

FIQH ANALYSIS YÛSUF AL-QARĎĀWÎ: COMPULSORY MATERIAL SUBSISTENCE FOR THE WIFE IN THE PERSPECTIVE OF MAQAŞID SHARÎ'AH

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Abstract: Yûsuf al-QarĎâwî, a prominent scholar, was known for his selective and logical approach in establishing Islamic law, including material sustenance for wives which he described in his book *Hadyu al-Islâm Fatawâ Mu'âşirah*. This study aims to explore al-QarĎâwî's conception of material sustenance for wives and the extent of its relevance to *maqâşid shari'ah*. Through literature study and content analysis methods, this study revealed two main findings. *First*, the concept of the wife's material livelihood according to al-QarĎâwî has no specific criteria or levels. The priority is the adequacy that is considered good and wise, focusing on deliberation with the wife, reflecting the principles of justice and wisdom in meeting the needs of the family. *Secondly*, al-QarĎâwî's view of the wife's material livelihood is in harmony with the principles of *maqâşid shari'ah*, especially in emphasizing human benefit and rejecting *mafsadah*, adhering to clear propositions, and integrating Islamic shari'a laws with the demands of the times, based on considerations between *maşlahah* and *mafsadah*.

Keywords: subsistence; wife; Islamic law; family; justice

Abstrak: Yusuf al-Qarḍawî, seorang ulama terkemuka, dikenal karena pendekatannya yang selektif dan logis dalam menetapkan hukum Islam, termasuk nafkah wajib material untuk istri yang dituangkan dalam kitabnya *Hadyu al-Islâm Fatawâ Mu'âsirah*. Penelitian ini bertujuan untuk mengeksplorasi konsepsi al-Qarḍawî tentang nafkah wajib material untuk istri dan sejauh mana relevansinya dengan *maqāṣid shari'ah*. Melalui studi pustaka dan metode analisis isi, penelitian ini mengungkapkan dua temuan utama. Pertama, konsep penghidupan materi istri menurut al-Qarḍawî tidak memiliki kriteria atau ukuran tertentu. Prioritasnya adalah kecukupan yang dianggap baik dan bijaksana, mengutamakan musyawarah dengan istri, mencerminkan prinsip keadilan dan kebijaksanaan dalam memenuhi kebutuhan keluarga. Kedua, pandangan hukum al-Qarḍawî tentang nafkah material istri selaras dengan prinsip-prinsip *maqāṣid shari'ah*, terutama dalam menekankan kemaslahatan manusia dan menolak *māfsadah*, berpegang pada dalil yang jelas, dan mengintegrasikan hukum syariah Islam dengan tuntutan zaman, berdasarkan pertimbangan antara *maṣlalah* dan *māfsadah*.

Kata kunci: nafkah; istri; hukum Islam; keluarga; keadilan

Introduction

Marriage is a relationship status that unites two individuals of different genders, characters, and habits, with the noble goal of forming a happy home. This definition is in accordance with Article 1 Paragraph (2) of Law No. 1 of 1974 (hereinafter abbreviated as UUP) which states that "Marriage is an inner birth bond between a man and a woman as husband and wife with the aim of forming a family, a happy and eternal home based on God Almighty" (Direktur Urusan Agama Islam dan Pembinaan Syariah Dirjen Bimas Islam Kemenag RI, 2015).

The phrase "*based on the One True Godhead*" shows that marriage is not just an ordinary bond, but a strong one. This concept is reinforced by Article 2 of the Compilation of Islamic Law (KHI), which states that marriage in Islamic law is "a very strong covenant or *mitsâqan ghalizâ* to obey the commandments of Allah and perform them constitutes worship" (Abdurrahman, 2007).

This understanding provides an understanding that marriage provides legal consequences in the form of rights and obligations arising from their status as legal family members (Ghazaly, 2006). The division of rights and obligations of husband and wife includes three aspects, namely: (1) The rights of wives to husbands; (2) The rights of the husband to the wife; and (3) Common rights to be fulfilled by both (Sabiq, 2007). In this context, marriage has moral, social, and economic impacts that give rise to responsibility, especially the obligation of the husband to provide for his wife and children as a scale of priority (Sarong, 2005; Alimashariyanto et al., 2022).

Nafkah is the husband's duty as the wife's right. This is related to the agreement in the marriage contract, in which the wife gives her exclusive rights to the husband. In response, the husband has the responsibility of providing for the wife (Azzam & Hawwas, 2015). This has been explained in the Qur'an surah al-Baqarah [2] verse 233.

This verse by Shihab (2010) is interpreted to mean that the husband (father to the child) has the obligation to provide for the wife (mother of the child) in a *ma'ruf* (good) manner, according to his ability. The goal is to prevent the mother's suffering due to lack of reasonable rights, while avoiding the excessive burden on the father. In this case, the mother should not suffer

for her child, nor should the father struggle because of demands beyond his ability that are based on the mother's affection for the child.

There are other verses related to the obligation of the husband to provide for his wife, for example mentioned in the Qur'an, surah al-Thalâq [65] verses 6-7. Shihab's (2010) interpretation of this verse is that the husband is obliged to provide shelter according to his ability. If the wife has been divorced, either in a state of *talak raj'i* or *ba'in*, and in a state of pregnancy, the husband is obliged to provide for her until birth. In addition, if the wife is breastfeeding a child, the husband must give wages to the ex-wife or mother of the child as agreed. If the ex-wife is reluctant to breastfeed, the husband should hire another woman and give her a reward instead.

According to the Qur'anic verses mentioned above, subsistence refers to the rights of a wife to her husband from the beginning of marriage. As-Subki (2012) explained that the livelihood for women includes meeting basic needs such as food, drink, and clothing. This includes everything necessary to live a daily life without extravagance (*israf*) and without flaws or stinginess in shopping. In different sources it is explained that the husband is obliged to provide for his wife and children. This obligation remains in force, whether the wife is in a state of abundant wealth or in deprivation and limitation. This includes all wives, including those of different faiths such as Jews or Nashranis (Yunus, 2017).

Based on these considerations, questions arise regarding the level or limit of income that a husband is obligated to his wife. In this regard, jurisprudence scholars have mixed views. Syâfi'î scholars, for example, argue that the amount of income is not measured based on need, but only on the basis of the provisions of sharia. However, in reality, these scholars agree with the Hanâfi scholars in determining the rate of income taking into account the condition of the husband (Sabiq, 2007).

In the view of the Syâfi'î madhhab, it is necessary to distinguish between a rich husband and a poor husband. For both, the amount of income is fixed according to the instructions of the Qur'an which do not mention a specific amount. Therefore, the determination of the amount of income requires an *ijtihad* process. In this context, the Syâfi'î madhhab links the amount of income to the measure of food payment in matters of *kaafarah* that

have been established by religion as an effort to prevent famine. Therefore, the amount of income that a poor husband must give to his wife is one *mud* (Maṭrājī, 2000).

Mud itself is a measure and is not easily converted into units of weight. One *mud* is the full coverage of two adult palms. Some scholars stipulate that the dose of one *mud* is equivalent to a scale weighing 0.6 kg. According to the view of Syâfi'iyyah scholars, the dose of one *mud*, equivalent to a weight of 675 grams or 6.75 ounces of rice (az-Zuhailī, 1985).

In more detail ibn Rushd explains that the Syâfi'i madhhab holds that a rich husband earns two *mud*, for the medium is one and a half *mud*, and for the poor is one *mud*. In the madhhabs of Imâm Malik and Hanâfi, the amount of income is not determined by the provisions of the Shariah, but is adjusted according to the circumstances of the individual husband and wife. These variations depend on factors such as place, time of day, and specific conditions. This approach reflects the adjustment of the amount of income to the context of the lives of husbands and wives (Rusyd, 2007). This opinion is not too different from the school of Hanbalī, which states that if a husband and wife have different financial conditions, with one rich and the other poor, the amount of income determined is the middle of the two (Mughniyah, 2011).

On another occasion, Abû Hânifah held the view that a wealthy husband was obliged to provide his wife with seven to eight dirhams each month, while a husband facing economic hardship provided four to five dirhams. This opinion reflects the adjustment of the amount of income to the economic ability of each husband (Al-Qarḍāwī, 2008). Dirham is the name for a silver coin. The word dirham comes from the Aramaic-Persian word "Drachma", which is the name for silver prints (Sriani, 2012). In a different editorial, it is stated that after weighing with accurate scales, it is known that the weight of the 1-dirham coin issued during the time of Caliph Abdul Malik ibn Marwan was $7/10 \times 4.25$ grams or equal to 2.975 grams. During the reign of Caliph Umar ibn Khatthâb had also set the gold dinar standard, which was to use gold with a content of 22 carats weighing 4.25 grams. While silver dirhams must use pure silver weighing 2.975 grams. The decree had been the *ijma'* ulama in the early days of Islam and in the time of

the companions and tâbi'în, so according to the Sharî'ah, 10 dirhams was equivalent to 7 gold dinars. The result of ijma' becomes a handle, so that the comparative value of dinars and dirhams can be fixed. Caliph Umar also once wanted to print money from camel skins, but it was canceled because it was not approved by other companions because it was feared that camels would become extinct (Iqbal, 2009; Nasution et al., 2010).

Al-Qarḍâwî, a modern Egyptian scholar, commented on the differing views of jurisprudence scholars regarding the wife's bread. The main focus is on legal views that limit the level of income, especially those put forward by the Syâfi'î madhhab which is widely followed in Indonesia. Al-Qarḍâwî, who had an important role in the contemporary Islamic movement, conveyed his thoughts through his monumental work, "*Hadyu al-Islâm Fatawâ Mu'âḥirah*." This monumental work consists of three volumes that comprehensively address a wide range of contemporary issues, including creed, worship, *mu'amalah*, *jinayat*, marriage, economics, social, politics, medicine, and so on. In each volume, al-Qarḍâwî uses contemporary ijtihad approaches and methods that correspond to *maqâṣid sharî'ah* (Akbar, 2012).

For al-Qarḍâwî, setting limits on a wife's material income by one particular criterion or measure does not reflect justice for the husband. He considered that referring to the number of *mud* in *kaḡarab* was inappropriate, because *kaḡarab* did not distinguish between rich or poor actors. In providing for a living, al-Qarḍâwî (2008) emphasizes the difference between rich and poor husbands, noting that in breeding, the husband is obliged to provide side dishes according to his needs and abilities, in accordance with the principle of good and wise provision or *ma'rûf*. In further explanation, it was revealed that at certain times, food needs can increase compared to other times. Similarly, location or regional factors have a role, because in one area, its inhabitants may be used to eating two meals a day, while in another area they may eat three or even four meals a day (al-Qarḍâwî, 1987).

In addition, the needs of each individual vary in time, environment, conditions, and between individuals. Therefore, the cost of living in urban centers or suburbs will be different from the needs of living in the village. Primitive societies have different needs from civilized societies. Needs are also influenced by education level and economic conditions, as well as the

difference between wives of rich people, wives of moderate economic conditions, and wives of poor people (al-Qarḍāwī, 1987).

Based on this commentary, it personally appeals to the author's heart and mind to examine more deeply al-Qarḍāwī's conception of material sustenance for wives and its relevance to *maqāṣid shari'ah*. The author chose the theme "material obligatory subsistence to the wife" and researched the figure of al-Qarḍāwī for academic reasons. *First*, many husbands' behavior is found that is incompatible with *maqāṣid shari'ah* in providing for the wife, such as excessive consumerism. *Secondly*, there is a congruence between the concept of al-Qarḍāwī in formulating the law of material obligatory subsistence to wives and *maqāṣid shari'ah*, so that it can be a guideline for all circles. *Third*, al-Qarḍāwī as a contemporary scholar without a specific madhhab, is known for his selective, rational ijtihad method and presents three methodological alternatives: *intiqā'i* ijtihad, *inyā'i* ijtihad, and integration ijtihad.

There are previous studies that have similarities with this study. The research in question includes: *First*, research entitled "*Implementation of Husband's Income Rate...*" by Lara (2017). This study highlights that the husband's income to the wife should be adjusted to the husband's ability, without the need for specific amounts. Imam Syafi'i is considered less relevant to the reality of the household, and the lack of public knowledge and content provisions regulated by Syafi'i become obstacles in its implementation (Lara, 2017). Previous research focused on the perception of female students in Malang Islamic Boarding Schools related to the implementation of their husband's income with the perspective of Syafi'iyah madhhab. Meanwhile, this study will explore al-Qarḍāwī's *fiqh* view regarding the husband's obligation to meet the wife's material needs from the perspective of *maqāṣid shari'ah*. The research gap in the new research plan lies in the lack of a deep understanding of al-Qarḍāwī's thought and its relation to the *maqāṣid* goals of the *shari'ah*, which can be filled through a detailed analysis of his views.

Second, research entitled "*Method of Ijtihad Yūsuf al-Qarḍawī in Fatawā Mu'āshirah*" by Akbar (2012). This study concludes that al-Qarḍāwī was a

contemporary Muslim intellectual who was highly valued in interpreting the Qur'an and hadith rationally, especially regarding contemporary legal issues. The understanding and translation of *nash* is carried out with several approaches and methods of contemporary *ijtihād*, creating new jurisprudence that is relevant to deal with the problems of the globalization era. By applying the methods of *intiqā'i* *ijtihād* (*tarjīh*), *insyā'i* *ijtihād* (creation), and a combination of both, al-Qarḍawī managed to find a law that was in accordance with the times and *maqāṣid shari'ah*. Previous research has focused on al-Qarḍawī's *ijtihād* method in the context of contemporary fatwas. Meanwhile, this study will analyze the *fiqh* view of al-Qarḍawī regarding the husband's obligation to meet the material needs of the wife by incorporating elements of *maqāṣid shari'ah*. The research gap in this study lies in the lack of a deep understanding of al-Qarḍawī's view of the husband's obligation to meet the needs of his wife and how it relates to the objectives of the *maqāṣid shari'ah*. This research is expected to fill this gap with a detailed analysis of al-Qarḍawī views within the framework of *maqāṣid shari'ah*.

Third, research entitled “*Compulsory Income According to Yusuf al-Qarḍawī's Thought in the Perspective of Maqāṣid Shari'ah*” by Fuaddi (2019). This research shows that the compulsory income for the wife according to al-Qarḍawī must meet the needs within the limits of *ma'ruf* (proper). While the wife has a career, this depends on the husband's permission and the agreement between the couples. The concept of basic needs in compulsory subsistence includes aspects necessary to maintain aspects of human life such as religion, soul, body, reason, and property. Previous research explored the concept of income required by al-Qarḍawī. Meanwhile, this study focuses more on the husband's obligation to meet the wife's material needs within the framework of *maqāṣid shari'ah*. The research gap in the new research lies in a lack of in-depth understanding of al-Qarḍawī's view of the husband's obligation to meet the material needs of his wife and its relation to the goals of *maqāṣid shari'ah*. This research is expected to fill this gap through a detailed analysis of al-Qarḍawī thought in the context of *maqāṣid shari'ah*.

Method

This research is included in the type of literature research (Sugiyono, 2013) or normative research (Asikin, 2010). The approach used is content analysis. This approach and type of research was chosen because it focuses on the conception of documented thoughts in text form. This study does not aim to test theoretical truth, but rather to explore the point of view of thought manifested in literary texts. The data used comes from Islamic legal texts that are relevant to the legal issue being researched (Solikin, 2021). Therefore, the analysis used in this study is descriptive-analytical (Asshofa, 2013). At the initial stage of data collection, the method applied is a structured documentation technique (Arikunto, 2011). This technique involves a series of procedures consisting of three crucial and systematic steps, namely: data inventory, data classification, and descriptive evaluation of the analyzed data. These techniques support the validity and reliability of the collected data, providing a solid foundation for subsequent analysis and interpretation.

Results and Discussion

The Construct of Yûsuf al-Qarḍâwî's Thoughts on Material Compulsory Livelihood for Wives in the Book of *Hadyu al-Islâm Fatawâ Mu'âşirah*

To reveal the construct of al-Qarḍâwî's thought about material obligatory livelihood to wives in the book of *Hadyu al-Islâm Fatawâ Mu'âşirah*, it certainly cannot be separated from the scientific dynamics that are awakened in the process of wandering knowledge carried out. Al-Qarḍâwî, as a modern-contemporary Egyptian scholar with no attachment to any particular madhhab, showed rational and selective tendencies in formulating laws. The influence of a number of teachers, including Hasan al-Banna, Muhammad al-Ghâzâlî, Imâm Mahmud al-Syaltout, Abdul Hakim, and others, formed the foundation of his thinking. However, al-Qarḍâwî insists that his love for certain figures did not make him blind to *taqlid*. In other words, it follows ideas and patterns of behavior without being a direct copy of those predecessors, but remains open to benefiting from their thinking (Al-Qarḍâwî, 1987).

For al-Qarḍâwî, sharia exists to realize holistic benefits for humans, encapsulating material and spiritual aspects, individuals and groups, as well as national and international. The goal is not only for the current generation, but also for the future, while preventing and eliminating potential damage or loss to humanity (al-Qarḍâwî, n.d.).

In the book *Hadyn al-Islâm Fatawâ Mu'âşirah*, al-Qarḍâwî affirms that each *fâqih* (jurist) has unique characteristics in establishing laws. So, it is with al-Qarḍâwî's special characteristic: *First*, free from madhhab fanaticism and *taqlid*. Al-Qarḍâwî showed his independence from fanaticism towards madhhab and blind *taqlid*. In his fatwas, he was not bound to any particular madhhab and did not blindly follow the *taqlid* ulama' *mutaqaddimîn* (former) or *muta'akhhirîn* (later), although he still rewarded and honored them while maintaining his critical attitude (al-Qarḍâwî, 1987). In this context, al-Qarḍâwî emphatically stated, "I reject attachment to one madhhab for all issues. Following only one madhhab is a big mistake. I agree with Ibn Juz'î's view that the basis of the muqallid cannot be trusted. Taqlîf itself removes the ability to think and analyze. For me, it's like giving someone a candle but he chooses to walk in the dark. Therefore, the truth does not lie in just one madhhab" (al-Qarḍâwî, 2002).

Second, it provides convenience. According to al-Qarḍâwî's view that the most obvious manifestation of Islamic mercy is the concept of *al-Taisîr* (ease) which forms the basis of law in the Shari'ah. This view was obtained through the study of verses from the Qur'an and the Sunnah of the Prophet (peace be upon him), which showed that Allah did not impose heavy burdens on His servants or complicate their lives (al-Qarḍâwî, 1987). *Third*, use language according to the era. In this context, al-Qarḍâwî in his fatwa chose language that is simple, easy to understand by the public, and avoids complicated terms, so that his message can be more easily digested (al-Qarḍâwî, 1987). *Fourth*, beatitude *tawâsuṭ* (moderate). Al-Qarḍâwî (1987; 2006) adopts a moderate approach to the understanding of texts, not interpreting it literally or rejecting it completely for the sake of *mashlahab*. This approach is an alternative in dealing with dualism between literal and liberal currents. Al-Qarḍâwî believes that every sharia law has wisdom aimed at the common good of man, eschewing the extremes of literalism and liberalism.

Fifth, be realistic. Al-Qarḍāwī (1987) in fatwa carries the approach of reality jurisprudence, integrating *mashlalah* and *mafsadab* with the reality faced by humans today, without leaving the foundation of sharia postulates. According to him, the best solution in jurisprudence is one that is based on a clear *nash*, has the best rationale, simple experience, and is relevant to the conditions of the times. This approach creates harmony between Islamic sharia law and contemporary needs (Al-Qarḍāwī, 1985).

In the construction of al-Qarḍāwī's thought regarding material obligatory subsistence to the wife in *Hadyu al-Islām Fatawā Mu'āṣirah*, there are three methodological formulas: *First*, *ijtihād intiqā'i* (selective *ijtihād*). In practice, this *Ijtihād* chooses a legal perspective from various treasures of Islamic jurisprudence. This process ensures that the postulates used derive from the *nash* or interpretation of the *nash*, to then take a stronger opinion according to reality within the framework of *maqāṣid sharī'ah*. Al-Qarḍāwī emphasizes the criteria of *tariḥ*, involving: (1) relevance to present life, (2) priority for the realization of *maqāṣid sharī'ah*, (3) partiality towards human benefit, and (4) rejection of *mafsadab* (danger) (Akbar, 2012). According to al-Qarḍāwī, three key factors influence the use of this *ijtihād* model, involving: (1) socio-political change; (2) advances in modern science and technology; and (3) pressure from the times (al-Qarḍāwī, 1985).

Second, *ijtihād inshā'i* (creative *ijtihād*). This *ijtihād* was an earnest attempt to conclude the law on a new issue that had never been discussed by previous scholars. This could be because the problem has not yet arisen or because contemporary mujtahids have new legal insights. A similar situation can occur when earlier jurists do not discuss or disagree, so that today's mujtahids create alternative legal understandings, forming a third view (al-Qarḍāwī, 1985). In *ijtihād inshā'i*, al-Qarḍāwī says that after exploring the various views of scholars, the next step is to conduct an in-depth evaluation of these various points of view. In drawing legal conclusions, al-Qarḍāwī refers to the *nash* of the Qur'an, sunnah, and *maqāṣid sharī'ah*, while praying that Allah will give guidance to the truth. In addition, he stressed the importance of avoiding fanaticism, blind *taqlid*, lust, and prejudice against others (Akbar, 2012). *Third*, *ijtihād integration (intiqā'i and inshā'i)*. In practice, this *ijtihād* chose the views of previous scholars who were considered more

relevant and stronger. The opinion was then enriched with new elements of *ijtihād* (al-Qarḍāwī, 1985).

Influenced by his distinctive stance and critical reasoning, al-Qarḍāwī expresses his concern and critical attitude towards the Westernized influence in the social dynamics of Muslim family life. On one occasion, especially regarding the core theme of this paper on material obligatory living from husband to wife, al-Qarḍāwī expressed his views in the book *Hadyu al-Islām Fatawā Mu'āshirah*:

ومما يؤسف له أن نجد كثيرا من الأزواج في هذه القضية علي طرفي نقيض فبينما نجد فريقا يرخي العنان للزوجة تبذر وتبعثر وتنفق علي نفسها كيف تشاء فيما ينفع ومالا ينفق وما يحتاج ومالا يحتاج اليه المهم أن تشبع غرورها وترضي طموحها في السباق المجنون علي أحدث لأزياء وأطرف ما ابتدعه أوروبا وأمريكا دون نظر الي مصلحة عائلية أو ووطنية أو قومية ولا اعتبار لما يخبئه الغد من مفاجات تجد مقابل هذا الفريق فريقا آخر يقتر علي الزوجة ويضيق عليها الحناق فلا يعطيها ما يكفيها ويشبع حاجاتها المعقولة بالمعروف مع أن الله تعالي أوجب في كتابه التوسط بين الأسراف والتقتير في الأنفاق (al-Qarḍāwī, 1987)

"It is very unfortunate that there are still many husbands who have a bad attitude in providing support for their wives. There are those who give freedom to excessive consumerism, squandering wealth without consideration, and there are also those who are stingy, limiting their wife's shopping. Even though Allah emphasizes the obligation to behave moderately when shopping, in the midst of -middle between excessive and stingy" (al-Qarḍāwī, 2008).

Al-Qarḍāwī goes on to quote al-Ghazālī's statement in *Ihyā' 'Ulūm ad-Dīn* regarding justice in subsistence in the marriage chapter. Al-Ghazālī affirms, *"The husband should not be miserly in giving shopping to his wife, but also should not be excessive. The right attitude is to be moderate"* (al-Qarḍāwī, 1987; 2008). Al-Qarḍāwī based his thoughts on verse 31 of surah al-A'rāf [7]. In this context, al-Qarḍāwī states that a stingy husband falls into the category of abandoning habits that can be a pleasure for his wife, whereas the husband is able to do so. Al-Qarḍāwī refers to the saying of ibn Sirin who suggested making pudding cakes every Friday for the family as a form of kindness. Al-Ghazālī added, *"Although baking is not important, abandoning it is entirely considered stingy according to custom"* (al-Qarḍāwī, 2008).

Then, al-Qarḍāwī provides enlightenment and legal views on the husband's obligation to provide material obligatory support to his wife, in line with the guidance of sharia in the Qur'an, hadith, and ijma 'ulama'. In this context, al-Qarḍāwī states in *Hadyu al-Islām Fatawā Mu'āshirah* with the original redaction as follows:

ولم يحدد الشرع في النفقة علي المرأة مقدارا معيناً من الدراهم او غيرها بل الواجب نلبية حاجتها بالمعروف والحاجة تختلف من عصر لآخر ومن بيئة لأخرى ومن وسط لآخر ومن رجل لآخر فالمدنية غير الريفية والحضرية غير البدوية والمتقفة قير الأمية والناشئة في بحبوحة النعيم غير الناشئة في خشونة الشظف وزوجة الثرى غير الزوجة المتوسط غير زوجة الفقير (al-Qarḍāwī, 1987)

"Sharia does not stipulate the amount of a wife's income in a certain form of currency, but rather emphasizes the fulfillment of needs proportionally. Such needs fluctuate according to time, environment, social conditions, and individual differences. For example, the needs of life in the city are different from those in the village, and a person's economic condition can affect the needs of a wife. Therefore, the fulfillment of income must be adapted to diverse contexts and needs." (al-Qarḍāwī, 2008).

Al-Qarḍāwī specifically criticizes the legal view that limits the wife's livelihood to certain criteria, as espoused by the Syāfi'ī madhhab in Indonesia. For al-Qarḍāwī, the determination of income by only one criterion is unfair to the husband. Using the number of *mud* in *kafarah* is considered inappropriate, as it does not distinguish between rich and poor. In providing for the wife, al-Qarḍāwī (2008) emphasized the importance of considering economic differences and providing side dishes according to the needs and abilities of the husband. So, providing a living must be done in a good, proper, and wise way

Al-Qarḍāwī states that food needs may vary depending on time and place. At one time, more food may be needed than at other times. This variation is also seen in different regions, where the diet can be twice a day, three times, or even four times a day. Al-Qarḍāwī emphasizes that each individual has different needs, influenced by factors of time, environment, conditions, and individual differences. Therefore, the cost of living in urban

or suburban areas cannot be considered uniform with life in the village. Differences in needs also include disparities between primitive and civilized societies, between high and low levels of education, and between the economic conditions of wives of rich, mediocre, or poor families (al-Qardâwî, 1987).

Al-Qardâwî refers to surah al-Thalâq [6] in verse 7 and al-Baqarah [2] verse 236 in the Qur'an as the basis of his views. In addition, al-Qardâwî suggests reviewing the answer of the Prophet (peace be upon him) in the hadith when responding to a question from Hindu Bint 'Utbah (wife of Abū Sufyân). The hadith is as follows:

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، حَدَّثَنَا يَحْيَى، عَنْ هِشَامٍ، قَالَ: أَخْبَرَنِي أَبِي، عَنْ عَائِشَةَ، أَنَّ هِنْدَ بِنْتَ عُتْبَةَ، قَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيحٌ وَلَيْسَ يُعْطِينِي مَا يَكْفِينِي وَوَلَدِي، إِلَّا مَا أَخَذْتُ مِنْهُ وَهُوَ لَا يَعْلَمُ، فَقَالَ: خُذِي مَا يَكْفِيكِ وَوَلَدِكَ، بِالْمَعْرُوفِ (رواه البخاري) (Al-Bukhârî, 1990)

'Muhammad ibn Mutsanna narrated from Yahya, who heard from Hisham, said: My Father conveyed to me from 'Aisha (ra). that Hindu bint 'Utbah once said: 'O Messenger of Allah, my husband Abu Sufyan was very miserly. He never provided enough for me and my children, unless I took his money without his knowledge.' The Prophet (peace be upon him) replied: 'Take enough for you and your son, in a good and proper way.'" (HR. al-Bukhari).

Based on the Qur'an and hadith mentioned above, al-Qardâwî asserts that there is no postulate that expressly determines the amount or size of income. For al-Qardâwî, the standard of subsistence should be based on sufficiency, implemented in a good, proper and prudent manner. The concept of *ma'rûf* (kind, proper, and wise) includes the fulfillment of the wife's needs that must be adapted to the socioeconomic conditions of the husband. He highlighted the importance of deliberation with the wife to determine the amount of income, which should be in accordance with the spaciousness and narrowness of the husband's sustenance. In this regard, al-Qardâwî (1987) refers to the opinion of Syaikh al-Islâm ibn Qudamah al-Hanbalî in his book *al-Kâfî*: *"It is wajib to provide nafaqah to the wife at a sufficient rate, appropriately"*

In the concept of material subsistence in a *ma'rūf* manner, al-Qarḍāwī (1987) emphasizes the importance of providing a complete food allowance, including side dishes, according to the needs and abilities of the husband. It includes various ingredients such as olive oil, sesame oil, butter, milk, meat, and various side dishes required according to the customs and standard of living in the country. There is no exact measure or certain criteria, because the needs and needs of the wife can vary. For example, a wealthy woman living in a well-off family can receive food in the form of high-quality bread and side dishes according to the customs of her country. Conversely, poor women who become wives of underprivileged men must receive food according to their conditions. This principle also applies to women with sufficient economic conditions.

Al-Qarḍāwī (1987) states that in marriage, if there is an economic difference between husband and wife, the income should not be adjusted according to previous conditions. In his opinion, if a rich husband provides for his wife as if they are equally poor, it is neither good nor wise. Al-Qarḍāwī emphasizes that the provision of income should be tailored to the needs and needs of the wife in a good and wise manner. Al-Qarḍāwī's legal approach is flexible, adaptable to the conditions of both parties, but still involves deliberation with the wife.

Al-Qarḍāwī (1987) expresses that the obligation to provide clothing (clothing) to the wife by the husband is an effort to protect the body. According to him, this obligation is tailored to local needs, following certain conditions and situations. For example, a wife who is rich and raised in a well-off family must be given high-quality clothes according to the customs in her country, such as silk, wool, cotton, and others. As for poor wives, it is enough to wear cotton or similar fabrics that suit the husband's conditions. If there are differences in economic status, the provision of clothing must also be adjusted to each habit, in line with the principle of material income in the form of food.

Al-Qarḍāwī (1987) asserts that the obligation to provide material compulsory living in the form of shelter also includes the provision of housing, not necessarily the house owned by the husband in full, it can also be in the form of rent. In this context, al-Qarḍāwī indicates that cleaning

tools, fragrances, and sleeping utensils such as mattresses and pillows are included in the husband's obligations. In addition, if the wife is unable to perform her own duties due to her work or status, the husband is obliged to provide a maid or servant, in accordance with the prevailing social norms. However, the number of maids must be limited and have family relations or *mabram* status.

The Relevance of Yûsuf al-Qarḍâwî's Legal Views Regarding Material Compulsory Livelihood for Wives in the Book of *Hadyu al-Islâm Fatawâ Mu'âshirah* with *Maqâṣid Sharî'ah*

Al-Qarḍâwî developed three models or formulas of *ijtihād* as instruments to express his legal views, namely *intiqâ'i* (selective) *ijtihād*, *ijtihād insbâ'i* (creative), and integration *ijtihād* as discussed earlier. But in the context of his legal view of material obligatory income to the wife, al-Qarḍâwî focused on using the *intiqâ'i* or *tarjîh* *ijtihād* model. In this model, al-Qarḍâwî chooses earnestly one opinion that is considered to have strong arguments and is more relevant to the conditions of contemporary society, from various opinions in the legacy of Islamic jurisprudence. In conducting *ijtihād intiqâ'i* (selective), al-Qarḍâwî asserts that the selection of opinions must comply with certain criteria, including: relevance to current conditions, prioritizing the realization of *maqâṣid sharî'ah* (the purpose of sharia), prioritizing human benefit, and rejecting potential harm or *mafsadah* (Akbar, 2012).

In his view of material obligatory subsistence to the wife, al-Qarḍâwî emphasizes the *maqâṣid sharî'ah* aspect with a focus on human benefit and rejection of *mafsadah*. For example, when discussing material obligatory living, al-Qarḍâwî affirms the importance of staying away from *isrâf* (excessive) behavior and vice versa, in accordance with Islamic teachings that emphasize balance. This view is based on Qur'anic verses, such as surah al-Isrâ' [17] verse 29, al-Furqân [25] verse 67, and al-A'râf [7] verse 31.

In dealing with this issue, al-Qarḍâwî follows an approach that is in accordance with normative postulates (*naqlî*), such as the Qur'an, *sunnah*, *ijma'*, *qiyâs al-mu'tabar*, and *al-istidlâl al-ṣâhib*. This is in line with the view of Al-Salâm (2000), who emphasized that in understanding the *dîniyah maqâṣid sharî'ah*, there is no other way but through normative postulates. For mundane

mashlahah problems, al-Qarḍāwī is willing to use the *correct aqlī* (ratio-logical) postulate approach according to the context. Thus, the legal conclusions drawn by al-Qarḍāwī are based on clear and valid postulates.

In assessing the material obligatory subsistence of the husband to the wife, al-Qarḍāwī highlights its ability to explore the views of scholars from various madhhab. Differences of opinion regarding the level of material income are two main views. *First*, the first camp, represented by the *jumhur ulama'*, argues that there is no particular limit on the size of the income a husband should provide to his wife. Meanwhile, the second camp, which represents the Syafi'i madhhab, considers that there are minimum measures and limits that husbands are obliged to give to wives as a compulsory bread. In this regard, al-Qarḍāwī, through his selective *ijtihad*, created conformity with his *maqāṣid sharī'ah*, upholding justice, human benefit, and rejection of *mafsadah* in providing a living.

Al-Qarḍāwī (1987) further supports the view without certain restrictions on material obligatory income (*jumhur ulama'*). According to him, the diversity of times, places, conditions, and individuals makes it difficult to set exact standards. For example, at certain times and places, food needs can be different, such as during the season of lack of income. This approach is considered more flexible and suits varied needs. Likewise, with the person, because some people have a diet that consumes one *sha'* (equivalent to 4 mud) or more, some are only half a *sha'*, and some are less than that.

Al-Qarḍāwī (1987) also demonstrates the conformity of his legal views with *maqāṣid sharī'ah* through a reality jurisprudence approach in understanding material obligatory living. His fatwa is based on considerations of *mashlahah* (benefit) and *mafsadah* (danger) in accordance with the context of modern society, but still based on the principles of sharia. This approach reflects a balance between the real needs of human beings and the provisions of Islamic law. On another occasion al-Qarḍāwī (1985) states that the optimal solution of jurisprudence problems is that which is based on the clearest *nash*, the best rationale, the easiest experience, and close relevance to the conditions of the times. This approach allows the unification of Islamic Shari'a laws with the demands of the times, creating the necessary balance between tradition and contemporary needs.

This attitude is in line with al-Shathibi's (2003) formulation that the establishment of *maqâṣid sharī'ah* can be achieved by observing all *maqâṣid al-Tâbi'ah* (derivatives). In the context of marriage law, *maqâṣid al-Aṣliyah*, such as the preservation of man through breeding (*al-Tanâsul*), is the main focus. Furthermore, there came various *maqâṣid al-Tâbi'ah* such as creating tranquility (*Sakînah*), helping in the benefit of the world and the Hereafter, fulfilling biological desires lawfully (*al-Istimtâ'*), and protecting oneself from slander, and so on. All this is an accumulation of *maqâṣid al-Tâbi'ah* in the context of marriage sharia.

The conclusion of al-Qarḍâwî's law regarding the obligation of the husband to provide material support to the wife is that there is no specific measure or limitation. This law emphasizes *ma'ruf* sufficiency, where the husband is obliged to meet the needs of the wife in accordance with socioeconomic conditions and the spaciousness of the husband's sustenance. Al-Qarḍâwî affirms that the husband should not provide beyond his means. Standards of bread worthiness are conditional and can differ between regions, influenced by differences in the wife's social status and traditions. Legal conclusions are flexible, providing peace of mind in maintaining the integrity of the family as part of *maqâṣid al-Tâbi'ah* (derivatives) in marriage law, based on the principle of "sufficiency" which is always adapted to the conditions of the times.

Conclusion

The conclusion of this paper contains at least two main points according to the focus of research: *first*, in the realm of *Hadyu al-Islâm Fatawâ Mu'âshirah*, al-Qarḍâwî emphasizes that the obligatory income of the husband to the wife cannot be limited by certain criteria or levels. His view carries the principle of adequacy that *ma'ruf* (good, proper and wise), combines the rights of wives with aspects of husband deliberation. His rejection of the views of jurisprudence scholars that lead to the limits of a single criterion is considered unfair and deviates from the guidance of sharia. In drawing up legal conclusions, al-Qarḍâwî applied *ijtihad intiqa'i, tarjîh* to the *ijtihad* opinions of various madhhabs, ascertained the basis of the propositions of the *nash* (Qur'an and Sunnah), and chose a view that was more solid and in accordance

with social reality in the container of *maqāṣid sharī'ah*. This approach demonstrates his commitment to applying Islamic law carefully and relevantly in the context of modern life. *Second*, the legal proposition of al-Qarḍāwī indicates conformity with *maqāṣid sharī'ah*: the focus on human benefit and the rejection of *mafsadah* being the main foundation; legal conclusions derived from clear propositions and incorporating *maqāṣid sharī'ah*; a reality jurisprudence approach that refers to considerations between *masblalah* and *mafsadah*, while adhering to the principles of sharia, affirming the interconnectedness of Islam with the dynamics of the times. Al-Qarḍāwī ensures the clarity of *dalālah* and the relevance of Islamic law in the face of contemporary realities.

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