

## Islamic Perspectives on Fulfilling Husband's Financial Responsibilities: Insights from Ulama Mazhab and Detained Citizenship

Yusuf Faisal Ali

Department of Pancasila and Civic Education, Sekolah Tinggi Keguruan dan Ilmu Pendidikan Pasundan, Indonesia. Jl. Permana No.32B, Citeureup, Kec. Cimahi Utara, Kota Cimahi, Jawa Barat 40512  
E-mail: yusuffaisalali2016@gmail.com

### ABSTRACT

*This article explains the fulfillment of the husband's income as a fostered citizen in the detention center and analyzes how Islamic law reviews the implementation of the husband's income in various perspectives of ulama mazhab; in this article, the author quotes the views of Imam Hanafi, Imam Shafi'I, and Imam Maliki, in addition to some views of other scholars such as Sayyid Sabiq. This research uses literature research methods. Data were obtained by analyzing texts in books and books and legal studies. The data is analyzed in a qualitative descriptive way. The results of this study show that in Islamic law with a variety of views of imams of the madhab, including Imam Shafi'I, Maliki, and Hanafi, have the same view about fulfilling the obligation to provide for husbands who are prison-assisted citizens, husbands who are in prison are still obliged to provide for their wives according to their ability.*

**Keywords:** bread; fostered citizen; husband; detention center; ulama mazhab.

**How to Cite:** Ali, Y. F. (2023). Islamic Perspectives on Fulfilling Husband's Financial Responsibilities: Insights from Ulama Mazhab and Detained Citizenship. *Jurnal Ilmiah Al-Syir'ah*, 21(2), 312–323. <https://doi.org/10.30984/jis.v21i2.2698>  
Copyright © 2023, Jurnal Ilmiah Al-Syir'ah

## **INTRODUCTION**

Islam is a religion with rules and systems that are comprehensive and perfect in managing all matters of life for all humanity, including relationships with the creator, humans, and the entire universe (Joshnloo, 2017). All of this is included in the field of worship and muamalah, both in the narrow and broad sense. Every Muslim must understand all aspects of worship in Islam, including marriage issues. Islamic teachings are so perfect that all forms of creativity humans carry will never be separated from their touch.

Marriage is not just a means to achieve sexual satisfaction and fulfill biological needs between men and women, but also, more importantly, to have the desire to carry out religious commands (sharia) (Gore-Gorszewska, 2021). Marriage is more than just personal interests; it also includes preserving religion, protecting women, developing offspring, increasing human numbers, and realizing the hopes of the Prophet Muhammad Saw (Atabik & Mudhiiah, 2016).

Islam places significant emphasis on marriage, laying down robust principles and solid foundations to achieve a noble objective: the establishment of enduring, harmonious, and peaceful family structures (Macfarlane, 2012). These principles aim at fostering permanence, cultivating familial joy, ensuring tranquility, and preventing marital discord. Additionally, they facilitate an environment where children can flourish, nurtured in an atmosphere of care, affection, love, tenderness, and delight, fostering their holistic growth and development within the family unit (Kasim & Semiaji, 2022).

The success of husband and wife in building a family is a pillar of societal peace. Therefore, Islam pays excellent attention to family life (Maftuhah, 2022). Islam lays down rules and principles for husbands and wives on which a strong marriage is built. Apart from this pillar, there is also a guarantee of goodness for Muslims (Asmara, 2021).

In line with the above, Marriage Law no. 1 of 1974 states in Article 1 that the definition of marriage is a physical and spiritual relationship between a man and a woman in a husband and wife bond in order to achieve the goal of forming a happy and eternal family based on faith in the Creator God Almighty (Maulidah et al., 2019).

Republic of Indonesia Presidential Decree No. 1 of 1991 concerning the Compilation of Islamic Law (KHI) article 2 states that the definition of marriage from the perspective of Islamic law is that it is a firm agreement or contract (*mitzagan galidzan*) in obedience to religious law, to Allah Swt. and carrying out all his commands in terms of worship (Tabroni et al., 2021). Marriage means all humans obey and fulfill religious instructions to establish a harmonious, prosperous family (Kamba, 2022). Harmony is maintaining household life using, fulfilling rights and obligations as a family, and getting comfort so that life becomes parents

in low physically and mentally. If the need for inner and outer calm can be realized, happiness will arise through love between family members.

Apart from that, marriage is part of a form of legal implementation between a husband and wife; in a marriage, it is not only intended to obey religious commands and worship Allah Swt., but on the contrary, if a marriage occurs with physical and spiritual ties, it will give rise to civil legal consequences, between husband and wife (Nugraheni, 2019). Therefore, because marriage has a very noble goal, namely building a happy life that lasts forever based on belief in the Almighty Godhead, there are provisions regarding the rights and obligations between a husband and wife; if these rights and obligations are realized, then every husband the wife is satisfied, the husband and wife's dreams about family life can be carried out following the mandate of Law Number 1 of 1974 concerning marriage (Hamidin & Alfitri, 2021).

A legal bond through marriage between a husband and a wife results in the emergence of various rules regarding the rights and obligations of both, with a connection to domestic life. Husband and wife are bound to each other and have rights and obligations that cannot be waived. After the marriage, both husband and wife will be responsible for fulfilling their respective rights and obligations in the family (Khosyi'ah, 2018). A husband has several rights over his wife, which the wife must always fulfill and comply with. The head of the family must legally provide for all his wife's and children's needs according to his abilities (Makka & Ratundelang, 2022).

Therefore, regulating the rights and obligations of husband and wife is essential. The purpose of the discussion in this article is to explain the implementation of maintenance for wives of husbands who have the status of correctional residents or prisoners, as well as provide views from various perspectives of religious sects. If the obligations and rights of every husband and wife can always be fulfilled, the dream of a happy, eternal husband and wife life will come true forever. In connection with the obligations that husbands must fulfill, the author in this article describes and examines the issue of livelihood from various perspectives of religious sects, especially husbands who are convicts.

Support is one of the essential issues that must be fulfilled by the husband for a prosperous and peaceful life to exist in the household. From the past until now, quite a few families have had problems and ended in divorce due to inadequate income. To avoid this, the Islamic school of thought scholars have strictly stipulated livelihoods through legal Steinbach, which refers to the propositions of the Koran and Hadith and considers the benefits. Thus, it is essential to examine the legal arguments of school scholars regarding maintenance, which in this article is specifically for husbands who are convicts.

## METHODS

This article indicates that a literature study using scientific sources is considered relevant in the discussion of this article. The author also uses indirect quotations, which are processed by the author himself without changing the meaning and ideas contained in the source. In this context, the relevance of literature studies using scientific sources suggests that the author has relied on reliable and verified information to support the arguments presented in the article. The use of indirect quotations indicates that the author takes ideas or thoughts from the source without changing their meaning, thus respecting the authenticity and accuracy of the information retrieved.

## RESULTS AND DISCUSSION

### Marriage According to Islamic Law

According to marriage law, marriage is a contract of handover between a man and a woman to mutually satisfy each other and form a peaceful household and a prosperous society. Fiqh experts say *zawwaj* or marriage is a contract containing marriage or *tazwij*. It follows the expression written by Hidayat & Azahari (2020) who provide the following definition of marriage:

A contract that contains legal provisions regarding the permissibility of sexual relations with the words *nikah* or *tazwij* or the meaning of both.

In Islamic law, Sayyid Sabiq (2009) statement in the book of Sunnah jurisprudence explains that marriage has laws according to the conditions and factors of the perpetrator. *First*, for people who are capable of getting married, their desires are overwhelming, and they are afraid of falling into adultery, then they are obliged to marry. Because abstaining from haram actions is required. Allah says in Q.S. An-Nur: 33,

وَلَيْسَ تَعْفُفُ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مِمَّا مَلَكَتْ أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتُوهُمْ مِّنْ مَّالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تُكْرَهُوا فَتَيَاتِكُمْ عَلَى الْبُعَاءِ إِنْ أَرَدْتُمْ تَحَصُّنًا لِّتَبْتَغُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَن يُكْرِهْنَهُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ رَّحِيمٌ

People who are unable to marry should maintain their (self) purity until Allah gives them the ability with His grace. (If) Our servants want agreement (freedom), so you should agree if you know there is good in them. Give them some of Allah's treasures that He has given us. Do not force our female servants to engage in prostitution if they desire chastity because we want to seek the benefits of worldly life. Whoever forces them, surely Allah is Forgiving, Most Merciful (to them) after they are forced.

*Second*, people whose lust has become overwhelming and are capable of getting married but are still able to restrain themselves from committing adultery, it is sunnah for them to marry. Marriage, for him, is more critical than persevering

in worship. *Third*, for someone unable to provide for his wife physically and mentally and whose desires are not urgent, it is unlawful for him to marry. *Fourth*, it is makruh to marry someone impotent and unable to provide for his wife's shopping. Even though it does not harm his wife because he is rich and does not have strong sexual desires. *Fifth*, for people who are not pressured by reasons that prohibit marriage, then marriage is permissible for them.

### **KHI Perspective Livelihood and Marriage Law no. 1 of 1974: A Comparison**

Most Muslims agree that there are four sources of law in Islam: Al-Quran, Hadith, ijma, and qiyas. They also agreed that the order of legal sources shows the law-making hierarchy (Haries & Rahmi, 2021). It means that the Al-Quran takes precedence in determining law compared to hadith and other sources of law if arguments indicate the law's provisions. Likewise, hadith takes precedence over ijmak and qiyas in establishing law as long as the hadith is authentic and indicates specific legal provisions. On the other hand, ijma and qiyas are used as long as no legal provisions are found in the first two sources. Thus, these two sources can be seen as complements to the first two previous sources (Iqbal, 2023).

Marriage, with the following series of laws, is included in the objects of Islamic law (Atabik & Mudhiiah, 2016). Therefore, the four sources of law above cannot be separated in establishing law, including the provisions regarding livelihood in this case. Considering the importance of the livelihood issue, the Al-Quran and Hadith do not fail to talk about livelihood. On the other hand, in the legal context of Indonesia, the Compilation of Islamic Law (KHI) is used as the legal basis for Muslims in resolving legal cases, including livelihoods.

The Islamic Law Compilation Law (KHI) has formulated the purpose of marriage, namely to build a happy and eternal family based on the Shari'ah of Almighty God. If the goal of marriage is to be realized, it depends on the sincerity of both parties, both husband and wife. Therefore, marriage is not only seen as a medium for realizing Allah's Shari'ah to obtain goodness in this world and the hereafter (Marni et al., 2023).

As for maintenance, the husband's obligations to his wife include material obligations in the form of objects and non-material obligations not in the form of objects, regulated explicitly in the Marriage Law No. 1 of 1974 (Hidayat & Azahari, 2020). The husband's position in the family is as head of the family, where one of the husband's obligations is to provide support for the house, clothing, and food. The wife plays the role of a housewife who manages the finances in the household, which is obtained from the income provided by the husband. The issue of income is regulated in Chapter VI of the Rights and Obligations of Husband and Wife, which is contained in Article 34 below:

1. The husband is obliged to protect his wife and provide all the necessities of household life according to his ability.
2. The wife is obliged to manage household affairs as well as possible.

3. If a husband or wife neglects their obligations, they can file a lawsuit with the court.

In this law, fulfilling the family's livelihood is the husband's responsibility as head of the household. However, the wife must manage household affairs as well as possible, so in this regulation, we implicitly find a division of roles between husband and wife in married life, as regulated in Law no. 1 of 1974 article 31 paragraph (3).

1. The rights and position of the wife are balanced with the rights and position of the husband in domestic life and social life together in society
2. Each party has the right to take legal action
3. The husband is the head of the family, and the wife is the housewife.

In the Compilation of Islamic Law in the Chapter Rights and Obligations of Husband and Wife (Article 77-Article 84), it is said that in Article 79 (1), the husband is the head of the family, and the wife is the housewife. Meanwhile, in Article 80, paragraph 12, the wife's participation in earning a living for the family: General Overview of the Concept of Support. (2), the same as the contents of Article 34 paragraph (1) of Law no. 1 of 1974, "Husbands are obliged to protect their wives and provide all the necessities of married life according to their capabilities. "The implementation of maintenance will become mandatory for the husband if his wife's perfect income has begun to take effect, as regulated in Article 80 paragraph (5), "The husband's obligations towards his wife as stated in a and b above come into force after there is perfect appearance from his wife. "However, in the next verse, two legal options must be considered. Where a wife can be free from her husband's responsibility for providing support, and a husband can be free from the obligation to provide support for his wife as stated in Article 80 paragraph (7) in the KHI, which states, "The husband's obligations as referred to in paragraph (5) are terminated if the wife is nusyūz" (Yunus et al., 2020).

The issue of nusyūz is a discussion in itself in the study of fiqh, because the word nusyuz itself is mentioned twice in the Al-Qur'an, namely Surah an-Nisa' verse 34 which reads,

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنَاطٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Men (husbands) are responsible for women (wives) because Allah has preferred some of them (men) over others (women) and because they (men) have spent part of their wealth. Pious women are those who are obedient (to Allah) and take care of themselves when (their husbands) are not around because Allah has taken care of (them). Women whom we are worried about nusyuz) give them advice, leave them in bed (separate beds), and (if necessary) beat them (in a way that does not hurt). However, if they obey

us, do not seek ways to trouble them. Indeed, Allah is Most High, Most Great.

Discussing the wife's nusyūz towards her husband and an-Nisa verse 128 regarding the husband's nusyūz towards his wife, which reads,

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

If a woman is worried that her husband will be nusyuz) or will be indifferent, the two of them can make real peace.) Peace is better (for them), even though humans are stingy by nature.) If you do good and keep yourself (from nusyuz and indifferent attitude) verily Allah is Careful about what you do.

As a general illustration, the nusyūz referred to here is a wife's disobedience to her husband, such as not carrying out the primary obligations of a wife, namely being physically and mentally devoted to her husband in a way that is justified by Islamic law as contained in Article 83 paragraph (1) of the Compilation of Islamic Law (Nisa' et al., 2020).

The Ulama has agreed regarding this tamkin, where several Ulama, including Shiite Imamiyah, believe that nafaqah (living) begins to be obligatory from the start of married life, that is, from the time the husband has associated with his wife, in the sense that the husband has associated with her, which in fiqh is called tahkim. However, the Zhahriyah group has a different opinion from the Jumhur Ulama, where they believe that nafaqah (support) has no set time, whether it has been fulfilled or not; the basis of their argument is because of the verses of the Koran and the Hadith of the Prophet Saw (Syarifudin, 2009).

The following articles emphasize that the wife and children's food, clothing, and shelter are the husband's responsibility. On the one hand, the implementation of this article regarding the rights and obligations of husband and wife is a form of regulating family governance for the benefit of the household. However, on the other hand, the article limits the wife's freedom to pursue a career because it states that the wife must be physically and mentally devoted to her husband. Manage daily household needs as well as possible (Manan, 2017).

### Various Perspectives of Islamic Ulama Mazhab

Support is a wife's right to her husband when they establish a household life. The basis for this obligation is found in several verses of the Al-Qur'an. Among the verses in the Qur'an which state the obligation to spend are in Q.S. al-Baqarah: 233,

﴿وَالْوَالِدَتُ يُرْضَعْنَ أَوْ لَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنْفِقَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بَوْلَها وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ

أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوهُمَا أُولَٰئِكَ لَهُمْ جُنَاحٌ عَلَيْهِمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Mothers should breastfeed their children for two full years, that is, for those who want to complete breastfeeding—the father's obligation to feed and clothe mothers in a virtuous manner. Someone not burdened but according to ability levels. Let not a mother suffer misery because of her child and a father because of his child; the heirs are also obliged to do so. If both of them want to wean (before two years) with their consent and deliberation, then there is no sin on either of them. If we want our child to be breastfed by someone else, then there is no sin for us if we pay according to what is appropriate. Fear Allah and know that Allah is All-Seeing of what we do.

The husband is responsible for providing for his wife, whether in food, drink, clothing, or shelter. It is adjusted to the husband's condition; as stated in the verse of Allah SWT, a person is not burdened except for his abilities. Providing a living is a straightforward matter for every man. However, because of the small amount of living and the limited ability to provide a living, sometimes this becomes a conflict and complaint between husband and wife. In the case of providing maintenance, it may happen that the husband cannot carry out his obligations at one time, and at another time, he can carry out his obligations. The word of Allah Swt. surah At-Talaq: 7,

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

Let people who can provide a living according to their ability. Those whose sustenance is limited should make a living from the wealth that Allah has given him. Allah does not impose a burden on a person but only what Allah gives him. Allah will give us spaciousness after narrowness.

As explained above, scholars agree that legal maintenance is obligatory for husbands based on the arguments of the Koran and Hadith. The Prophet SAW himself did not determine the amount and amount of support given. However, he indicated that maintenance is given according to the family's needs regarding their shelter, clothing, and food needs, including the wife, children, and servants. This provision is probably intended so that rich husbands can provide more than the needs of their wives and families while those who are poor do not feel burdened to provide for their wives according to the amount determined by the Prophet SAW. The hadith also shows that the income that a husband provides for his family has the value of alms and is therefore rewarded just as the income that a wife provides to the family is also worth alms.

This verse explains that there is no burden on a servant except according to his ability. For a husband who has the status of a prisoner in terms of providing a living, according to his ability, the status of a prisoner inmate can still provide a living even though they are in a Detention Center.



The maintenance provisions for husbands with the status of Correctional Residents follow the Hanafi School's views, adjusted to the capabilities and based on the husband's condition. Each correctional inmate provides a living based on his or her level of ability. Meanwhile, according to the Syafi'i School, it is said that income is measured based on how rich and poor the husband is, without looking at the wife's condition. So, maintenance is mandatory for wives, and maintenance is measured based on whether the husband is rich or poor.

According to the Maliki School of thought, the husband's obligation to provide a living is extinguished if he is poor or unable to provide a living, and alimony does not become a debt that must be paid if he is able.

According to the Hanbali School, if the husband is unable to provide maintenance, the wife has the right to ask for a divorce. However, if a husband has the status of an inmate, he cannot provide support while he is in detention. So, the wife works to be able to meet daily needs. In Islam, according to Hanbali, a woman can work if she asks her husband's permission and her husband allows it, then the wife is allowed to work.

In this case, if the wife wants to help her husband because of his wealth, then that is up to her. If a wife helps her husband, the wife should not mention her gift and only hope for a reward from Allah Swt. It is in line with the recommendation to help as contained in Surah Al-Maidah: 2,

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْلُوا شَعَائِرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَائِدَ وَلَا آمِينَ الْمَبْنِيَّاتِ الْحَرَامَ يَبْتَغُونَ فَضْلًا مِّن رَّبِّهِمْ وَرِضْوَانًا وَإِذَا حَلَلْتُمْ فَاصْطَادُوا وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ أَن صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَن تَعْتَدُوا وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

O you who believe, do not violate the *syi'ar-syi'ar* of Allah, and do not violate the honor of the haram months, do not (disturb) the *had-ya* animals, and the *qalaa-id* animals, and do not (also) disturbing people who visit the House of Allah while they are seeking grace and approval from their Lord and when you have completed the Hajj, then you may hunt. Let not (your) hatred for a people because they prevent you from leaving the Grand Mosque and encourage you to harm (them). Please help us in (doing) virtue and piety, and do not help in committing sins and transgressions. Fear Allah, surely Allah is Severe in punishment.

Husband in prison The Ulama agrees that a wife still has the right to receive maintenance if her husband is imprisoned because of a crime he committed; the husband owes it to his wife because he was wronged (Harries & Rahmi, 2021; Maulidah et al., 2019). In cases like this, the wife still has the right to receive maintenance because the loss of the wife's right to confinement comes from the husband's side and is not the wife's fault.

The scholars believe that maintenance obligations are fixed or permanent. If the husband does not carry out his maintenance obligations within a certain period

due to his inability, then this debt must be paid after he can pay it. For husbands with the status of correctional inmates who cannot provide a living, if the husband experiences difficulties, some scholars believe that the wife is ordered to take the debt and remain with him patiently. He relies on his dependents based on the words of Allah Swt. in Surah al-Baqarah: 280,

وَإِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ ۖ وَأَنْ تَصَدَّقُوا خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

And if (the person who owes it) is in trouble, then give him respite until he is free. and giving in charity (some or all of the debt), it is better for you, if you only knew.

The situation of correctional inmates is problematic because the husband has limited space for movement and thought in supporting his wife because the husband is a convict serving his sentence. It is a problematic situation because Islam provides a solution and forgiveness that Allah Swt. does not burden a person. However, only what Allah SWT gives him, and if a wife is nusyuz (disobedient) to her husband, then the husband is not obliged to provide support for his wife because of her nusyuz.

## **CONCLUSION**

According to the Hanafi, Shafi'i, and Hanbali Schools, the provision for maintenance entails the husband's obligation to provide for his wife based on his capabilities. However, the Maliki School differs, stating that the husband's responsibility ceases if he is indigent or incapable of sustaining his family, and in such cases, alimony doesn't become a debt if he is unable to pay. Islamic law, despite a husband being a correctional resident, doesn't conflict but rather aligns with the principle of living within one's means, without overburdening oneself beyond their capacity. In the context of fulfilling the financial responsibilities of incarcerated individuals at the Manado Class IIA Detention Center, Islamic law and statutes such as the KHI and Marriage Law dictate that maintenance should be provided in accordance with the husband's capabilities. However, Law number 12 of 1995 regarding corrections outlines the potential for inmates to earn income through work, which could influence their ability to provide financial support.

## **ACKNOWLEDGMENTS**

The article's reliance on scientific sources in its literature review provides a strong foundation for the discussion. Furthermore, the use of indirect quotations processed by the author without altering the original meaning showcases respect for the integrity of the sources cited. This combination emphasizes the credibility of the research while ensuring accuracy and reliability in presenting information to the readers.

## REFERENCES

- Asmara, M. (2021). CONCEPT OF WALI MUJBIR IN MARRIAGE (LEGAL CRITICISM OF COUNTER LEGAL DRAFT COMPILATION OF ISLAMIC LAW). *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan*, 8(2). <https://doi.org/10.29300/mzn.v8i2.5767>
- Atabik, A., & Mudhiiah, K. (2016). Pernikahan dan Hikmahnya Perspektif Hukum Islam. *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam*, 5(2). <https://doi.org/10.21043/yudisia.v5i2.703>
- Gore-Gorszewska, G. (2021). "What Do You Mean by Sex?" A Qualitative Analysis of Traditional versus Evolved Meanings of Sexual Activity among Older Women and Men. *The Journal of Sex Research*, 58(8), 1035–1049. <https://doi.org/10.1080/00224499.2020.1798333>
- Hamidin, H., & Alfitri, A. (2021). Safeguarding Women's Constitutional Rights in the Judicial Reviews of Marriage Law on the Minimum Married Age Limit. *Mazahib*, 20, 103–142. <https://doi.org/10.21093/mj.v20i1.3307>
- Haries, A., & Rahmi, M. (2021). *Ushul Fikih: Kajian Komprehensif Teori, Sumber Hukum dan Metode Istibath Hukum*. Bening Media Publishing.
- Hidayat, T., & Azahari, R. (2020). The Concept of Istitā'ah Al-Bā'ah in Marriage. *Justicia Islamica*, 17(2), 223–242. <https://doi.org/10.21154/justicia.v17i2.2090>
- Iqbal, R. (2023). *Marital and Sexual Ethics in Islamic Law: Rethinking Temporary Marriage*. Rowman & Littlefield.
- Joshanloo, M. (2017). *Islamic Conceptions of Well-Being* (pp. 109–131). [https://doi.org/10.1007/978-3-319-39101-4\\_5](https://doi.org/10.1007/978-3-319-39101-4_5)
- Kamba, S. N. (2022). The Phenomenon Of Increasing Division During The Covid-19 Pandemic At Gorontalo Religious Court. *JURNAL LEGALITAS*, 15(1), 76–91. <https://doi.org/10.33756/jelta.v15i1.14800>
- Kasim, N. M., & Semiaji, T. (2022). Divorce Cases in Members of Indonesian Police Force: A Positive Law Perspective. *Jurnal Ilmiah Al-Syir'ah*, 20(1). <https://doi.org/10.30984/jis.v20i1.1793>
- Khosyi'ah, S. (2018). Keadilan Distributif atas Pembagian Harta Bersama dalam Perkawinan bagi Keluarga Muslim di Indonesia. *Al-Manahij: Jurnal Kajian Hukum Islam*, 11(1), 35–48. <https://doi.org/10.24090/mnh.v11i1.1266>
- Macfarlane, J. (2012). *Islamic divorce in North America: A Shari'a path in a secular society*. Oxford University Press.

- Maftuhah, A. (2022). Reasons for Allowing Muslim Women (Married) to Work Outside the Home. *AKADEMIK: Jurnal Mahasiswa Humanis*, 2(1), 29–36. <https://doi.org/10.37481/jmh.v2i1.466>
- Makka, M. M., & Ratundelang, T. F. (2022). Poligami tanpa Izin Istri Pertama dan Dampaknya terhadap Keluarga. *Al-Mujtahid: Journal of Islamic Family Law*, 2(1). <https://doi.org/10.30984/ajifl.v2i1.1937>
- Manan, H. A. (2017). *Aneka masalah hukum perdata Islam di Indonesia*. Prenada Media.
- Marni, T. S., Hanani, S., & Nofiardi, N. (2023). Modernisation of Islamic Family Law in Indonesia (Analysis of Counter Legal Draft- Compilation of Islamic Law in Inheritance Law). *GIC Proceeding*, 1, 317–325. <https://doi.org/10.30983/gic.v1i1.131>
- Maulidah, N., Luth, T., Permadi, I., & Ruba'i, M. (2019). The Rights of Each Wife in the Division of Community Property in Polygamous Marriage According to Law Number 1 Of 1974 Concerning Marriage. *International Journal of Multicultural and Multireligious Understanding*, 6(1). <https://doi.org/10.18415/ijmmu.v6i1.621>
- Nisa', K., Muslih, M., & Hapsin, A. (2020). Rereading the Concept of Nusyūz in Islamic Marriage Law with Qira'ah Mubādalāh. *Analisa: Journal of Social Science and Religion*, 5(02), 139–152. <https://doi.org/10.18784/analisa.v5i02.1176>
- Nugraheni, P. D. (2019). THE IMPLEMENTATION OF MARRIAGE DIFFERENT RELIGION AND THEIR DUE TO THE LAW OF THE RELIGION OF MARRIAGE STATUS. *Law and Justice*, 4(2), 68–82. <https://doi.org/10.23917/laj.v4i2.8015>
- Sabiq, S. (2009). *Fikih Sunnah-Jilid 4*. Cakrawala Publishing.
- Syarifudin, A. (2009). *Hukum Perkawinan Islam di Indonesia*. Kencana Prenada Media Group.
- Tabroni, I., Ahyani, H., & Permana, D. (2021). Philosophical Review of Materialism and Idealism Limits of Wedding Age in Indonesia; Study of Article 7 Paragraph (1) of Law 16 of 2019 jo. Law 1 of 1974 concerning Marriage. *Muttaqien; Indonesian Journal of Multidiciplinary Islamic Studies*, 2(01), 1–20. <https://doi.org/10.52593/mtq.02.1.01>
- Yunus, H., Rusli, R., & Abidin, A. (2020). The Concept of A Marriage Agreement in the Compilation of Islamic Law. *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(2), 33–45. <https://doi.org/10.24239/ijcils.Vol2.Iss2.20>