

Obligations of a Husband with Convict Status from the Perspective of Islamic Law and Positive Law

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ABSTRACT

This study aims to investigate the obligations of a husband with convict status from the perspective of Islamic law and positive law. This study used a case study qualitative method. Data were gathered through direct observation, in-depth interviews, and written document analysis. Data were analyzed using the thematic approach outlined by Corbin and Strauss. The results of this study show that The implementation of the obligation of physical support by a husband who has the status of a prisoner in the penitentiary is divided into three groups, namely first, it is carried out on the grounds that there is a form of effort made by the prisoner's husband, such as a business that is still running and producing results that the wife can use to meet her daily needs. The obligation of support for a husband who is serving a sentence does not conflict with Islamic law and Positive law even though, on the one hand, he still has the status of a head of the family who has obligations that must be fulfilled. Islam views this as three legal provisions, namely the first is that the obligation of support remains, the second is that the obligation of support becomes a debt, and the third is that the obligation of support is terminated.

ARTICLE INFORMATION

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1. Introduction

The rights and obligations of husband and wife clearly state that the responsibilities of husband and wife in marriage include the fulfillment of physical and spiritual sustenance (Michel & Grønseth, 2022). Sustenance, in the linguistic sense, refers to costs, expenses, or spending. In fiqh terms, sustenance means a gift given by someone to the party entitled to receive it or expenses used for good things or for people who are their responsibility.

The relationship between husband and wife is not only limited to the physical aspect but also includes emotional and economic aspects that support the sustainability of the household

(Rauer & Volling, 2005). The provisions regarding the rights and obligations of husband and wife aim to help both understand each other and know their respective rights and obligations. This helps them to know what their respective rights and obligations are and how they fulfill each other's obligations. With the existence of rights and obligations, the relationship between husband and wife shows that they need to complement each other in various aspects of household life (Lovingood & Firebaugh, 1978). After a valid marriage, a husband is obliged to provide sustenance to his wife, which must be fulfilled. After the marriage is recognized, the wife no longer has complete freedom.

Each family member must love, respect, and carry out their role in building a household filled with willingness (Markey, Markey, & Birch, 2004). Therefore, marriage must be based on readiness and total involvement, both physically and mentally, as a sign of entering a new phase in life that will determine their future in the hereafter. To create a harmonious household, each family member must carry out their respective duties and responsibilities, be it husband, wife, or children. The husband is responsible as the leader and breadwinner of the family, while the wife is the companion and homemaker. However, problems related to the fulfillment of livelihood do not always go according to expectations (Brown, 1932), for example due to differences in position or specific conditions. One obstacle to fulfilling livelihood is when one of the partners, either husband or wife, is in a state prison. In this case, the husband or wife may have to stay there for some time for investigation or trial purposes. The disharmony of their relationship may also feel different because they do not live together, even though the bonds of marriage remain.

Islam regulates the husband's obligation to provide physical and spiritual sustenance to his wife. Physical sustenance includes fulfilling basic needs such as food, drink, clothing, and others, while spiritual sustenance includes fulfilling emotional needs such as affection, attention, and protection. Law Number 1 of 1974 Article 34 paragraph (1) states, "A husband is obliged to protect his wife and provide all household needs according to his ability."

The prisoners at a penitentiary previously had various jobs. From the information obtained, some worked as traders, some were Civil Servants, and some did not have permanent jobs or worked odd jobs. The condition of prisoners who were already married showed that when the husband became a prisoner, the wife had to take over the responsibility of maintaining and taking care of the household while the husband served his sentence. This task became complicated because the wife not only played the role of a housewife who cared for the children but also as the head of the family responsible for her family's survival.

The husband's status as a prisoner and his obligation to provide a living make this topic interesting to study further. Therefore, the author

is interested in conducting further research on the topic of "Fulfillment of Livelihood for Husbands with Prisoner Status in the Perspective of Islamic Law and Positive Law."

2. Literature Review

2.1 Rights and obligations of prisoners

The concept of Human Rights has two basic meanings. First, inseparable and inalienable rights, which are moral in nature and derived from the humanity of every individual (HENKIN, 1989; Renteln, 1988). These rights aim to guarantee the dignity of every human being. Second, legal rights that are established through a process of law-making agreed upon by society, both at the national and international levels. The basis of these rights is the purpose of the governed, namely the purpose of the citizens who are subject to these rights, which include not only the natural order but also the rights first described earlier.

In Law Number 12 of 1995 concerning Correctional Institutions, Article 14 stipulates that prisoners have the right to:

- a. Perform worship according to their religion or beliefs.
- b. Receive treatment, both physical and spiritual;
- c. Access education and learning.
- d. Receive adequate health services and food; e. Submit complaints.
- e. Access reading materials and follow mass media broadcasts that are not prohibited.
- f. Receive wages or bonuses for work done.
- g. Receive a reduction in sentence (remission).
- h. Receive the opportunity to assimilate, including leave to visit family.
- i. Receive parole/
- j. Receive leave before release.
- k. Receive other rights in accordance with applicable laws and regulations.

At the stage of implementing the verdict, human rights contained in prisoners' rights are still guaranteed and protected by law, reflecting respect for human dignity. Article 10 of the International Covenant on Civil and Political Rights (ICCPR) states that everyone deprived of his liberty must be treated humanely and with respect for his personal dignity. The correctional system must be based on the treatment of prisoners aimed at social reform and

rehabilitation. Children who commit violations of the law must be separated from adults and given treatment appropriate to their rehabilitation efforts and legal status.

The material on Human Rights for prisoners listed in the UN document includes the Standard Minimum Rules for the Treatment of Prisoners, which was ratified on July 31, 1957. These rules provide guidelines regarding the treatment of prisoners serving sentences, including their basic rights while serving their sentence. In the context of national law, the obligations of prisoners are regulated in Law Number 12 of 1995 concerning Corrections, Article 15, which explains that Prisoners are required to follow certain development programs and activities in accordance with applicable provisions.

The provisions regarding the development program as referred to in paragraph (1) will be further regulated by government regulations. In addition, in the regulations applicable in Correctional Institutions or detention centers, some obligations must be complied with by prisoners, including:

- a. Comply with all applicable regulations in the Correctional Institution/Detention Center.
- b. Be polite and obedient, and respect all officers.
- c. Respect fellow inmates.
- d. Maintain security, order, cleanliness, and comfort of the environment.
- e. Wear neat and polite clothing.
- f. Participate in the coaching program that is held.
- g. Maintain state property.
- h. Entrust valuables to officers.
- i. Notify officers if they know or see signs of danger that could threaten the security of the Correctional Institution.

These rights and obligations are the benchmark for assessing the success or failure of the implementation of the development program carried out by officers for prisoners.

2.2 Livelihood in Islam

The term "nafkah" comes from Arabic and refers to the expenditure of expenses, shopping, and money for daily needs. In a family context, sustenance can be interpreted as the husband's

obligation to provide financial support to his wife, children, and other family members (Islam & Sharma, 2022; Khan, Imran, & Sakai, 2024). When a person provides nafaqah, this means that he uses part of his wealth to meet the needs of others, especially in the context of marriage, where nafaqah includes expenses aimed at ensuring the welfare of the wife. Along with the provision of nafaqah, a person's wealth can decrease because it is used for the benefit of others. In the context of marriage, nafaqah reflects the husband's financial commitment to support his wife by sacrificing part of his wealth for her benefit.

The marital relationship creates an obligation for the husband and wife and also their children to fulfill their daily needs in a ma'ruf manner. Allah says in Q.S at-talaq/65: 6

نُضَارُوهُنَّ وَلَا مُمْرِسَاتِكُمْ مِنْ سَكَنِكُمْ حَيْثُ مِنْ أَسْكُنُوهُنَّ
حَتَّىٰ عَلَيْنَهُنَّ فَانْفِقُوا حَمَلٌ أَوْلَتْ كُنَّ وَإِنْ عَلَيْنَهُنَّ لِتُضَيِّقُوا
وَأْتَمِرُوا أَجُورَهُنَّ فَانْفِقُوا لَكُمْ أَنْ تَرْضَعْنَ فَإِنْ حَمَلْنَ يَضَعْنَ
أُخْرَىٰ لَهُ ضِعْفٌ فَتَعَسَّرَتْ لَكُمْ وَإِنْ بَعَزُوا بِبَيْنِكُمْ

Translation:

"Place your wives where you live according to your ability and do not make it difficult for them to narrow their hearts. And if those wives who have been talaqed are pregnant, then give them their living until they give birth, then if they breastfeed your children, then give them their wages and discuss everything well between you, and if you encounter difficulties, then other women can breastfeed the child for him"

Tafsir Fathul Qadir explains that the meaning of the verse (Place them, wives, in a suitable place to live) is that the wife is placed in a place that suits the husband's abilities. What this means is, adjust it to your abilities. If it is not possible to provide another place to live except next to the house, then place them there. Don't make them feel pressured by providing inadequate housing, which could result in them being forced to leave or having difficulty in meeting their living needs. As a result, they will be forced to pay their own expenses.

Another verse also explains livelihood; Allah says in Q.S Al-Baqarah/2: 233.

يَبْتَغِي أَنْ أَرَادَ لِمَنْ ۖ كَامِلِينَ حَوْلِينَ أَوْلَدَهُنَّ يُرْضَعْنَ وَالْوَالِدَاتُ
بِالْمَعْرُوفِ وَيَكْسُوهُنَّ رِزْقَهُنَّ لَهُ الْمَوْلُودُ وَعَلَى ۖ الرِّضَاعَةِ
مَوْلُودٌ وَلَا يَوْلِدُهَا وَلَدَةٌ نُضَارًا لَا ۖ وَسَعَهَا إِلَّا نَفْسٌ تُكَلِّفُ لَا ۖ
عَنْ فَصَالًا أَرَادَ فَإِنَّ ۖ ذَلِكَ مِثْلَ الْوَارِثِ وَعَلَى ۖ يَوْلِدَهُ لَهُ
أَنْ أَرَدْتُمْ وَإِنَّ ۖ عَلَيْهِمَا جُنَاحٌ فَلَا وَتَشَاوَرِ مَتَاهُمَا تَرَاضِي

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بِالْمَعْرُوفِ ءَاتِيْتُمْ مَا سَلَّمْتُمْ إِذَا عَلَيْكُمْ جُنَاحٌ فَلَا أَوْلَادَكُمْ تَسْتَرْضِعُونَ
بِصَيْرٍ تَعْمَلُونَ بِمَا اللَّهُ أَنْ وَأَعْلَمُوا اللَّهَ وَأَنْفُوا ۝

Translation :

“And mothers should breastfeed their children for two full years, for those who want to breastfeed perfectly. And the father's obligation is to provide for them and clothe them properly. A person is not burdened with more than he can bear. Let not a mother suffer because of her child and let not a father (suffer) because of his child. The heirs are also (obligated) like that too. If both want to wean with agreement and deliberation between them, then there is no sin on either of them. And if you want to breastfeed your child to someone else, then there is no sin in you appropriately giving payment. Fear Allah and know that Allah sees what you do.

In the interpretation of Fathul Qadir, the verse above explains that it is the husband's obligation to provide for his wife and children according to his abilities in a good way. The husband is obliged to fulfill all daily needs without causing harm to his wife and children. Apart from verses in the Koran, there are also hadiths which provide explanations regarding the obligations of maintenance for wives, as follows:

وَاسْتَحْلَلْتُمْ اللَّهَ بِأَمَانٍ أَحَدْتُمُوهُنَّ فَإِنَّكُمْ النِّسَاءَ فِي اللَّهِ فَاتَّقُوا
أَحَدًا فُرُشَكُمْ يُوطِئَنَّ لَا أَنْ عَلَيَّوْنَ وَلَكُمْ اللَّهُ بِكَلِمَةٍ فُرُوجَهُنَّ
وَلَهُنَّ مَبْرَحٌ غَيْرَ بَأْضَرٍ فَاضْرِبُوهُنَّ ذَلِكَ فَعَلْنَ فَإِنَّ تَكْرَهُنَّ
بِالْمَعْرُوفِ وَكَسَوْتُهُنَّ رَزَقَهُنَّ عَلَيْكُمْ

Translation:

“You should laugh at Allah in the matter of women. For you have taken them with the word of Allah, and you have made their desires lawful with the word of Allah. It is incumbent upon them (wives) not to admit anyone you dislike into your homes. If they do not do so, beat them, but do not hurt them. They have the right to receive from you sustenance and clothing in a just manner.” (H.R Ibnu Majah).

Based on the hadith above, it is stated that the maintenance given by a husband to his wife is a clear and definite obligation based on the Qur'an, Sunnah, and the ijma' of the scholars. The husband's obligation to provide maintenance to

his wife applies since the marriage contract between the two is valid. This obligation remains valid even though the wife has her wealth or income.

2.3 Obligations of a husband towards his wife

The husband must provide for his wife through *kiswah* maintenance, which means the provision of clothing or apparel (Salama & Karrat, 2024). Therefore, *kiswah* maintenance is the wife's right that she must obtain. While clothing is all the needs that are closely related to body parts. The husband is obliged to provide *kiswah* maintenance in the form of clothing to cover the wife's genitals and various other needs. In addition, the wife also has obligations to her husband. This obligation is stated in Article 83 of the Law (1) The main obligation for a wife is to be devoted physically and mentally to her husband within the limits determined by Islamic law. (2) The wife organizes and manages household needs well.

The explanation above requires subjective and objective points of view. In other words, the terms rights and obligations are often associated with husband and wife. The husband's obligations are explained as responsibilities that must be carried out and fulfilled towards his wife. Conversely, the wife's obligations are interpreted as things that must be done and fulfilled for her husband. In addition, the husband's rights refer to everything that the husband has the right to receive from his wife. From the explanations above, it can be concluded that sustenance is all expenditures of a person's spending on people who are responsible for meeting the basic needs that are needed. The basic needs in question are food, clothing, and shelter or housing

The Qur'an clearly explains the wife's obedience to her husband. The wife is required to obey her husband's orders as long as they do not conflict with Islamic teachings and applicable laws. As stated in the word of Allah, men have the responsibility of leaders in the family. Therefore, every wife should obey and respect her husband, according to Allah's instructions in Surah An-Nisa (4):34.

وَيَمَّا بَعْضٌ عَلَىٰ بَعْضٍمُ اللَّهُ فَضَّلَ بِمَا النِّسَاءَ عَلَىٰ قَوْمُونَ الرِّجَالِ
اللَّهُ حَفِظَ بِمَا لِلْغَيْبِ حَفِظَتْ قَدِئْتِ فَالصَّلِحَاتِ أَمْوَالَهُنَّ مِنْ أَنْفَقُوا

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الْمَصَاحِبِ فِي وَاهْجُرُوهُنَّ فَعَطَّوْهُنَّ نَشُوْرَهُنَّ تَخَافُوْنَ وَالَّتِي
كَانَ اللهُ اِنْ سَبَّيْلًا عَلَيْهِنَّ تَبِعُوْا فَلَا اَطْعَمَكُمْ فَاِنْ وَاضْرَبُوْهُنَّ
كَبِيْرًا عَلِيًّا

Translation:

“Men are leaders of women because Allah has given some of them men over others (women) and because men have spent part of their wealth. Therefore, a pious woman obeys Allah and takes care of herself when her husband is not around because Allah has taken care of them. Women whose nusyuz you are worried about, then advise them and beat them. Then if they obey you, then don't look for ways to trouble them. Indeed, Allah is Most High and Most Great”.

In Tafsir Jalalain, the verse explains that the husband is the leader of the family, both as a leader for himself and for his family. He is responsible for taking care of and providing for his wife and children. Meanwhile, the wife's obedience to her husband reflects that the husband has the right to such obedience from his wife. The wife's obedience illustrates the harmony, loyalty, and love she has for her husband. Indeed, Allah is Most High and Most Great.

3. Methodology

This study uses qualitative methods. In qualitative research, the use of theory is only a guide so that the research focus is in accordance with the facts in the field (Nurdin & Pettalongi, 2022; Nurdin, Stockdale, & Scheepers, 2016). The data was collected through direct observation, in-depth interviews, and written document analysis at the research site (Rusli, Hasyim, & Nurdin, 2021; Rusli & Nurdin, 2022). The object of this research is the cases of fulfilling the husband's nafkah in the context of a convict's status from the perspective of Islamic law and positive law at the Class II A Penitentiary in Palu.

The interviews involved five Muslim prisoners who are undergoing prison for various cases. We also interview five Muslim figures from the Department of Religious Affairs. The interviews were recorded and transcribed. The results of the transcripts were consulted with the participants to obtain their consent (Nurdin, Scheepers, & Stockdale, 2022). The data analysis technique in this research used a deductive thinking technique, which can be interpreted as a

research procedure that produces deductive data from the interviews and field notes. Data analysis was conducted using thematic analysis from Strauss and Corbin (1998). The analysis started with open, axial, and selective coding. The final result of the data analysis is themes found from the data.

4. Results and Discussion

4.1 Fulfillment of Physical and Spiritual Livelihood by a Husband with Convict Status

A married man is required to fulfill his obligations to his wife both physically and mentally. Especially the husband's obligations related to sustenance such as food, clothing, shelter, household expenses, marriage expenses, and medical expenses until there is a stipulation that the husband is no longer obliged (failed) to carry out his obligations. In this case, a husband who has the status of a convict has various obstacles in supporting and meeting the needs of his family, especially his wife, due to the limitations of a convict where all his movements are very limited or in other words, they lose their freedom due to his actions.

Based on the data and interview results obtained, the implementation of the obligation of sustenance from a husband who has the status of a convict towards his wife is relative. Several explanations from informants, namely convicts at the penitentiary of Palu, researchers obtained information that the provision of sustenance to the wife when the husband has the status of a convict, some can carry out sustenance, and others are unable. Based on the results of the interview and after being grouped, the researchers grouped the implementation of the obligation of sustenance into 3 (three) groups, as follows:

a. Take Responsibility for Livelihoods

The grouping of the implementation of the obligation to provide for a living by a husband who has the status of a prisoner can be said to have been implemented because it has a standardization as the habit of implementing the obligation to provide for a living by a husband for daily needs when the husband has not served his sentence or is still serving his sentence is still sufficient. One of the implementations is by the husband giving the authority to manage or continue the joint business that was left behind to

fulfill needs. As conveyed by one of the prisoners said that:

Before I was detained in prison, my job was gardening with my wife, now the garden is continued by my wife and the harvest from the garden, thank God, can meet the needs or requirements of my family.

In other words, the fulfillment of the obligation of living expenses given by the husband to the wife is indeed not given optimally as when the husband has not served his sentence, but with the delegation of rights to the wife to continue the plantation business that is managed together, the husband's living expenses are indirectly fulfilled. The wife's right to living expenses, when the husband has the status of a prisoner, does not only make the wife feel reluctant to continue the plantation business to meet daily needs, but it also becomes a valuable lesson for their family to maintain the integrity of a harmonious household.

The situation of implementing living expenses that is almost similar is carried out by the informant, who, before being imprisoned, the informant had a job as a fisherman. Still, the informant's wife was an honorary worker at the regent's office. A similar situation is also carried out by the informant whose job before being detained was to have a furniture business and own rice fields, which were carried out with his wife, as stated by him when the researcher interviewed him directly at the penitentiary of Palu, he said:

I have a furniture business, which is now managed by my family. The results of this business are also given to my wife. We also have rice fields, where my wife takes the results of each harvest and uses them to buy necessities for her and my children.

A similar situation was experienced by the informant (Imran) whose job before being detained in prison was having a mixed shop business and selling clothes, as he stated during a direct interview, saying that:

Since I have been detained here, I really regret the mistakes I made and all this has been a lesson for me. Fortunately, my wife and I have a mixed shop and clothes shop. Thank God, our shop has lots of customers so our business can run until now, with sales proceeds from My wife can use the

shop outside to shop for her needs and the children's needs.

b. No Responsible is Taken

The grouping of the implementation of the obligation of physical support by husbands who are prisoners is said to be unimplemented by having a standardization of unfulfilled or small potential for the wife to receive support from her husband because most of the interview answers that researchers found that many wives took over the husband's obligations in fulfilling support. There were wives who asked for divorce so that the wife met all the daily needs of the children and husband while in prison. The results of an interview with one of the prisoners are as follows:

My marriage with my wife has been going on for a long time, and we have two children. While I was here, I never knew where my wife and children were again. They never visited me here. I also tried to contact my wife via telephone, which was facilitated by the prison. When I spoke to my wife, she asked for a divorce because I was in prison and considered that I was unable to meet her daily needs, and I was ashamed and responsible for what I did. I also intended to have good intentions and maintain our marriage by any means, but my wife still wanted a divorce and insisted on her desire to divorce.

The researcher also confirmed with the prison staff regarding the existence or absence of policies facilitated by the Correctional Institution regarding the fulfillment of physical and spiritual sustenance, which on the basis of the fulfillment of obligations when holding the status of a prisoner in the Correctional Institution cannot be fully implemented. Various regulations limit their freedom, including the difficulty of communicating or relating to the outside world when they live freely together and side by side with other people directly to the point of losing independence, property rights, and other rights. However, these rights can be minimized by the existence of guidance and policies on the rights of prisoners, this is the researcher directly interviewing the prison staff, Kasi Binadik, who said:

In the Correctional Institution, prisoners are pressured to behave well, including by

participating in all activities that already exist in prison, including work guidance programs such as making bricks, raising chickens, carpentry, and other crafts, and the fulfillment of spiritual rights from the prison such as praying in congregation, listening to religious lectures, learning to recite the Koran and writing the Al-Qur'an. Among the policies of the jail in supporting the inmates in connecting with their families is a high priority of a sense of family, including during Islamic holidays, allowing inmates the opportunity to meet with their families in prison and during family visits. The prison allows them to bring food so they can eat together. When communicating with family via telephone, the prison provides mobile phones that inmates can use to communicate with their families.

Another way to fulfill spiritual needs is by meeting face-to-face during visits. Prisoners highly anticipate visits because, with these visits, prisoners can temporarily get out of their cells and blocks, just to breathe in air with a new atmosphere that can refresh their bodies and minds compared to being trapped in a crowded cell with people and cigarette smoke flying around in the room. This form of fulfilling spiritual needs by meeting face to face is not just about looking at each other but is filled with warm conversations, giving advice, providing education, and listening to complaints or jokes accompanied by laughter. So the form of fulfilling spiritual needs by meeting face to face through visits from wives makes it easier for them to express their longing and communication between families is maintained so that there are no misunderstandings. As said by the prisoner who said that:

Fulfilling spiritual needs for wives does not have to be having sex, sir, especially given our current condition in prison, with family visits here, sir, even though it's just meeting face to face and chatting, pouring out longing and affection, I think it's already included in my spiritual needs for my wife and children when they visit here.

The penitentiary does not provide facilities to fulfill biological spiritual needs, commonly called the love room. The prison does not

officially enforce the regulation regarding the accommodation to prisoners regarding the fulfillment of spiritual needs. Therefore, the form of efforts to fulfill biological spiritual needs is adjusted because of the condition so that prisoners in prison must be able to take advantage of opportunities, chances, and situations to fulfill spiritual needs, even if it is only to make out with each other when they get a visit from their wives.

4.2 Islamic Law and Positive Law Perspective on Livelihood

Suppose we refer to Islamic law and Positive Law, which show that the burden of family life is the responsibility of the husband. In that case, this is very burdensome for husbands who are convicts and will increase the number of divorces. Because the status of a husband who is a convict is not free and limited to carry out the obligation to provide family support which is not explained in point Article 80 paragraph (4) of the KHI and Law No. 1 of 1974 concerning Marriage in Article 34 paragraph (1). Based on the contents of the Article in the Compilation of Islamic Law (KHI) and Positive Law Law No. 1 of 1974 concerning Marriage in Article 34 paragraph (1) is not implicit or does not contain the obligation of a husband who has the status of a convict to provide support, so that it becomes a legal vacuum.

a. Obligation of Regular Livelihood

The condition of a husband who still has the potential and the efforts made by him to carry out and fulfill his obligation to provide for his wife even though he is serving a sentence can still be burdened with the obligation to provide for him. As done by the informants in the grouping of the implementation of the obligation to provide for by husbands with the status of prisoners, the informants were able to meet all forms of the wife's needs as they should, both before the husband served his sentence and while serving his sentence, with the existence of a business that continues to move and produce and the delegation of authority over the management of the business and existing assets. In this implemented group, there are several prisoners who the researcher calls several informants who have a form of side business while pursuing their previous profession. According to the researcher, for several of these informants, it can be

categorized that the obligation to provide for by the husband is still carried out as it should even though its fulfillment is indirect.

This study highlights the role and obligations of husbands in providing for their wives, especially for husbands who are prisoners in Class II A Penitentiary in Palu, from the perspective of Islamic law and positive law. In the context of Islamic law, maintenance is an unavoidable obligation of a husband, regardless of the wife's economic status. A husband, according to Islamic teachings, is expected not only to fulfill physical needs such as food, clothing, and shelter but also to provide spiritual maintenance in the form of affection and attention. This is in line with the definition of maintenance explained by Wahbah al-Zuhaili, who states that maintenance includes fulfilling basic needs such as food, clothing, and shelter for those who are his responsibility.

Even in certain conditions, such as when a husband becomes a prisoner, this obligation still applies and must be fulfilled according to existing abilities, either by the husband himself or by other parties who can help. In addition, this maintenance obligation is also regulated in positive law, especially in Law Number 1 of 1974 concerning Marriage. Article 34, paragraph (1) states that a husband is obliged to protect his wife and provide everything according to his ability. This obligation is not only limited to fulfilling physical needs but also includes protection for wives and children. In practice, husbands who are prisoners in Class II A Penitentiary in Palu face significant challenges in fulfilling this obligation. Nevertheless, Islamic law and positive law still provide a strong basis for families to continue to carry out their obligations to provide for their family with appropriate mechanisms, including the possibility of using remission or assistance from other parties to ease the burden.

Meanwhile, the role of the wife in the family is also vital. In the view of Islamic law, the wife is not only the recipient of sustenance but also the "madrasah al-ula" or the first school for her children. Therefore, the wife is expected to continue improving her quality, both in terms of education and skills, to form a quality generation. In the context of prisoners, the wife is also responsible for maintaining and meeting the household's needs, even though the husband is

not by their side. This study shows that despite the difficulties in meeting sustenance directly due to the husband's prisoner status, the wife still plays an active role in maintaining the family's welfare, by using various possible means, including working or managing existing family resources.

5. Conclusion

The implementation of the obligation of physical support by a husband who has the status of a prisoner in the penitentiary is divided into three groups, namely first, it is carried out on the grounds that there is a form of effort made by the prisoner's husband, such as a business that is still running and producing results that the wife can use to meet her daily needs. The obligation of support for a husband who is serving a sentence does not conflict with Islamic law and Positive law even though, on the one hand, he still has the status of a head of the family who has obligations that must be fulfilled. Islam views this as three legal provisions, namely the first is that the obligation of support remains, the second is that the obligation of support becomes a debt, and the third is that the obligation of support is terminated.

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