

## Fulfillment of Wife's Financial Support by Husband with Prisoner Status at Pangkalan Bun Class IIB Prison

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**Abstract:** The fulfillment of a wife's maintenance by a husband serving a prison sentence presents complex legal and social challenges due to limited access to productive work within correctional institutions. This study aims to analyze the legal standing of a husband's obligation to provide financial support under Islamic law and Indonesian positive law, examine the empirical reality of its fulfillment at the Pangkalan Bun Class IIB Correctional Institution, and identify alternative mechanisms to protect the economic rights of wives during the period of incarceration. Employing an empirical legal method with a socio-legal approach, data were gathered through in-depth interviews with prisoners' wives, family members, and correctional officers, supported by a comprehensive review of relevant legal sources. The findings indicate that while the financial obligation remains legally binding, it cannot be effectively fulfilled because inmates' work programs are predominantly rehabilitative and generate minimal income. Consequently, this study reveals a social dynamic where the financial needs of the wives are shifted to and borne by the extended family, reflecting a strong sense of social solidarity. The novelty of this research lies in its identification of the husband's family as a de facto economic protection mechanism at the local level, emerging as an alternative solution when formal legal systems fail to guarantee wives' economic rights due to structural constraints within the correctional system.

**Keywords:** Spousal maintenance; inmates; socio-legal; family solidarity.

### Introduction

Married life is essentially built based on responsibility, cooperation, and mutual support between husband and wife.<sup>1</sup> In the social and legal order in Indonesia, the husband has the primary obligation to provide for his family, both in terms of economic needs, protection, and moral support.<sup>2</sup> This obligation is regulated in Islamic law and reinforced by applicable laws and regulations. Article 34, paragraph (1) of Law Number 1 of 1974 concerning Marriage emphasizes that the husband is obliged to protect his wife and provide for all household needs according to his ability.<sup>3</sup> This provision indicates that as long as the marriage bond is still legally valid, the husband's responsibility to provide for his wife's needs remains and is not lost due to changes in circumstances,

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<sup>1</sup> Ruslan Daeng Matteredu and Abdulahanaa Abdulahanaa, "Justice of a Husband Who Performs Polygamy in Classic, Contemporary, and Indonesian Perspectives," *Al-Bayyinah* 6, no. 2 (2022): 220–34, <https://doi.org/10.30863/al-bayyinah.v6i2.3187>.

<sup>2</sup> Rahmi et al., "Legal Dynamics of Financial Responsibility and Marital Property in Marriage in Indonesia," *USRATY: Journal of Islamic Family Law* 3, no. 1 (2025): 14–26, <http://dx.doi.org/10.30983/usraty.v3i1.8948>.

<sup>3</sup> Indonesia, "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. Pasal 34 Ayat (1)," 1974.

including when the husband is serving a prison sentence.<sup>4</sup> However, in reality, not all husbands can fulfill this obligation, especially those who are prisoners and are serving prison sentences in correctional institutions. This situation raises important questions about how the obligation to provide financial support is carried out and to what extent the wife's rights can still be protected.

The presence of a husband in prison has a major impact on the family's economic situation. Prisoners are generally unable to work productively, thus losing their main source of income.<sup>5</sup> As a result, wives often bear a double burden as homemakers and breadwinners. This situation not only affects economic stability but also causes social and psychological pressure on wives, who must struggle to maintain the family's livelihood amid limitations. Although correctional institutions offer work training programs, the income earned is very small and cannot adequately meet the needs of the family.<sup>6</sup> In many cases, household needs are borne by the extended family of the husband or wife, which shows the gap between ideal legal provisions and social reality in the field.

A number of previous studies have highlighted the issues faced by prisoners' families, particularly from a socioeconomic perspective. These include Novitasari's study at the Purwokerto Class IIA Correctional Institution, which examined the fulfillment of financial obligations under Islamic law,<sup>7</sup> and Romadhona's study at the Bandung Class I Detention Center, which examined the implementation of prisoners' husbands' financial obligations under Islamic and family law.<sup>8</sup> In addition, Dawsat's research examined the perspectives of fiqh and positive law regarding the maintenance of prisoners' husbands at the Indramayu Class II B Correctional Institution, which showed that many prisoners were unable to provide for their wives, forcing the wives' families to struggle on their own.<sup>9</sup> Reswandi's research highlights legal measures in fulfilling the maintenance obligations of prisoners' husbands at the Metro City Class II A Prison, emphasizing the importance of legal solutions to ensure that maintenance obligations are fulfilled.<sup>10</sup> Furthermore, Arif Nurrohman's research found that the fulfillment of financial support is carried out in various ways,

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<sup>4</sup> Syarpani Syarpani, "Wife's Self-Efficacy When Her Husband Is Serving a Criminal Sentence and Its Relevance to Indonesian Family Law: Mubadalah Perspective," *SMART: Journal of Sharia, Traditon, and Modernit* 4, no. 1 (2024): 66–78, <https://doi.org/10.24042/smart.v4i1.20519>.

<sup>5</sup> Fikri Adiprabowo et al., "Pemberian Upah Kerja Sebagai Pemenuhan Hak Narapidana Di Lembaga Masyarakat Di Indonesia," *Mutiara: Jurnal Ilmiah Multidisiplin Indonesia* 3.1 (2025): 49–64, <https://doi.org/10.61404/jimi.v3i1.354>.

<sup>6</sup> Ega Anggara, Iwan Setiawan, and Yuliana Surya Galih, "Implementasi Program Pembinaan Bagi Warga Binaan Dihubungkan Dengan Pasal 11 Ayat ( 1 ) Huruf B Undang-Undang Republik Indonesia Nomor 22 Tahun 2022 Tentang Masyarakat," *Jurnal Pustaka Galuh Justisi Fakultas Hukum Universitas Galuh* 03.01 (2024): 156–79, <https://doi.org/10.25157/pustaka.v3i1.4581>.

<sup>7</sup> Zaqiya Ezza Novitasari, "Tinjauan Hukum Islam Terhadap Pemenuhan Kewajiban Nafkah Suami Berstatus Narapidana Di Bawah Lima Tahun (Studi Kasus Di Lembaga Masyarakat Kelas IIA Purwokerto)" (Skripsi Fakultas Syariah, UIN Prof. K.H. Saifuddin Zuhri Purwokerto, 2022).

<sup>8</sup> Intan Romadhona, "Pelaksanaan Kewajiban Nafkah Suami Yang Berstatus Narapidana Perspektif Hukum Keluarga Islam (Studi Kasus Di Rumah Tahanan Negara Kelas I Bandung)" (Skripsi. Fakultas Syariah dan Hukum. UIN Gunung Djati Bandung, 2025).

<sup>9</sup> Muhammad Janky Dawsat, "Penunaaian Nafkah Suami Terpidana Kepada Istrinya Dalam Perspektif Fikih Dan Hukum Positif (Studi Kasus Di Lapas Kelas II B Indramayu)" (Thesis Program Pasca Sarjana. IAIN Syech Nurjati Cirebon, 2020).

<sup>10</sup> Achmad Desta Reswandi, Ahmad Mukhlisin, and Habib Ismail, "Langkah Hukum Dalam Pemenuhan Nafkah Suami Narapidana Studi Kasus Di Lapas II A Kota Metro," *As-Syifa: Journal of Islamic Studies and History* 2.2 (2024): 64–75, <https://doi.org/10.35132/assyifa.v4i1.1163>.

such as prisoners becoming prison guards, continuing the business they left behind, asking for donations from friends, becoming book writers, and support from wives who work with their husbands' permission.<sup>11</sup>

However, to date, no research has been found that specifically discusses the mechanism of fulfilling the maintenance of prisoners' wives by their husbands' families. Based on this, there is a research gap regarding the lack of research on the role of the husband's family in providing for the wives of prisoners, as well as a research gap in the Pangkalan Bun area regarding the implementation of maintenance obligations by husbands who are prisoners in the Pangkalan Bun Class IIB Correctional Institution. Therefore, this study is novel because it is the first study to highlight the fulfillment of the maintenance of prisoners' wives, which is mostly carried out by the husband's family, and its implementation in the prison environment, so it is hoped that it can provide a real picture of the implementation of the husband's obligations in limited situations. This research is also urgent, considering that many wives of prisoners have to struggle to maintain their households without financial support from their husbands. A deeper understanding of the implementation of alimony obligations in such circumstances can help provide input to legal institutions, correctional institutions, and the community, so that the rights of wives remain protected even though their husbands are serving prison sentences. Based on this, this study aims to describe the form of the maintenance obligation of husbands who are prisoners towards their wives according to Islamic law and positive law in Indonesia, to find out the reality of the fulfillment of wives' maintenance by their husbands who are prisoners at the Pangkalan Bun Class IIB Correctional Institution, and to provide alternative recommendations through the optimization of inmate work programs so that the fulfillment of family economic rights can still be carried out during the prison term and after the inmate returns to society.

## Method

This study is an empirical legal study using a socio-legal approach.<sup>12</sup> The socio-legal approach was chosen because the focus of the study is not only on written legal norms regarding the husband's obligation to provide for his wife, but also on how these legal provisions are applied in social reality, particularly in the case of husbands who are prisoners at the Pangkalan Bun Class IIB Correctional Institution. The data used in this study consists of primary and secondary data. Primary data was obtained through in-depth interviews with prisoners and correctional facility officers. Secondary data was obtained from Islamic law, positive law, previous research results, and relevant journal articles. Data analysis was conducted qualitatively using the Miles et al. (2014) model, which includes the stages of data condensation, data presentation, and conclusion drawing.<sup>13</sup> Qualitative research views social reality as something complex, dynamic, and meaningful, thus focusing on a holistic understanding of the meaning and values behind social events. The research data is presented narratively and interpretively, allowing researchers to understand the context in

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<sup>11</sup> Arif Nurrohman, "Nafkah Istri Dari Suami Narapidana Di Lembaga Pemasyarakatan Kelas I Tangerang" (Skripsi Fakultas Syariah dan Hukum. UIN Syarif Hidayatullah Jakarta, 2023).

<sup>12</sup> Jonaedi Efendi and Prasetijo Rijadi, "Metode Penelitian Hukum Normatif Dan Empiris" (Jakarta: Kencana, 2022), p. 12.

<sup>13</sup> Matthew B Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis A Methods Sourcebook*, 3rd ed. (USA: Sage Publications, 2014), p. 31-33.

depth without statistical generalization.<sup>14</sup> This analysis aims to obtain a clear picture of the implementation of alimony obligations by husbands who are prisoners and to assess their compatibility with the principles of Islamic law and positive law in Indonesia.

## Results and Discussion

### The Obligation of a Husband Who Is an Inmate to Provide for His Wife According to Islamic Law and Positive Law in Indonesia

The obligation to provide financial support is one of the main pillars in maintaining the continuity of family life.<sup>15</sup> This responsibility demonstrates the husband's role as the head of the family, who is obliged to fulfill his wife's physical and spiritual needs in accordance with Islamic law and positive law in Indonesia.<sup>16</sup> However, when the husband is an inmate, the question arises as to how these obligations can be fulfilled under such circumstances. To understand the legal position and responsibilities of the husband in this situation, it is necessary to examine Islamic law and applicable legislation.

Islamic law emphasizes that the obligation to provide for his wife is a primary and permanent responsibility of the husband as long as the marriage remains valid. This obligation includes meeting basic needs such as food, clothing, and shelter, within the husband's means.<sup>17</sup> This is as stated in the words of Allah SWT in Surah At-Talaq verse 7:

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

The translation: "Let those who can provide for others do so according to their means; and those whose means are limited should provide from what Allah has given them. Allah does not burden a person beyond what He has given them."

According to Tafsir Ibn Kathir on Surah At-Talaq verse 7, the command that those who have abundance should provide maintenance according to their means, while those whose provision is restricted should spend from what Allah has given them, indicates that the obligation of maintenance is proportional and does not impose a burden beyond one's ability, as Allah does not burden any soul except in accordance with its capacity. The affirmation that Allah will grant ease after hardship demonstrates that economic limitation does not abolish the obligation of maintenance, but rather affects its extent and manner of fulfillment.<sup>18</sup>

This verse emphasizes that the obligation of providing financial support remains with the husband under any circumstances, only that its implementation is adjusted according to his ability.

<sup>14</sup> Zuchri Abdussamad, *Metode Penelitian Kualitatif* (CV. Syakir Media Press, 2021), p. 30.

<sup>15</sup> Misra Netti, Syamsiah Nur, and Thoat Setiawan, "Implikasi Kepala Rumah Tangga Tidak Mampu Memberi Nafkah Dalam Mewujudkan Keutuhan Rumah Tangga Perspektif Maqashid Syari'ah," *Hamalatul Qur'an : Jurnal Ilmu Ilmu Alqur'an* 6.1 (2025): 62–74, <https://doi.org/10.37985/hq.v6i1.493>.

<sup>16</sup> Muhammad Adib, Dona Salwa, and Muthmainnah Khairiyah, "Tukar Peran Suami Dan Istri Dalam Rumah Tangga Perspektif Hukum Keluarga Dan Gender," *Journal of Islamic and Law Studies* 8.1 (2024): 92–114, <https://doi.org/10.18592/jjils.v8i1.12855>.

<sup>17</sup> Muhammad Iqbal Ali, "Rights and Obligations of Husband and Wife According to Islamic Law in Constructing Sakina Family," *Al Mashaadir Journal* 3, no. 2 (2022): 130–42, <https://doi.org/10.52029/jis.v3i2.94>.

<sup>18</sup> Ibn Kathir, *Tafsir Al-Qur'an Al-'Azim, Commentary on Surah At-Talaq* (65): 6–7., n.d.

This principle is known in fiqh as *al-nafaqah bi al-ma'ruf*, which is the provision of financial support in a manner that is appropriate and balanced according to one's means.<sup>19</sup> According to the Madzhab Hanafi of thought, there are two opinions regarding a husband's financial support for his wife: one that calculates financial support based on the circumstances of both the husband and wife, and the other that calculates it based solely on the husband's circumstances, with adjustments made according to his means. The Madzhab Maliki of thought states that the obligation to provide maintenance is waived if the husband is poor or unable to provide maintenance, and the maintenance does not become a debt if the husband becomes able again. The Madzhab Shafi'i of thought emphasizes that maintenance must be provided based on the husband's ability, without taking into account the wife's circumstances.<sup>20</sup>

Meanwhile, according to the Madzhab Hambali of thought, if the husband is unable to provide for his wife, then the wife has the right to ask for a divorce, because the obligation to provide for her is one of the wife's rights that must be fulfilled by the husband after the wife has given herself completely, and the marriage is considered valid. If the husband neglects to fulfill his obligation to provide financial support without a valid reason, the wife can demand fulfillment of this obligation and at the same time has the right to file for divorce in order to protect her rights in the household in accordance with Hambali fiqh teachings.<sup>21</sup> This is in line with KHI Article 116 letter (c), which explains that "divorce can occur if one of the parties receives a prison sentence of 5 (five) years or a heavier punishment after the marriage has taken place."<sup>22</sup> Thus, although all Madzhab of thought agree that maintenance is the husband's obligation, there are differences in the conditions, mechanisms, and consequences if this obligation is not fulfilled according to the views of each Madzhab of thought

The Islamic jurist Wahbah al-Zuhaili, in his book *Fiqh Islam Wa Adilatuhu*, emphasizes that *nafkah* does not only mean material support, but also protection, care, and social responsibility for the welfare of the family.<sup>23</sup> Qudamah, in *al-Mughni*, also explains that if at any time the husband fails to fulfill his obligation to provide *nafkah* to his wife, that obligation does not disappear. The unfulfilled obligation is still considered a debt owed by the husband to his wife, which must be fulfilled at a later date.<sup>24</sup>

Within the framework of *Maqāṣid al-Syarī'ah*, the obligation of providing financial support is seen as part of the Sharia's efforts to maintain family welfare and ensure that basic human needs are met. The fulfillment of financial support is directly related to the Sharia's objectives of preserving life (*hifz al-nafs*), preserving offspring (*hifz al-nasl*), and maintaining the social stability of the family.

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<sup>19</sup> Muhammad Aslam Sameem, Khalil ul Rahman Rahmani, and Abdul Rasheed Hilal, "Nafaqah of a Wife in Islam: The Concept of Maintenance in Islamic Jurisprudence," *Cognizance Journal of Multidisciplinary Studies* 5. 4 (2025): 912-33, <https://doi.org/10.47760/cognizance.2025.v05i04.024>.

<sup>20</sup> Mhd. Mahya Nasuha, Dhiauddin Tanjung, and Ramadhan Syahmedi Siregar, "Economic Implications of Wives' Fulfillment of Family Support: A Review from the Perspectives of Syafi'i and Hambali," *Indonesian Interdisciplinary Journal of Sharia Economics (IJJSE)* 8, no. 2 (2025): : 6869-6879, <https://doi.org/10.31538/ijse.v8i2.7623>.

<sup>21</sup> Hasanah Hajar, "Nafkah Madhiyah Perspektif Imam Empat Mazhab," *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 17.5 (2023): 3779, <http://dx.doi.org/10.35931/aq.v17i5.2695>.

<sup>22</sup> Kementerian Agama RI, *Kompilasi Hukum Islam Di Indonesia*, 2018, p. 58.

<sup>23</sup> Wahbah Az-zuhalli, *Terjemahan Fiqh Islam Wa Adillatuhu*, Jilid 9 (Darul Fikir, n.d.), p. 50.

<sup>24</sup> Ibnu Qudamah, *Terjemah Al Mughni. Jilid 11* (Pustaka Azzam, 2013), p. 601.

Therefore, even if the husband is serving a criminal sentence, the responsibility of providing financial support remains an important part of the structure of Islamic law.

The inability of a prisoner husband to work productively is understood as a condition that threatens the achievement of these basic objectives. In such situations, *maqāṣid* emphasizes the importance of finding solutions that maintain the welfare of the family.<sup>25</sup> The involvement of the extended family in helping to meet the wife's needs can be seen as an effort to maintain *maslahah*, especially so that the wife's basic rights are not neglected while the husband is in prison.<sup>26</sup> The principle of *maqāṣid* also affirms that the mechanism for fulfilling household needs can be adapted as long as it does not violate the objectives of sharia.<sup>27</sup> Therefore, even if the husband cannot provide financial support directly, fulfilling needs through family support is a step that supports the achievement of welfare and prevents greater harm. This approach shows that Islamic law not only pays attention to normative provisions but also considers real conditions so that the objectives of sharia are maintained in practice.

Positive law in Indonesia affirms this principle. Based on Article 34 paragraph (1) of Law Number 1 of 1974 concerning Marriage, "the husband is obliged to protect his wife and provide for all household needs in accordance with his ability."<sup>28</sup> Furthermore, Article 34 paragraph (3) states that "if one party neglects their obligations, the other party may file a lawsuit in court."<sup>29</sup> This provision provides a legal basis for wives to claim their right to financial support if their husbands fail to fulfill their obligations, including in situations where the husband is serving a prison sentence. The Compilation of Islamic Law (KHI) as an implementing regulation for Muslims clarifies this obligation through several articles. Article 80 paragraph (4) emphasizes that the husband is obliged to provide maintenance, clothing, and a place of residence for his wife, in accordance with his ability.<sup>30</sup> Article 77 paragraph (5) gives the wife the right to file a lawsuit in a religious court if the husband does not fulfill this obligation.<sup>31</sup> This provision shows that Indonesian positive law still recognizes the obligation of maintenance, without exception for husbands who have lost their physical freedom as a result of criminal punishment.

Both Islamic law and positive law in Indonesia affirm that the obligation to provide financial support remains with the husband as long as the marriage is still valid. The status of being a prisoner does not remove this responsibility, but only limits its implementation in accordance with the husband's capabilities. Islam provides relief for husbands who are in difficulty, while national law provides mechanisms for wives to claim their rights through the courts. This provision demonstrates

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<sup>25</sup> Ade Jamarudin et al., "Prisoners' Obligations to Provide Support for Their Family According to Islamic Law and Positive Law," *Al-'Adalah* 20, no. 2 (2023): 309–28, <https://doi.org/10.24042/adalah.v20i2.19482>.

<sup>26</sup> Fuad Riyadi et al., "Constitutional Ijtihad and the Reform of Islamic Family Law: A Comparative Analysis of Indonesia and Egypt in Advancing SDG 16," *Profetika: Jurnal Studi Islam* 26.02 (2025): 353–70, <https://doi.org/10.23917/profetika.v26i02.11106>.

<sup>27</sup> Muhamad Irfan, Lilik Andaryuni, and Fuad Fansuri, "The Marriage of a Converted Woman with a Religious Leader from Maqashid Syari'ah Perspective at Batu Ampar District," *International Journal on Advanced Science, Education, and Religion (IJoASER)* 8.2 (2025): 183–94, <https://doi.org/10.33648/ijoaser.v8i2.859>.

<sup>28</sup> Indonesia, "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. Pasal 34 Ayat (1)."

<sup>29</sup> Indonesia, "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. Pasal 34 Ayat (3)," 1974.

<sup>30</sup> Kementerian Agama RI, *Kompilasi Hukum Islam di Indonesia*, p. 42.

<sup>31</sup> Kementerian Agama RI, p. 40.

a balance between the values of justice, humanity, and protection of family rights. Thus, the status of being a prisoner cannot be used as a reason to waive the obligation to provide financial support, but rather becomes a condition that limits its implementation.

### **The Reality of Husbands' Fulfillment of Their Wives' Financial Needs in Class IIB Pangkalan Bun Correctional Institution**

The lives of prisoners' families often face major changes, especially in economic terms. When husbands must serve sentences in correctional institutions, questions arise about how to fulfill financial obligations under such limited conditions. Based on interviews with officials at the Pangkalan Bun Class IIB Correctional Institution, the Head of Administration explained that:

“Vocational training at Pangkalan Bun Prison includes woodworking, sewing, hydroponics, catfish farming, and electric welding, with training provided in collaboration with relevant stakeholders. For skills training activities, there is a program called Independence Skills Training, which is conducted in collaboration with third parties or relevant stakeholders. All inmates are required to participate in these activities, subject to selection by the Correctional Observation Team (TPP) to determine their eligibility for the training program. Wages or bonuses are given if the inmates' work has market value.” (Pangkalan Bun, October 27, 2025)

From this explanation, it can be understood that employment opportunities for inmates are limited and selective. In addition, not all work products have market value, so the income received by prisoners is very minimal. This condition has a direct impact on prisoners' ability to fulfill their financial obligations to their families. Based on interviews with several wives of inmates, most of their living expenses are covered by their extended families, especially their husbands' families. Y, the wife of inmate S, explained:

"My husband was sent to prison in 2024 for a narcotics case and was sentenced to five years and three months. While in prison, there were activities such as fetching water, but I don't know if he was paid for it. My husband cannot provide for us directly, but thank God, my husband's relatives are now supporting us. Our relationship is still harmonious." (Pangkalan Bun, September 19, 2025).

From this information, it can be seen that even though the husband lost his economic role, the household relationship remained intact. This is in line with Talcott Parsons' social system theory, in which the family can be understood as a system consisting of various interconnected parts, and every relationship formed within it is reciprocal.<sup>32</sup> When linked to the interview results above, families can adapt to social pressures. When one role ceases to function, other family members take over to maintain balance. In this case, the husband does work in the prison, but the proceeds from his work do not reach his wife. This means that, economically, the husband's role has not been restored as it should be. Work in prison is more a part of rehabilitation than a source of income that can help the family outside. Therefore, the extended family takes over the economic role by assisting the wife. Despite these limitations, the relationship between the two remains harmonious. This demonstrates the family's ability to adapt in difficult situations. The extended family plays an important role in maintaining stability, while the husband continues to participate through activities in prison. This situation illustrates the concept of a family with character, where the family is not

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<sup>32</sup> Indra Jaya Kusuma Wardhana, *Dinamika Kependudukan Dan Transformasi: Tinjauan Teori Sosiologi Klasik Dan Kontemporer* (Yogyakarta: Jejak Pustaka, 2024), p. 156.

only bound by legal obligations but also by a sense of mutual support and moral responsibility towards one another.<sup>33</sup> A similar sentiment was expressed by L, the wife of prisoner J, who said:

"My husband was imprisoned in December 2017 for corruption and was sentenced to six years. As far as I know, my husband helps out at the prison office, but he never talks about making money. While he is in prison, my family and my husband's family provide for him, and our relationship is still harmonious" (Pangkalan Bun, September 20, 2025).

This statement also illustrates that husbands continue to work while serving their sentences, but the results of their work are unknown or not communicated to their families. This shows that husbands' economic function cannot be fully realized even though they are working in prison. These activities are more like guidance and utilization of time, rather than productive work that generates income for the family. This condition then encourages cooperation between the two families, who work together to meet household needs. This phenomenon is in line with Emile Durkheim's theory of social solidarity. According to Durkheim, solidarity describes the relationship between individuals and groups based on a shared sense of morality and belief, which is then strengthened through the emotional experiences they share collectively.<sup>34</sup> In the case of L's family, this solidarity serves to replace the economic function that has been lost due to imprisonment. The values of cooperation and togetherness become the social mechanisms that ensure the family's survival.

Meanwhile, source R, the wife of prisoner N, said:

"My husband has been in prison since October 31, 2024, due to a case at his company. He was sentenced to one year and six months. While in prison, my husband does not do any work that generates money, ma'am, but he is a tamping or a worker who helps out there. While in prison, my husband cannot provide for us. My family and my husband's family cover my and my children's needs. My husband also still has some of his previous salary left." (Pangkalan Bun, September 19, 2025).

From this explanation, it is clear that the work carried out by husbands in correctional institutions is economically non-productive. Although husbands have activities and responsibilities as tamping or workers who help in the prison environment, these jobs do not generate income that can be given to their families. These activities serve more as a means of guidance in correctional institutions, rather than as work aimed at meeting the economic needs of the family. However, before serving his sentence, the husband still tried to fulfill his obligations by setting aside part of his salary. This action reflects a sense of moral responsibility towards his family.

In structural functionalism theory, Parsons emphasizes four conditions for a social system to function properly, namely: (1) Adaptation, whereby social systems must be able to adjust to environmental changes to achieve their goals; (2) Goal Attainment, whereby every social action is directed towards specific goals that the social system wishes to achieve; (3) Integration, whereby the parts of a social system must be integrated and mutually respectful of the rules to maintain balance; (4) Maintenance of Latent Value Patterns (Latency), where the social system maintains norms and rules so that interactions remain stable and deviant behavior can be accommodated.<sup>35</sup>

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<sup>33</sup> Ni Wayan Sri Rahayu, Wayan Sudarsana, and I Nyoman Suparman, *Bunga Rampai Pendidikan Karakter: Membangun Karakter Di Tengah Perubahan Zaman* (Denpasar: PT Dharma Pustaka Utama, 2025), p. 84.

<sup>34</sup> Eymal B. Demmallino, *Teori-Teori Sosial Kontemporer Kajian Paradigma Klasik Hingga Post-Modern* (Pekalongan: Penerbit NEM, 2024), p. 11.

<sup>35</sup> Ida Bagus Made Astawa, *Pengantar Ilmu Sosial - Rajawali Pers* (Depok: PT. Raja Grafindo Persada, 2021), p. 79-80.

In cases where husbands strive to continue fulfilling their financial obligations despite being incarcerated, this reflects the functions of Adaptation and Integration, whereby families adjust roles so that economic functions continue and family stability is maintained. This demonstrates moral and social responsibility as part of maintaining the balance of the family system in Parsons' theory. When husbands no longer play the role of primary breadwinner, extended families also adjust so that the economic functions of the family do not come to a complete halt.

Based on interviews with family members, it was found that the prisoner's wife's financial needs were also supported by her immediate family. In this case, the prisoner's mother played a role in helping to meet the family's financial needs while her husband was serving his sentence. As stated by K, the prisoner S's older brother:

“Yes, I am his older brother. While my brother was serving his sentence, I helped support his family as best I could. I gave money and considered it charity.” (Pangkalan Bun, November 2, 2025).

In addition to assistance from siblings, the inmates' mothers also provide financial support to their families during their prison terms. This was conveyed by M., the mother of inmate N:

My relationship with Noviansyah is that of mother and son. While he was serving his sentence, I helped provide financial support for his wife and child in the form of money. This was my responsibility to his child and wife. It could be said that this financial support was also a form of family assistance. (Pangkalan Bun, November 2, 2025).

Based on the results of the interviews, it can be concluded that the provision of financial support for the wives of prisoners is largely borne by the prisoners' immediate families while their husbands are serving their sentences. The assistance provided is in the form of money and is given voluntarily according to the family's means. This support is seen as a form of solidarity and moral responsibility of the family to maintain the economic sustainability of the prisoner's household, either as charity or as a temporary replacement for financial support until the husband can resume his obligations.

The reality that emerges from these three sources shows that the family is still the main bastion in facing economic problems resulting from imprisonment. Social support, solidarity, and family values are determining factors that maintain the integrity of the household amid legal limitations. The social theories put forward by Parsons and Durkheim help explain that when the legal system is not in line with social needs, society tends to create its own mechanisms to survive. In this case, the law only becomes a normative guideline, while the social function of the family becomes the real savior for the continuity of household life.

Under positive law, husbands still have an obligation to provide for their wives as stipulated in Article 34 paragraph (1) of Law Number 1 of 1974 concerning Marriage, “Husbands are obliged to protect their wives and provide everything necessary for household living in accordance with their abilities.”<sup>36</sup> Article 80 paragraph (4) of the Compilation of Islamic Law also emphasizes that “The husband is obliged to provide for his wife's needs, clothing, and housing, in accordance with his ability.”<sup>37</sup> However, in reality, husbands who are prisoners are unable to fulfill these obligations because they are in prison, which limits their access to economic activities. Work activities in prison

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<sup>36</sup> Indonesia, “Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan. Pasal 34 Ayat (1).”

<sup>37</sup> Kementerian Agama RI, *Kompilasi Hukum Islam di Indonesia*, p. 42.

are for guidance and skills training, so not all of them generate wages that can be transferred to the family. As a result, the fulfillment of the wife's needs is transferred to the extended family, both from the husband's and the wife's sides.

When linked to human rights, this condition touches on the aspect of fulfilling the economic rights of prisoners and their families. Based on Article 9 paragraph (1) of Law Number 39 of 1999 concerning Human Rights, it is stated that "Everyone has the right to live, maintain life and improve their standard of living."<sup>38</sup> In addition, Article 39 paragraph (1) of Law Number 22 of 2022 concerning Corrections states "In this provision, the increase in independence-building activities, which were originally intended to support independent businesses and industries, job training, and the development of interests and talents, has become productive industrial-scale work that is expected to produce goods and services that have economic value, and prisoners can earn wages or bonuses from the work they do."<sup>39</sup> These provisions indicate that, under positive law, prisoners retain the right to work and earn an income. However, field findings show that this right has not been effectively implemented because the prison work system has not been able to produce results that have a direct impact on the welfare of families. Thus, the provision of financial support for wives continues to be carried out through the support of the husband's family, rather than directly from the prisoner's work. This situation shows that the husband's legal obligation to provide financial support is still recognized, but its implementation has shifted to the extended family due to the limitations of the work system in correctional institutions.

From an Islamic legal perspective, this condition is in line with the views of scholars such as Ibn Qudamah, who emphasized that the obligation to provide financial support does not cease as long as the marriage is still valid, and any obligations that have not been fulfilled are considered debts that must be paid off when the husband can do so again.<sup>40</sup> Additionally, Wahbah Az-Zuhaili also emphasizes that if a husband is experiencing financial hardship and is unable to provide for his wife, this obligation may be postponed. However, when his economic condition improves, he still has the responsibility to fulfill his wife's maintenance.<sup>41</sup> Therefore, family assistance in the above cases can be understood as a form of mutual assistance (*ta'awun*) to maintain the household, not as a transfer of the husband's legal responsibility to fulfill his wife's maintenance.

From a fiqh perspective, scholars of the four madzhab agree that nafkah is the wife's right and the husband's obligation, as long as the wife is not considered nusyuz and the marriage contract is still valid.<sup>42</sup> The Shafi'i madzhab emphasizes that nafkah must be provided according to the husband's ability, even if he is in difficult circumstances such as illness or imprisonment.<sup>43</sup> The

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<sup>38</sup> Indonesia, "Undang-Undang Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia. Pasal 9 Ayat (1)," 1999.

<sup>39</sup> Indonesia, "Undang-Undang Nomor 22 Tahun 2022 Tentang Pemasarakatan. Pasal 39 Ayat (1)," 2022.

<sup>40</sup> Qudamah, *Terjemah Al Mughni. Jilid 11*, p. 50.

<sup>41</sup> Az-zuhaili, *Terjemahan Fiqih Islam Wa Adillatuhu*, p. 601.

<sup>42</sup> M Thahir Maloko, Muh Ikhwan Darsa, and A Intan Cahyani, "The Husband's Obligation to Provide for His Wife in Şigat Taklik Talāk: Analysis of the Madhhab of Jurisprudence," *Parewa Saraq: Journal of Islamic Law and Fatwa Review* 1.2 (2022): 94–106, <https://doi.org/10.64016/parewasaraq.v1i2.13..>

<sup>43</sup> Farida Ulvi Na'imah et al., "The Level of Mahr in Marriage: A Comparative Analysis of the Perspectives of the Shafi'i Madhhab and the Hanafi Madhhab," *VRISPRAAK: International Journal of Law* 7.2 (2023): 34–49, <https://doi.org/10.59689/vris.v7i2.1148>.

Hanafi and Maliki madzhab of thought hold that if the husband is truly unable to provide, the wife may choose to be patient or demand the dissolution of the marriage, but the obligation to provide financial support does not disappear as a basic principle. Meanwhile, the Hanbali madzhab of thought allows the wife to file for fasakh if the husband is unable to provide financial support for a long period of time.<sup>44</sup>

The obligation to provide financial support can be analyzed through the concepts of *taklīf*, *udzur*, and *maslahah*. The obligation to provide financial support is a form of *taklīf syar'i* imposed on the husband as part of his responsibility for leadership (*qiwāmah*) in the household.<sup>45</sup> As long as the marriage contract is still valid, the obligation does not disappear, because *taklīf* is only waived if there is clear evidence to remove it. The husband's status as a prisoner is not a reason to cancel the obligation to provide financial support.<sup>46</sup> However, imprisonment is categorized as *udzur* (an obstacle justified by sharia), which directly hinders the fulfillment of obligations. In the case of *udzur*, the obligation of *nafkah* is not waived, but its implementation is suspended until the husband is able to fulfill it again. This principle is in accordance with the rule "*al-udzru yusqitu al-wujūb makrūnan bi al-fi'l, lā bi aṣ-ṣifah*," which means that the obligation is not waived, but its physical fulfillment is postponed due to the existence of a real obstacle.<sup>47</sup>

In the context of *maslahah*, Sharia law places the maintenance of the family and the continuity of the wife's life as the main objectives (*hifz al-nafs and hifz al-nasl*).<sup>48</sup> Therefore, when the husband is unable to provide for his family, fulfilling their needs through the extended family is considered a form of *maslahah mursalah* that is justified in order to maintain the household. Family assistance serves as a temporary solution in line with the spirit of mutual assistance (*ta'āwun*) without removing the husband's fundamental responsibility.<sup>49</sup> Thus, the concepts of *taklīf*, *udzur*, and *maslahah* indicate that the obligation of *nafkah* remains legally binding, but its implementation adapts to the husband's abilities and social conditions as a prisoner.

Based on the above analysis, the obligation to provide financial support remains with the husband, both according to Islamic law and positive law. However, in reality, husbands who are prisoners cannot fulfill this obligation due to limited economic access while in prison. Although prisoners have the legal right to work and earn an income, the prison work system has not been able to provide results that have a direct impact on families. As a result, the fulfillment of the wife's

<sup>44</sup> Maloko, Darsa, and Cahyani, "The Husband's Obligation to Provide for His Wife in Ṣiḡat Taklīk Talāk: Analysis of the Madhhab of Jurisprudence."

<sup>45</sup> Arif Husnul Khuluq, Winning Son Ashari, and Yusdi Haq, "The Role of Husband and Wife in Managing Family Finances from the Perspective of Maqashid Sharia," *Asy-Syari'ah: Jurnal Hukum Islam* 11.1 (2025): 50–60, <https://doi.org/10.55210/assyariah.v11i1.1921>.

<sup>46</sup> Andrea N. Montes et al., "An Assessment of Prisoner Reentry, Legal Financial Obligations and Family Financial Support: A Focus on Fathers," *International Journal of Environmental Research and Public Health* 18.18 (2021): 1–16, <https://doi.org/10.3390/ijerph18189625>.

<sup>47</sup> A H M Ershad Uddin, "The Practice And Legitimacy Of Misyār Marriage : A Critical Analysis Within Islamic Law," *The Journal of Near East University Islamic Research Center* 9.2 (2023): 255–70, <https://doi.org/10.32955/neu.istem.2023.9.2.06>.

<sup>48</sup> Maghfur Ahmad and Siti Mumun Muniroh, "Nahdlatul Ulama's Maslahah Family Movement for Sustainable Development Goals in Indonesia: Maqasid Al-Sharia Perspectives," *Hikmatuna: Journal for Integrative Islamic Studies* 9, no. 1 (2023): 105–16, <https://doi.org/10.28918/hikmatuna.v10i1.7262>.

<sup>49</sup> Nizam Ubaidilah and Asmaul Husna, "Regulation of Maintenance in Islamic Family Law: Implications for Family Welfare," *International Journal of Health, Economics, and Social Sciences (IJHESS)* 5, no. 4 (2023): 601–12, <https://doi.org/10.56338/ijhess.v5i4.6639>.

alimony is mostly borne by the extended family, especially from the husband's side. This condition confirms that the values of solidarity and social responsibility of the family play a role as a temporary support until the husband is released and can carry out his role as the provider.

### **Alternative Solutions for Fulfilling Financial Obligations through Optimizing Prisoner Work Training**

Based on the results of the study, the provision of financial support for the wives of inmates at the Pangkalan Bun Class IIB Prison has not been effectively implemented due to the limited access of inmates to productive work that generates decent wages. Therefore, it is necessary to improve the work training program so that it not only focuses on skills training, but also provides economic results that can help meet family needs.

Researchers argue that the optimization of human resource empowerment for prisoners needs to be expanded. All eligible inmates should be allowed to participate in productive work activities, not just a small number of selected prisoners. This effort can be carried out through cooperation with various parties, such as the Manpower Office, local industry players, MSMEs, and competency training institutions so that the guidance activities have economic value and are certified. Thus, the products and services produced during the guidance period have sale value and are marketed sustainably in accordance with the mandate of the Correctional Law regarding the fulfillment of the right to work and earn wages for prisoners. In addition, the income received by inmates should be regulated through official mechanisms so that it can be allocated for family support. The distribution of income can be coordinated with the Religious Court or relevant legal institutions to ensure that the wife's right to support is protected while her husband is serving his sentence. With this mechanism in place, the fulfillment of support obligations can proceed in accordance with Islamic law and positive law, without placing an excessive economic burden on the extended family.

Improvements to work training programs also have long-term benefits. Prisoners who have undergone training and productive work during their rehabilitation period will have the ability to earn a legitimate living after returning to society. This is in line with Law No. 12 Article 2 of 1995 concerning correctional institutions: "The correctional system is organized to reform inmates so that they become whole human beings, realize their mistakes, improve themselves, and do not repeat criminal acts so that they can be accepted back into society, play an active role in development, and live decently as good and responsible citizens."<sup>50</sup> Thus, optimizing work training in correctional institutions has the potential to be a strategic solution in supporting the fulfillment of the rights of prisoners' wives and increasing the readiness of inmates to live a decent social and economic life after their release.

Based on the comprehensive interviews and analysis conducted, the study reveals a significant disconnect between legal norms and empirical reality, where the husband's obligation to provide financial support remains legally binding yet proves virtually impossible to fulfill due to structural constraints within the correctional system. Although both Islamic law and Indonesian positive law strictly maintain that imprisonment does not extinguish a husband's maintenance responsibilities, the reality at the Pangkalan Bun Class IIB Correctional Institution shows that rehabilitative work programs offer only minimal incentives that fail to meet domestic needs. Consequently, this situation triggers a shift in

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<sup>50</sup> Indonesia, "Undang-Undang Nomor 12 Tahun 1995 Tentang Pemasyarakatan," 1995.

economic responsibility, where the extended family, particularly the husband's relatives, emerges as a *de facto* protection mechanism through strong social solidarity, while simultaneously forcing wives to adopt dual roles as primary breadwinners to ensure household stability during their husbands' incarceration.

**Table 1.1. Summary of Research Findings on the Fulfillment of Wife's Financial Support by Imprisoned Husbands**

Aspect Examined	Research Findings	Data Sources
Legal status of financial support obligation	The husband's obligation to provide financial support remains legally binding as long as the marriage is valid under Islamic law and Indonesian positive law	Islamic Law Analysis, Marriage Law, Compilation of Islamic Law
Economic capacity of imprisoned husbands	Husbands are unable to fulfill financial support directly due to restricted access to productive employment in prison	Interviews with prisoners' wives
Types of prisoners' work	Prison work is primarily rehabilitative (tamping duties, office assistance, vocational training) and not economically productive	Interviews with correctional officers
Income from prison work	Wages or bonuses are irregular and insufficient to meet family needs	Interviews with officers and prisoners' wives
Party fulfills wife's financial needs	The wife's financial needs are predominantly fulfilled by the extended family, especially the husband's family	Interviews with family members
Forms of financial support	Financial assistance is provided voluntarily in the form of cash and basic necessities	Interviews with family members
Social implications	Strong family solidarity emerges through role redistribution within the household	Sociological analysis
Normative-empirical gap	A discrepancy exists between legal provisions on financial support and their practical implementation	Researcher's analysis
Policy implications	Strengthening productive prison work programs is necessary to support prisoners' family economic rights	Synthesis of research findings

Based on the research findings regarding the fulfillment of a wife's financial support by an imprisoned husband, it can be concluded that there is a significant discrepancy between normative legal expectations and empirical reality. From a legal perspective, the husband's obligation to provide maintenance (*nafkah*) remains legally binding under both Islamic Law and Indonesian positive law as long as the marriage is valid. However, in practice, husbands are unable to fulfill this role directly due to the restricted nature of prison environments. Work programs within correctional facilities are primarily rehabilitative rather than economically productive, resulting in irregular and insufficient income to meet family needs.

This economic gap leads to a shift in household responsibility and the emergence of strong social solidarity. To ensure the survival of the family unit, the responsibility for financial support is redistributed

to the extended family, particularly the husband's relatives, who provide voluntary assistance in the form of cash and necessities. Ultimately, while the husband's role as the primary breadwinner is suspended, the marriage is sustained through communal support. These findings highlight the urgent need for policy reforms aimed at strengthening productive prison labor programs, ensuring that prisoners can continue to uphold their economic responsibilities toward their families while serving their sentences.

## Conclusion

Under both Islamic law and Indonesian positive law, a husband's obligation to provide financial support to his wife remains legally binding as long as the marriage bond exists, even while he is serving a prison sentence. However, the empirical reality at the Pangkalan Bun Class IIB Correctional Institution in West Kotawaringin Regency reveals a stark contrast between these legal norms and their practical implementation. This discrepancy arises because the work activities provided for inmates are primarily rehabilitative and focused on character building rather than profit generation, resulting in wages or incentives that are insufficient to sustain the financial needs of their families. On the other hand, this study finds that the economic needs of prisoners' wives are largely met through social safety nets provided by the extended family, particularly the husband's relatives. This phenomenon demonstrates that the extended family functions effectively as a *de facto* substitute for maintenance, maintaining household stability during the husband's incarceration. Consequently, the implications of this research suggest that optimizing productive work programs within correctional institutions is essential; such initiatives would allow inmates to make a meaningful economic contribution to their families and ensure better protection of the economic rights of prisoners' wives.

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