that the right of a wife to earn a living from her husband is closely related to the obligations that a wife must carry out concerning the rights she receives. It means that one of the consequences of a marriage contract is the existence of rights and obligations between a husband and a wife. However, it does not mean that the wife will automatically receive the right to her livelihood. It is in accordance with the obligations that need to be carried out in a family house to create a balance between the rights and obligations between a husband and wife.

The Concept Of Equality In Gender Perspective

In the current reality, it can be said that almost no women can be limited the movement only in the domestic area or just working in the house. Indirectly, they are required to walk in harmony in the current era with all its changes. Classical interpretations are a reflection of the socio-cultural conditions that they faced at that time. Moreover, Islam is said to *be shālihun fī kulli zamān wa makān* (walk-in harmony in every era and different spaces). Thus, classical religious thoughts in these interpretations need to be realigned with the current socio-cultural situation.²⁰

The Qur'an normatively affirms the concept of equality between men and women. The concept of equality implies two things. First, in a general sense, this means accepting both sexes' dignity in equal measure. Second, people must know that men and women have equal rights in social, economic, and political views.²¹

According to Husein Muhammad, gender is a socially constructed behavioral difference between men and women. These differences are not natural or not created by God but are created by both men and women through a long social and cultural process. Behavioral differences between men and women are not just biological but through socio-cultural processes.²²

In general, stereotypes are labeling or marking a particular group that is detrimental, which can cause injustice for a particular group. One type of stereotype is sourced from a gender-biased view. The stereotype of gender bias is a form of ideological and cultural oppression, namely by giving specific labels that offend the women. Stereotypes of men as breadwinners also have an impact on analyzing women. As a result, this stereotype makes anything produced by women only seen as additional money in fulfilling the needs of their family.

²⁰ A. Qodri Azizy, *Pemikiran Islam Kontemporer Di Indonesia*, Yogyakarta: Pustaka Pelajar, 2005, p. 107-109

²¹ Khusnul Khotimah, "Diskriminasi Gender Terhadap Perempuan Dalam Sektor Pekerjaan." *Yinyang: Jurnal Studi Islam Gender dan Anak* 4, no. 1 (2009), p. 158-180.

²² Muhammad Husein, *Fiqh Perempuan*. Yogyakarta: LKiS, 2007, p. 7-8

Nevertheless, we can see that it is not uncommon for women or wives to earn higher incomes than men or their husbands.

Because of all household chores being their responsibility, the workload for women becomes heavier in a family. Women keep the household clean and tidy, and they also cook the food, wash the clothes, iron, do the dishes, and take care of children. For middle-class families, these works are done by housemaids. However, these housemaids are generally women who have not been adequately protected by state law until now. Meanwhile, among the low-income families, women's workload is doubled in addition to having to take care of household matters. They also have to work in the public sector to help earn additional income for their families. The time and energy spent by women are more severe and heavier than men. Women are the last to go to bed at night and the fastest to get up in the morning. So it can be said that the wife's working hours are unlimited since they do the jobs before the husband wakes up until the husband goes to bed.²³

The violence that occurs regarding gender in women is generally caused by different views on gender. Physical and non-physical forms of violence can occur at the household level, state level, and even religious interpretations.²⁴ One form of physical violence is marital rape. It is bizarre to hear that between a husband and wife who are bound by marriage can occur the rape.²⁵

The Qur'an wisely mentions that the husband and wife relationship must be built utilizing *mu'âsyarah bi al-ma'ruf* (treat, associate, look after and properly care for their spouse). A good husband is a husband who can please, look after and help his wife as his wife pleases him, takes care of him, and helps him. Moreover, the husband must be patient with his wife's shortcomings.

According to Mansour Fakhri, injustice must be followed up and emphasize the attitude of how to instill and change the lifestyle of our current society in order to build a new and bilateral culture. It is essential because habits, understanding, and attitudes towards boys are the same as girls to realize gender justice.²⁶

Many factors cause women to experience gender bias so that they are not equal to men. First, the patriarchal culture that has long dominated society. Second, political factors are not entirely in favor of women. Third, the economic factor in which the global capitalist system in the world often exploits women. Fourth, the factor of interpretation of religious texts, which is gender-biased.

Syafiq Hasyim argues that equality as the main principle of justice is to view the equal position of men and women not based on natural differences. Actually,

²³Alawy Rachman, *Gelas Kaca Dan Kayu Bakar, Pengalaman Perempuan Dalam Pelaksanaan Hak-Hak Keluarga Berencana*. Yogyakarta: Pustaka Pelajar, 1998, p. 7

²⁴Mansour Fakhri, *Analisis Gender*. Yogyakarta: Pustaka Pelajar, 2008, p. 17

²⁵Agus Hermanto, "Rekonstruksi Konsep Hak Dan Kewajiban Suami Istri Dalam Perundang-Undangan Perkawinan Indonesia." *Justicia Islamica* 15, no. 1 (2018), p. 49-86.

²⁶Agus Hermanto, p. 157

Syafiq emphasizes the philosophical meaning of men and women being equal in the eyes of Allah except in terms of piety. However, the rights and obligations in the household must also be balanced and should not be differentiated except in terms of sex differences.²⁷

According to Husain Muhammad, equality is interrelated and influences each other in a structured way for both men and women. In the end, men and women become accustomed and trusted that gender roles are as if God's nature can be accepted and considered as something that does not have to be corrected.²⁸

According to Nasarudin Umar, leadership in the family is something that is given to the husband. The main reason why the husband by himself becomes the family leader is because of the *fadl* (strength) he has over women, which is considered absolute. In addition, *infaq* or the provision of a living imposed on men for their wives and other family members is also why they (husbands) must lead the family.²⁹

Nasaruddin emphasizes more on the interpretation that men and women are partners who are able to work together and help each other in the family. In fact, both husband and wife have the right to be the household leader if the wife has a role in public affairs. However, whoever is the head of the household should prioritize the principles of *sakinah, mawaddah wa rahmah* (a family with tranquility, love, and mercy) to maintain the righteousness in the family.

According to Nasharuddin, several things cause injustice in the family. First, there is a lack of clarity between sex and gender in defining the roles of men and women. Second, the influence of the stories of *Isra'iliyyat*, which is widespread in the Middle East region. Third, the method of interpretation which so far refers to a textual approach rather than a contextual one. Fourth, another possibility is that the reader is not neutral in judging the texts of the verses of the Qur'an or is influenced by other perspectives in reading verses related to gender. In this case, it seems as if the Qur'an is in favor of men and supports the patriarchal system which feminists consider to be detrimental to women. Gender bias can be caused by the way someone reads gender verses in the Qur'an partially.³⁰

The position of women who are subordinated to men actually emerged and was born from a culture of society or civilization dominated by men popularly known as patriarchal civilization. Therefore, it would be a big mistake to position women in such a cultural setting into a modern social and cultural setting as it is today. Today's reality shows that the view of men's greatness and women's weaknesses from an intellectual and professional perspective is being challenged

²⁷ Syafiq Hasyim, *Hal-Hal Yang Tak Terpikatkan Tentang Isu-Isu Perempuan Dalam Islam*. Bandung: Penerbit Mizan, 2001, p. 263

²⁸ Muhammad Husein, *Fiqh Perempuan*. p. 23-32

²⁹ Nasaruddin Umar, dkk, *Bias Jender Dalam Pemahaman Islam*. Yogyakarta: Gama Media, 2002, p. 86.

³⁰ Nasaruddin Umar, dkk, *Bias Jender Dalam Pemahaman Islam*, p. 21-22

and demolished, even though men are still trying (through awareness or not) to maintain their superiority.³¹

According to Husein, sociologically and culturally, Islam was present for the first time in Arab society which has a firm patriarchal culture. They highly exalt men or masculinity and, on the contrary, underestimate the potential of women. Such a culture influences and shapes awareness and the assumption that women are passive while men are destined to continue to be active. Such assumptions significantly affect the form of religious appreciation that we have inherited to this day.³²

According to Husein, in principle, justice and benefit must be the basis for making laws. The law can change if there is no social good in it. The patriarchal pattern of *fiqh* products dominates all household spaces, including marriage. Women are owned by husbands. Thus, the wife has no sexual rights over her husband and controls herself because her entire body belongs to her husband. As a result, women as wives are closed and ashamed to express their desires for their husbands. Another thing can be found in leadership in the household where women do not have rights as leaders. The impact for women is that it is difficult to make decisions in the household, even for themselves. The wife is ultimately very dependent on her husband. Women's rights as wives are denied. *Fiqh* can be fair to women by finding and selecting *fiqh* products that are relevant to the perspective of justice. *Fiqh* is a view that will always create differences of opinion. Therefore, state decisions must be taken, and state decisions are binding and remove controversy.³³

Furthermore, Husein Muhammad responded that if culture is the reality of human society, which includes traditions, daily human behavior patterns, laws, thoughts, and beliefs, then the culture that appears in general still clearly shows its alignment with men. People call it patriarchal culture. In this culture, establishing the role of men to determine what they want is justified whether it is consciously done or not. On the other hand, women are in a subordinate position. They become part of men and rely their lives on men. Women's autonomy rights are reduced. This situation is often proven to create a process of marginalization and even exploitation and violence against women. It happens in all aspects, both domestic and public.³⁴

This is a social fact in society that shows that men's and women's awareness is relatively weak. This biased assessment of women also starts with three basic assumptions about religious beliefs. First, the dogmatic assumptions that explicitly place women as complements. Second, the dogma that women's ethical-

³¹ Mufidah, *Kontemporer Dalam Hukum Keluarga*. Malang: UIN Maulana Malik Ibrahim, 2010, p. 22

³² Mufidah, *Isu-Isu Gender...*, p. 143

³³ Mufidah, *Isu-Isu Gender...*, p. 20

³⁴ Muhammad Husein, *Fiqh Perempuan...*, p. 183

moral talent is low. Lastly, the materialistic view is the ideology of the pre-Islamic Meccan society which views the role of women in the production process as only to give birth to children.³⁵

In contrast to the concept of Masdar Farid Mas'udi who views the wife's right to earn a living and guarantee the welfare of her husband. Because it has been normatively mentioned in the texts (al-Qur'an and hadith) and because the wife has a reasonably significant role and responsibility in reproduction and household management. It is truly unfair if the woman or wife is also burdened with the problem of living expenses (food, shelter, clothing, health, etc.). Thus, it is appropriate for the husband to bear the responsibility for it.

The basic principle in determining the husband's livelihood for his wife is in order to keep family members free from neglect. In terms of the amount of living that must be given, the author believes that it depends on the household needs (wife and children) and the husband's capability. However, if the family is neglected because the husband does not take care of his sustenance obligations, the wife can file for divorce (if it really forces her).³⁶

Musdah Mulia gives the ideas that are more about contextual understanding that, in reality, not all men can play a role more than women's roles. In this case, it cannot be forced that the husband must be the head of the household and the wife as the housewife. The wife may be more capable in the public sector; then, the wife will be able to play a leading role in the household.

Musdah Mulia examines Surah al-Nisa verses 32 and 34 in terms of language according to which the words *rijāl* and *al-nisā'* are not the only terms used in the Qur'an to express the meaning of men and women. According to her, in the Qur'an, two words are found for the meaning of men, namely *rajul* (singular form) and *al-rijāl* (plural) or *al-zakar* (singular) and *al-zakar* (plural).

According to Ratna Bantara Munti, basically, the concept of the ideal relationship between husband and wife based on Islam is the concept of equal partnership or equal relationship. As mentioned in the Surah al-Baqarah/2 verse 187, the moral ideal is that in principle, the position of men and women is equal. The principle of equality is in line with what Allah the Almighty says in Surah al-Nisa' verse 124.

Similarly, Ratna Bantara Munti gave the same comment. In principle, men and women are partnerships whose position is the same. The difference is only in the aspect of sex, not in the area of gender.

All general benefits are facts that cannot be doubted. No one denies that maintaining religion, soul, mind, lineage, and property is required as human

³⁵ Muhammad Husein..., p. xiii

³⁶ Masdar F. Mas'udi, *Islam Dan Hak-Hak Reproduksi Perempuan: Dialog Fiqih Pemberdayaan*. Bandung: Mizan, 1997, p. 115

beings. According to al-Syātībī, the meaning of *al-maslahat*³⁷ in the sense of *shari'a* is to take advantage of and reject *mafsadat* (*li jalbi al-mashalih wa li dafi al-mafasid*), which is not only based on common sense but also in the context of maintaining the rights of servants.

If we look from the side of benefit, it is accompanied by *sadd al-ẓarī'at* because the purpose of the law is for the life of humanity and as long as it does not violate the provisions of *syarā*. Regarding the concept of reconstruction in the form of a reinterpretation of the rights and obligations of husband and wife offered by Muslim pre-feminists, it does not contradict the concept of *maslahat* offered by al-Syātībī. According to al-Syātībī's opinion, several principles must be met in the use of the *maslahat* method. First, the benefit must be in accordance with the purposes of *syarā'* so that there will be no conflict between the benefit and the legal arguments. From this first concept, the concept of husband and wife rights and obligations initiated by Muslim feminists does not contradict sharia law. It is general or for the general benefit. Because the interpretation offered in surah al-Nisa verse 34 is the result of reinterpretation, rejecting the result of interpretation does not mean rejecting God's verses.

It is also in line with the concept of *sad arī'at* initiated by al-Syātībī, stating that the true purpose of the law is *jalb al-massalih wa dafu al-mafāsīd* (i.e., taking benefit and rejecting harm).³⁸ In order not to be carried away into liberal, radical and fundamental thought, this study requires the theory of *sad arī'at*. Gender theory was originally a Western theory initiated to demand justice, equality, and human rights that cannot be separated from the emergence of many sects. The purpose of Islamic law is only for the benefit, namely maintaining religion, guarding the soul, guarding reason, maintaining lineage, and guarding property. Human needs in the benefit that they conduct are for the benefit of the human beings. At least, the power of human reason is to achieve benefits that do not discharge from the goals of *syarā'*.

Second, the benefit does make sense. Contextually practice, the role of women is no longer in the domestic field but mainly in the public sector. It is very logical if then the concept of living offered by Muslim feminists is no longer absolutely a burden on the husband, but rather for partners to work together, protect each other and support each other in household matters.

Third, the results of the application of the benefit will be able to eliminate narrowness or pettiness that is not desired by *syarā'*. Of course, these breakthroughs must be deferred to face reality so that the role of law must be progressive and responsive to specific situations and conditions.

³⁷ Yusdani, *Peranan Kepentingan Umum Dalam Reaktualisasi Hukum; Kajian Konsep Hukum Islam Najamuddin al-Thufi*. Yogyakarta: UII Press, 2000, p. 50

³⁸ Hifdhotul Munawwaroh, "Sadd Al-Dzari'at Dan Aplikasinya Pada Permasalahan Fiqih Kontemporer." *Ijtihad: Jurnal Hukum dan Ekonomi Islam* 12, no. 1 (2018), p. 63-84.

Even though the rights and obligations of husband and wife have been reformulated to achieve the rights and obligations with the principle of partnership, this is certainly not absolutely changing the initial provisions as a whole and actually constructing the existing ones. Instead, it tries to instill the values of nurturing, protecting, and complementing each other by supporting each other in domestic matters.³⁹ This is the principle that is instilled in a household.

The new offers regarding the rights and obligations of husband and wife in the form of a new reinterpretation can still be made as long as they do not conflict with *syara'* law because the purpose of *syara'* law is *li jalbi al mshalih wa li dafi al-mafasid*. However, as stated by al-Syātībī, even though this cannot be generalized and is only casuistic in nature; the concept of legislation regarding the rights and obligations of husband and wife seems rigid and standard on one occasion. However, sometimes in certain contexts, it is flexible.

Indeed, marriage is a form of reconstruction of previous teachings which can be said to be *syar'u man qablana*, which is sharia that has been prescribed to the previous people. Islamic teachings only harmonize with the concepts that no longer bring benefits, for example, the concept of the rights and obligations of husband and wife. Actually, Islam has given the ideal concept that the husband is the household leader and the wife is the housewife. However, this concept is no longer carried out properly by Muslims as a whole, so the values of wisdom and justice are always considered relative. According to the author, the feminist thoughts about the concept of rights and obligations that have been interpreted from the verses and hadiths and the views of the ulemas on the existing concepts are not new concepts but have existed in the paradigm of the people before the arrival of Islam. Then, Islam came to bring benefit, peace, and justice. Several reasons become *illat* contextually; they should only be casuistic and should not be provoked as if the role of men can be equated with women. Because if the concept then becomes a result of consensus which is practiced and used as a reference, it will be a disaster in the future.

The position of the wife who has job and works outside the home (career woman) is a form of equality in terms of realizing the values of justice, *musawah* (equality), and *shura* (democracy). This results in the wife's position not only acting as a housewife but also being able to work in helping her husband earn a living. The wife is a partner in the household where both husband and wife support each other in household matters. The word *qawwam* in the Quran is not interpreted as a leader, but rather it means protects and supports each other between the two who have *fadh* (priority) in terms of property.

³⁹ Heri Junaidi, "Ibu Rumah Tangga: Stereotype Perempuan Pengangguran." 12, no. 1 (2017), p. 77-88."

Conclusion

The rights and obligations of husband and wife must be assessed contextually so that the elements of justice, equality, democracy, and communication in a good way for a partnership between the two of them are fulfilled. The meaning of *qawam* in this context cannot be interpreted as a leader. It emphasizes the values of the partnership between the two so that mutual assistance, support, and care are realized. This is in line with Islamic law which makes law for human beings for their own benefit.

References

- A. Qodri Azizy. *Pemikiran Islam Kontemporer Di Indonesia*. Yogyakarta: Pustaka Pelajar, 2005.
- Alawy Rachman. *Gelas Kaca Dan Kayu Bakar, Pengalaman Perempuan Dalam Pelaksanaan Hak-Hak Keluarga Berencana*. Yogyakarta: Pustaka Pelajar, 2008.
- Damayanti, Hafidah. "Analisis Gender Dalam Strategi Nafkah Rumah Tangga." *Studi Pustaka*, (2020)
- Hermanto, Agus. "Rekonstruksi Konsep Hak Dan Kewajiban Suami Isteri Dalam Perundang-Undangan Perkawinan Indonesia." *Justicia Islamica* 15, no. 1 (2018)
- Husein Muhammad, *Fiqh Perempuan*. Yogyakarta: LKiS, 2007.
- Junaidi, Heri. "Ibu Rumah Tangga: Stereotype Perempuan Pengangguran" *An Nisa'a* 12, no. 1 (2017)
- Khotimah, Khusnul. "Diskriminasi Gender Terhadap Perempuan Dalam Sektor Pekerjaan." *Yinyang: Jurnal Studi Islam Gender Dan Anak* 4, no.1 (2009)
- Mamahit, Laurensius. "Hak Dan Kewajiban Suami Isteri Akibat Perkawinan Campuran Ditinjau Dari Hukum Positif Indonesia." *Lex Privatum* 1.1 (2013).
- Mansour Fakih. *Analisis Gender*. Yogyakarta: Pustaka Pelajar, 2008.
- Masdar F. Mas'udi. *Islam dan Hak-Hak Reproduksi Perempuan: Dialog Fiqih Pemberdayaan*. Bandung: Mizan, 1997.
- Maulida, Fadhilatul, and Busyro, "Nafkah Iddah Akibat Talak Bain Dalam Perspektif Keadilan Gender (Analisis Terhadap Hukum Perkawinan Indonesia) Nafkah Iddah Akibat Talak Bain Dalam Perspektif Keadilan Gender (Analisis Terhadap Hukum Perkawinan Indonesia)." *Al Hurriyah: Jurnal Hukum Islam* 3, no. 2 (2018).
- Mufidah. *Isu-Isu Gender Kontemporer Dalam Hukum Keluarga*. Malang: UIN Maulana Malik Ibrahim, 2010.
- Munawwaroh, Hifdhotul. "Sadd Al-Dzari'at Dan Aplikasinya Pada Permasalahan Fiqih Kontemporer." *Ijtihad: Jurnal Hukum Dan Ekonomi Islam* 12, no.1 (2018).

Nasaruddin Umar, dkk. *Bias Jender Dalam Pemahaman Islam*,. Yogyakarta: Gama Media, 2002.

Nasution, Muhammad Syukri Albani. "Perspektif Filsafat Hukum Islam Atas Hak Dan Kewajiban Suami Istri Dalam Perkawinan." Analisis." *Jurnal Studi Keislaman* 15, no.1 (2015).

Revilya, Masytha. "Pekerjaan Istri Sebagai Pencari Nafkah Ditinjau Dari Perspektif Feminis Dan Hukum Islam." *Diss. IAIN Curup*, 2018.

Sari, KartikaSari, Kartika. "Forgiveness Pada Istri Sebagai Upaya Untuk Mengembalikan Keutuhan Rumah Tangga Akibat Perselingkuhan Suami." *Jurnal Psikologi* 11, no. 1 (2012).

Syafiq Hasyim. *Hal-Hal Yang Tak Terpikitkan Tentang Isu-Isu Perempuan Dalam Islam*. Bandung: Penerbit Mizan, 2001.

Yusdani. *Peranan Kepentingan Umum dalam Reaktualisasi Hukum: Kajian Konsep Hukum Islam Najamuddin al-Thufi*, Yogyakarta: UII Press, 2020.