



Wife as Sole Breadwinner in Islamic Law Perspective

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Abstract

The obligation to provide a living is an obligation for a husband, but in reality, now the husband's obligation is also carried out by a wife when the husband cannot provide for the family's needs. In married life, it should be, and a husband should be responsible to his family. The husband also has a very dominant role in the welfare and survival of together. What factors cause the wife to be the sole breadwinner and the Islamic Law's View of the wife as the sole breadwinner. This type of research is normative juridical. The normative juridical method is carried out through literature studies that examine mainly secondary data in laws and regulations, agreements or contracts, other legal documents, research results, assessment results, and other references. A literature study is carried out by studying the literature related to the problem under study. Data collection is carried out by library research (library research) to obtain data in documents and writings by searching for statutory regulations, documents, scientific literature, and research by experts. The results showed that several factors cause the wife to be the sole breadwinner, namely economic factors, the influence of the times, lifestyle, self-existence, educational factors, and husbands who are not responsible for making a living. Islamic law does not prohibit wives from earning a living as long as they do not leave Islamic law, even allowing their husbands to make a living for the family, as long as they do not neglect their responsibilities as housewives

Keywords: Wife, Sole Breadwinner, Family, Islamic Law

Abstrak

Kewajiban memberi nafkah adalah menjadi kewajiban bagi seorang suami, akan tetapi dalam kenyataannya sekarang kewajiban suami itu diemban juga oleh seorang istri ketika suami tidak mampu mencukupi kebutuhan keluarga. Dalam kehidupan berumah tangga sudah seharusnya dan menjadi kewajiban bagi seorang suami untuk bertanggung jawab kepada keluarganya, suami juga mempunyai peran yang sangat dominan demi kesejahteraan dan kelangsungan hidup bersama. Faktor apa saja yang menyebabkan istri sebagai pencari nafkah utama dan bagaimana Pandangan Hukum Islam terhadap istri sebagai pencari nafkah utama. Jenis penelitian ini adalah yuridis normatif. Metode yuridis normatif dilakukan melalui studi pustaka yang menelaah terutama data sekunder yang berupa Peraturan Perundang-undangan, perjanjian atau kontrak, dokumen hukum lainnya, hasil penelitian, hasil pengkajian, serta referensi lainnya. Studi kepustakaan yang dilakukan dengan cara mempelajari literatur-literatur yang terkait dengan masalah yang diteliti. Pengumpulan data dilakukan dengan studi kepustakaan (library research) untuk mendapatkan data yang berbentuk dokumen dan tulisan melalui penelusuran peraturan perundang-undangan, dokumen, literatur ilmiah, penelitian para ahli. Hasil penelitian menunjukkan bahwasannya ada beberapa faktor yang menyebabkan istri sebagai pencari nafkah utama yaitu faktor ekonomi, pengaruh dari perkembangan zaman, gaya hidup, menunjukkan eksistensi diri, faktor pendidikan dan suami yang kurang bertanggung jawab dalam mencari nafkah. Hukum Islam tidak melarang istri mencari nafkah selama tidak keluar dari syariat Islam, bahkan memperbolehkan membantu suami mencari nafkah keluarga, selama tidak melaikan tanggung jawabnya sebagai ibu rumah tangga.

Kata kunci: Istri, Pencari Nafkah Utama, Keluarga, Hukum Islam

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I. Introduction

Marriage, which in religious terms is called "Nikah," is to carry out a contract or agreement to bind between a man and a woman to legalize sexual relations between the two

parties, based on both parties' voluntary and goodwill create a happy family life filled with love. Love and peace in ways that Allah SWT blesses.¹

Marriage is a physical and mental bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the Supreme Lordship. Therefore, the meaning of marriage in the teachings of Islam has the value of worship, so that article 2 of the Islamic Law Compilation (*Kompilasi Hukum Indonesia*, KHI) emphasizes that marriage is a solid contract (*misqan galidan*) to obey Allah's commands and carry it out as worship.²

This marriage's wisdom is to channel sex, obtain legal offspring, channel fatherly and motherly instincts, encourage to work hard, and establish friendship between two families, namely the husband's and the wife's family. Besides, another lesson that is no less important is regulating rights and obligations in the household.³

One of the husband's obligations to the wife is to earn a living, under Article 80 paragraph 4 letters a Compilation of Islamic Law. However, along with changing public perceptions of women's role and position amid society, now many women have careers/ earn a living both in government and private offices, and some even work in the military and police, just like men. Modern life does not provide an opportunity to limit the movement of women.⁴

The Qur'an explains that the positions of men and women are equal. In terms of rights and obligations, husband and wife are both responsible actors and will be asked to account for them at a later date.⁵

Regarding this obligation for husband and wife, Islam has provided clear and firm rules, as many scholars have explained and agreed upon in the fiqh literature. It was explained that one of the husband's obligations is that the husband is obliged to provide a living to the family.⁶

In the family context, Muhammad Ali Ash-Shabuni explained that "the leadership of men over women in the household is due to intellectual advantages, the ability to manage the household, earn a living, and pay for household life."⁷

Marriage is a form of legal action between husband and wife, marriage is interpreted to realize worship to Allah Almighty, but on the other hand, the marriage's existence causes civil law consequences between the two. Seeing the noble purpose of marriage, namely building a happy, eternal, eternal family based on the One God Almighty, there are arrangements regarding each husband and wife's rights and obligations. Therefore, between rights and obligations is a reciprocal relationship between husband and wife. Thus, according to religious guidance, the household will be realized, namely *sakinah*, *mawaddah*, and *wa rahmah*.⁸

II. Research Problems

1. What are the factors that cause the wife to be the sole breadwinner?
2. What is the Islamic view of the wife as the sole breadwinner?

¹ Ahmad Azhar Basyir, "Pengertian dan Tujuan Pernikahan/Perkawinan", *PengertianPakar.Com*, 2015, <http://www.pengertianpakar.com/2015/03/pengertian-dan-tujuan-pernikahan-perkawinan.html> Accessed on September 2, 2020.

² Suharna, "Tinjauan Hukum Islam terhadap Istri sebagai Pencari Nafkah Utama dalam Keluarga PNS di Kecamatan Enrekang Kabupaten Enrekang", *Al-Qadau* Vol 5, No 1, (2018).

³ Abdurrahman Ghozali, *Fiqh Munakahat* (Jakarta: Kencana, 2010), 72

⁴ Huzaema T. Yanggo, *Fiqh Perempuan Kontemporer*. (Jakarta: Ghalia Indonesia, 2010), 62

⁵ Muhammad Syukri Albani Nasution, "Perspektif Filsafat Hukum Islam atas Hak dan Kewajiban Suami Istri Dalam Perkawinan", *Jurnal Studi Keislaman*, 1 (Juni 2015): 64.

⁶ Ibnu Rusyd, *Bidayatul Al- Mujtahid*, alih bahasa oleh Abdul Rasyad Shiddiq, (Jakarta Timur: CV. Akbarmedia, 2013): 140-146.

⁷ Cahdi Takriawan, *Pernak Pernik Rumah Tangga Islam* (Surakarta: Era Edictira Intermedia, 2011), 118.

⁸ Bambang Ismanto, Muhammad Rudi Wijaya dan Anas Habibi Ritonga, "Istri Sebagai Pencari Nafkah Utama Dan Dampaknya Dalam Keluarga Perspektif Hukum Islam", *Jurnal Kajian Ilmu-ilmu Keislaman: STIS Darul Ulum Lampung Timur & IAIN Padangsidempuan* (2018): 2.

III. Research Methods

The research method used is normative juridical research, normative legal research is a type of research using secondary data types, namely data obtained to obtain a theoretical basis. This type of research is normative juridical research. The normative juridical method is carried out through literature studies that examine especially secondary data in the form of laws and regulations, agreements or contracts, other legal documents, research results, assessment results, and other references.⁹

This research is supported by literature related to the problem under study.¹⁰ Data collection is carried out by library research to obtain data in documents and writings by tracing laws and regulations, documents, scientific literature, and research by experts.

IV. Research Results and Discussions

The husband and wife's rights and obligations in the Marriage Law are regulated in Chapter VI, article 30 to article 34. Meanwhile, in Islamic Law Compilation (*Kompilasi Hukum Islam*, KHI) it is regulated in Chapter XII, article 77 to article 84. Article 30 of the Marriage Law states: "Husband and wife bear a noble obligation. to enforce the household which is the basic foundation of the community structure". In a different editorial formula, KHI article 77 paragraph (1) reads: "Husband and wife have a noble obligation to uphold a *sakinah*, *mawaddah* and *rahmah* household which is the foundation and structure of society." Meanwhile, the KHI also explains the obligations of husband and wife in Article 77 paragraphs (1) to (4) which reads:¹¹

- a) Husband and wife have a noble obligation to uphold a *sakinah*, *mawaddah*, and *rahmah* household, which is the necessary foundation and structure of society;
- b) Husband and wife are obliged to love each other, respect, be loyal and provide physical and mental assistance to one another;
- c) Husband and wife should care for and care for their children, both regarding their physical, spiritual, and intellectual growth and their religious education;
- d) husband and wife are obliged to maintain their honor;

The Marriage Law Article 34 paragraph 1 of 1974 states that husbands are obliged to protect their wives and provide household needs according to their abilities.¹² In the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI) Article 80 paragraph (2), it is stated that the husband should provide protection for his wife and meet household needs according to his abilities. Also explained in Article 80 paragraph (4) are several things that the husband bears according to his income. First, income, clothing, and a place to live for the wife or house. Second, household costs, care costs, and medical expenses for children and wives. Third, the cost of children's education.¹³

Article 34 paragraph (3) of the Marriage Law states that if a husband and wife neglect their obligations, both have the right to sue the Court, both the District Court and the Religious Courts depending on the husband and wife's religion.

The Civil Code (*Kitab Undang-Undang Hukum Perdata*, KUHPer) also states regarding living arrangements, namely in article 107 paragraph (2) of the Civil Code, the husband is obliged to protect his wife and give his wife something appropriate under his position and abilities.¹⁴

The law of paying for the wife, whether in the form of shopping, clothing is mandatory. This obligation is not caused by the wife's need for household life, but because it is an obligation that arises automatically regardless of the wife's condition. 10 The husband's

⁹ Badriyah Khaleed, *Legislative Drafting Teori dan Praktik Penyusunan Peraturan Perundang-undangan*, (Yogyakarta: Penerbit Medpress Digital, 2014), 41.

¹⁰ Salim HS, *Penerapan Hukum pada Penelitian Tesis dan Desertasi*, (Jakarta: Penerbit PT Rajagrafindo, 2013), 26.

¹¹ Abdul Ghofur Anshori, *Hukum Perkawinan Islam* (Yogyakarta: UII Press, 2011), 193.

¹² Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage,

¹³ Article 34 paragraph 3 of the Marriage Law

¹⁴ Article 107 paragraph (2) of the Civil Code

obligation to provide a living is also contained in KHI article 80 paragraph (4), which reads: Under his income, the husband bears: a. A living, *kiswah*, and a place of residence for the wife; b. Household expenses, treatment costs, and medical expenses for the wife and children; c. Education costs for children.¹⁵

1. The factors that cause the wife to be the sole breadwinner

Livelihood is essential in marriage because income is related to the continuity of life in a household. With sufficient income, the wife and children's needs can be fulfilled, especially clothing and food. The wife is allowed to help her husband create a prosperous family, and this is also one of the factors behind the wife becomes the sole breadwinner in a family. With the demands and needs that the husband has not been able to fulfill, it becomes the wife's motivation to help create a prosperous family.¹⁶

The factors behind the role of the wife as the sole breadwinner in the family are as follows, namely;

- a. Economic factors, such as the husband's income, are not sufficient, accompanied by increased household needs.
- b. There are changes of times where many women have a role and profession like men.
- c. The environment, such as the increase in women's lifestyle and the knowledge of the community, causes social status between regions to differ.
- d. There is a desire to show one's existence. That the wife cannot only do housework but there is also a sense of being more valued by the husband than those who previously did not work and less violence perpetrated by the husband.
- e. The education factor, the wife's high education, causes the wife to want to be a career woman who does not depend on her husband to live economically independently.
- f. Husbands who are less responsible for making a living. So that with the wife earning a living, it is expected that she can help fulfill a living in the family and make life better.¹⁷

The first wife's duty is the generation that has been prepared by Allah SWT both physically and mentally. The wife must not forget this noble treatise because of any material influence or modernization. It does not mean that the wife is prohibited from working at home because there is no authority for someone to forbid it without explaining the *syara'*, which is clear. Everything is allowed. On this basis, it can be said that a woman is basically allowed or even needed, especially for a widow, divorced or unmarried while she has no income and no one is responsible for it, while she can work to fulfill her needs, so she does not ask for it.¹⁸

Islamic society is required to manage all life's problems and prepare the means so that women can work if it brings benefit to themselves, their families, and society, without eliminating feelings of shame or contradicting their obligations to God. The environment, in general, should also support to carry out their obligations and obtain their rights, this could be done by giving women half of the work and half of their wages, three days in a week, for example, as a society should give women the right to adequate holidays at the beginning of the marriage, at the time of childbirth and breastfeeding. The involvement of a wife in the world of work has a lot of influence on all aspects of life, personal and family life, and the surrounding community's life.¹⁹

¹⁵ Rahmah Mu'in, "Tinjauan Hukum Islam Terhadap Istri Sebagai Pencari Nafkah", *Jurnal Penelitian Hukum Ekonomi Syariah dan Sosial Budaya Islam*, Vol. 2, No. 1, (2017).

¹⁶ Maryani, "Peranan Istri Sebagai Penopang Ekonomi Keluarga Menurut Perspektif Hukum Islam di Desa Ladang Panjang Kecamatan Sarolangun Kabupaten Sarolangun", *jurnal AL-QISTHU, UIN STS Jamb*, Vol.16, No.1, (2018).

¹⁷ Muhamad Sajidin, "Peran Istri Sebagai Pencari Nafkah Utama dalam Keluarga di Desa Danyang Kabupaten Ponorogo (Telaah Kompilasi Hukum Islam dan Counter Legal Draft-KHI)", *Skripsi*, (Fakultas Syariah dan Hukum Universitas Islam Negeri Sunan Kalijaga Jogjakarta, 2016), 76.

¹⁸ Yusuf Qardhawi, *Malamih Al Mujtama' Al Muslim* (Surakarta: PT Era Adicitra Intermedia, 2013), 559.

¹⁹ Maslika, "Istri Sebagai Pencari Nafkah Utama dalam Keluarga Perspektif Hukum Islam," *Skripsi*, (Yogyakarta: UIN Sunan Kalijaga Yogyakarta, 2015).

2. View of Islamic Law on Wife Seeking a Livelihood

Islam views that marriage as a natural biological need for expected behavior. More than that, Islam considers marriage a religious improvement and the institution of marriage as an average life criterion. Islam motivates and even orders its followers to get married immediately if they are able. By carrying out marriage, he has prepared himself to maintain his honor, *istiqamah*, and worship Allah SWT.²⁰

Women staying in the house is an Islamic provision, and women are also glorified, and their dignity is maintained in Islamic law so that in daily life, especially to leave the house, is also given the criteria found in the Qur'an to keep themselves from slander. A woman should stay at home, and this is following the word of God in the following letter Al-Ahzab verse 33:

"Settle in your homes, and do not display yourselves as women did in the days of 'pre-Islamic' ignorance. Establish prayer, pay alms-tax, and obey Allah and His Messenger. Allah only intends to keep 'the causes of' evil away from you and purify you completely, O members of the 'Prophet's' family." ²¹

The above verse explains that the woman's place is at home. As in its *asbab al nuzul*, Allah Almighty ordered the Prophet's wives to stay at home, carry out religious orders, obey Allah and the Prophet and convey whatever they heard from the Prophet Muhammad to the Muslims. If a wife needs to leave the house, they may leave the house to pay attention to self-purification aspects and maintain pudency.²²

The wife is not obliged to earn a living, either for herself or for her family. A wife has the right to earn a living from her husband if her husband is able. If a husband cannot pay maintenance to his wife, it does not mean that his obligation to pay maintenance is invalidated, but it remains a debt for the husband that must be paid when the husband can.²³

Even though women have guaranteed their livelihoods through their husbands, that does not mean that Islam does not allow wives to work to get wealth/income. Islam allows wives or women to seek and own their assets.²⁴

As the word of Allah allows women to try to develop their assets so that they can increase in QS An-Nahl (16) verse 97 as follows:

مَنْ عَمِلَ صَالِحًا مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيَاةً طَيِّبَةً ۗ وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

"Whoever does good, whether male or female, and is a believer, We will surely bless them with a good life, and We will certainly reward them according to the best of their deeds." ²⁵

The verse explains that men and women in Islam get the same reward, and good deeds must be accompanied by faith. During the Prophet Muhammad's time, several female companions also worked, including the Prophet's wife, Siti Khadijah, who worked as a businessman for economic, social, or religious interests. Thus, Islam supports women or those who are already wives to work with positive goals. Though provisions state that the obligation to earn a living is on the shoulders of the man/husband, as Allah has said, which has been explained in QS al-Nisā (4) verse 34 as follows.²⁶

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۗ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ ۗ فَإِنِ اطَّعْتُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

²⁰ Rizal Darwis, *Nafkah Batin Istri Dalam Hukum Perkawinan* (Gorontalo, Sultan Amai Press, 2015), 114

²¹ Al-Qur'an, Al Ahzab:33

²² Naili Fauziah Lutfiani, "Hak-hak Perempuan dalam Surat Al Ahzab ayat 33; Sebuah pendekatan Hermeneutik, Pascasarjana UIN Yogyakarta", *jurnal el-Tarbawi*, Vol 10, No 2, (2017).

²³ Subaidi, "Konsep Nafkah Menurut Hukum Islam, LP Ma'arif NU Kabupaten Jepara", *Jurnal Studi Hukum Islam*, Vol 1 No 2, (2014).

²⁴ *Ibid*, 56.

²⁵ Kementerian Agama RI, *Al-Qur'an al-Karim dan Terjemahnya* (Jakarta: Halim, 2013), 278

²⁶ Nasekhuddin, "Keikutsertaan Istri dalam Pemberian Nafkah Rumah Tangga menurut Hukum Islam," *Skripsi*, (Jepara: Universitas Islam Nahdlatul Ulama' (Unisnu) Jepara, 2014).

“Men are the caretakers of women, as men have been provisioned by Allah over women and tasked with supporting them financially. And righteous women are devoutly obedient and, when alone, protective of what Allah has entrusted them with. And if you sense ill-conduct from your women, advise them ‘first’, ‘if they persist,’ do not share their beds, ‘but if they still persist,’ then discipline them ‘gently’. But if they change their ways, do not be unjust to them. Surely Allah is Most High, All-Great.”

Islam does not encourage women to leave the house except for essential jobs, where these jobs are needed by society. The conditions are different if the economic conditions are less than adequate, then a wife is not wrong to work to meet the needs of her life and that of her family. It also applies if a husband has worked, but the results are not sufficient for life, then the role of the wife is to help the economy meet the necessities of life. According to Muhammad Thalib quoted by Imam Suyono, women who, for specific reasons and conditions, have to work outside the home must meet certain conditions as follows:²⁷

- a. The work that is done requires women not to get confused with men—for example, being a teacher in kindergarten, girls' schools, health workers, and a book writer.
- b. Husbands who are responsible for their wives' livelihoods cannot meet the needs of their families, so they are forced to work outside to help provide for the family.
- c. There is a paid leave when giving birth.
- d. The type of work should not be prohibited and should not lead to haram acts.

Muslim women should remain civilized in Islam when they leave the house, such as: maintaining their views, wearing clothes according to Islamic law, not wearing fragrances, maintaining bad relationships, and not being overly decorated.²⁸

- e. Her job does not interfere with her primary duties in housekeeping because managing the house is the wife's primary job. Meanwhile, outside work is not an obligation, and something obligatory cannot be defeated by something that is not obligatory.
- f. It must be with the husband's permission because the wife is obliged to obey her husband.
- g. Nothing is wronged. For example, oppressing parents by entrusting their children to their parents when they are old, let alone employing them to take care of the house.

Islam does not prohibit wives from working, but should not neglect the wife's primary duties, namely as mothers and household managers as well as to education and moral formation for their children, as well as to maintain their honor. It is obligatory because there are consequences of being accountable to Allah SWT. The wife is not burdened or burdened to work to earn the main living both for herself and for her family. She has the right to earn a living from her husband. During the Prophet's era, many examples of women involved in public work, including Umm Salamah, Shafiyah, Laila Al-Ghaffariyyah, Umm Sinam Al-Aslamiyyah, were recorded as figures who were involved in the war. Umm Salim bint Malham as bridal makeup, Prophet Khadijah bint Khuwailid's wife as a merchant, and Ummi Banu Anmar once came to the Prophet asking for instructions for buying and selling. Raithah is actively working, Al-Syifa 'is a good writer.²⁹

V. Conclusions

The factors that cause the wife to be the sole breadwinner are economic factors, the influence of the times, lifestyle, showing self-existence, educational factors, and husbands who are not responsible for making a living.

Islamic law allows a wife to work outside the home to earn a living as long as she does not abandon her obligation to take care of the household following the wife's role or as a housewife. That is because the husband needs his wife to take care of his daily life. It is just that

²⁷ Imam Suyono, “Tinjauan Hukum Islam Terhadap Perubahan Peranan Istri Sebagai Pencari Nafkah Keluarga (Studi Kasus di Desa Karanglo Kidul Jambon Ponorogo)”, *Skripsi tidak diterbitkan*, (Ponorogo: Jurusan Syariah STAIN Ponorogo, 2010), 30-31.

²⁸ Yazid Hamdan Ilfani, “Analisa Hukum Islam Terhadap Istri Yang Berkerja ke Luar Negeri (Studi Kasus di Kelurahan Beduri Kabupaten Ponorogo)”, *Skripsi*, (Ponorogo: Institut Agama Islam Negeri (IAIN) Ponorogo, 2017).

²⁹ Titin Fatimah, “Perempuan Karir dalam Islam”, *MUSAWA*, Vol. 7 No.1, (Juni 2015): 37.

the wife does not have an obligation to earn the family's primary income because she is under the husband's responsibility.

VI. Suggestions

A husband should be responsible to his wife and children in fulfilling the economic needs of his household, especially clothing, food, shelter, and the cost of children's education, and warning to husbands not to neglect their obligations in terms of earning a living for their families, so that the factors that cause the wife as the sole breadwinner are no longer.

Religious leaders' role is essential to help spouses understand the Islamic Law concept concerning their families' obligations and responsibilities. Religious leaders also have a role in giving them knowledge about fulfilling rights in a family by considering the wife's problem as the sole breadwinner

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