

**RESPONSIBILITY OF THE WIFE AS BREADWINNER IN INDONESIAN LAW  
(CASE STUDY OF THE WIFE IN IMBANAGARA VILLAGE CIAMIS  
REGENCY)  
THESIS**



**By:**

**MUHAMMAD AULIA RAIHAN**

**Student Number: 18410584**

**INTERNATIONAL PROGRAM  
UNDERGRADUATE STUDY PROGRAM IN LAW  
FACULTY OF LAW  
UNIVERSITAS ISLAM INDONESIA**

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**THESIS**

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**TANGGUNG JAWAB ISTRI SEBAGAI PENCARI NAFKAH  
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Umar Haris Sanjaya, S.H., M.H.



**TANGGUNG JAWAB ISTRI SEBAGAI PENCARI NAFKAH  
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DESAIMBANAGARA KABUPATEN CIAMIS)**

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dalam Ujian Tugas Akhir / Pendarasan  
pada tanggal dan Dinyatakan LULUS

Yogyakarta, August 25, 2023

Tim Penguji

1. Ketua : Agus Triyanta, Drs., M.A., M.H., Ph.D.
2. Anggota : Umar Haris Sanjaya, S.H., M.H.
3. Anggota : Abdurrahman Al-Faqih, S.H., M.A., LL.M.

Tanda Tangan

Mengetahui:  
Universitas Islam Indonesia  
Fakultas  
Hukum  
Dekan,



**Prof. Dr. Budi Agus Riswandi, S.H., M.H.**

NIK. 014100109

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

A BACHELOR DEGREE THESIS

RESPONSIBILITY OF THE WIFE AS BREADWINNER IN INDONESIAN  
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examined by the Board of Examiners at the Thesis Examination on....

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Language Advisor,



Ima Dyah Savitri, S.S., M.A.

**SURAT PERNYATAAN**

**Orisinalitas Karya Tulis Ilmiah/ Tugas Akhir Mahasiswa Fakultas Hukum  
Universitas Islam Indonesia**

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Yang bertanda tangan di bawah ini, saya:

Nama: **Muhammad Aulia Raihan**

Nomor Mahasiswa: 18410584

Adalah benar-benar mahasiswa Fakultas Hukum Universitas Islam Indonesia Yogyakarta yang telah melakukan penulisan Karya Tulis Ilmiah (Tugas Akhir) berupa skripsi dengan judul: "**RESPONSIBILITY OF THE WIFE AS BREADWINNER IN INDONESIAN LAW (CASE STUDY OF THE WIFE IN IMBANAGARA VILLAGE CIAMIS REGENCY)**". Karya Tulis Ilmiah ini akan saya ajukan kepada Tim Penguji dalam Ujian Pendarasan yang diselenggarakan oleh Fakultas Hukum Universitas Islam Indonesia.

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Yogyakarta, 21 Juli 2023

Yang membuat pernyataan



Muhammad Aulia Raihan

Nim. 18410584

## **CURRICULUM VITAE**

1. Name : Muhammad Aulia Raihan
2. Place of Birth : Bekasi
3. Date of Birth : 14 April 2000
4. Gender : Male
5. Religion : Islam
6. Address : Perumahan Bumi Anggrek Blok R No. 149,  
Karang Satria, Tambun Utara, Bekasi
7. Parents Identity
  - a. Father : Herry Prasandya Arifianto, SE.MM.  
Occupation : Financial Consultant
  - b. Mother : Yuyu Rahayu, SE.  
Occupation : Housewife
8. Education
  - a. Elementary School : Sd Muhammadiyah 47 Bekasi
  - b. Junior High School : Smp Negeri 1 Kota Bekasi
  - c. Senior High School : Sma Negeri 2 Kota Bekasi
9. Organization History
  - a. Juridical Council of International Program 2020/2021
10. Other Experiences
  - a. Karya Latihan Hukum 2021
11. Hobby : Traveling



**MOTTO**

**“Do your best”**

**“Never regret what we chose yesterday.”**

## **DEDICATION**

This thesis is wholeheartedly dedicated to:

***Allah Subhanallahu wa ta'ala,***

Thanks to Allah SWT who always gives me iman, patience,  
health, and knowledge which made it possible to complete my thesis;

**My Beloved Parents, and Family,**

Who always provided me love, continuous support and affection;

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Yogyakarta, 22 July 2023

Author,

**Muhammad Aulia Raihan**

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## ABSTRACT

*Law Number 1 of 1974 about marriage explained in Article 31 paragraph (1) that, the rights and position of the wife are balanced with the rights and position of the husband in domestic life and association of living together in society. Furthermore, article 34 paragraph (1) namely the husband is obliged to protect his wife and provide everything necessary for married life in accordance with his capability. In practice, it is found that the wife should be responsible for making a living for her family, this is not in accordance with the ideal marriage law that should be between husband and wife equally responsible for earning a living for their family. The problem in this study is how the wife's responsibility as a breadwinner and How is the regulations of the wife as the breadwinner in Indonesian law. This type of research in this case is empirical juridical legal research. Empirical juridical research in other words is a type of sociological research and can be called research in the field, which examines legal provisions and what occurs in people's lives, the location of this research is Imbanagara Village, Ciamis Regency. The source of this research data is in the form of primary legal material, secondary and tertiary, namely, laws and regulations, journals, and dictionaries as support. The rights and position of husband and wife are balanced, husband and wife are obliged to be responsible in their household and the wife can be the breadwinner because of her equal rights and position in Islamic law the wife is not obliged to work, the husband is obliged to earn a living.*

***Keywords: Responsibility, Breadwinner, Wife, Husband***

# CHAPTER I

## INTRODUCTION

### A. Background of Study

The roles of husband and wife are described in The Law No. 1 of 1974 about Marriage Law , which is this law already amended by Law Number 16 of 2019 about Amendments (hereinafter referred to as the Marriage Law). The husband and wife are considered to have played a role if he exercised their rights and responsibilities in accordance with status.<sup>1</sup> Article 31 (1) The rights and position of the wife shall be in balance with the rights and position of the husband in domestic life and association in society. In Article 31 paragraph (3) of Law Number 1 of 1974 about Marriage states, the husband is the head of the family and the wife of the housewife. This equality of rights and position between husband and wife is designed to make sure that neither party's rights are arbitrarily violated.<sup>2</sup> As the head of the household, the husband is responsible for family's safety and the household's welfare. The wife must acknowledge that her husband is the head of the family, and thus she must respect him. The wife's obedience to her husband must be founded on good ways and intention, as a housewife, the

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<sup>1</sup> Shamad, Muhammad Yunus. "Hukum Pernikahan dalam Islam, Jurnal Hukum Pernikahan dalam Islam", Vol 5, No 1,2017, P.7.

<sup>2</sup> Amir Nuruddin dan Azhari Akmal Tarigan, *Hukum Perdata Islam di Indonesia: Studi Kritis Perkembangan Hukum Islam dari Fikih, UU No. 1/1974 sampai KHI*, Ctk. Ketiga, Kencana, Jakarta, 2006, P. 14.



wife's primary responsibility is to serve her husband and manage everyday demands.<sup>3</sup>

Article 30 to 34 Number 1 of 1974 about Marriage define the rights and responsibilities of the husband and wife. According to Article 34 Paragraph 1 of the Marriage Law and Compilation of Islamic Law (KHI) Article 80 Paragraph 2 it is the husband's responsibility to finance domestic life and provide for his wife. In this case, however, there is an exception: the husband's provision of family essentials must be proportional to his capabilities.<sup>4</sup> As for the definition of the term capability, it indicates that the quantity of income that will be given relies on the husband's income; if the husband is wealthy, then everything must be given in proportion to income.<sup>5</sup> Similarly, when a husband provides a residence for his wife, he must provide a residence that is appropriate and within financial means. If the residence is unsuitable, the wife has the option of choosing where the family will reside.

Regarding the rights and responsibilities of husband and wife, there are two types of rights: material and immaterial. Material refers to property, especially dowry and means of living. Meanwhile, the obligations of a husband to wife are immaterial. A husband is required by Islamic law to provide the woman he has chosen as wife with material guarantees. Whether a wife comes from a

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<sup>4</sup> Bahri, Syamsul. "Konsep Nafkah dalam Hukum Islam", *Kanun Jurnal Ilmu Hukum*, Vol 17, No 2, 2015, P.70.

<sup>5</sup> Tri Lisiani Prihatinah, "Tinjauan Filosofis Undang-Undang Nomor 1 Tahun 1974", *Jurnal Dinamika Hukum*, Vol 8, No 2, 2008, P.17.

wealthy family or a low-income one, Islam has defined living as one of rights.<sup>6</sup> According to certain fiqh madhabs, it is supported by several verses in the Quran.<sup>7</sup> One of the legal bases for this issue is verse 7 of the letter At-Thalaq which states: *"Let those who are able to provide a living according to their capability"*

When a husband fulfills living obligations, it affects the wife's obedience to the husband. The husband loses the authority to order the wife's obedience when the husband does not fulfill the responsibility of living for the wife.<sup>8</sup> The husband's obligation to provide a living is stated in the Article 34 Paragraph 1 Law Number 1 of 1974 about marriage: "The husband is obliged to protect wife and provide all the necessities of domestic life according to liability". This article does not mention the husband and wife's obligations as needs with the terminology of "living" but the necessities of domestic life. Regarding this article, there is no requirement of maximum and minimum living expenses that the husband is obligated to provide for the wife; rather, is dependent on the circumstances of each husband and wife. This is to guarantee that provision stays in effect and can be used to satisfy the needs and feeling of justice desired by the community.

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<sup>6</sup> Mu'in, Rahmah, "Tinjauan Hukum Islam Terhadap Istri Sebagai Pencari Nafkah (Studi Kasus Masyarakat Desa Pambusuang Kec. Balanipa Kab. Polewali Mandar)", Vol 2, No 1, Jurnal Penelitian Hukum Ekonomi Syariah Dan Sosial, 2017, P.12.

<sup>7</sup> Nina Chairina, "Istri Pencari Nafkah Utama Dalam Keluarga (Kajian Pasal 34 Ayat 1 Undang-Undang No 1 Tahun 1974 Tentang Perkawinan)", Jurnal Studi Gender dan Anak Vol. 6 No. 1, 2019, P.108

<sup>8</sup> Mufidah, *Isu-Isu Gender Kontemporer Dalam Hukum Keluarga*, Ctk Pertama, Uin Maliki Press, Malang, 2010, P. 136-137.

According to Islamic theory, economic responsibility rests on the shoulders of the husband as the head of the household, but it is possible for this duty to pass to the wife if the husband is unable to fulfill duties to provide for family.<sup>9</sup> According to Abdul Halim Abu Syuqoh, a husband is responsible for providing for wife and earning. The wife is considered obligated to earn a living if fulfill the minimum conditions: having to support herself and her family when the husband is absent, disabled, or defenseless; and the husband's incapacity. Second, it is considered fardhu kifayah to work that contributes to the sustainability of the Muslim community.<sup>10</sup>

In islam women are not prohibited to do work to support their families. However, the cleric disclosed that the husband's role as the primary breadwinner should not be replaced. Imam ad-Dusuqi said, "Women are not obliged to weave clothes, sew them and then sell them to get a wage, so the money is given to the husband for living. Because this is not a form of solemnity that is obligatory for women, but it includes work.<sup>11</sup> Even though women are not obliged to do work. Unless she does it voluntarily." Some scholars say that the wife's obligations are related to matters at home. However, some argue that wives also have the right to work outside the home.<sup>12</sup>

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<sup>9</sup> Zainuddin Ali, *Hukum Perdata Islam Di Indonesia*, Ctk. Kedua, Sinar Grafika, Jakarta 2006, P.64.

<sup>10</sup> Abdul Halim Abu Syuqqah, *Kebebasan Wanita*, Ctk. Kedua, Gema Insani Press, 1997, P.416.

<sup>11</sup> Dahlan, Juwariyah. *Perempuan Karir*, Jurnal IAIN Sunan Ampel, Vol. 3, No. 1, 2014, P.12.

<sup>12</sup> Suraya Attamimi, *Membangun Keserasian Peran Ganda Ibu RumahTangga Muslimah dalam Era Masyarakat Modern*. Musawa: Journal for gender studies Vol. 4, No. 2, 2012, P. 207.

However the situation right now is any indicator, many husbands disobey women their responsibilities, particularly when it comes to take responsibility their families.<sup>13</sup> Considering the current reality, women contribute in fulfilling the family's needs.<sup>14</sup> This is absolutely unrelated to the marriage law and compilation of islamic law that exists now, where the obligation of a husband to a family is to maintain life.<sup>15</sup> That reality happens in Imbanagara Village, where the wives help earn a living for the family. In Indonesia, particularly in the Imbanagara Village region of the Ciamis Regency in West Java, working wives are really a reality.

That there are facts obtained from the initial research questionnaire of ten wives indicating that they are the main breadwinners. The majority of women in Imbanagara Ciamis village work as agricultural workers, livestock workers, and household servants, according to preliminary data collected using Google Form with a target of ten wives working in Imbanagara Village, Ciamis Regency on March 14 2023. According to preliminary research conducted by researchers in the Imbanagara Village Ciamis Regency, West Java, Five out of ten husbands out of work are laid off, three do not work because there is no willingness to work, and one husband does not work because of illness and one husband leaves his wife

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<sup>13</sup> Chesley, N. What does it mean to be a breadwinner mother, *Journal of Family Issues*, Vol 38, Issue 18, 2017, P. 6.

<sup>14</sup> Taufiq, Hidayat. Rispalman. Pengabaian Nafkah dalam Proses Perceraian di Kecamatan Pintu Rime Gayo Kabupaten Bener Meriah. *Jurnal Hukum Keluarga*, No 1, Vol 2, 2019, P.34.

<sup>15</sup> Shubata, Vivin Hastin, Dampak Istreri Bekerja Terhadap Kepemimpinan dalam Rumah Tangga Persepektif Hukum Islam, *Jurnal Studi Hukum Islam*, No 1, Vol 1,2011, P.15.

and children, thus motivating wives to work. For additional details, kindly refer to the following table.

**Table 1**  
**The wife as the breadwinner**

<b>No.</b>	<b>Name</b>	<b>Profession</b>	<b>Motives for Earning a Living</b>	<b>The husband there or not</b>
1	Komariah	Household servant	The husband is unemployed because his employment was terminated due to Covid-19.	There is
2	Empar	Livestock workers	The husband's employment has been terminated; thus, he is unemployed.	There is
3	Ratih	Private sector employee	The husband's job is not permanent or odd jobs	There is
4	Fitri	Private sector employee	Husband unable to work due to sickness	There is
5	Denny	Restaurant employee	The husband is unwilling to work.	There is
6	Amanda	Livestock workers	The husband is unwilling to work.	There is
7	Nur	Household servant	Husband unable to work due to sickness	There is
8	Endang	Agricultural workers	Husband unable to work due to sickness	There is
9	Lilis	Agricultural workers	The husband does not want to work	There is
10	Endah	Agricultural workers	The husband is not working because he lost his job because of covid-19.	There is

Based on the reality above, the theory of responsibility towards the husband did not apply well based on regulation, so potential haven violation of law in this case. According do that, the researchers interested in researching this subject.: **“RESPONSIBILITY OF THE WIFE AS BREADWINNER IN INDONESIAN LAW (CASE STUDY OF THE WIFE IN IMBANAGARA VILLAGE CIAMIS REGENCY)”**

### **Formulation of the problem**

Based on the above description, this research apply two problem formulations:

1. How is the responsibilty of the wife as the breadwinner in Imbanagara Village Ciamis Regency?
2. How is the regulations of the wife as the breadwinner in Indonesian law?

### **Research purposes**

1. This research is to analyze responsibilty of the wife as the breadwinner in Imbanagara Village Ciamis Regency.
2. This research is to analyze regulations of the wife as the breadwinner in Indonesian law.

### **Benefits of research**

It is expected to provide benefits and contributions to the theoretical and practical levels. As for its uses:

1. Provide information about responsibility of the wife as the primary breadwinner in Imbanagara Village Ciamis Regency.

2. Provide information about regulations of the wife as the breadwinner in Indonesian law

## **B. Research Originality**

Legal research is written by the author entitled ": Wife's Responsibilities as the breadwinner in Indonesian Law (Study of cases of wives in Imbanagara Village, Ciamis Regency)". Regarding the author's search, many theses examine the wife who makes a living in the family. Due to its closeness to and immediate intersection with our daily lives, the problem under study is an interesting social problem to research. The research that the authors found about the problem of wives earning a living in the family mostly did not explain the perspective of the Marriage Law.

1. Khariyati Rahmah 98210513, student of the Faculty of Sharia Department of al-Ahwal alSyakhshiyah in 2002, entitled "Rights and Obligations of Husband and Wife in Marriage Law (A Study of Marriage Law No. 1 of 1974 Gender Perspective)". This study examines the provisions of the rights and obligations of husband and wife in Marriage Law no. 1 of 1974 which place the husband as superior to the wife. It is generally stated in Article 31 Paragraph (3) and Article 34. This research reflects the concept of marriage law regarding the rights and obligations of husband and wife from a gender perspective whose legal substance is neutral and fair and refers to the principles of domestic life.

2. Fera Andika Kebahyang 1321010067, student at the State Islamic University of Lampung, Faculty of Sharia, Department of al-Ahwal al-Syakhshiyah in 2013, entitled Implications of Career Women on Household Harmony in View of Islamic Law (Study in Blambangan Village, Blambangan Pagar District, North Lampung). This study examine the implications of career women for household harmony in Blambangan Village, Blambangan Pagar Subdistrict, North Lampung, regarding the views of Islamic law on career women.
3. Sri Rahayu, a student at the State Islamic University of Sunan Kali Jaga, Yogyakarta, Faculty of Sharia, Al-Ahwal alSyakhshiyah Department, 2010, entitled The Influence of a Wife as the Main Breadwinner of Household Life in the Perspective of Islamic Law (Case Study 12 in Jolopo Hamlet, Banjarsari Village, Ngadirejo District, Temanggung Regency. This study examine the phenomenon of the wife as the main breadwinner found in Jolopo Hamlet, Banjarsari Village, Nagadirejo sub-district, Temanggung Regency. The wife the main breadwinner because the husband less responsible for the family. In this study, the main issues focused on what are the influences of the wife as the main breadwinner on household life, then how the influence of the wife as the main breadwinner on household life in the perspective of Islamic law.
4. Muammar, Faculty of Sharia and Law, State Islamic University of Sunan Kalijaga Yogyakarta, entitled A Review of Islamic Law on the Role of Wives in Earning a Living and Its Relevance with Law no. 1 of 1974 Article 34. This study examine the review of Islamic law on the role of the wife in earning a



living and the relevance of Islamic law to marriage law No. 1 of 1974 Article 34.

5. Ulfatul Khumaydah, Faculty of Syari'ah IAIN Sunan Kalijaga, in thesis entitled "The Role of the Wife in the Family Comparative Study of Compilation of Law with Javanese Customary Law", explained that it is undeniable that in a very long period of time it was felt to be true that social and cultural realities showed the relationship between men and women is very unequal. Women are still positioned as part of men (subordination), marginalized, and even discriminated against. This can be seen clearly in their roles in the domestic (household) and public sectors.
6. Widodo, Faculty of Syari'ah IAIN Sunan Kalijaga, in his thesis entitled The Wife as Responsible for the Family in the Perspective of Islamic Law (Analysis of Article 34 Paragraph (1) Law no. 1 of 1974. His thesis, he looks at the wife's problem as the person in charge of the family and analyse it with article 34, paragraph 4. In thesis, is more impressed with women's leadership and conclude that the factors that cause a wife to be a support for the family include: a husband who is disabled, so that he is no longer able to work, as usual, a wife who has been divorced or has died by her husband, the responsibility for earning a living can be carried out jointly or alternately between husband and wife, what needs to be remembered must be based on deliberation, so that justice in carrying out their respective responsibilities can be realized and other family interests can also be fulfilled together.

## C. Literature Review

### 1. Marriage

Article 1 of Law Number 1 of 1974 about Marriage defines marriage "an inner birth bond between a man and a woman as husband and wife to build a joyful and eternal family (household) based on the One True Godhead." According to Islamic law, marriage is a contract that justifies association and limits rights and responsibilities. "The purpose of marriage is to form a happy and eternal family, for which the husband and wife must help and complement each other so that each can develop his personality while assisting the other in achieving spiritual and material well-being."<sup>16</sup> The foundation of a marriage must be mutual love and affection between the husband and wife, the expectation that it will always function smoothly.<sup>17</sup> Mention in Article 1 Law Number 1-year 1974. Marriage has a very close association with religion/spirituality; therefore, marriage not only has an external/physical aspect, but also a very important role for an inner element.<sup>18</sup> As stated by Soemiyati, marriage is an engagement relationship between a man and a woman, according to the definitions provided by professionals. This is not just any agreement, but a fundamental agreement between a man and a woman to

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<sup>16</sup>Hasballah Thaib dan Marahalim Harahap, "*Hukum Keluarga Dalam Syariat Islam*", Universitas Al-Azhar, 2010, P.4.

<sup>17</sup> Ahmad Atabik dan Khoridatul Mudhiiah, *Pernikahan dan Hikmahnya Perspektif Hukum Islam*, Jurnal Pemikiran Hukum dan Hukum Islam, Vol.5 no.2, 2014, P.307-308.

<sup>18</sup>Abd. Shomad, *Hukum Islam*, cetakan 2, Kencana, Jakarta, 2012, P.180.

build a family. Sacred in this context refers to the religious aspect of marriage.<sup>19</sup>

## 2. Responsibilities of Couples in Marriage

In the Compilation of Islamic Law, the obligations of husband and wife are explained in detail in article 77 as follows:

- a. Husband and wife have an obligation to create a *sakinah, mawaddah, and warahmah* household.
- b. Husband and wife must look after and love each other, respect each other and help each other outwardly and inwardly.
- c. Husband and wife have duties and obligations to care for and educate their children, both regarding their physical, spiritual and intellectual growth and religious education.
- d. Husband and wife must maintain their honor.
- e. If the husband or wife does not fulfill their obligations, then each has the right to file a lawsuit with the religious court.

The rights and obligations of husband and wife will arise if the marriage contract has been implemented. This contract gives rise to the law on the rights and obligations of husband and wife in the family.<sup>20</sup> In fostering married life, there are rights and obligations that each husband

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<sup>19</sup> Soemiyati, *Hukum Perkawinan Islam Dan Undang-Undang Perkawinan (Undang-Undang Nomor 1 Tahun 1997, Tentang Perkawinan)*, Ctk. Pertama, Liberty, Yogyakarta, 1986, P. 8.

<sup>20</sup> Muthahhari Murtadha, *Perempuan dan Hak-Haknya Menurut Pandangan Islam*, Lentera, Cetakan 1, Jakarta, 2009, P. 24.

and wife must fulfill.<sup>21</sup> Likewise, Law Number 1 of 1974 about Marriage has regulated the rights and obligations of the wife. In Articles 30 to 34, it is explained that husband and wife bear a noble obligation to uphold the household which is the basic foundation of the composition of society. The rights and position of the wife are balanced with the rights and obligations of the husband in the household and the association of living together in society.

As the legal basis for implementing marriage in Indonesia, this regulated the rights and obligations arising from a marriage between man and woman. Abd. Rahman Ghazaly, in his book *Fiqh Munakahat* mentions that there are differences between the rights and obligations of husband and wife in the household.<sup>22</sup>

### **3. Breadwinner**

A living is a right that a husband must fulfill towards his wife; this income varies in the form of food, shelter, lessons (attention), medication, and clothing even though the woman is rich. As element of his responsibility to provide for his wife, children, and other family members, a husband's source of income is anything of material or beneficial value that he can provide. Provision of living wages of clothing, food, and boards.<sup>23</sup> The gift takes place

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<sup>21</sup> Haris Hidayatulloh, "*Hak dan Kewajiban Suami Istri dalam Al-Qur'an*" *Jurnal Hukum Keluarga Islam*, Vol. 4, No.2, 2019, P.26.

<sup>22</sup> Abdul Rahman Ghazaly, *Fiqh Munakahat*, Ctk. Delapan Kencana Prenada Media Group, Jakarta, 2019, P. 117.

<sup>23</sup> Djazimah, S., & Habudin. *Isteri Sebagai Pencari Nafkah Utama: Studi Terhadap Perajin Kapuk Di Desa Imogiri, Bantul, Yogyakarta*. Al-Ahwal: *Jurnal Hukum Keluarga Islam*, Vol 9, No 1 2016, P.9.

after the occurrence of a valid marriage contract.<sup>24</sup> And the purpose of earning a livelihood is to spend money on someone or a family responsible for fulfilling basic requirements. The fulfilment of a living is part of an effort to maintain the integrity of a family. Since establishing a household, subsistence is the right of the wife's various rights over her husband.<sup>25</sup> The husband's obligation to his wife, which applies in Fiqh is based on the principle of separation of property between husband and wife.<sup>26</sup> This principle follows the line of thought that the husband is the seeker of sustenance, the sustenance he gets is his full right and henceforth, the husband is domiciled as the provider of the breadwinner. On the other hand, the wife is not a sustenance seeker; to fulfil her needs, she is the recipient of the breadwinner.<sup>27</sup>

#### **D. Research methods**

##### **1. Types of research**

The type of research that the author will apply is research empirical juridical. Empirical juridical research in other words is a type of sociological research and can be mentioned with research in the field, which examines legal provisions happened and what has happened in people's lives.<sup>28</sup> Research

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<sup>24</sup> Subaidi, Konsep Nafkah Menurut Hukum Perkawinan Islam Jurnal Studi Hukum Islam, Vol.1, No.2, 2014, P.159.

<sup>25</sup> Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, Ctk. Pertama, Gema Insani, Jakarta, 2011, P. 92.

<sup>26</sup> Syaibun. "Tinjauan Hukum Islam Terhadap Nafkah Keluarga Dari Istri Yang Bekerja", Al-Mabsut: Jurnal Studi Islam Dan Sosial, Vol 13, No. 1, 2019, P.89.

<sup>27</sup> Amir Syarifuddin, Hukum Perkawinan Islam di Indonesia, *Antara Fiqh Munakahat dan Undang-Undang Perkawinan*, Ctk. Ketiga, Kencana, Jakarta, 2009, P.165.

<sup>28</sup> Bambang Waluyo, "Penelitian Hukum Dalam Praktek", Ctk. Ketiga, Sinar Grafika, Jakarta, 2002, P.15.

conducted on actual conditions or real situations that have occurred in society to know and find the facts and data needed, in this case using primary data with questionnaire interviews with wives as the breadwinners.

## **2. Research Approach**

The approach method used in this research is:

- 1) This statutory approach is carried out to examine all laws and regulations related to the research to be researched. This legal approach will open up opportunities for researchers to study whether there is consistency and conformity between one law and another.
- 2) The conceptual approach of this approach is carried out because there are no or no legal rules for the problems at hand, this conceptual approach departs from the views and doctrines that develop in the science of law, thus giving birth to an understanding of law and legal principles that are relevant to the problems at hand.
- 3) The case approach that researchers try to build legal arguments from the perspective of concrete cases that occur in the field, these cases are closely related to legal cases or events that occur in the field. This type of approach to find the value of truth and the best solution to legal events that occur in accordance with the principles of justice. This approach is carried out by examining cases related to the legal issues at hand.

## **3. Classification of Legal Material**

The author collects secondary data from a literature review by reading, quoting, and tracing laws and regulations, books, documents, articles, dictionaries, and other legal literature relevant to the problems during research.

- a. Primary Legal Materials, which includes:
  - 1) The 1945 Constitution of The Republic of Indonesia
  - 2) The Law No. 1 of 1974 About Marriage Law
  - 3) Law Number 16 of 2019 About Amendments to Law Number 1 of 1974 About Marriage
- b. Secondary Legal Materials are supporting sources related to the discussion. In this study, secondary legal materials are used in the form of journals, books, references related to research titles, regulations issued by the government related to research problems, digital mass media, manuscripts, the Qur'an, Hadith. and Compilation of Islamic Law related to the research discussion.
- c. Tertiary Legal Materials is a source that explains primary legal materials and secondary legal materials in the form of dictionaries, encyclopedias, and lexicons that can help understand and analyze the problems studied in research.

#### **4. Data collection technique**

- 1) The primary data collection technique through questionnaires using google forms and then distributed with a target 35 (thirty-five) working

wives. The questionnaire is used to find out the reason why the wife working and why the husband not working. Then the data collection interview based on question and answer to the source related to the subject matter. The interview was conducted with the speaker of the Head of Imbanagara Village, Mr. Abdul Kodir, this interview was conducted as supporting data in writing this study.

- 2) Secondary data collection techniques was obtained indirectly from the research object. In this study, secondary data were obtained through literature studies from various literature or books, journals, articles, papers, and the results of previous studies, which the authors considered were still relevant to the problem under study.

## **5. Research Location**

The location of this research Imbanagara Village, Ciamis Regency. The target of research the wives who live in Imbanagara Village, Ciamis Regency, and work as the family's breadwinners.

## **6. Data analysis**

The analytical technique used descriptive quantitative. This method is used if the analysis results described descriptively, in the hope of clearly describing the legal provisions of the wife's responsibility as the breadwinner in the perspective of Indonesian law, thus obtaining a comprehensive picture of the problems studied.



## **E. Thesis Framework**

The composition of the writing of this thesis consists of 4 (four) chapters, with different discussions in each chapter. These are personalized to the needs of analyzing and answering problems. The systematic arrangement of this writing is as follows:

### **CHAPTER I INTRODUCTION**

Chapter I describe the thesis research, which include the background of the problem, problem formulation, research objectives, research originality, literature review, research methods used in this writing, and the last is systematic writing.

### **CHAPTER II LITERATURE REVIEW**

Chapter II explain about the theories related to the problems with the regarding Overview of Marriage, Responsibilities of Couples in Marriage and Breadwinner, and theories related to this research.

### **CHAPTER III. RESEARCH RESULTS AND DISCUSSION**

3. Chapter III describe the answers to the research problem formulation. **First, to** answer how the responsibility of the wife as the primary breadwinner in Imbanagara Village Ciamis Regency **Second, to** How is the regulations of the wife as the breadwinner in Indonesian law?

### **CHAPTER IV CONCLUSIONS AND SUGGESTION**

In this chapter, the writer writes the main points studied in the form of conclusions and provides suggestions for problems based on the research results.

## CHAPTER II

### GENERAL OVERVIEW OF MARRIAGE AND RESPONSIBILITY FOR BREADWINNERS IN INDONESIAN

#### A. Marriage In Indonesian

##### 1. Definition

Marriage refers to the partnership of a man and a woman who fulfill certain conditions. Article 1 of Law No. 1 of 1974 defines marriage as an inner birth bond between a man and a woman as husband and wife for the purpose of building a joyful and eternal family (household) based on only God. The Compilation of Islamic Law describes marriage in Article 2 as Marriage according to Islamic law is a very binding commitment or *mitsaqan ghalizhan* to fulfill God's commandments, and its performance represents worship. This definition contains multiple meanings, such as: 1) Marriage is the birth and inner bond between a man and a woman as husband and wife; 2) Bonds are born inner and are aimed at forming a family (household) that is happy, eternal and prosperous; 3) The basis of the inner birth bond and the eternal happy purpose is based on the Almighty.<sup>29</sup> In Islam, it is recognized as marriage, which is an agreement to binding oneself between a man and a woman to justify the relationship between the two parties, on a voluntary basis, and the willingness of both

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<sup>29</sup> M. Yahya Harahap, *Hukum Perkawinan Nasional*, Ctk. Pertama, CV. Zahir Trading Co, Medan, 1975, Page. 11.

parties to realize the happiness of a family life filled with affection and tranquility in ways that God.<sup>30</sup>

According to Wirjono Prodjodikoro, marriage is live together as husband and wife of a man and a woman who fulfill specific requirements.<sup>31</sup> Meanwhile, according to Subekti, marriage is a long-lasting legal partnership between a man and a woman.<sup>32</sup> According to Muhammad Abu Ishrah, marriage is a contract that provides legal benefits for the ability to have family relations (husband and wife) between men and women, in addition to maintain and giving the limits of rights for their owners and the fulfillment.<sup>33</sup> Marriage is a long-term emotional and legal connection or commitment between a man and a woman that includes economic, social, and partner obligations, physical proximity, and sexual relations.

Based on the above understanding, marriage contains aspects The legal consequences of obtaining each other's rights and responsibilities and establishing common based on mutual support. It contains the meaning and purpose of marriage, as well the reasons for the implementation of religious sharia.

Marriage as described above cannot be separated from the issue of sex and sexual interactions between men and women, as marriage is an institution that controls sexual relations to be legal and legitimate. Society contends that

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<sup>30</sup> Soemiyati, *Hukum perkawinan islam dan UU perkawinan*, Ctk. Pertama, Liberty, Yogyakarta, 1986, Page.15.

<sup>31</sup> Wiryono Prodjodikoro, *Hukum Perkawinan di Indonesia*, Ctk. Kesembilan, Sumur, Bandung, 1984, Page. 7

<sup>32</sup> Subekti, *Pokok – Pokok Hukum Perdata*, Ctk. Ketiga Puluh Dua, PT. Intermasa, Bandung, 1992, Page.15.

<sup>33</sup> H. Djamaan Nur, *FiqhMunakahat*, Ctk. Pertama, Dina utama, Semarang, 1993, Page 3 – 4.

marriages are performed to certify and validate biological relationships and create legitimate progeny. Allah Almighty commanded marriage to fulfill a high and noble purpose, which is a good way to reproduce children and expand the world. Marriage is a means of achieving peace of mind, maintaining self-purity from heinous crimes and being the happiness of life, reinforcing oneself to not fall into the abyss of inevitability. Marriage is the basis of development; family is the primary component of community development. Thus, the objective of marriage is not to fulfill one's passions but to fulfill a higher purpose. Marriage is a relationship of love, affection, and pleasure, a method for building inner harmony, and a defense against the dangers of abominations for the husband and wife. Thus, men and women will have an attitude of mutual assistance with regard to life's responsibilities and interests.<sup>34</sup> The husband is responsible for providing for the family's needs while the wife is responsible for caring for the home and teaching the children. From a legally acceptable standpoint, Law No. 1 of 1974's intended purpose for marriage is ideal. This section considers the conditions of the marriage connection and the inner bond between a happy and forever married couple. In this instance, to achieve the marriage objective, a *sakinah mawaddah wa rahmah*.

## **2. Validity of Marriage in Indonesia**

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<sup>34</sup> *Ibid.*Page. 75

Article 1 of Marriage Law Number 1 of 1974 states that the objective of marriage to create a happy and eternal family (household) based on the One True Godhead. To be able to realize the objective of marriage, anyone conducting a marriage must follow the validity and procedures specified in Law No. 1 of 1974 concerning Marriage. Definitions in detail in accordance with the validity stated in Law No. 1 of 1974 about Marriage: 1) The approval of the two candidate's brides. Article 6 paragraph 1 of Law No. 1 of 1974 states that the marriage must be based on the approval of the married couple. In his book *Marriage Law and Problems*, Dr. H. Saidus Syahar, S.H., offers his opinion. As explained by H. Riduan Syahrani, S.H. in the book *Detail and Principles of Civil Law*, its application in terms of Islamic law is as follows: This marriage requirement ensures that there will be no further forced marriages in our society. This provision is acceptable in view of the fact that marriage is a matter of personal choice within the context of human rights.

Therefore, it should be a topic of concern This marriage is more dependent on the individual's desire to choose his or her own life partner within the household.<sup>35</sup> This decision must be taken voluntarily and without pressure from any side. 2) Parents or guardians of the wedding couple who are under 21 years old has given the approval. In Article 6 of Law Number 1 of 1974 states as follows: paragraph 2 A person under the age of 21 must receive approval from both parents to engage into a marriage. paragraph 3 In the case that one of the parents has died or is unable to make a

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<sup>35</sup> Sudarsono, *Hukum Perkawinan Nasional*, Ctk. Ketiga. PT. Rineka Cipta, Jakarta, 1994, P. 187.

testament, the consent required by paragraph 2 of this article may be sought from the surviving parent or the guardian who can make a decision. paragraph 4 In the case that both parents are died or unable to declare a will, permission must be received from the guardian, the caring person, or the sibling who is related by blood in a direct upward lineage as long as they are alive and competent to make a decision. paragraph 5 in the case that there is a difference of opinion between persons referred to in paragraphs 2, 3, and 4 of this article, or one more of them does not state in his opinion, the court in the jurisdiction of residence of the person who is about to enter into a marriage at the request of the person gives permission after first hearing the persons in paragraphs 2, 3 and 4 of this article.

Paragraph 6 The provisions of paragraphs 1 to 5 of this article apply to the extent that the laws of one religion or belief do not prohibit the application of the requirements of another. Those rules require the permission of both parents/guardians for weddings under the age of 21 because marriage is not simply a relationship between two individuals. The bride and groom are already husband and wife, but the marriage also unites the families of the married couple. 3) The ideal marriage of a man and a woman has become 19 years old. In Article 7 paragraph 1 of Amendments to Law No. 1 of 1974 Concerning Marriage, Law No. 16 of 2019 states: "Marriage is only permitted if the man and women have reached the age of 19 (nineteen) years". The purpose of these laws is to prevent marriages among children. So that customary kawin gantung among indigenous peoples is prohibited.<sup>36</sup> The

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<sup>36</sup> Mr. S.A. Hakim, *Hukum Perkawinan*, Ctk. Pertama, Elemen, 1974, Bandung, P. 7.

objective of the provisions of this article is to realize that the husband and wife who have fulfilled a marriage achieve physical and spiritual development and are able to realize the purpose of marriage as stipulated in Article 1 of Law No. 1 of 1974. 4) The male candidate and the future wife do not share a blood or familial relationship that would prohibit the marriage. Blood/family relationships that are not allowed to enter into marriage regulated in Article 8 of Law Number 1 of 1974, namely: a. Blood-related in a straight lineage down and upwards; b. Blood relations in the sideways lineage are between siblings, between one and a parent's sibling and between one and a grandmother's sibling. c. In-laws, stepchildren, brothers, and mothers or stepfathers are related. d. Breastfeeding, namely suckling parents, suckling children, suckling brothers and aunts/uncles; e. Relative relationships with the wife, such as being her aunt or nephew, if the husband has more than one wife.

f. Have a relationship that, by their religion or other applicable regulations, is prohibited from marriage. However, because it is specified in Article 8 letter f of Law Number 1 of 1974 that a relationship that is prohibited from marriage is also a relationship that is prohibited from mating by religion or other applicable regulations, the prohibition of marriage in the marriage law is expected to include Legal Marriage Restrictions based on religion and other restrictions.<sup>37</sup> 5). Not being in a marriage bond with the other person. Article 9 of Law number 1 of 1974 states: "a person who is still bound by marriage with another person cannot remarry, except in the case of

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<sup>37</sup> Drs. H. Saudus Syahar, S.H., *Undang-undang Perkawinan dan Masalah Pelaksanaannya Ditinjau dari Segi Hukum Islam*, Ctk. Pertama, Alumni, 1976, Bandung, P.104.



article 3 paragraph (2) and article 4 of this law. 7) Not during the widow marriage waiting period. Women that divorce must wait until the waiting period has passed before getting remarried, according to Article 11 of Law Number 1 of 1974. The aim of these regulations is to clearly identify the father of a kid who is born during that grace period.

Marriage is valid according to Indonesian positive law if the marriage is carried out in accordance with Law Number 1 of 1974 concerning Marriage. Article 2 paragraphs 1 and 2 also emphasize the validity of marriage, namely: 1) The marriage is valid if it is performed in accordance with the laws of each of the couples' various religions and beliefs. 2) According to applicable guidelines and regulations, each marriage is registered. This means fulfilling all of the requirements specified in Law No. 1 of 1974 about Marriage and Marriage Regulations relating to marriage.

### **3. The Legal Consequences of Marriage**

Marriage is possible for material and formal requirements to be unfulfilled after a marriage has been conducted. Incomplete conditions result in the invalidity of the marriage. As a result, not following the legal requirements of this marriage, there are legal ramifications, specifically that the marriage can be canceled, but not through the divorce procedure, as cancellation and divorce are two distinct legal processes. According to Marriage Law Number 1 of 1974, marriages can be canceled.<sup>38</sup> A marriage cancellation is an attempt to claim that the current marriage bond is

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<sup>38</sup> Pori Susanti, Perempuan Bekerja Dalam Pemenuhan Nafkah Keluarga, Jurnal Kajian Dan Pengembangan Umat, Vol. 3, No. 2, 2020, P.26.

unlawful so that the marriage can be considered to have never occurred. If all of the Marriage Law's requirements have been fulfilled, the marriage is considered valid.

A valid marriage has legal consequences including 1). 1. Men and women who have become husband and wife have a legal relationship; 2). The existence of a legal relationship between husband and wife as parents to children; 3). Including wealth. Marriages that have been carried out legitimately before the law, will always be accompanied by legal consequences that arise thereafter. The legal relationship includes the husband-wife relationship, property, and children. After marriage, the first legal consequences are obligations and rights arising between the husband and wife. Articles 103 to 107 and articles 111 to 118 of the Civil Code, which regulate the rights and responsibilities of both parties, include several regulations, including: 1). Both partners must be loyal, respectful, and helpful to each other; 2). A husband is the head of the household in a marriage; 3). The husband must support his wife; 4). The husband is obliged to take good care of all personal property and his wife as the head of the household; 5). However, the husband is prohibited from transferring hands or burdening them without his wife's knowledge; 6). The wife must obey her husband, as to where they live and others; 7). The wife has no other place of residence than the husband's place of residence, and the husband's nationality determines the nationality of the wife.<sup>39</sup>

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<sup>39</sup>Al Baghdadi, A. *Emansipasi Adakah dalam Islam*. Ctk. Ketiga, Gema Insani Press, Jakarta, 1994, P.25.

Marriage has legal consequences for the husband and wife, including the husband and wife's legal relationship, the development of marriage, the legal position and status of children, and inheritance relationships. Legal consequences of the marriage can only be obtained if the marriage is conducted legally in accordance with Article 2 Paragraphs (1) and (2) of the Marriage Law.<sup>40</sup> Marriage is a legal event in which every legal relationship carried out between two parties will have consequences related to the legal relationship that occurs. Marriage, as a form of legal relationship between man and woman based on the existence of a physical and mental bond between the two, will have legal consequences for both husband and wife.

The existence of a physical and mental relationship between the couple will have legal consequences for both the husband and wife, as well for other issues and parties related to the marriage. The beginning of the marriage between husband and wife, there has been a legal relationship between husband and wife. The legal relationship is the existence of rights and obligations between husband and wife. Regulations regarding the rights and obligations of husband and wife are regulated Article 30 to Article 34 of Law Number 1 Year 1974 about Marriage. The rights and obligations of the husband and wife in question include the: Article 30 explains husband and wife bear a noble obligation to uphold the household which is the basis of the structure of society. Article 31 paragraph (1) explains the

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<sup>40</sup> Susanti, Pori. Perempuan Bekerja Dalam Pemenuhan Nafkah Keluarga Firdaus Romi Saputra. *Jurnal Kajian Dan Pengembangan Umat*, Vol.3, No.2, 2020, P.23

rights and position of the wife are in balance with the rights and position of the husband in domestic life and social life in society, paragraph (2) explains husband and wife have the right to take legal action, paragraph (3) explains the husband is the Head of the Family and the mother's wife household. Article 32 paragraph (1) explains husband and wife are required to have a permanent place of residence. Article 33 explains husband and wife are obliged to love one another, respect, be loyal and provide physical and spiritual assistance to one another. Article 34 paragraph (1) explain the husband is obliged to protect his wife and provide for all household needs according to his capability, and paragraph (2) explains the wife is obliged to manage household affairs as well as possible. In addition, if the husband fails to fulfill all of his commitments during the marriage, the woman may initiate a lawsuit. If the husband fails to fulfill all of his responsibilities, the wife can bring a lawsuit to divorce the marriage, and likewise for the husband.

## **B. Responsibilities of Couples in Marriage**

### **1. Definition of Responsibility**

The definition of a husband and wife's responsibilities is not stated explicitly in the Marriage Law. The rights and responsibilities of husband and wife are described in Chapter VI, Articles 31-34 of Law Number 1 of 1974 About Marriage. Article 34 paragraph (1) states, "The husband is obligated to protect his wife and provide all the necessities of domestic life according to his capabilities."

Paragraph (3) of the same article states, "If the husband or wife neglects their respective obligations, the other husband or wife could file for divorce". An obligation is something that is committed out of responsibility. The obligation does not take into account profit and compensation, but it is fulfilled due to the demands of morality and is not based on logical thought.<sup>41</sup> The affection of parents towards their children, as well as the affection of a wife and husband, is given without expectation of profit or compensation. Responsibility, according to W. Poespoprodjo, is a moral necessity to work on when regarded subjectively.<sup>42</sup> Responsibility, as regarded objectively, is something that must be performed.<sup>43</sup> According to the Qur'an and Hadith, the husband's responsibility in maintaining a family or household is to treat the wife as best as he can. Doing the *maarif* is characterized by mutual affection and respect for one another in addition to loyalty and support for one another.<sup>44</sup> Although the definition of the responsibilities of a husband and wife is not explicitly specified in the law, it can be inferred from definitions provided by experts relating to responsibilities in general and provisions of the Marriage Law that the responsibilities of a husband and wife embrace everything a wife must accept and do for her husband and vice versa.<sup>45</sup>

In family life, husbands and wives have their own responsibilities.

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<sup>41</sup> Suherman Ediansyah dan M. Badrut Tamam, *Menjadi Suami Idaman*, Ctk. Pertama, Pustaka Setia, Bandung, 2012.P. 28.

<sup>42</sup> W. Poespoprodjo, K. Bertens, *Filsafat Moral (Kesusaan dalam Teori dan Praktek)*, Ctk. Pertama, Pustaka Grafika, Bandung, 1999, P. 275-276.

<sup>44</sup> Syeikh Abdul Munaim Musthafa Halimah, *Ensiklopedi Hak dan Kewajiban Suami dan Istri Diterjemahkan oleh Ibnu Muslih*, Inasmedia, Klaten, 2008, P. 107

<sup>45</sup> Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia*, Ctk. Kedua, Kencana Prenada Media Group, 2011, Jakarta, P. 159.

The responsibility of a husband to his wife is to carry a load of life's responsibilities, both in this world and in the afterlife. Even a wife is responsible for obeying her husband, so long as she does it in accordance with religious law and in a manner that safeguards the family's honor.<sup>46</sup> In household relations, a man (husband) becomes a leader for a woman (wife), therefore he is responsible for the obligation to provide a living, which falls on a man's shoulders. This component suggests that a man who is responsible for his wife has leadership responsibilities. Husbands have a key role in the continuity of family life. With this obligation, it is not only the husband's responsibility to provide for his wife, but he must also have better and more in-depth knowledge and comprehension of religion than his wife in as to become capable for his family and descendants in the future.

## **2. Living Responsibility**

Living it is the responsibility of the husband to fulfill the family's fundamental requirements. Earning a living is part of the perform required to maintain the integrity of a family, living becomes the right of various wives to their husbands since the establishment of the household.<sup>47</sup> The responsibility in fiqh for the husband to provide a living for his wife is based on the principle of property separation between husband and wife. This theory follows the logic that the husband is the breadwinner, that the sustenance he earns is his complete

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<sup>46</sup> Nabil Muh. Taufiq As-Samaluthi. *Pengaruh Agama Terhadap Struktur Keluarga*. Ctk. Pertama, Bina Ilmu. Surabaya, 1987, P. 250-251.

<sup>47</sup> Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, Ctk. Pertama, Gema Insani, Jakarta, 2011 P. 92.

ownership, and that he is therefore based as the breadwinner. Instead, the wife is not a livelihood, and he was positioned as the recipient of a living to fulfill his needs.<sup>48</sup>

Therefore, the obligation of living is irrelevant in a community that follows the principle of a combine of property in the household. Included in the definition of living according to the scholars agreed is shopping of food needs which includes nine staples of clothing and shelter or in everyday language called *sandang*, *papan* and *pangan*. A living consists of all of a wife's necessities; thus, a living can be paid and fixed on an annual, monthly, weekly, or daily basis, based on the husband's capability and cultural norms. It is acceptable for a husband to provide daily support and give or purchase clothing once or twice a year, or as necessary. In addition, a living can be fixed in the form of variable bread, spices, and clothing, as well as in the form of money, so that the wife can purchase what she needs with it.

### **3. Husband's Responsibilities**

Islam in addition to obeying the husband, the wife is required to manage household affairs as best as possible. This includes taking care of everyday tasks, creating a fun and comfortable atmosphere for the husband and children, supporting and educating kids, and other duties.<sup>49</sup> According to Islamic law, the husband has a responsibility to provide for his wife financially. After a

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<sup>48</sup> Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia, Antara Fiqh Munakahat dan Undang-Undang Perkawinan*, Ctk. Ketiga, Kencana, Jakarta, 2009, P. 165.

<sup>49</sup> Humaidi Tatapangarsa, *Hak dan Kewajiban Suami Istri Menurut Islam*, Klam Mulia, Ctk Pertama, Jakarta, 2003, Page. 22.

validity marriage, the husband is obligated to carry out his responsibilities in line with Islamic law. The responsibilities of the husband are a consequence of marriage. In providing a living, the husband is responsible to provide the obedient wife with food, clothing, housing, a place to live, etc. according to capabilities and conditions.

Thus, the husband is responsible to educate and guide the wife. In this case, providing education is the husband's duty, which is not opposed to Islam, which supports providing Religious Education. As described above. Husbands have a responsibility to fulfill his wives' rights. The general right of the woman to be satisfied by the husband. Material rights and non-material (spiritual) rights are the two types. The material right consists of a dowry and a living, while the non-material right is the husband's decent behavior towards the wife. The specifics are given: 1). Mahar in the language of Shadaq or dowry is derived from the word "Shidqu" which means earnestness and truth. If a man feels he really wants to marry the woman he wants.<sup>50</sup> Dowry is an obligatory gift from a man to a woman mentioned in the marriage contract.<sup>51</sup> As a statement of the male and female's consent to live together as husband and wife. From the study of fiqh literature, it can be inferred that the dowry is in the form of gifts from male candidates to prospective women in the form of things and money as long as it does not contradict Islam.

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<sup>50</sup> Saleh al- Fauzan, *al-mulakhash al-Fiqh. terj.* Ctk. Pertama, Gema Insani Pres, Jakarta, 2006, P. 672

<sup>51</sup> Abdul Aziz Dahkhan. *Ensiklopedi Hukum Islam.* Ctk. Pertama, PT Ichtiar Baroe Van Hoeve, Jakarta, 1996, P. 1041.



The quantity of dowry is not prescribed by Islam but must be directed by simplicity and conformity with the capability of the male candidate. Dowry is an absolute right of women as some argue cleric, then it is not permissible for the husband to postpone it if it has been requested by the wife. The husband should not request the dowry that the wife has been given, but if the wife gives in and does not request anything from the dowry or was given by the wife, then there is no reason why she is a worry. 2). Living, Living linguistically implies that people in need to buy things like food or other essentials. Even if a wife is wealthy, she does not support herself; instead, the husband is responsible for supporting his wife because he is the head of the household. The living that must be fulfilled by the husband includes clothing, shelter, household expenses, hospital medical expenses, and the cost of the child's education.

The wife is obligated to the husband as a consequence of having these responsibilities. stay at home, raise, and educate his kids. As long as the marriage is still in existence, the woman is entitled to a living. that the requirements for the wife's right to a living from her husband are: a). There has been a valid marriage contract. b). The wife has been able to have a husband and wife relationship with her husband. c). The wife is obligated to exercise all of the husband's rights or is prepared to do. If one of the above conditions is not fulfilled, it is not mandatory for the husband to provide a living.

Likewise, the wife does not like to submit to her husband. Therefore, there is no need to provide for the wife under these conditions. Because what is intended

as the basis for shopping requires unrealized rights. 3). Treated well, gentle and affectionate, the wife's needs for her husband are not just material needs which are limited to living. Only clothes and so on, but he has an inner need to be treated gently and fully affectionate. Enjoyable and entertaining. 4). Maintain honor, A husband must respect his wife's dignity and safeguard her honor, and he must refrain from insulting or abusing her. Furthermore, it is forbidden to disclose secrets about their relationship to others. not be disrespectful to his family, and not to spy and find fault with him. Among the husband's rights is to be jealous, but not excessive. Husbands are also not allowed to talk about bed relations with their wives in the presence of other people, let alone having intercourse in the open.<sup>52</sup> 5). Providing for family needs, every husband must have basic requirements, such as clothing, food, and housing, as well as secondary needs, such as vehicles and telephones, and those beyond essential needs. Likewise, within the family. Being the leader of the family, it is the responsibility of the husband or father to fulfill the family's requirements, such as food, health, education, and others. Certainly, the size of each family's requirements varies. Some are enough or even insufficient, some are basic, and some are luxurious and even excessive.<sup>53</sup>

The rise in requirements does not necessitate a reduction in the budget, but additional household income must be obtained. To find additional income, a

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<sup>52</sup> Sulaiman Rasjid. *Fiqh Islam*, Ctk. Ketiga Puluh Empat, Sinar Baru Algesido, Bandung, 1994, P. 393

<sup>53</sup> Muhammad Thalib. *Ketentuan Nafkah Isteri dan Anak*. Ctk. Kesepuluh, Irsyad Baitus Salam. Bandung, 2000. P. 65.

husband must be creative and innovative. In addition, the family must maintain a savings account that may be accessed at critical moments. Then, the wife must be careful in controlling the inflow and outflow of money. Received keep motivating the husband to earn a living and have a good work ethic. Among the that is the capability to fulfill the requirements of the family. 6). Children's education guarantee, there is no doubt that a person's qualities can sometimes be deduced based on his or her educational background, regardless the fact that a small percentage of self-taught individuals may become more advanced than others. Because education is also a form of responsibility, a head of the household who understands this will take an active role to the education of his family, wife, and especially his children. With his perseverance in earning a livelihood, he was able to provide his children with a morally and religiously good education. In addition to being able to satisfy the needs of clothing and food, the benefits of living can also guarantee the education of children.

The husband is responsible to provide for his family, and in order for a husband and wife to build the desired family, their happiness and well-being must be based on mutual understanding. Consideration must be given to the fulfillment of necessities in a desired family, such as food, clothing, shelter, and the daily needs of a wife and children. According to Islamic beliefs based on positive law, the husband carries the responsibilities of family life. The husband is obligated to provide a living for his wife and children in accordance with his capability. The husband must make every effort to find a provider who can fulfill the family's

needs. The conduct of not wanting to work must be eliminated from the mentality of a husband, as he is responsible to provide for his family by working. Therefore, a husband needs work in order to provide for his family.<sup>54</sup>

#### **4. Wife's Responsibilities**

The marriage contract is valid then it will have consequences and give rise to wife responsibilities. Upon the existence of a valid marriage contract, the husband has the right to receive good service from the wife, this is the wife's responsibility. This is appropriate to Islamic law, which supports the organize of household. The responsibility of the wife to her husband is the husband's right that she must fulfill.

Included among these responsibilities are: 1). Obedience in kindness, this is because there must be a leader in every household, and a man (husband) has been appointed by what he gives in the form of a dowry and a living to be the head of the household and the person in control. Islam places a great deal of importance on the wife's obedience to the husband. Even the wife should not engage in sunnah practices that harm the husband. Including what the wife must do if her husband prohibits her to work if doing so would reduce his rights. In addition, working wives are required to fulfill work that is compatible with their feminine. 2). Caring for herself and her husband's property while absent, Self-preservation includes keeping her husband's secrets. And if it is prohibited for her husband's enemies to enter the house. It is also

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<sup>54</sup> Ridha Bak Najjad. *Hak dan Kewajiban Isteri dalam Islam*, Ctk. Pertama, Lentera Basrimata, Jakarta, 2002, P. 106.

acceptable for the wife to give charity from the property of the husband and wife participates in receiving the reward from God, among other things, and his maintenance of the husband's property is not wasteful in spending his money excessively and not redundantly.<sup>55</sup>

3). Taking care of and maintaining her husband's household, including caring for and educating children, Allah explains in Surah Al-Baqarah verse 228 that the wife has a balance of rights and responsibilities. Every time the wife is given a burden, the husband is also given a burden of equal weight. Islam's foundation for building a family is the fitrah concept, and men are permitted to work, struggle, and attempt outside the home. While women are better able to take care of the household, educate children, and create a more pleasant, peaceful atmosphere within the home. The wife is also responsible to handle the household's expenses, such as those for food, drink, clothes, and house, as well as any other expenses that further the five objectives of sharia. The purpose of Islam is to maintain religion, reason, honor, and wealth. although clearly earning a living is the husband's duty and responsibility.

## **C. Breadwinner in Indonesian**

### **1. Definition**

A person who works for wages or income, especially if those wages cover the needs the home. Livelihood is also defined in the Indonesian Dictionary as spending for living, income money, spending provided to the wife, and sustenance, the

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<sup>55</sup> *Ibid.* Page. 134

provision of daily life.<sup>56</sup> A person's standard of living is money or wealth spent on a requirement or to fulfill a desire.<sup>57</sup> A breadwinner is a person who works and earns for the purpose of domestic wealth, so that the goal of making a family happy can be achieved through the existence of income. Sheik Ibrahim Bajuri stated that the term "living" was derived from the Arabic term *infaq*, which meaning "to spend." According to him, the word Living is never used for anything but happiness.<sup>58</sup> According to Muhammad ibn Ismail al-Kahlani, "a living is something provided by a person in terms of what he needs or what others require, which is food, drink, and other things".<sup>59</sup> From the above, it is determined that a living is anything that a person spends on himself or on others who are entitled to receive it, such as food, drink, clothing, shelter. The stated requirement is applicable given the conditions. In a marriage, rights and responsibilities arise between the husband and wife. Among them are the husband's responsibilities to his wife, the most fundamental of which is to provide a living of subsistence, including food, clothing, and a home to stay. The husband must provide for his wife both physically and mentally for the marriage to survive. The husband is obligated to guide the wife and her household in important domestic matters that must be settled by the husband and wife together.

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<sup>56</sup> Kementerian Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, Pusat Bahasa, Jakarta 2016, P. 1062.

<sup>57</sup> Thalib M, *Ketentuan Nafkah Istri dan Anak*, Ctk. Pertama, Irsyad Baitussalam, Bandung, 2000, P. 31.

<sup>58</sup> Syaekh Ibrahim Bajuri, *Hasyiah Al-Bajuri*, Ctk. Ketiga, Toha, Putra, Semarang, 2003, P. 185.

<sup>59</sup> Said Imam Muhammad bin Ismail al-Kahlani, *Subulus Salam*, Ctk. Pertama, Edisi Indonesia, al-Ikhlash, Surabaya, 1992, P. 335.

The husband is also responsible for safeguarding his wife and providing for her and the family in a way consistent with his capabilities. The husband is obliged to provide religious education to the wife and provide opportunities to learn useful and useful knowledge. Thus, the family is the smallest structural layer within society, and it is indisputable that each member of the family has roles, responsibilities, and objectives. Thus, it can be stated that maintaining a family is the husband's legal obligation to provide for his wife's physical and emotional needs.<sup>60</sup> From the Islamic perspective the obligation to living in the family, the Compilation of Islamic law stipulates that the responsibility of family life falls on the shoulders of the husband. This means the husband is required to provide for the household's sustenance. The husband must struggle to provide for his wife and children to the best of his capabilities. The obligation of living and its function in fostering a household that is expected to be happy and successful are highly influential. The failure to fulfill the commitment to provide for the family is one of the factors that contribute to the incompleteness of marriage and the resulting internal conflict and unhappiness. Such as a husband is able to give a living, but neglects to carry it out, a husband who is able to give a living but seems unwilling to understand domestic life. Such things can sometimes be encountered in people's lives.<sup>61</sup>

Cause Since the husband's responsibility is to provide for the family: 1.) Causes of marriage, A man who marries a woman and creates a married couple is obligated

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<sup>60</sup> Abdul Hamid Kisyik, *Bimbingan Islam Untuk Mencapai Keluarga Sakinah*, Ctk. Ketiga. Mizan, Bandung, 2001, P. 128.

<sup>61</sup> Firdaweri. *Hukum Islam tentang Fasakh Perkawinan*, Ctk. Pertama, Pedomam Ilmu Jaya, Jakarta, 1989, P. 63.

to provide for his wife; but, if a wife disobeys and neglects her duties, she is not entitled to a living. Therefore, each must fulfill the commitments that have been established. 2). Cause of heredity, after marriage, children will be born, and a husband or father must provide for and care for their needs. The wife has the right to demand a minimum amount of income for food, clothing, and housing if the husband is *bakhil*, that is, if he fails to provide adequate support for his wife without a reasonable excuse. Prof. Dr. Amir Syarifuddin describes the cleric as stating that the need to living is permanent or eternal. If within a given period of time the husband does not complete his responsibilities when he is able to pay for it, the wife is permitted to take as much of her husband's property as her responsibilities require.

According to the Law on the Compilation of Islamic Law (KHI), the objective of marriage is to build a joyful, and eternal family based on God's. If the objective of the marriage is to be realized, the sincerity of both husband and wife is absolutely essential. Marriage is not only viewed as a means of discovering God in accordance with *Syariah* in order to achieve good in the world and in society.<sup>62</sup> In terms of living on the husband's responsibilities, the wife's liabilities include both material obligations in the form of money and non-material obligations that are not in the form of material, as specified in Marriage Law No. 1 of 1974. The role of the husband as head of the family, where one of his responsibilities is to provide a home, clothing,

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<sup>62</sup> Amir Syarifudin, *Hukum Perkawinan Islam di Indonesia*, Ctk. Ketiga, Prenada Media, Jakarta, 2007, P. 156.



and food to his family. The wife plays the position of a housewife who controls the household's finances with the income earned from the husband's support.

In accordance with Chapter VI of the Rights and responsibilities of Husband and Wife, Article 34 of the Marriage Law of Indonesia No. 1 of 1974: 1). The husband is obligated to safeguard his wife and provide everything essential for her to live in a household, consistent with his capabilities. 2). The wife is required to manage the household as efficiently as possible. 3). If the husband or wife shirks their respective obligations can apply lawsuit to the court. In this law, it is stated that the husband, as the head of the household, is accountable for maintaining the family's financial well-being. However, the wife is obligated to manage domestic affairs to the best of her capabilities. this regulation implies the division of roles between husband and wife in household work, as stipulated in article 31 paragraph 3.<sup>63</sup>: 1). The right and position of the wife is balanced with the rights and position of the husband in domestic and social life live together in society.

2). Each party has the right to perform legal acts. 3). The husband is the head of the family and the wife of the housewife. Articles 77-84 of the Compilation of Islamic Law on the Rights and responsibilities of Husband and Wife. Article 79 states that the husband is the head of the household and the woman is the housewife. The text of article 80 paragraph 2 is similar to that of article 34 paragraph 1 of Law No. 1 of 1974, which states, "The husband is obligated to safeguard his wife and provide

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<sup>63</sup> Cecep Hadiyan, Keikutsertaan Istri Mencari Nafkah untuk Keluarga: Tinjauan Umum tentang Konsep Nafkah, Thesis, UIN Syarif Hidayatullah Jakarta, 2009, P. 26.

all the essentials of domestic life, according to his capability." As long as the husband and wife relationship still exists and there is no iniquity or other obstacle to their ability to provide for themselves. This accords to the general rule, "Everyone who is detained to fulfill rights and provide benefits to others then his livelihood becomes the responsibility of the person for whom he holds on."<sup>64</sup> The basis of its obligation is found in the Qur'an found in Surah Ath-Thalaq verse 7:

*"Let those who are able to provide a living according to their capability"*

Based on the preceding verse, it is clear that the responsibility to provide only to those who are eligible includes giving based on the need. It means to provide sufficient shopping in the sense that it relates to the size of the wife's basic life necessities.<sup>65</sup> Therefore, it can be concluded that the provision for livelihood stipulated in the Qur'an indicates that the husband is responsible to provide for his family in accordance with his capabilities. For those who are able to be given the convenience of sustenance or who are able to provide for their families based on their capabilities. The wife has the right to demand a minimum amount of income for food, clothing, and housing if the husband is *bakhil*, that is, if he fails to provide adequate support for his wife without a reasonable excuse.

As a principle, people who are required to obtain food, clothing, and shelter. As regards the types of required maintenance and is required to provide, who is required to provide it, the following applies<sup>66</sup> 1). Wife's Living, as for husbands who are

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<sup>64</sup> Sayyid Sabiq, *Fiqih Sunnah*, Ctk. Pertama, Pena Pundi Aksara, Jakarta, 2013, P. 432.

<sup>65</sup> Slamet Abidin, *Fikih Munakahat*, Ctk. Pertama, Pustaka Setia, Bandung, 1999, P. 175.

<sup>66</sup> Abu Bakar Jabir al-Jaza'iri, *Minhajul Muslim*, terjemah Musthafa Aini, Darul Haq, Jakarta, 2006, P. 556.

obligated to support their wives, a good wife is the same as a wife who is still under the protection of her husband (not talaq) or a woman who was talaq with talaq raji before her iddah period expired. If it is determined that a husband is unable to provide for his wife, then the couple may be separated. Due to the obligation of a male who provides a woman with a living if she has entered into a legally regulated and recorded contract with the state. Then there is no longer any obstacle for him to provide for the wife, as this is a requirement that must be fulfilled. 2). Parent's Living stops, if he is already wealthy, or his son, who supports him, falls into poverty, so he has no money left over for their daily meals because Allah does not burden a person with anything other than what God has given him. 3). Children's Living, the obligation to give a living fall on the father, not the mother, regardless of whether the mother is married or not. mother, regardless of marital status. has been divorced. The need to give maintenance and preparation is put on the father, not the mother because the mother is included among the heirs. father rather than mother.<sup>67</sup> If a boy puberty, he is no longer provided for, and if he is already married, he is no longer obligated to support girls. But men who have reached puberty are not considered children; if he is ill or insane, the parents are still responsible for his care.

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<sup>67</sup> Imam SyafiI, *Ringkasan Kitab Al-Umm Terjemah Muhammad Yasir*, Ctk, Ketiga, Pustaka Azzam, Jakarta, 2007, P.440.

## CHAPTER III

### RESPONSIBILITY OF THE WIFE AS THE BREADWINNER AND REGULATION OF THE WIFE AS THE BREADWINNER IN INDONESIAN LAW

#### A. The Reality in Imbanagara Village Ciamis Regency

Based on the researcher's methods of study, the reality that the wife is the breadwinner dominates society. In this research, questionnaires were used to collect primary data through questionnaires. Respondents were described as the primary breadwinners in households where wives must work to fulfill daily needs. Given that a wife is the primary provider in Imbanagara Village, Ciamis Regency, the author has collected questionnaires from 35 respondents as explained by Sugiyono, namely that the sample is representative of the population's size and characteristics.<sup>68</sup>

The main focus of this study is to collect data through the use of questionnaires. The purpose is to obtain information that is not only relevant but also has a high degree of accuracy and validity. Adhering to research standards, the researchers used questionnaires with a total of 35 wife as breadwinners. However, it is suggested that the sample size be increased to 50 in order to enhance the statistical accuracy and reliability of the data obtained. By increasing the sample size, the data collected would have a stronger foundation and provide

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<sup>68</sup> Widodo, *Metodologi Penelitian Populer & Praktis*, Ctk. Pertama, Rajawali Pers, Jakarta, 2017 P. 70.

more insights.<sup>69</sup> Based on the results of research in the Imbanagara Village area, Ciamis Regency from March 14, 2023 to April 1, 2023 which has been collected by the author, the facts obtained occurs as follows:

### **1. Wife is The Breadwinner in Imbanagara Village, Ciamis Regency**

Based on the results of the research using questionnaires, there are 35 (thirty-five) respondents consisting of

- a. 16 Respondents are wife who work as the main breadwinner of the husband and has no willingness to work
- b. 12 Respondents are wife who work as the main breadwinners because their husbands were laid off
- c. 5 Respondents are wife who work as the main breadwinner because the husband was sick which resulted in not being able to leave the house
- d. 1 Respondents are wife who work the main breadwinner; husband ran away from home did not return home
- e. 1 Respondents are wife who work the main breadwinner as a result of her husband imprisonment

Researchers have found a phenomenon in Imbanagara Village, Ciamis Regency, where violations of marriage laws occur. Specifically, there cases where wives becomes the breadwinners due to various reasons such as

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<sup>69</sup> Masri Singarimbun dan Sofian Efendi, *Metode Penelitian Survei*, Ctk. Kedua, LP3ES, Jakarta, 1985, P. 130.

Husband does not want to work, Husband sick so he can't leave the house, or being laid off from their jobs. In a marriage, both husband and wife have rights and responsibilities. According to rights, husbands are obligated to provide for their wives, including fulfilling their daily food needs. It is the husband's responsibility to ensure that the basic necessities of his wife are fulfilled.<sup>70</sup>

Based on the questionnaire, it can be concluded that there are still many husbands who neglect their rights and obligations. This is not in accordance with Law Number 1 of 1974 concerning Marriage. As in the law in Article 34 paragraph 1 "The husband is obliged to protect his wife and fulfill all household needs according to his capability." The Marriage Law explain that husbands are obliged to take care of their wives and fulfill all basic household needs as well as possible. Moreover, in the Compilation of Islamic Law clearly mentioned in article 80 paragraph 4 it is stated in accordance with his income the husband guarantees: (a. living, kiswa and residence for the wife (b. household friendly costs, maintenance costs and medical expenses for the wife and children (c. education costs for children.

The husband is responsible for financially supporting the family by earning a livelihood, while the wife is obligated and responsible for effectively managing the household.<sup>71</sup> According to the findings from a questionnaire

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<sup>70</sup> Eka Kartika, "Perempuan Pencari Nafkah Selama Pandemi Covid-19", *Al-Mada, Jurnal Agama Sosisal dan Budaya*, Vol. 4, No. 1, Januari, 2021, P. 13.

<sup>71</sup> Husain Husain Syahatah, *Tanggung Jawab Suami dalam Rumah Tangga: Antara Kewajiban dan Realitas*, Ctk. Pertama, Amzah, Jakarta, 2005, P. 14

conducted by researchers, there is a real phenomenon in Imbanagara Village, Ciamis Regency, where the role of the wife has transformed into that of the primary breadwinner. The active participation of wives in economic activities is driven by the necessity to fulfill the financial needs of their families. which are as follows:

1. 16 Respondents are wife who work as the main breadwinners because their husbands had no intention or willingness to work.

This can be observed in the cases of Mrs. Imas Kaswati, Mrs. Yatmi, Mrs. Yuyun, and Mrs. Saidah.<sup>72</sup> In these families, the husbands not working and lack the willingness or intention to engage in daily employment. Their activities primarily involve taking care of the children at home, dropping off the children and their wives, without contributing financially to the family. Consequently, the wives are compelled to work in order to sustain their households and fulfill the necessary expenses.

2. 12 Respondents are wife who work as the main breadwinners because their husbands were affected by layoffs.

Such as Mrs. Ratih, Mrs. Dedeh, Mrs. Imas Suranti, and Mrs. Ratna Sari themselves taking on the role of breadwinners by working outside their homes.<sup>73</sup> This circumstance arise from the fact that their

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<sup>72</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.

<sup>73</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.

husbands were laid off from their jobs at a palm oil company in Kalimantan, and due to the challenges of finding employment in the Ciamis area, they have been unable to secure new jobs. As a result, the wives are left with the responsibility of being the breadwinner to cover the daily needs of their families.

3. 5 Respondents are wife who work the main breadwinners because their husbands were sick which resulted in not being able to leave the house

Mrs. Sherlis, Mrs. Fitri, Mrs. Linda, and Mrs. Neneng, find themselves obligated to work outside the home. These wives are compelled to take on the role of breadwinners due to their husband's sickness, which temporarily prevents them from earning a livelihood.<sup>74</sup> Moreover, their children are still attending school, further increasing the financial responsibilities on the wives' shoulders. As a result, these women must work to fulfill their family's daily needs, cover their children's tuition fees, and manage the medical expenses of their sick husbands.

4. 1 Respondents are wife who work as the main breadwinner because her husband was imprisoned.

Mrs. Rahayu was forced to work because her husband was imprisoned for violating the law. Therefore, the wife must work as the main breadwinner to fulfill daily needs and pay the child's school fees.

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<sup>74</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.



5. 1 Respondents are wife who work as the main breadwinner because her husband ran away and did not return home.

Mrs. Lilis was abandoned by her husband who did not return home due to her husband's actions, Mrs. Lilis had to work to fulfill daily needs

Furthermore, during an interview conducted with Mr. Abdul Kodir, the Head of Imbanagara Village, he emphasized that it is the husband's responsibility to provide for his wife and children by earning a livelihood. On the other hand, the wife is obligated to prioritize the education of her children and efficiently manage the household. The employment choices made by wives in Imbanagara Village with their individual capabilities and skills. Due to the lower level of education among the majority of wives in the village, they often finding employment as factory workers, livestock workers, and domestic helpers. However, for wives with higher education, their career paths may include working as private employees, bank employees, or civil servants. The diversity of job opportunities the varying levels of education and qualifications among the wives in the village.<sup>75</sup>

Based on the data obtained through the questionnaire, it can be concluded that the wife in the surveyed household is forced to work due to certain circumstances. However, it is important to note that apart from their job

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<sup>75</sup> Interview Mr. Abdul Kodir Village head Imbanagara, on 24 April 2023 14:30 WIB

responsibilities, they are still expected to fulfill their duties and obligations as wives and housewives. As long as it is needed to support the financial needs of the family, it means that the wife should not neglect her role in the household. Permission for women to work depends on their adherence to societal norms and expectations. In short, wives' work was seen as a means of fulfilling daily needs, but they were expected to balance their work and household responsibilities.<sup>76</sup> For more details, it can see in the following table:

**Table 2**  
**The Wife is the Breadwinner in Imbanagara Village**  
**Ciamis Regency**

No	NAME	AGE	OCCUPATION	REASONS WIVES WORK
1	Denny	46	Waitress	Due to the pandemic, husband been unable to secure employment, leading to a situation where wives have the responsibility of fulfilling daily needs, such as providing food and paying for school fees.
2	Fitri	42	Private employees	The husband's inability to work is due to his illness, which the onus on the wife to work in order to fulfill the financial needs of the household and cover the expenses associated with their children's education.
3	Kokom	38	Household servant	As the husband shows no willingness to work, it falls upon the wife to assume the

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<sup>76</sup> M.Quraish Shihab, *Wawasan Al-Qur'an Tafsir Maudu'I atas Berbagai Persoalan Umat*, Ctk. Ketiga, Mizan, Bandung, 1996, P. 307.

				responsibility of providing for the family's daily necessities, such as food and electricity expenses.
4	Ratih	38	Private employees	The husband's ongoing unemployment situation has resulted in the wife taking up breadwinner to support the family's daily needs and cover the expenses related to their children's education.
5	Kaswan Nur	40	Civil Servant	Due to the husband's job termination at a palm oil company in Kalimantan, he is unable to work, resulting in the wife having to assume the role of the primary breadwinner in order to support the family's economic needs.
6	Nur	38	Household servant	As a consequence of the widespread layoffs in shoe companies during the pandemic, husbands find themselves without employment, placing the responsibility on wives to fulfill the household needs and provide for their children's education.
7	Lilis	39	Farm workers	In the scenario where the husband has abandoned the family and not returned home, the wife is compelled to work in order to financially support their two children.
8	Endah	45	Livestock laborers	The husband's employment was terminated as a consequence of the Covid-19 pandemic, leading to the wife's necessity to work in order to sustain the family's financial needs.
9	Imas kaswati	36	Household servant	Due to the husband's lack of motivation to work, the wife is responsible for working to

				fulfill the household and children's needs.
10	Asih	37	Household servant	Following the husband's job loss, he has shown no inclination to seek employment. Consequently, the wife is responsible for supporting their two children and fulfill their everyday necessities.
11	Yatmi	40	Political Party Staff	The wife takes on employment to fulfill the daily needs of the family, as the husband chooses not to work and instead focuses on caring for the children.
12	Yanti	29	Market Trader	Husband does not work. The wife's main role is to make a living through sales to support the family's financial needs, including to pay for the children's school fees.
13	Titin	42	Trader	The husband remains unemployed after being laid off and has been unable to secure work since then. As a result, the wife shoulders the responsibility of paying for the children's school fees and fulfill the family's daily needs.
14	Citra	27	Bank employees	The husband remains unemployed and unsuccessful in finding employment, the wife works in order to fulfill their daily needs.
15	Restu	27	Private employees	The husbands have resign from working as sailors, leaving the wives with the obligation to work in order to sustain their livelihood and fulfill their needs.
16	Sherlis	45	Teacher	As a consequence of the husband illness, the wife is obliged to continue working in order to cover both their daily needs and the medical

				expenses required for her husband's treatment.
17	Yuyun	36	Livestock laborers	The husband lacks the motivation to work, the wife takes on the responsibility of working to fulfill various financial obligations, including mortgage payments, children's school fees, and everyday living expenses.
18	Ruswita	46	Household servant	The wife undertakes employment to ensure the financial stability of the family, considering the significant number of dependents they have. Moreover, due to the husband's illness, which confines him to the house, it becomes even more essential for the wife to fulfill the role of the main breadwinner.
19	Iin	30	Factory workers	To provide for the family's needs, particularly the education expenses of their children, the wife must work since the husband is not employed. This arrangement is necessary to ensure the family's financial stability.
20	Neneng	47	Factory workers	Due to husband's illness, which prevents him from working, the wife is compelled to seek employment in order to fulfill their daily needs.
21	Dedeh	35	Market Food Seller	The husband remains unemployed, the wife takes on the role of a market trader to support their daily needs.
22	Ima suranti	40	Household servant	The husband's job loss, which has prevented him from returning to work, and the wife, as the sole breadwinner, must provide for the family's financial needs.

23	Khodijah	37	Livestock laborers	The husband has resigned his employment as a sailor and has been unable to secure alternative employment. Consequently, the wife takes on the responsibility of working to fulfill their daily needs and cover the expenses related to education.
24	Ratna Sari	31	Private sector employee	The husband has experienced job termination and has not yet secured new employment, thereby necessitating his wife's efforts to fulfill their daily needs and monthly installments.
25	Linda	29	Civil servant	Due to the husband's illness, he is unable to work and must remain at home. Consequently, the wife assumes the responsibility of providing for the family's financial needs, including the expenses related to their children's education.
26	Saidah	37	Factory workers	The husband does not work because the wife must be responsible for the needs of the family and pay school fees for children
27	Ayi isnaini	32	Factory workers	The husband does not work because there is no will, the wife must work to fulfill the needs of the family
28	Icih	37	Herbalist	The wife is working to cover the expenses of the children's education and fulfill the family's daily needs, while the husband contributes by assisting the wife in their trading activities.
29	Dewi	41	Livestock workers	The husbands' lack of motivation to work results in the wife having to take on the responsibility of fulfilling the family's needs, which includes covering the

				education expenses for their children.
30	Bi Nani	51	Cracker Trader	The husband does not work but only helps sell crackers, requiring the wife to work to fulfill daily needs
31	Rahayu	41	Farm workers	Due to the husbands being incarcerated and unable to work, the wives take on the role of breadwinners to sustain the family's financial stability, covering both daily expenses and the children's school fees.
32	Kartika Kusumaningrum	28	Private sector employee	The husband has resign working as a sailor, until now he has not found a job, the wife must work to fulfill their daily needs
33	Esih Hidayanti	34	Factory workers	The wife takes on the responsibility of fulfilling the daily needs of the dependents, including supporting the parents, as the husband lacks the motivation to work.
34	Ekasari	38	Farm workers	Due to the husband's lack of motivation to work, the wife plays the role of the breadwinner, working to provide for the household's needs and cover the expenses associated with their children's education.
35	Ella	49	Farm workers	Due to the husband's sick, which hinders his ability to work, the wife is compelled to seek employment in order to fulfill the household's needs and cover the medical expenses incurred by her husband.

Based on the results of the researcher questionnaire above, there is a fact that 35 wives working as the main breadwinners, it can be concluded that there is

a significant number of husbands who neglect their rights and obligations towards their wives. This behavior contradicts the provisions outlined in Law Number 1 of 1974 concerning Marriage. According to Article 34, husbands are legally bound to protect their wives and fulfill all household needs to the best of their capability. The Marriage Law clearly explain that husbands have a responsibility to provide for their wives and fulfill all essential household needs.

Furthermore, the Compilation of Islamic Law, specifically Article 80, paragraph 4, emphasizes the financial obligations of husbands towards their families. It states that husbands are required to guarantee various aspects, including providing a suitable place of residence, covering living expenses, maintenance costs, medical expenses for the wife and children, as well as education costs for the children. The findings from the questionnaire indicate a discrepancy between the legal and religious expectations of husbands' responsibilities and the actual behavior observed in some households. It highlights the importance of awareness and adherence to these laws and principles to ensure the well-being and rights of wives within marriages.<sup>77</sup>

## **B. The Responsibilities of the Wife as the Breadwinner in Indonesia**

The rights and obligations within marriage are established to provide clarity and understanding of each person's authority and responsibilities. As a

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<sup>77</sup> Warsito, *Perempuan dalam Keluarga Menurut Islam dan Barat*, Jurnal Studi Islam, Vol. 14, No. 2, 2017, P. 149.



result of the marriage between a husband and wife, they are obligated to obey the existing provisions. These rights and obligations encompass various aspects, including the issue of living planning. The concept of living planning refers to the shared responsibility of creating a suitable and harmonious home environment for both spouses. This includes ensuring adequate housing, living expenses, and other essential needs are fulfilled. The rights and obligations related to living planning aim to establish a balanced and supportive living situation for the husband and wife. It is crucial for individuals within a marriage to recognize and fulfill their respective rights and obligations, as outlined by legal and cultural frameworks. They contribute to the overall well-being and stability of their marital relationship.<sup>78</sup>

An obligation is something that is committed out of responsibility. The obligation does not take into account profit and compensation, but it is fulfilled due to the demands of morality and is not based on logical thought. The affection of parents towards their children, as well as the affection of a wife and husband, is given without expectation of profit or compensation. Responsibility, according to W. Poespoprodjo, is a moral necessity to work on when regarded subjectively. Responsibility, as regarded objectively, is something that must be performed.<sup>79</sup>

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<sup>78</sup> Moh. Rifa'i, *Fiqh Islam*, Ctk. Kedua, Karya Toha Putra, Semarang, 2014, P.450.

<sup>79</sup> W. Poespoprodjo, K. Bertens, *Filsafat Moral (Kesusilaan dalam Teori dan Praktek)*, Ctk. Pertama, Pustaka Grafika, Bandung, 1999, P. 275-276.

The husband has a responsibility to fulfill the rights of his wife, which include providing for her and fulfilling her needs. This obligation entails ensuring that the wife's basic necessities, such as clothing and food, are adequately provided for. Additionally, the husband is expected to protect his wife and treat her with care and respect, without subjecting her to any form of harsh treatment. the husband has the responsibility to financially support his wife and fulfill her material requirements, ensuring that she has appropriate clothing and sufficient food. Moreover, it is his responsibility to safeguard her well-being and treat her with kindness and gentleness, upholding her rights within the marital relationship.<sup>80</sup> while the wife's responsibilities in marriage include maintaining fidelity, providing emotional support and attention to the husband, managing the household, caring for children, maintaining family harmony, playing an active role in educating children, establishing good relations with the husband's family, and maintaining positive social relations in the family.

The rights and responsibilities of husband and wife are generally described in Chapter VI, Articles 30-34 of Law Number 1 of 1974 about marriage. The rights and obligations of the husband and wife in question include the: Article 30 explain husband and wife shoulder a noble obligation to uphold the household which is the basis of the structure of society. Related to obligations in husband and wife, Article 31 paragraph, (1) the rights and position of the wife are in

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<sup>80</sup> Muhammad Ra'fat Usman, *Fikih Khitbah Dan Nikah*, Ctk. Pertama, Fathan Media Prima, Depok, 2017, P. 127.

balance with the rights and position of the husband in domestic life and social life in society, (2) husband and wife have the right to take legal action, (3) explains the husband is the Head of the Family and the mother's wife household.

Article 32 paragraph (1) husband and wife are required to have a permanent place of residence while Article 33 husband and wife are obliged to love one another, respect, be loyal and provide physical and spiritual assistance to one another. Article 34 paragraph (1) the husband is obliged to protect his wife and provide for all household needs according to his capability, and paragraph (2) explains the wife is obliged to manage household affairs as well as possible. In addition, if the husband fails to fulfill all of his commitments during the marriage, the woman may initiate a lawsuit.

In the Compilation of Islamic Law article 80 paragraph 2 also define the obligations of the husband which: 'The husband is obliged to protect his wife and provide everything necessary for married life according to his capability'. Article 80 paragraph 4 says that the husband's obligations to his wife include providing bread, kiswa and residence for the wife, household expenses, treatment costs and medical expenses for the wife and children. Based on the compilation of Islamic law, the husband carries the responsibilities of family life. The husband is the leader of his wife and marriage. The husband must make every effort to find a provider who can fulfill the family's needs based on his capacity. To educate his wife about religion and be given the opportunity to learn. Also, every income

obtained by the husband is obligated for living, *kiswah* and living of the wife. These include house expenses, maintenance, healthcare of wife and children as well as education. The conduct of not wanting to work must be eliminated from the mentality of a husband, as he is responsible to provide for his family by working. Therefore, a husband need work in order to provide for his family.<sup>81</sup>

In the other hand, the Wife's responsibilities in marriage are based on Islamic Law that she must fulfill. Included among these responsibilities are: (1 Obedience in kindness, Islam places a great deal of importance on the wife's obedience to the husband. Even the wife should not engage in *sunnah* practices that harm the husband. Including what the wife must do if her husband prohibits her to work if doing so would reduce his rights. In addition, working wives are required to fulfill work that is compatible with their feminine. (2 Caring for herself and her husband's property while absent, self-preservation include keeping her husband's secrets. It is also acceptable for the wife to give charity from the property of the husband and the wife participates in receiving the reward from God, among other things, and his maintenance of the husband's property is not wasteful in spending his money excessively and not redundantly. (3 Taking care of and maintaining her husband's household, including caring for and educating children.<sup>82</sup>

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<sup>81</sup> Ahmad Rofiq, *Hukum Islam di Indonesia*, Ctk. Keempat, PT. Raja Grafindo, Jakarta, 2003, P. 188.

<sup>82</sup> Habib, T.Z. Challenges of the female heads of household in Bangladesh: a qualitative inquiry. *Journal of Advance Social Science Humanit*, Vol.3, No.6, 2017, P. 106.

Allah explains in Surah Al-Baqarah verse 228 that the wife has a balance of rights and responsibilities. When men are permitted to work, struggle, and attempt outside the home. Women, on the other hand, are better able to take care of the household, educate children, and create a more pleasant, peaceful atmosphere within the home. Living expenses refer to the financial support provided to the wife for the purpose of covering her and her children's daily needs.<sup>83</sup> This financial support typically includes essential necessities such as food, housing, healthcare, clothing, education, and overall facilitation of a comfortable life for the wife and children.

Based on the fact research on 35 wives who work as the primary breadwinners in Imbanagara Village, Ciamis Regency, it was revealed that among the respondents, 16 wives reported that their husbands lacked the willingness to work. In other words, these husbands showed a lack of motivation or interest in pursuing employment to contribute to their family's financial well-being. This finding that a significant portion of the wives in the study have assumed the primary responsibility of earning income for their households due to their husbands' unwillingness to work.<sup>84</sup>

Furthermore, the research findings that out of the respondents, 12 wives who work as breadwinners for their husbands have been impacted by layoffs and

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<sup>83</sup> W.J.S. Perwadarminta, *Kamus Umum Bahasa Indonesia*, Ctk. Keenam Belas, Balai Pustaka, Jakarta, 1983, P. 667.

<sup>84</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.

have not been able to secure new jobs up to the present moment. This suggests that these husbands have experienced job loss, which has placed additional financial strain on their families. It highlights the challenges they face in finding alternative employment opportunities to sustain their households' income. The data emphasize the need for further support and resources to assist this husband in their job search and provide financial stability for their family.

In addition, 5 wife respondents who worked as breadwinners for their husbands were sick which resulted in being unable to work, then 1 respondent stated that her husband did not return home leaving his obligations as a husband and 1 respondent stated that her husband was imprisoned for violating the law.<sup>85</sup> Based on the provided data, there are several factors leading to the wife taking on the role of breadwinner. This situation arises not only due to her responsibilities as a wife but also as a mother who needs to ensure the daily well-being of her children and fulfill their right to education. Based on the research findings, it can be concluded that a significant number of husbands tend to neglect their responsibilities within the family unit. This indicates that these husbands are not fulfilling their obligations as husbands, which can have detrimental effects on the overall well-being of the family. It is evident that there is a gap between societal expectations and the actual behaviour of these husbands, highlighting the need for

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<sup>85</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.

awareness and education regarding the importance of fulfilling one's obligations in a marital relationship.

Marriage Law explains that the husband has the duty to safeguard his wife and provide for all the essential needs of the household to the best of his capabilities. Consequently, it can be inferred that the husband is formally responsible for providing for the family's well-being as the head of the household, while the wife also has the obligation to efficiently manage the household.<sup>86</sup> According to the perspective of Marriage Law in Indonesia, the rights and status of husband and wife are considered equal. This means that the decision for the wife to become the primary breadwinner does not undermine her role in the household.<sup>87</sup> The choice for the wife to take on this responsibility often arises due to circumstances that prevent the husband from fulfilling the role of the main breadwinner, such as his unwillingness to work, illness, or being laid off from employment. It may also involve discussions and mutual agreements reached between the husband and wife. The theory of reciprocal interpretation emphasizes the idea of mutuality between men and women or between husband and wife, where decisions are made without force and with the understanding that it is for

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<sup>86</sup> Asriaty, Wanita Karier dalam Pandangan Islam, Jurnal Al-Maiyyah, Vol. 07, No. 2, 2014, P. 294.

<sup>87</sup> Dwi Edi Wibowo, Peran Ganda Perempuan dan Kesetaraan Gender, Vol 3, No.1, Juni 2011, P. 2.

the benefit of both parties. Thus, it is possible for the wife to take on the role of the breadwinner.<sup>88</sup>

Based on the marriage law, both the husband and wife are responsible for earning a living and providing economic support in their marriage. However, according to the compilation of Islamic law, the husband is recognized as having the primary responsibility as the breadwinner in the family. In Islamic law, it is expected that husbands fulfill the essential needs of their wives and family, including provisions for food, clothing, housing, and healthcare.<sup>89</sup>

But this is different from what happens in society, The fact found that in Imbanagara Village, Ciamis Regency that the wife work as the main breadwinner. The reality of existence in society, the inability of a husband to carry out his role and responsibility to fulfill the obligation to shoulder all the living, generally force the wives to participate in performing duties as the person in charge in the family. From the results of the respondents, it was found that of them 35 wives who worked were responsible for the family. The role of the wife is to be in charge in the family because the husband sick which results in being unable to work and the role of the husband who is negligent will carry out his responsibilities and does not know what his role is in the family so that the wife must work to fulfill the

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<sup>88</sup> Syafaatin F.Y, “*Peran Istri Sebagai Pencari Nafkah Utama Perspektif Mubadalah dan Undang-Undang No. 1 Tahun 1974*”, Undergraduate Thesis from Malang Islamic University, 2020, Page 13.

<sup>89</sup> Shoviana, Luluk. “*Peran Wanita Sebagai Pencari Nafkah Keluarga Dalam Perspektif Hukum Islam (Studi Kasus Di Desa Tempur Kecamatan Keling Kabupaten Jepara)*.” *Islamic Review, Jurnal Riset Dan Kajian Keislaman*, Vol 8, No. 1, 2019, P. 17.



husband's responsibilities which should be carried out by the husband. The information that the author from the results of the questionnaire states that the wives work due to various factors more detail can be seen in the table.

**Table 3**  
**The Reasons Husband Don't Work Imbanagara Village**  
**Ciamis Regency**

No	NAME	OCCUPATION	REASONS HUSBAND DON'T WORK
1	Denny	Waitress	Husband impacted by layoffs
2	Fitri	Private employees	Husband is sick
3	Kokom	Household servant	The husband has no intention of working
4	Ratih	Private employees	Husband impacted by layoffs
5	Kaswan Nur	Civil Servant	Husband impacted by layoffs
6	Nur	Household servant	Husband impacted by layoffs
7	Lilis	Farm workers	Husband left home
8	Endah	Livestock laborers	Husband impacted by layoffs
9	Imas kaswati	Household servant	The husband has no intention of working
10	Asih	Household servant	Husband impacted by layoffs
11	Yatmi	Political Party Staff	The husband has no intention of working
12	Yanti	Market Trader	The husband has no intention of working
13	Titin	Trader	Husband impacted by layoffs
14	Citra	Bank employees	Husband impacted by layoffs
15	Restu	Private employees	Husband impacted by layoffs
16	Sherlis	Teacher	Husband is sick
17	Yuyun	Livestock laborers	The husband has no intention of working
18	Ruswita	Household servant	The husband has no intention of working

19	Iin	Factory workers	The husband has no intention of working
20	Neneng	Factory workers	Husband is sick
21	Dedeh	Market Food Seller	The husband has no intention of working
22	Ima suranti	Household servant	Husband impacted by layoffs
23	Khodijah	Livestock laborers	Husband impacted by layoffs
24	Ratna Sari	Private sector employee	Husband impacted by layoffs
25	Linda	Civil servant	Husband is sick
26	Saidah	Factory workers	The husband has no intention of working
27	Ayi isnaini	Factory workers	The husband has no intention of working
28	Icih	Herbalist	The husband has no intention of working
29	Dewi	Livestock workers	The husband has no intention of working
30	Bi Nani	Cracker Trader	The husband has no intention of working
31	Rahayu	Farm workers	Husband jailed for violating the law
32	Kartika Kusumaningrum	Private sector employee	Husband impacted by layoffs
33	Esih Hidayanti	Factory workers	The husband has no intention of working
34	Ekasari	Farm workers	The husband has no intention of working
35	Ella	Farm workers	Husband is sick

From the results of the table above obtained from 35 wife respondents who work as breadwinners, 16 (Sixteen) wives respondents worked as the main breadwinner because the husband had no intention or willingness to work, as many 12 (twelve ) wife respondents worked as the main breadwinner because their husbands were laid off, 5 (five) wives of respondents worked as the main breadwinners because their husbands were ill which resulted in not being able to leave the house, 1 (One) respondent's wife worked as the main breadwinner

because her husband was imprisoned for violating the law and 1 (One) respondent's wife worked as the main breadwinner because her husband ran away and did not return home leaving his wife and child. The table above suggests that in Imbanagara Village, a significant number of husbands show a lack of motivation to work and neglect their responsibilities as spouses, particularly in terms of providing financial support. Consequently, wives are compelled to assume the role of breadwinners. Unanticipated events such as illness or job loss can further hinder a husband's ability to find employment.<sup>90</sup>

Therefore, according to the researcher, the enforcement of Article 34 Paragraph 1 about marriage law which regulates the rights and obligations of husband and wife is not well enforced, because there are still many wives working as the main breadwinners. But in Article 31 paragraph 1 concerning the equal rights and position of husband and wife, this principle states that husband and wife have equal rights and equal position in marriage. In this context, husband and wife are considered to have a shared responsibility in earning a living and fulfilling the economic needs of the family.<sup>91</sup> They can support each other's careers and share financial responsibilities in a way that suits their circumstances and preferences. However, it is clear in the compilation of Islamic law in article 80 paragraph 4 that the husband's obligations to his wife include providing a living In Islamic

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<sup>90</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.

<sup>91</sup> Djaja Meliala, *Himpunan Peraturan Perundang-undangan Tentang Perkawinan*, Ctk. Pertama, Nuansa Aulia, Bandung, 2008, P. 100.

law, the husband is expected to be responsible for providing for his wife and family. This include fulfilling basic needs such as food, clothing, shelter, and health care. Article 34 Paragraph 1 of the marriage law can be enforced if the husband does not abandon his responsibility in earning a living in accordance with his capability.

Whether the wife works unlawfully, in principle, is not because it is written in Article 31 paragraph 1 of the Marriage Law that the rights and position of the husband and wife are balanced. In this case, it is expected that husbands in Imbanagara Village are aware or can understand the rights and obligations of husband and wife, the wife can work but still the role of the main breadwinner must be charged to the husband, the wife should work only as an income enhancer for the family.

### **C. Regulations of the Wife as The Breadwinner in Indonesian Law**

In this subsection, the researchers will examine the possibility of the wife assuming the role of the breadwinner, based on research findings. the facts It was found that there were 35 wives who had to work as the breadwinner, and as many as 16 wife respondents worked as the main breadwinner because the husband had no intention or willingness to work, as many 12 wife worked as the main breadwinner because their husbands were laid off, 5 wives worked as the main breadwinners because their husbands were ill which resulted in not being able to leave the house, 1 wife worked as the main breadwinner because her husband was

imprisoned for violating the law and 1 wife worked as the main breadwinner because her husband ran away and did not return home leaving his wife and child.<sup>92</sup>

A breadwinner is an individual who shoulders the responsibility of generating sufficient income to support themselves and their family members. They actively pursue employment opportunities, establish businesses, or engage in other income-generating activities to fulfill the daily necessities of life, including food, housing, education, healthcare, and various other needs.<sup>93</sup> The breadwinner often serves as the primary source of financial support within the family unit. In addition to the role of a leadership role within the family, the husband also serves as a protector, ensuring the physical and mental well-being of his family. It is his responsibility to provide for the family financially, educate his wife and children, and set a positive example for them. He is responsible for both himself and his family's welfare. The role of a wife is crucial within the family, and as both a wife and a mother, she has her own unique set of duties and responsibilities. These responsibilities cannot be delegated or dictated by others, as they are essential for maintaining the unity and happiness of the family. It is important for women to fulfill their obligations sincerely and responsibly, ensuring the well-being and harmony of their family unit.<sup>94</sup>

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<sup>92</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.

<sup>93</sup> Soedharyo Soimin, *Hukum Orang Dan Keluarga*, Ctk. Kedua, Sinar Grafika, Jakarta, 2002, P. 3.

<sup>94</sup> Ahmad Rofiq, *Hukum Islam di Indonesia*, Ctk. Keempat, Raja Grafindo Persada, Jakarta, 2003, P. 192.

Article 31 of the Indonesian marriage law explain equality in the rights and positions of husbands and wives. While their legal rights are equal, there are inherent differences in their respective roles. Rights and responsibilities of both Husband and Wife based on Indonesian Marriage Law explained: 1) The husband is obligated to safeguard his wife and provide everything essential for her to live in a household, consistent with his capabilities. 2) The wife is required to manage the household as efficiently as possible. 3) If the husband or wife neglects their respective obligations they can apply a lawsuit to the court. In this law, it is stated that the husband, as the head of the household, is accountable for maintaining the family's financial well-being. Meanwhile, the division role of husband and wife also implies in the Law of Marriage in Indonesia, their role discussed were:<sup>95</sup> 1) The right and position of the wife is balanced with the rights and position of the husband in domestic and social life together in society. 2) Each party has the right to perform legal acts. 3) The husband is the head of the family and the wife of the housewife.

The compilation of Islamic Law, as codified in a book for Muslims, encompasses various aspects of living, including guidelines on the rights and responsibilities of husbands and wives. This book, commonly referred to as Fiqh, explicitly states that the husband holds the position of head of the household,

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<sup>95</sup> Cecep Hadiyan, *Keikutsertaan Istri Mencari Nafkah untuk Keluarga: Tinjauan Umum tentang Konsep Nafkah*, Thesis, UIN Syarif Hidayatullah Jakarta, 2009, P. 26.

while the woman is expected to fulfill the role of a housewife. It is important to note that this Islamic perspective differs from the regulations outlined in Indonesian Law. Continued, in the Codification of Islamic Law also stating the role of protection comes from the husband's side and it is an obligation to keep his wife safe and provide all the essentials of domestic life, according to his capability. As long as the husband-and-wife relationship still exists and there is no iniquity or other obstacle to their capability to provide for themselves. This accords to the general rule, "Everyone who is detained to fulfill rights and provide benefits to others then his livelihood becomes the responsibility of the person for whom he holds on."<sup>96</sup> The basis of its obligation is found in the Qur'an found in Surah Ath-Thalaq verse 7 stated "*Let those who are able to provide a living according to their capability*".<sup>97</sup>

Based on the preceding verse, it is clear that the responsibility to provide only to those who are eligible includes giving based on the need. It means to provide sufficient shopping in the sense that it relates to the size of the wife's basic life necessities.<sup>98</sup> Therefore, it can be concluded that the provision for livelihood stipulated in the Qur'an indicates that the husband is responsible to provide for his family in accordance with his capabilities. For those who are able to be given the convenience of sustenance or who are able to provide for their families based on

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<sup>96</sup> Sayyid Sabiq, *Fiqih Sunnah*, Ctk. Pertama, Pena Pundi Aksara, Jakarta, 2013, P. 432.

<sup>97</sup> Departemen Agama Republik Indonesia, *Al-Qur'an Dan Terjemahannya*, Ctk. Kedua, PT Karya Toha Putra Semarang, 2002, P. 134.

<sup>98</sup> Slamet Abidin, *Fikih Munakahat*, Ctk. Pertama, Pustaka Setia, Bandung, 1999, P.175.

their capabilities. The wife has the right to demand a minimum amount of income for food, clothing, and housing if the husband is *bakhil*, that is, if he fails to provide adequate support for his wife without a reasonable excuse. As a principle, people are required to obtain food, clothing, and shelter.<sup>99</sup>

Based on the fact research on 35 wives who working as the breadwinners in Imbanagara Village, Ciamis Regency, it was revealed that among the respondents, 16 wives reported that their husbands lacked the willingness to work. In other words, these husbands showed a lack of motivation or interest in pursuing employment to contribute to their family's financial well-being. This finding indicates that a significant portion of the wives in the study have assumed the primary responsibility of earning income for their households due to their husbands' unwillingness to work.<sup>100</sup>

Furthermore, the research findings indicate that out of the respondents, 12 wives who work as breadwinners for their husbands have been impacted by layoffs and have not been able to secure new jobs up to the present moment. This suggests that these husbands have experienced job loss, which has placed additional financial strain on their families. It highlights the challenges they face in finding alternative employment opportunities to sustain their households' income. The data emphasize the need for further support and resources to assist

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<sup>99</sup> Salmah, *Nafkah Dalam Perspektif Hadis*, Vol. 13, No 1, 2014, P. 98.

<sup>100</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.



this husband in their job search and provide financial stability for their family. In addition, 5 wife worked as breadwinners for their husbands were sick which resulted in being unable to work, then 1 stated that her husband did not return home leaving his obligations as a husband and 1 stated that her husband was imprisoned for violating the law.<sup>101</sup> Based on the data provided, several factors contribute to the wife assuming the role of the breadwinner. This circumstance arises not only from her responsibilities as a wife but also as a mother, where she must ensure the well-being of her children and fulfill their right to education. The study's findings indicate that many husbands tend to neglect their responsibilities within the family, which forces the wife to seek employment.

In Imbanagara Village, Ciamis Regency, the wife takes on the role of the breadwinner due to economic circumstances that create a compelling situation, preventing the husband from fulfilling his responsibilities as defined by the Marriage Law and even the compilation of Islamic law, which clearly designates the husband as the main breadwinner.<sup>102</sup> This situation highlights the husbands' failure to fulfill their obligations, which can negatively impact the overall welfare of the family. It is evident that there exists a disparity between societal expectations and the actual behavior of these husbands, emphasizing the need for awareness and education regarding the importance of fulfilling obligations within a husband-and-wife relationship. In marriage law in Indonesia, although indeed

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<sup>101</sup> The results of the questionnaire in Imbanagara Village on March 14-April 1 2023.

<sup>102</sup> Amir Syarifuddin. Loc. Cit

the position in society husband and wife are balanced and equal. When a husband abandons his wife, this can enter the realm of violence in the home. The husband is obliged to accept his wife and maintain her. So, nurturing here is to be responsible for fulfilling the needs of the wife. Though the amount of income given is not clearly given, it is adjusted to the capacity of the husband. It is including if the husband has not found a job that is able to cover household needs.<sup>103</sup>

Based on the results of research analysis and discussion that has been presented, wives as family breadwinners in Imbanagara Village, Ciamis Regency, West Java bring benefits, namely being able to fulfill family needs, especially in conditions or situations. which does not benefit the husband's side. The wife can be the breadwinner in situations where the marriage laws are not explained to be responsible for earning a living.<sup>104</sup> The wife can be the breadwinner in situations where Article 31 paragraph 1 about marriage law explains that the rights and position of the wife are in balance with the rights and position of the husband in domestic life and cohabitation in society. In this situation, according to the Marriage Law, both the husband and wife are responsible for contributing to the family's financial well-being, in the compilation of Islamic law clearly in Article 80 paragraph Paragraph (4) namely that the obligations of the husband to the wife

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<sup>103</sup> Nina Nurmila, "Indonesian Muslim's Discourse of Husband-Wife Relationship", *AlJami'ah: Journal of Islamic Studies*, Vol. 51, No. 1 2013. P. 23.

<sup>104</sup> Hairul Hudaya, "Hak Nafkah Isteri (Perspektif Hadis dan Kompilasi Hukum Islam)", *Jurnal Studi Gender dan Anak*, Vol. 1 No. 1, 2013, P. 32.

include providing living, kiswa and residence for the wife, household expenses, maintenance costs and medical expenses for the wife and children.

## CHAPTER IV

### CLOSING

#### A. Conclusion

Based on these discussions, it can be concluded as follows:

1. Husbands and wives are both responsible for their household, this is explained in article 31 (1) of the Marriage Law, but the fact that in the village of Imbanagara the wife is responsible for earning a living, there are 16 husbands who have no intention of working, 12 husbands are affected layoffs, 5 husbands are sick, 1 husband left his wife and child and 1 husband is in jailed due to violating the law, this is not in accordance with Article 34 (1) of the Marriage Law.
2. The wife can be the breadwinner because Article 31 (1) of the Marriage Law explain that the rights and position of husband and wife are balanced, that between husband and wife both are equally responsible for earning a living, while it is clear in the compilation of Islamic law article 80 (4) that the husband is responsible to be the main breadwinner.

#### B. Suggestion

1. For husband and wife couples, can discuss financial matters openly, encouraging husbands to take a more engaged role in income generation. If the husband faces work limitations, he can support the wife with household responsibilities, alleviating her burden. Fulfilling the role as the breadwinner remains the husband's essential duty, ensuring his wife's and children's rights are fulfilled.

2. Even if the wife is employed, the husband should still strive to contribute to the family's well-being. As the family's leader, it remains the husband's responsibility to provide support, an obligation that doesn't fade when the wife is also working.

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## **ATTACHMENT**



FAKULTAS  
HUKUM

Gedung Fakultas Hukum  
Universitas Islam Indonesia  
Jl. Kaliurang km 14,5 Yogyakarta 55584  
T. (0274) 7070222  
E. fh@uii.ac.id  
W. www.uii.ac.id

## SURAT KETERANGAN BEBAS PLAGIASI

No. : 301/Perpus-S1/20/H/VII/2023

*Bismillaahirrahmaanirrahaim*

Yang bertanda tangan di bawah ini:

Nama : **Joko Santosa, A.Md.**  
NIK : **961002136**  
Jabatan : **Staf Perpustakaan Referensi Fakultas Hukum UII**

Dengan ini menerangkan bahwa :

Nama : Muhammad Aulia Raihan  
No Mahasiswa : 18410584  
Fakultas/Prodi : Hukum  
Judul karya ilmiah : RESPONSIBILITY OF THE WIFE AS  
BREADWINNER IN INDONESIAN LAW (CASE  
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Karya ilmiah yang bersangkutan di atas telah melalui proses uji deteksi plagiasi dengan hasil **16.%**

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Joko Santosa, A.Md.

