

**THE CONCEPT OF ADEQUATE SUSTENANCE
FOR THE PEOPLE WITH SOCIAL WELFARE PROBLEMS (PMKS)**

(Study at Sukoharjo Urban Village Klojen Sub-District Malang City)

Thesis

By:

Mienchah Al Chasna

NIM 15210089



AL-AHWAL AL-SYAKHSHIYYAH DEPARTMENT

SHARIA FACULTY

ISLAMIC STATE UNIVERSITY OF MAULANA MALIK IBRAHIM

MALANG

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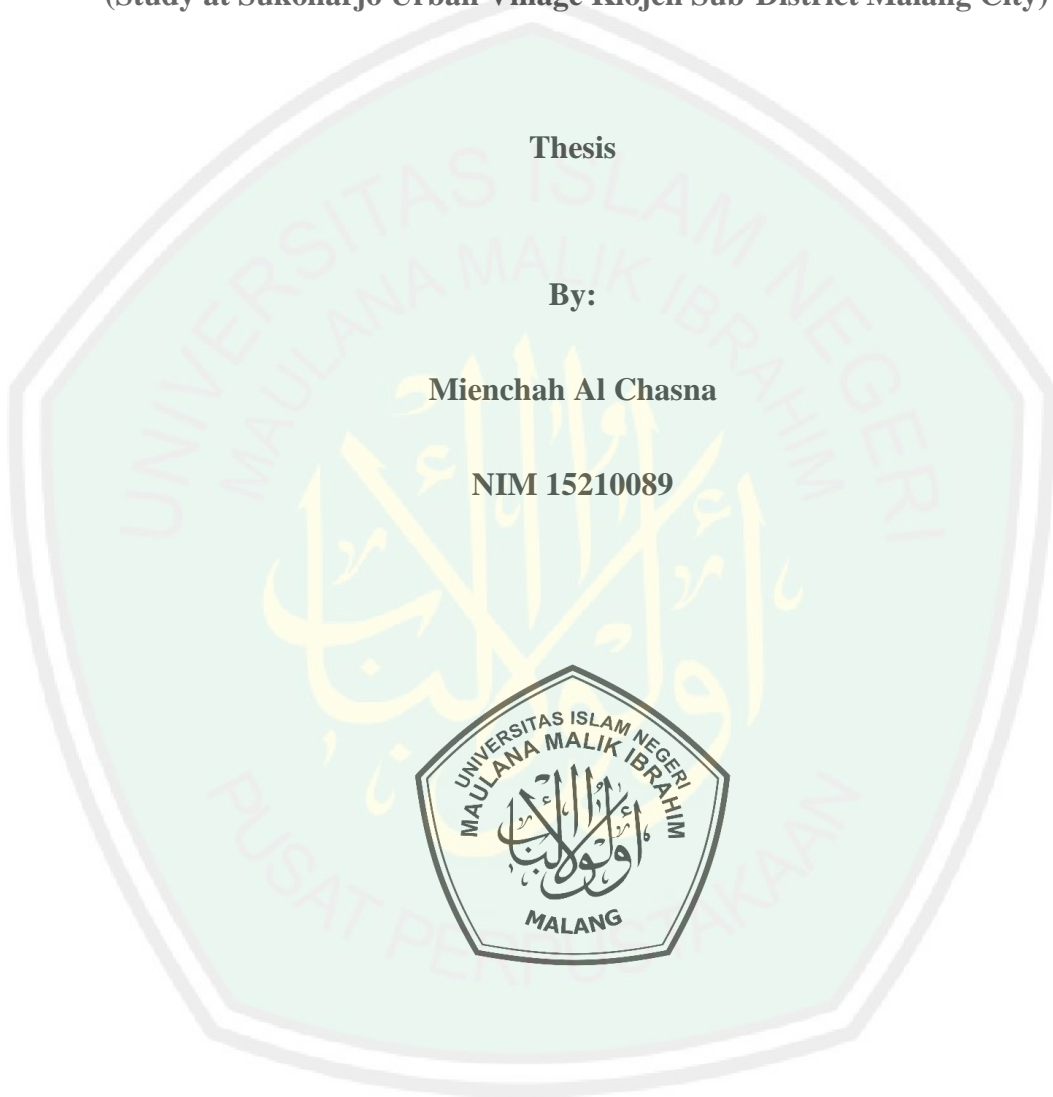
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MALANG**

2019

STATEMENT OF THE AUTHENTICITY

In the name of Allah SWT,

With consciousness and responsibility towards the development of science, the author declares that the thesis entitled:

THE CONCEPT OF ADEQUATE SUSTENANCE FOR THE PEOPLE WITH SOCIAL WELFARE PROBLEMS (PMKS)

(Study at Sukoharjo Urban Village Klojen Sub-District Malang City)

Is truly the author's original work. It does not incorporate any material previously written or published by another person. If it is proven to be another person's work, duplication, plagiarism, this thesis and my degree as the result of this action will be deemed legally invalid.

Malang, 2 May 2019

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THE CONCEPT OF ADEQUATE SUSTENANCE FOR THE PEOPLE WITH SOCIAL WELFARE PROBLEMS (PMKS)

(Study at Sukoharjo Urban Village Klojen Sub-District Malang City)

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THE CONCEPT OF ADEQUATE SUSTENANCE FOR THE PEOPLE WITH SOCIAL WELFARE PROBLEMS (PMKS)

(Study at Sukoharjo Urban Village Klojen Sub-District Malang City)

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MOTTO



Allah SWT said in the letter of Al-Talaq 4:

وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مِنْ أَمْرِهِ يُسْرًا

“And for those who fear Allah, he will make their path easy.”

Allah also said in the letter of Al-Saba 39:

قُلْ إِنَّ رَبِّي يَبْسُطُ الرِّزْقَ لِمَنْ يَشَاءُ مِنْ عِبَادِهِ وَيَقْدِرُ لَهُ وَمَا أَنْفَقْتُمْ مِنْ شَيْءٍ فَهُوَ يُخْلِفُهُ وَهُوَ خَيْرُ الرَّازِقِينَ

“Say: “Verily my Lord enlarges and restricts the sustenance to such of his servants as His pleases, and nothing do you spend in the least (in His Cause) but He replaces it, and He is the best of those who grant Sustenance.”

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All praise due to Allah SWT, the Cherisher and Sustainer of all the worlds. There is neither might nor power but with Allah the Great, the Exalted. With only His Grace and Guidance, this thesis entitled “The Concept of Adequate Sustenance for The People with Social Welfare Problems (PMKS) (Study at Sukoharjo Urban Village Klojen Sub-District Malang City)” could be completed, and also with His benevolence and love peace and tranquility of the soul. Peace be upon the Prophet Muhammad SAW who had brought us from the darkness into the light, in this life. May we be together with those who believe and receive intercession from Him in the day of judgement. Amin.

With all the support and help, discussion, guidance and direction from all parties involved during the process of completing this thesis, the author wishes to express his gratitude to the following:

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9. Thanks a lot to my beloved classmate in International Class Program of 2015, "Ilham, Amjad, Zaki, Romadhan, Anas, Nela, Fisky, Iyyay, Mahbub, Vina, Beni, Ruslan, Fina, and Shofi" who have studying together in happiness. Hopeful that we can keep our togetherness and able to be a successful person in the future.
10. All my roommate in Saudah A of PPTQ Nurul Furqon Malang, thank you for your support to me to finish this thesis.

11. To my beloved Islamic Family Law Department's 2015 "SERVANDA" thanks a lot for support, praying, and motivation. Wish you all be success person at other day.

Hopefully, by imparting what has been learned during the course of study in Sharia Faculty of Islamic State University of Maulana Malik Ibrahim of Malang, the benefit will be gotten all readers and the author herself. Realizing the fact that error and weakness is impartial to being human, and that this thesis is still far from perfections, the author appreciates constructive critics and suggestions for the improvement and betterment of this thesis.

Malang, 2 May 2019

Author,



Mienchah Al Chasna
NIM 15210089

TRANSLITERATION GUIDANCE

A. General

The transliteration guide which is used by the Sharia Faculty of Islamic State University of Maulana Malik Ibrahim of Malang, is the EYD plus. This usage is based on the Consensus Directive (SKB) from the Religious Ministry, Education Ministry and Culture Ministry of the republic Indonesia, dated 22nd of January 1998, No. 158/1987 and 0543. b/U/1987, which is also found in the Arabic Transliteration Guide Book, INIS Fellow 1992.

B. Consonants

ا	=	unsigned	ض	=	dl
ب	=	b	ط	=	th
ت	=	t	ظ	=	dh
ث	=	ts	ع	=	‘ (comma facing up)
ج	=	j	غ	=	gh
ح	=	h	ف	=	f
خ	=	kh	ق	=	q
د	=	d	ك	=	k
ذ	=	dz	ل	=	l
ر	=	r	م	=	m

ز = z ن = n

س = s و = w

ش = sy ه = h

ص = sh ي = y

The hamzah (ء) which is usually represented by *alif*, when it is at the beginning of a word, henceforth it is transliterated following its vocal pronouncing and not represented in writing. However, when it is in the middle or end of a word, it is represented by a coma facing upward ('), as oppose to a comma (,) which replace the “ع”.

C. Vocal, Long, and Diftong

In every written Arabic text in the *latin* form, its vowels *fathah* is written with “a”, *kasrah* with “i”, and *dlommah* with “u”, whereas elongated vowels are written such as:

Elongated (a) vowel = â for example قال becomes qâla

Elongated (i) vowel = î for example قيل becomes qîla

Elongated (u) vowel = û for example دون becomes dûna

Specially for the pronouncing of *ya' nisbat* (in association), it cannot represented by “i”, unless it is written as “iy” so as to represent the *ya' nisbat* at the end. The same goes for sound of a diftong, *wawu* and *ya'* after *fathah* it is written as “aw” and “ay”. Study the following examples:

Diftong (aw) = و for example قول becomes *qawlun*

Diftong (ay) = ي for example خير becomes *khayrun*

D. Ta' marbûthah (ة)

Ta' marbûthah is transliterated as "t" if it is in the middle of word, but if it is *Ta' marbûthah* at the end, then it is transliterated as "h" for example الرسالة للمدرسة will be *al-risalat li al-mudarrisah*, or if it happens to be in the middle phrase which constitutes *mudlaf and mudlaf ilayh*, then the transliteration will be using "t" which is enjoined with a previous word, for example في رحمة الله becomes *fī rahmatillah*.

E. Auxiliary Verb and Lafadh Al-Jalalah

Arabic has only one article, "al" (ال) and it written is small letters, unless at the beginning of the word while "al" in the phrase of lafadh jalalah (speaking of God) which is in the middle of a sentence and supported by (idhafah), then it is not written. Study the following:

1. Al-Imâm al-Bukhâriy said...
2. Al-Bukhâriy explain in the prologue of this book...
3. *Masyâ' Allâh kâna wa mâ lam yasya' lam yakun.*
4. *Billâh 'azza wa jalla.*

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ABSTRAK

Chasna, Mienchah Al. 15210089. 2019. **Konsep Kecukupan Nafkah Pada Penyandang Masalah Kesejahteraan Sosial (PMKS) (Studi di Kelurahan Sukoharjo Kecamatan Klojen Kota Malang)**. Skripsi. Jurusan Al-Ahwal Al-Syakhsiyyah. Fakultas Syariah. Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Raden Cecep Lukman Yasin, M. A., Ph. D.

Kata Kunci: Kecukupan, Nafkah, Penyandang Masalah Kesejahteraan Sosial

Setiap insan memiliki hak untuk memilih pasangan dan melaksanakan perkawinan. Konsekuensi dari diikatnya laki-laki dan perempuan dalam ikatan sah adalah lahirnya hak dan kewajiban antara satu sama lain, salah satunya adalah kewajiban memberi nafkah. Kewajiban memberi nafkah tersebut ada kalanya dapat dilaksanakan oleh sebagian orang namun dapat pula menjadi hambatan bagi orang yang memiliki keterbatasan dalam mencukupi kebutuhan finansial seperti contohnya pasangan Penyandang Masalah Kesejahteraan Sosial (PMKS) di Kelurahan Sukoharjo Kecamatan Klojen Kota Malang. Perkawinan yang langgeng dengan kondisi ekonomi yang minim menjadi hal yang menarik untuk diteliti tentang bagaimana upaya PMKS dalam mencukupi nafkah keluarga dan bagaimana konsep kecukupan dalam perspektif PMKS.

Skripsi ini menggunakan jenis penelitian empiris atau penelitian lapangan. Penelitian ini juga menggunakan pendekatan studi kasus yang terfokus pada suatu kasus tertentu untuk diamati dan dianalisis secara tepat. Subjek dalam penelitian ini adalah Penyandang Masalah Kesejahteraan Sosial (PMKS) di daerah Kelurahan Sukoharjo Kecamatan Klojen Kota Malang. Sumber data yang digunakan yaitu sumber primer yang diambil dari interview dengan 5 informan dan dokumentasi. Sedangkan sumber sekunder diambil dari Undang-Undang Perkawinan, kitab-kitab *munakahat*, dan buku pendukung lainnya.

Hasil penelitian menunjukkan bahwa upaya Penyandang Masalah Kesejahteraan Sosial (PMKS) dalam memenuhi nafkah keluarga adalah dengan cara bekerja menurut kemampuan masing-masing. Pendapatan yang sangat minim dikelola dan diperuntukkan kebutuhan primer saja, yakni makanan sehari-hari. Sedangkan pakaian, tempat tinggal, dan nafkah batin, PMKS memiliki cara yang berbeda-beda dalam upaya mencukupinya. Para PMKS mengartikan kecukupan adalah tidak merasa kurang atas apapun. Dalam kondisi ekonomi yang minim, mayoritas dari mereka selalu bersyukur sehingga rasa cukup dapat mereka rasakan walaupun hidup dalam kondisi kekurangan.

ABSTRACT

Chasna, Mienchah Al. 15210089. 2019. **The Concept of Adequate Sustenance For The People With Sosial Welfare Problems (PMKS) (Study at Sukoharjo Urban Village Klojen Sub-District Malang City)**. Thesis. Islamic Family Law (Al-Ahwal Al-Syakhshiyyah) Department. Sharia Faculty. Islamic State University of Maulana Malik Ibrahim of Malang. Supervisor: Raden Cecep Lukman Yasin, M. A., Ph. D.

Keyword: Adequate, Sustenance, People with Social Welfare Problems

Every person has the right to choose a partner and carry out a marriage. The consequence of binding men and women in legal ties is the emergence of rights and obligations between each other, one of which is the obligation to provide a sustenance. The obligation to provide a sustenance sometimes can be carried out by some people but it can also be an obstacle for those who have limited financial needs for instance the spouse with social welfare problems (PMKS). A lasting marriage with low economic conditions becomes interesting to study about how PMKS attempts to provide for family sustenance and how the concept of adequacy in the view of PMKS.

This thesis uses a type of empirical research or field research. This study also uses a case study approach that focuses on a particular case to be observed and analyzed appropriately. The subject of this research was People with Social Welfare Problems (PMKS) in the Sukoharjo Urban Village, Klojen Sub-District, Malang City. Sources of the data are primary source that were taken from interviews with five informants and data from documentations. While secondary sources were taken from the Marriage Act, the *munakahat* books, and other supporting books.

The results of the study indicate that the efforts of People with Social Welfare Problems (PMKS) in fulfilling family sustenance are by working according to their respective abilities. Very few amounts of income is managed and intended for primary needs only, that is to afford daily food. While for clothing, residence, and conjugal sustenance, each PMKS has different ways to fulfilling it. The PMKS interpret adequacy is not feeling shortcome for anything. In low economic conditions, the majority of them are always grateful, so that they can feel enough even though they live in conditions of shortage.

ملخص البحث

منحة الحساء, ١٥٢١٠٠٨٩, ٢٠١٩. مفهوم كفاية سبل العيش للأشخاص الذين يعانون من مشاكل الرعاية الاجتماعية (PMKS) (دراسة في منطقة سوكوهارجو الفرعية ، منطقة كلوجين الفرعية ، مدينة مالانج). البحث الجامعي. دائرة الأحوال السياسية. كلية الشريعة. مولانا مالك إبراهيم الجامعة الإسلامية الحكومية مالانج. المشرف: رادين جيحيف لقمان ياسين الماجستير

الكلمات المفتاحية: كفاية ، نكاح ، أشخاص يعانون من مشاكل الرعاية الاجتماعية

لكل شخص حق في اختيار زوج وأداء زواج. إن نتيجة الارتباط بين الرجل والمرأة في العلاقات القانونية هي ولادة الحقوق والواجبات بعضها ببعض ، أحدها واجب توفير إعطاء النفقة. ووجوب إعطاء تلك النفقة يمكن أن يؤديها بعض الأفراد ، ولكنه قد يكون أيضا عقبة أمام الأشخاص الذين لديهم احتياجات مالية محدودة مثل الزوجين الذين يعانون من مشاكل الرعاية الاجتماعية (PMKS) في منطقة سوكوهارجو ، مقطعة كلوجين مدينة مالانج. الزواج الدائم مع حالة الاقتصادية القليلة يصبح مثيرا للاهتمام لدراسة كيفية محاولة PMKS في استيفاء نفقة الأهل وكيف مفهوم الاكتفاء من منظور PMKS.

تستخدم هذا البحث نوعا من البحث التجريبي أو البحث الميداني. تستخدم هذا البحث أيضا منهج دراسة الحالة الذي يركز على حالة معينة يجب مراعاتها وتحليلها بشكل مناسب. كان الهدف من البحث في هذه الدراسة الأشخاص الذين يعانون من مشاكل الرعاية الاجتماعية (PMKS) في منطقة سوهوهارجو الفرعية ، كلوجن ، مدينة مالانج. مصادر البيانات المستخدمة هي المصادر الأولية المأخوذة من المقابلات مع خمس مخبرين ووثائق. في حين أن المصادر الثانوية مأخوذة من قانون الزواج ، وكتب المناخات ، وغيرها من الكتب الداعمة.

تشير نتائج الدراسة إلى أن جهود الأشخاص الذين يعانون من مشاكل الرعاية الاجتماعية (PMKS) في تحقيق سبل العيش الأسرية تتم من خلال العمل وفقًا لقدراتهم. الحد الأدنى للغاية من الدخل وتدار لتلبية الاحتياجات الأساسية فقط. الحاجة الأساسية الأولى هي تناول الطعام. أما بالنسبة للملابس والمأوى ، فإن لدى PMKS طرقًا مختلفة لتغطية نفقاتهم. و PMKS تفسير الاكتفاء لا تشعر بعدم وجود شيء. في ظل الظروف الاقتصادية الدنيا ، يشعر معظمهم بالامتنان دائمًا حتى يشعروا بالقدر الكافي على الرغم من أنهم يعيشون في ظروف النقص.



CHAPTER I

INTRODUCTION

A. Background

Marriage is the right of every human being. The right to carry out this marriage is included in human rights, because it is a natural right that is needed by humans to pair with each other. Guarantees for family rights are contained in the 1945 Constitution of the Republic of Indonesia Article 28B paragraph (1). The 1945 Constitution of the Republic of Indonesia states that "Every person has the right to make a family and to continue the descent through a legal marriage".¹

The consequence of tying a man with a woman in a marriage is the emergence of rights and obligations. One of the most important obligations in marriage is a

¹Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

sustenance or livelihood. It becomes a something important in marriage because it is requires for continuity in the provision of sustenance. As long as someone is married, it will be an obligation for the husband to give sustenance for his wife. Unlike the case of dowry, it is just required only at the beginning of the marriage. The function is exchange for the permissibility of intercourse of husband and wife. The obligation of sustenance will only be lost if a wife does *nusyuz* to her husband or a wife forgiving for her husband's inability to give her a sustenance.

The obligation to provide sustenance to the wife has been mentioned in the verses of Al-Qur'an, namely in Q.S. al-Talaq (65): 7 and Q.S al-Baqarah (2): 233:

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

"Let the man who is able to give a sustenance according to his ability. And the man whose are restricted in their sustenance shall giving a sustenance from the treasure which Allah has given him. Allah does not impose a burden upon a person except what Allah has given him. After a difficulty, Allah will soon grant relief." (Q.S. al-Talaq (65): 7)

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

"But the father shall bear the cost of their food and clothing on equitable terMrs." (Q.S. al-Baqarah (2): 233)

The proposition of the obligation to provide/grant a sustenance is also mentioned in a history. Amru bin Al-Ahwash Al-Jusyami *Radhiyallahu Anhu* said that he heard the Prophet Muhammad. when carrying out the Hajj Wada 'he

(Rasulullah) has preached and at the end of his sermon the Prophet said, "Keep in mind! You have the rights to your wives as your wives have rights to you. Your right to them is not to include people who you hate in your room and put people who you hate into your home. Keep in mind! As for their rights to you, you should give them good clothes and foods."² It is this last sentence which is the basis for the obligation to grant a sustenance to the wives.

However, in reality there were several efforts to provide a sustenance that were quite difficult to implement. This difficulty often arises from the lower classes of society or less economic communities. The less economic conditions actually do not come from rural communities, but the people of big cities in Indonesia, one of which is Malang City. Malang City itself has a certain area which is a gathering place for people with socio-economic problems, namely in the Sukoharjo Urban Village.

The Sukoharjo Urban Village is a densely populated urban area. Density is filled by various types of people both from the elite group, government employees, priajjis, traders, employees, students, to the community with socio-economic problems or often referred to as the People with Social Welfare Problems (PMKS). Something interesting in this research is the discovery of married couples who not only come from communities with good socio-economic conditions but also by some people with social welfare problems (PMKS).

²Syaikh Muhammad Mutawalli Asy-Sya'rawi, *Suami Istri Berkarakter Surgawi*, (Jakarta: Pustaka Al-Kautsar, 2008), 182.

The People with Social Welfare Problems or PMKS, are interpreted as individuals, families, groups and / or communities who, due to an obstacle, difficulty, or disorder, cannot carry out their social functions, so that they can not be fulfilled physically, spiritually and socially. and reasonably.³ PMKS consists of 26 groups. Whereas many groups found in Sukoharjo precisely in the shopping areas of Pasar Besar are street children, homeless people, neglected elderly people, women who are prone to socio-economic conditions, scavengers, and beggars.

Based on data presented by the Malang City Social Service in the span of 2016-2018, PMKS found in Malang show a number of 104 for the category of street children, 120 scavengers, 71 beggars, and 919 socio-economic prone women. And the category with the highest number is abandoned elderly as many as 2179 people.⁴ From this number, some people with social welfare problems choose Sukoharjo as a place to rest or live. Some of those who claimed to have a partner were in the category of abandoned scavengers, beggars, elderly people, and the poor.

In addition to seeing that the majority of people with social welfare problems are from low economic groups, it should be underlined that building a household / married life is the right of all people without discriminating social status. Both those who are classified as less economic conditions and people who do not have adequate housing and those who have sufficient financial capacity. However, in addition to having rights, someone must be faced with an obligation that must be

³Article 1 paragraph (9) Regulation of the Minister of Social Affairs of the Republic of Indonesia number 16 Year 2017 about Standar Nasional Sumber Daya Manusia Penyelenggara Kesejahteraan Sosial.

⁴Government of Malang City, Office of Communication and Information, <https://opendata.malangkota.go.id> , accessed on April 15 2019.

fulfilled. In a marriage, the obligation to provide a sustenance can sometimes be carried out by some people but it can also be an obstacle for others. No exception to people who have limitations in financial ability.

Sustenance in a deprivation condition, fulfilling life's needs that are very difficult it makes a problem for PMKS to build and maintain a family. Whereas, in creating a family that is tranquility, mercy, and love, a foundation that is not only about love but also financial needs is needed. The need for finance is often a sword for the condition of one's household, because it can save economic conditions that have an impact on happiness. And, it can also lead to things that hurt the family's trust. This financial need is closely related to what is called a sustenance obligation in marriage. With the condition of shortages, but they still choose to pair up, this is what makes the author interested in researching how the concept of adequacy of sustenance of PMKS in Sukoharjo Village, Klojen District, Malang City.

B. Research Questions

Based on this background, the research questions are as follows:

1. How are the efforts of PMKS in Sukoharjo Urban Village, Klojen Sub-District, Malang City in fulfilling their obligations?
2. What is the concept of adequate sustenance for PMKS in Sukoharjo Urban Village, Klojen Sub-District, Malang City?

C. Research Purposes

Based on the research questions, the research purposes of this research are as follows:

1. Describing the efforts of PMKS in Sukoharjo Urban Village, Klojen Sub-District, Malang City in fulfilling their obligations.
2. Explaining the concept of adequate sustenance for PMKS in Sukoharjo Urban Village, Klojen Sub-District, Malang City.

D. Benefits of Research

This research is expected to benefit theoretically and practically, as described below:

1. Theoretical Benefits
 - a. The results of this research are expected to provide information on the study of the world of academics and contributions to the study of recent idea in the Al-Akhwal Al-Syakhsiyyah department of the Islamic Faculty of Maulana Malik Ibrahim Malang Islamic University, about the Concept of Adequacy for People with Social Welfare Problems in Sukoharjo Urban Village, Klojen Sub-District, Malang City .
 - b. The next theoretical benefit is that it can provide scientific development empirically, which can then produce a full understanding of the validity of the law in Indonesia.

2. Practical Benefits

- a. Social Service: Can be used as an evaluation material to improve the welfare of the community, especially for People with Social Welfare Problems in Sukoharjo Urban Village, Klojen Sub-District, Malang City.
- b. Other Researchers: As a comparison and reference source to conduct and develop other similar research related to efforts to fulfill the needs of people with social welfare problems.

E. Technical Terms

1. The concept according to the Big Indonesian Language Dictionary (KBBI) means the design, idea or understanding that is extracted from concrete events.⁵
2. Sufficiency or adequacy is about being able to fulfill needs or satisfy desires and so on in a complete and insufficient manner.⁶
3. Sustenance or livelihood according to Muhammad bin Ismail al-Kahlani is something that is given by humans in terms of what they need themselves or needed by others, in the form of food, drinks, and besides both.⁷
4. People with Social Welfare Problems (PMKS) are individuals, families, or groups of people who because of an obstacle, difficulty or disturbance, can not carry out their social functions, so that their life needs (physical, spiritual

⁵Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Bahasa Indonesia*, (Jakarta: Balai Pustaka, 2008), 784.

⁶<http://kbbi.web.id/cukup.html>, accessed on 14 April 2019.

⁷Said Imam Muhammad bin Ismail al-Kahlani, *Subulus Salam*, Cet. 2 (Surabaya: al-Ikhlâs, 1992), 335.

and social) are not met adequately. These obstacles can be in the form of poverty, neglect, disability, social disability, backwardness, alienation and changes in the environment (suddenly) that are less supportive, such as the occurrence of disasters.⁸

F. Organization of Study

To obtain an outline description of this study, the researcher described it in five chapters so that this study is more directed and systematic. Each chapter consists of the subject matter of the problem described in detail. The systematics of writing in this study are as follows:

In chapter I the material presented is intended to provide an introduction to the reader about the background of the problems discussed in this study. In addition, from the description of the background of the problem that has been described can be identified a problem that arises so that the problem can be formulated in the form of Research Question. The results of the research question, by the researcher, are used as benchmarks for completing this study and can obtain maximum results. Then the benefits of research will be categorized into two benefits, namely practical benefits and theoretical benefits. The topics presented in Chapter I include: background problems, research questions, research purposes, and the benefits of research.

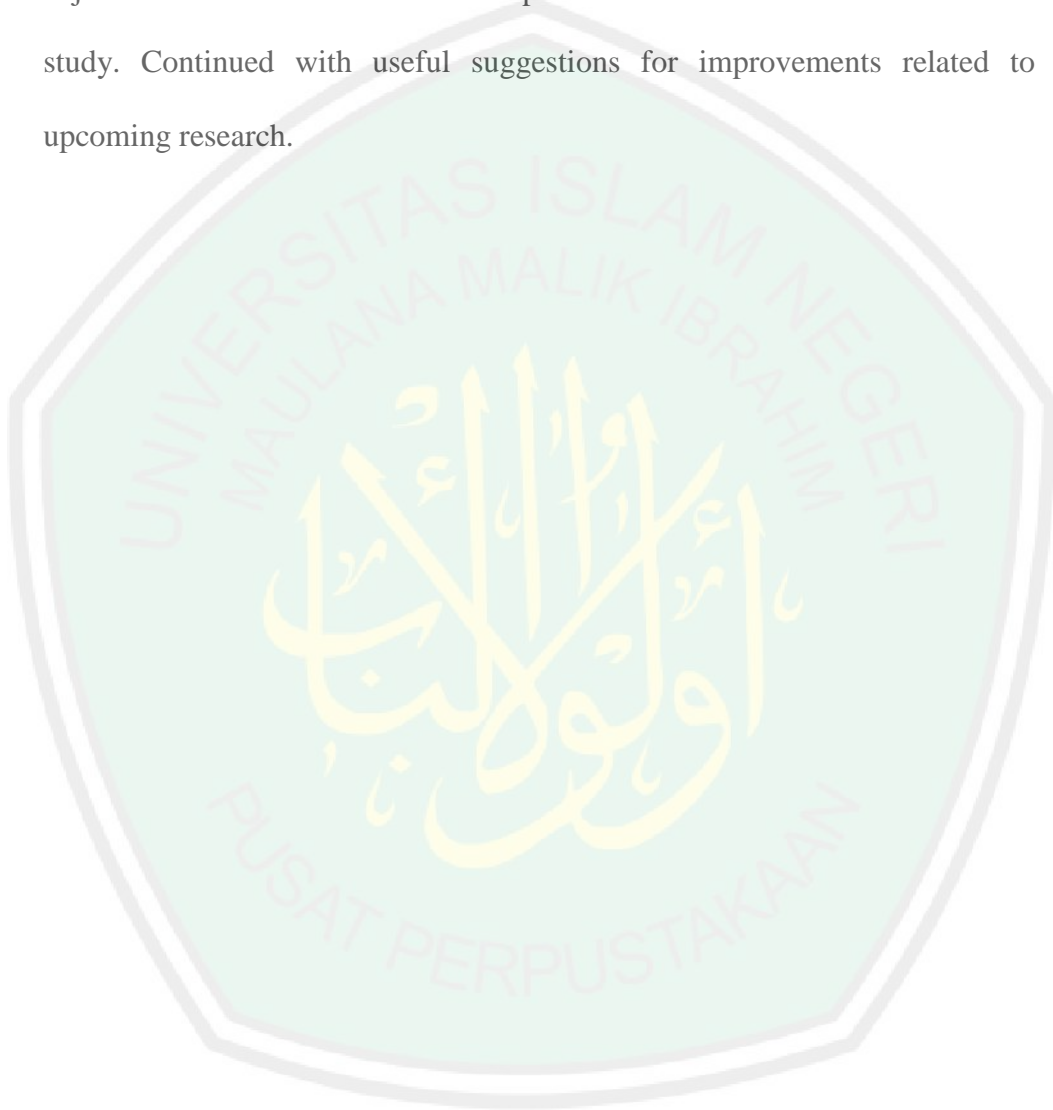
⁸<https://bulelengkab.go.id/detail/artikel/penyandang-masalah-kesejahteraan-sosial>, accessed on 14 April 2019.

Furthermore, to obtain maximum results, the researcher discusses a literature review in Chapter II as one of the comparisons of this study in which there is one of them Previous Research. This previous study was taken from a scientific work that has a correlation with the problems that the researcher discussed. In the previous research, the researchers included 6 previous scientific works related to the discussion in this study. The next literature review will be presented in detail as a theoretical material in research. So that the theory is used as an analysis to explain and give an interpretation of the part of the data that has been collected. This literature review is expected to provide a little description or as a basis for material analysis of the data found at the research sites.

Chapter III contains research methods. The author will review the important things including the research type, research approach, research location, data sources, data collection methods, and data analysis method. This is so that it can be used as a guide in conducting research activities and introducing the author in the next chapter.

In chapter IV data and data analysis will be presented, which discusses the findings of data obtained from the field related to the provision of income provided by PMKS in marriage. The findings of the data include a general description of the description of the location of the study, and the results of interviews taken during the study. Then the data analysis is useful to find out how efforts to fulfill the rights of sustenance among people with social welfare problems are then analyzed with theories relating to sustenance from the book *munakahat*, *fiqh* and the law in Indonesia.

The last chapter or chapter V is conclusion. In this section, the overall conclusions that answer the formulation of the problem and the main points will be adjusted to the contents of the description that the researcher wrote earlier in this study. Continued with useful suggestions for improvements related to this upcoming research.





CHAPTER II

LITERATURE REVIEW

A. Previous Research

To avoid plagiarism in the scientific work, the author includes several previous researches that have similarities in the discussion of the concept of sustenance fulfilment in the people with social welfare problems, as follows.

The first study, Thesis *"Islamic Law Assessment of the Fulfillment of Husband's Sustenance to Wives in Old Marriage in Ampel Surabaya Urban Village"* by M. Lukman from the Islamic Family Law Department of the Sharia and Law Faculty of the Islamic state University of Sunan Ampel of Surabaya in 2015. The subject of this thesis is how the Islamic law reviews the fulfillment of the husband's sustenance to his wife in an elder marriage in Ampel Urban Village.

The results that is obtained from the study is the elderly spouse choose to carry out an unregistered marriages to avoid adultery. However, in the implementation of material sustenance and inmaterial sustenance can not be fulfilled by the husband due to health issue and unproductive age.⁹

The second research is Thesis *"Fulfillment of the Conjugal Needs of Prisoners' Wives and Its Implications for Family Harmony (Case Study of Female Prisons, Sukun, Malang)"*. This thesis is written by Lukman Hakim from the Al-Ahwal Al Syakhsiyyah Department of the Sharia Faculty in Islamic state University of Maulana Malik Ibrahim of Malang in 2012. The focus of this research is how the wife's conjugal needs of the prisoners in Lapas Malang and how it affects the family harmony. From the research that has been carried out, it is concluded that the form of fulfilling the conjugal needs of the prisoners' wives through telecommunication (phone calling) is 71.7%, the sexuality is 1.7%, and the other option is face to face meeting. In addition, respondents stated that the conjugal needs was very influential on family harmony.¹⁰

The third research is Thesis *"Model of Fulfillment of the Sustenance of Teachers' Families in Modern Islamic Boarding House Environments (Case Study in Ar-Risalah Modern Islamic Boarding House International Program in Gundik Village, Slahung Subdistrict, Ponorogo Regency)"*. Research by Angga Septa

⁹M. Lukman, *Tinjauan Hukum Islam Terhadap Pemenuhan Nafkah Suami kepada Istri dalam Perkawinan Usia Lanjut di Kelurahan Ampel Surabaya*, Skripsi (Surabaya: Universitas Islam Negeri Sunan Ampel, 2015).

¹⁰Lukman Hakim, *Pemenuhan Nafkah Batin Istri Yang Terpidana Dan Implikasinya Bagi Keharmonisan Keluarga (Studi Kasus Lapas Wanita, Sukun, Malang)*, Skripsi (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2012).

Permana Putra, Al-Ahwal Al-Syakhsiyyah Department Faculty of Sharia, Islamic state University of Maulana Malik Ibrahim of Malang in 2012. The focus of the discussion in this thesis is what model of sustenance fulfillment for the teaching family at Ar-Risalah Modern Islamic Boarding House and how its implications in family life. The result of this study stated that the model of fulfillment is based on sincerity and gratitude for whatever is given by God and the success in fulfilling of sustenance is not on the abundance of wealth but it is about the mental attitude of family members to always be grateful.¹¹

The fourth research is Thesis "*Searching for Livelihoods Outside the Island as One of the Causes of Divorce (Study of the Judges' Perspective of the Bawean Religious Court)*". Thesis by Rifqi Syahirul Fahmi Al-Ahwal Al-Syakhsiyyah Department Syari'a Faculty of Islamic state University of Maulana Malik Ibrahim of Malang in 2014. The subject of this research is how the judges responded to the Bawean Religious Court regarding the causes of divorce on Bawean Island and the Court Judge's views on sustenance fulfillment outside the island as a cause of divorce. The result of this study is the judges believe that the cause of the divorce is caused by the loss of husband's responsibility, economic problems, and uncreated harmony.¹²

¹¹Angga Septa Permana Putra, *Model Pemenuhan Nafkah Keluarga Para Pengajar di Lingkungan Pondok Modern (Studi Kasus di Pondok Modern Ar-Risalah Program Internasional Desa Gundik Kecamatan Slahung Kabupaten Ponorogo)*, Skripsi (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2012).

¹²Rifqi Syahirul Fahmi, *Pencarian Nafkah di Luar Pulau Sebagai Salah Satu Penyebab Terjadinya Perceraian (Studi Pandangan Hakim Pengadilan Agama Bawean)*, Skripsi (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2014).

The fifth research is Thesis *"The Meaning of Harmonious Family and Its Implementation for People with Social Welfare Problems (Study in Malang City)"* by Rizqi Dwipandayani from Al-Ahwal Al-Syakhsiyyah Department Sharia Faculty Islamic state University of Maulana Malik Ibrahim of Malang in 2017. The focus discussion of this research is the understanding of harmonious family and the implementation of the harmonious family towards spouse with social welfare problems in Malang City. The research method used in this study is field research and qualitative approach.¹³

The sixth study is Journal *"The Rights and Obligations of Husband and Wife in TKI Families in Tresnorejo Village, Kebumen, Central Java: Between Juridical and Reality"* by Dwi Suratno and Ermi Suhasti from Al-Ahwal, Volume 8 No. 1 of 2015. In this journal there is no specific focus on the problem in this title, so is in the research method. Nonetheless, it is explained that the problem of this study is that Islamic law requires husbands to provide sustenance for their wives and families including clothing, food, and residence. Islamic law does not prohibit wives to work to help provide a decent sustenance for the family. On the basis that wives are working voluntarily, it is considered the wife's alms to the husbands. The implementation of the rights and obligations of husband and wife to TKI families

¹³Rizqi Dwipandayani, *Makna Keluarga Sakinah dan Implementasinya bagi Pasangan Penyandang Masalah Kesejahteraan Sosial (Studi di Kota Malang)*, Skripsi (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2017).

does not violate Islamic law, because between *madarat* and *maslahah* it is balanced, but it can also have a negative impact on the family.¹⁴

Table 1
Previous of Research

No	Researcher	Title	Similarity	Difference
1.	M Lukman	<i>Islamic Law Assessment of the Fulfillment of Husband's Livelihood to Wives in Old Marriage in Ampel Surabaya Urban Village</i>	<ul style="list-style-type: none"> • Discusses the obligation of sustenance by the husband. • Type of research is empirical research. • Without perspective. 	<ul style="list-style-type: none"> • The object of the study was elderly spouse. • Research location took place in Surabaya.
2.	Lukman Hakim	<i>Fulfillment of the Conjugal Life of Prisoners' Wives and Their Implications for Family Harmony (Case Study of Female Prisons, Sukun, Malang)</i>	<ul style="list-style-type: none"> • Discussing the obligation of sustenance. • Type of research is empirical research. • Without perspective. 	<ul style="list-style-type: none"> • Concerned on conjugal needs and family harmony. • The object researched is convicted women. • Research location took place in the Sukun women's ward, Malang. • Quantitative research. • Methods of collecting data using questionnaires.
3.	Angga Septa Permana Putra	<i>Model of Fulfillment of the Livelihood</i>	<ul style="list-style-type: none"> • Discussing the fulfillment of 	<ul style="list-style-type: none"> • The object of research is the teaching family

¹⁴ Dwi Suratno dan Ermi Suhasti, "Hak dan Kewajiban Suami Istri pada Keluarga TKI di Desa Tresnorejo, Kebumen, Jawa Tengah: Antara Yuridis dan Realita", *Al-Ahwal*, Volume 8 No. 1, (2015).

		<p><i>of Teacher's Families in Modern Islamic Boarding House Environments (Case Study in Ar-Risalah Modern Islamic Boarding House International Program in Gundik Village, Slahung Subdistrict, Ponorogo Regency)</i></p>	<p>livelihood globally.</p> <ul style="list-style-type: none"> • Type of research is field research. • Qualitative research approach. • Without perspective. 	<p>in the Pondok Modern Ar-Risalah neighborhood.</p> <ul style="list-style-type: none"> • The research location took place in Ponorogo Regency.
4.	Rifqi Syahirul Fahmi	<p><i>Searching for Livelihoods Outside the Island as One of the Causes of Divorce (Study of the Judges' Perspective of the Bawean Religious Court)</i></p>	<ul style="list-style-type: none"> • Discussing about sustenance. • His research method uses a type of field research. • Using a qualitative approach. • Without perspective. 	<ul style="list-style-type: none"> • The focus of the discussion is the relationship between divorce and sustenance fulfillment. • The object is the judges' view. • The research location took place in the Bawean Religious Courts.
5.	Rizqi Dwipandayani	<p><i>The Meaning of Sakinah Family and Its Implementation for People with Social Welfare Problems (Study in Malang City)</i></p>	<ul style="list-style-type: none"> • type of research is field research • Using a qualitative approach • The research location is in Malang • The object of research is the person with 	<ul style="list-style-type: none"> • The focus of the discussion is the harmonious family. • Does not mention sustenance fulfillment.

			social welfare problems)	
	Dwi Suratno dan Ermi Suhasti.	<i>The Rights and Obligations of Husband and Wife in TKI Families in Tresnorejo Village, Kebumen, Central Java: Between Juridical and Reality</i>	<ul style="list-style-type: none"> • Discuss at a glance about sustenance. 	<ul style="list-style-type: none"> • The focus of discussion is the rights and obligations of husbands and wives in general. • The object of research is the families of migrant workers • The research location took place in Tresnorejo Village, Kebumen, Central Java. • There is no research method.

B. Theoretical Framework

1. Sustenance

a. Understanding of Sustenance

Sustenance according to language (etymology) comes from the Arabic "الانفاق" which means to expend.¹⁵ Sustenance also means shopping, meaning something that is given by a husband to his wife, a father to children, and relatives of his property as their basic needs.¹⁶ In other literature it is stated that sustenance comes

¹⁵Aliy As'ad, *Terjemahan Fat-Hul Mu'in*, Jilid 3 (Kudus: Menara Kudus, t.t), 197.

¹⁶Direktorat Jenderal Pembinaan Kelembagaan Agama Islam Departemen Agama, *Ilmu Fiqh*, Jilid II, Cet. II (Jakarta: 1984/1985) 184.

from Arabic which means cost.¹⁷ Whereas according to the term sustenance is the obligation of the husband to fulfill his wife's needs in providing food, residence, servants, and medicine when her husband is prosperous.¹⁸

Some *fiqh* scholars differ in understand of sustenance, including the following:

- 1) Wahbah Al-Zuhaili, explains that sustenance according to the term is shopping (sustenance expenses) in the form of food.¹⁹
- 2) Syaikh Ibrahim Bajuri, states that the word *nafkah* is taken from the word *infaq*, which means to expend. And according to him this word of sustenance is not used except for good.²⁰
- 3) According to Abur Rahman Al-Jaziri, sustenance linguistically means expend and pay. Like the words "I spend my livestock" if the animal has come out of its owner by selling or destroying it. So if he says, "I spend this thing, it will be sold out."²¹

It can be concluded that sustenance is something that is issued and paid by the husband to his wife, child, or relatives as an obligation in marriage for the cost of sustenance in the form of food, clothing, residence, and medicines where the sustenance/livelihood is not spent except for good.

¹⁷Ahmad Warson Munawwir, *Kamus Al Munawwir Arab-Indonesia*, (Surabaya: Pustaka Progresi, 2002), 1449.

¹⁸Sayyid Sabiq, *Fiqh Sunnah*, Juz II (Beirut: Darul Fikri, 2006), 539.

¹⁹Wahbah al-zuhaili, *al-Fiqh al-Islam wa Adilatuhu*, jilid 7, Cet. 2 (Damaskus: Dar al-Fikr, 1989), 789.

²⁰Syaikh Ibrahim Bajuri, *Hasyiah al-Bajuri*, (Semarang:Toha Putra, t.th.), 185.

²¹Abur Rahman al-Jaziri, *Kitab al-Fiqh 'Ala Madhzah al-Arba'ah*, Juz IV, Cet. 2 (Mesir: Maktabah at-Tijariati kubra, 1969), 553.

b. Basic Legal Maintenance

Sustenance is a duty of a husband to the wife (though the wife is the wealthy) and the parents to their children. This obligation is based on the Qur'anic description:

a. Allah's Word in the letter of Ath-Thalaq verse (6)

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ وَإِنْ كُنَّ أُولَاتٍ حَمِلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ وَأَمْرُهُمْ بَيْنَكُمْ بِمَعْرُوفٍ وَإِنْ تَعَاَسَرْتُمْ فَسُتَرْضِعْ لَهُ أُخْرَى

"Place them (wives) where you live according to your ability and do not trouble them to narrow their (hearts). And if they (the wives) are pregnant, give them their livelihood until they give birth ... "

b. The word of Allah in the letter of Ath-Thalaq verse (7)

لِيُنْفِقَ ذُو سَعَةٍ مِنْ سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُفْسِقْ مِمَّا آتَاهُ اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا

"Let a man who can afford to provide sustenance according to his ability. And the person who is narrowed his property shall provide a sustenance from the property which God has given."

c. The Word of Allah in Surat Al-Baqarah verse (233)

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنَمِّ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلِّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ

ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Mothers should suckle their children for two full years, for those who want to complete breastfeeding. And it is the duty of fathers to feed and dress the mothers in a manner that is good. Someone is not burdensome apart from his ability. Do not let a mother suffer misery for her son and also a father because of her son, and heirs are obliged to do so. If both want to wean (before two years) with their willingness and consent, then there is no sin for both. And if you want your child to be sucked by someone else, then there is no sin for you when you pay the payment accordingly. Fear Allah and know that Allah is knows all about what you do.”

Imam Shafi'i said that Allah has determined that men (husbands) have to fulfill of all obligations in a good way. The definition of good (*makruf*) is to grant the owner the rights according to his needs, to satisfy his will without compulsion, and to not show dislike. If one of these traits is abandoned, the person is considered to be *dzalim* because leaving or delaying to fulfill the rights of others, while he demands from his right. As to husband's provision of wives, such worthy or good (*makruf*) attributes must exist. Evidence from the sustenance itself, found in the following hadith,

عَنْ عَائِشَةَ، قَالَتْ: دَخَلْتُ هِنْدُ بِنْتُ عُتْبَةَ امْرَأَةً أَبِي سُفْيَانَ عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ: يَا رَسُولَ اللَّهِ، إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَحِيحٌ، لَا يُعْطِينِي مِنَ التَّقَةِ مَا يَكْفِينِي وَيَكْفِي بَنِيَّ إِلَّا مَا أَخَذْتُ مِنْ مَالِهِ بِغَيْرِ عِلْمِهِ، فَهَلْ عَلَيَّ فِي ذَلِكَ مِنْ جُنَاحٍ؟ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «خُذِي مِنْ مَالِهِ بِالْمَعْرُوفِ مَا يَكْفِيكَ وَيَكْفِي بَنِيكَ»²²

²²Muslim bin Hujaj, *Musnad al-Shohih al Muhtashor bi Naqlil 'Adl 'an 'Adl ila Rasulillahi Sallahu 'Alaihi wa Sallam*, Juz III (Beirut: Dar Ihya al-Turats al-Araby, t.th), 1338.

Narrated from Aisyah RA, that Hindun said, "O Rasulullah, actually Abu Sufyan is a man who is miserly, there is not enough sustenance for me and my child except what I took without his knowledge! Is it because I have sinned? "So Rasulullah SAW said," Take from his wealth by means of what is enough for you and your child. (H.R. Muslim)

From the verses and hadith of the Prophet, Imam Shafi'i argued that a man is obliged to provide for his wife, either the wife who is wealthy (rich) or needs (poor), because the husband has tied his wife to his special pleasure. As long as the wife does not refuse to be interfered with by her husband, the husband is obliged to provide livelihood for his wife, whatever the circumstances. The statement "whatever the circumstances" implies that even the person with Social Welfare Problems (PMKS) who are in fact very lacking in economic condition, must still provide sustenance for their partner in accordance with their capacity and capability (level and ability) both the wife is healthy, sick, far, or close. If the husband has divorced his wife, but is still in the period of *iddah raj'i* or there is still an opportunity for the husband to refer to his wife, the husband is still obliged to provide a sustenance during the period of the *iddah*.²³

c. The Requirements of Women Who Can Receive a Sustenance

The division of sustenance into several forms, namely the sustenance or sustenance of food, clothing, residence, and conjugal needs are inseparable from the causes of sustenance and the conditions of sustenance itself. The causes of sustenance are 3, namely ownership, the existence of kinship relations, and

²³Imam Syafi'i, *Ringkasan Kitab al-Umm*, Terj. Muhammad Yasir, Jilid 2, Cet. 3 (Jakarta: Pustaka Azzam, 2007), 512.

marriage. Whereas the requirements for a wife to receive a sustenance are as follows:

- 1) Legitimate marriage ties.
- 2) Giving herself to her husband.
- 3) Her husband can enjoy herself.
- 4) Do not refuse if invited to move to the place that the husband wants.
- 5) Both can enjoy each other.

If one of these conditions is not fulfilled, she is not obliged to be given a sustenance. If the marriage bond is invalid, even canceled, the husband and wife must divorce to prevent arises disasters. Likewise the wife who does not want to give herself to her husband or the husband cannot enjoy herself or the wife is reluctant to move to a place that her husband wants, in this situation there is no obligation to provide a sustenance. This is possible because the detention referred to as the basis for the right to receive livelihood can not be realized.

This is the same as a buyer who is not obliged to pay the price of goods if the seller does not want to give up the item or the seller only wants to deliver the item in one particular place and does not want to go elsewhere. Prophet Muhammad PBUH, married to Aisyah RA and only lived after two years later. He did not provide sustenance to Aisyah except after she stayed at home with her.²⁴

If the husband is rude or stubborn or castrated or seriously ill so he cannot having sex with his wife or be imprisoned for debt or for a crime. In this situation,

²⁴Sayyid Sabiq, *Fiqih Sunnah*, terj. Nor Hasanuddin dkk, Cet. 2 (Jakarta: Pena Pundi Aksara, 2007), 57.

the wife has the right to earn a sustenance. This is because the wife can still give pleasure to her husband, but the fault lies with the husband. This loss of opportunity is not the fault of the wife, but the husband who can not fulfill his wife's rights.²⁵

If a person is unable to provide his wife with a sustenance, he is given a grace period of three days, then the wife is given the opportunity to choose between staying with her husband or separating. If the wife chooses to remain with her husband, then that is permissible for her. Then if he is unable and demands to separate as a result of not earning a sustenance, he is again given a three-day grace period and after that he may part with his husband, because his decision to stay with her husband is an apology or release of the husband's obligation past.²⁶

The wife is not entitled to receive a sustenance if she moves from her husband's home elsewhere without the husband's permission. Traveling without husband's permission or performing *ihram* without the permission of the pilgrimage. If the wife goes with her husband's permission or performs *ihram* with his permission to go with her, her right of sustenance does not lost because she does not commit an offense and does not go out of her husband's grasp. Similarly, she is not entitled to receive a sustenance when she refuses to having sex with her husband.

However, if the wife asks to move, while the husband refuses then the wife refuses to be interfered, her right to maintenance does not lost. Similarly with a wife who is imprisoned for a crime or for acts of tyranny, she is not entitled to a

²⁵ Sabiq, *Fiqih Sunnah*, terjemah Nor Hasanuddin dkk, 58.

²⁶ Syafi'i, *Ringkasan Kitab al-Umm*, 433.

sustenance unless she is jailed for her husband's debt. Because in this case, the husband has waived his rights. Similarly, if the wife is kidnapped so that there is an abomination between husband and wife, she is not entitled to receive a sustenance during her abduction.²⁷

d. Measure of Sustenance

The form of sustenance that husband is obliged to provide his wife is food, clothing and residence. It is because food, clothing, and residence are the primary need for human beings. Therefore, an explanation of the rate of sustenance expenses will be summarized as follows:

1) Food Sustenance

The minimum limit of the food sustenance/livelihood that the husband must give to his wife is what usually applies in the country where the wife lives or '*urf*'. Providing a wife who is obedient to her husband is obligatory. The level can be adjusted to the condition of the husband in the community. Examples are as follows:

If a husband is a rich man or high condition, so he have to provide his wife as much as 2 *mudd* of staple food in his area. Side dishes that are in accordance with his wife's position in the community. If the husband is in the middle condition, the husband at least gives as much as one half of the main food with the side dishes and clothes that match the conditions. Then if the husband is underprivileged, then he gives his wife at least as much as one *mudd* the staple food of his area every day along with the side dishes and proper clothes according to his condition. If in Indonesia, then one mud is equivalent to 0.75 kg or $\frac{3}{4}$ kg of rice. Likewise, if a wife

²⁷ Sayyid Sabiq, *Fiqh Sunnah*, terjemah Nor Hasanuddin dkk, 58.

who is married is usually served by a maid, then the husbands who are able to give a maid if the wife asks for it, because this right includes providing a good livelihood.²⁸

There are no basic provisions regarding the maximum limits a husband to providing his sustenance/livelihood to his wife, because it has been explained in the Qur'an as something pleasure. While the minimum limit of providing livelihood is distinguished according to the economic conditions of each husband. Husbands with sufficient economies will be burdened more in terms of sustenance. For the economy, it is still less obligatory for the law to provide a sustenance even though his wife is wealthy, but the level of livelihood is lower. As with the husband who has been given an apology or released by his wife, then the husband is not obliged to provide for his wife again. This shows that God does not burden His servants beyond their capabilities.

2) Clothes Sustenance

According to Imam Syafi'I, a husband is obliged to give his wife clothes every year twice even though her husband is someone who is underprivileged. The clothes that is given are adjusted according to the condition of the wife's body. Regarding the clothes that must be given are basic clothes, which include pants or skirts, clothes or robes, veils, and socks that are measured by '*urf*' of the local community where the wife lives. If a wife is accustomed to not wearing socks, it is not obligatory for her husband to give it.²⁹

²⁸Abu Syuja bin Ahmad al-Ashfahani, *Fiqh Sunnah Imam Syafi'I*, terj. Rizki Fauzan, (Jakarta: Fathan Media Prima), 246.

²⁹Zainuddin Ahmad bin Abdul 'Aziz al-Malibari al-Hindi Al-Syafi'i, *Fiqh Viral Terjemah Fathal Mu'in*, Terj. M. Rofi'i, Jilid 4 (Kediri: Santri Salaf Press, 2018), 214.

In addition to these clothes, according to Imam Syafi'i it is compulsory for husbands to give blankets to their wives during the rainy season. If a wife is accustomed to wearing special clothes while sleeping, it is also required to give it. In addition, a sustenance is also required to be given if the wife is accustomed to using sleeping mats and pillows when she sleeps. The quality of the clothes given is adjusted to the economic conditions of the husband. However, if the clothing has been damaged before six months, it is not obligatory for the husband to renew it.³⁰

Basically, this clothes is accordance with the customs or habits which the spouse is located. However, if the husband and wife are not side by side or not in one area, the clothes are adjusted to the place where the wife lives. It is necessary to give clothes twice in this amount based on the season and weather where the wife lives. The wife will be cold if the rainy or cold season arrives but only has clothes for the summer. Likewise the opposite wife will overheat in the summer / dry season if he only has thick clothes. However, if the marriage has been going for a long time and the clothes that is given by the husband are sufficient to cover the wife's body when it is hot or cold and has not been damaged, so the husband is not obliged to give his wife clothes again.

3) Residence Sustenance

A husband is obliged to provide a sustenance in the form of a place of residence for his wife if the husband goes to seek livelihood, because the residence can secure the soul of his wife and property. The place of residence must exist and its worth to live in, according to the size of the habit even if it is a loan or rented

³⁰ Zainuddin Ahmad, *Fiqh Viral*, 216.

house. If the husband lives in the wife's house or the house of his wife's parents (in-laws) with permission from his wife, she is reluctant to be moved to the husband's house, so it is not obligatory for the husband to pay the rent. This is not required because the permit is considered as permissibility (*ibahah*).³¹

Sustenance of this residence is also contained in the laws and regulations in Indonesia. Law Number 1 of 1974 concerning Marriage. In article 32 paragraph 1 it is explained that "husband and wife must have a permanent residence". It is continued in verse 2 that "The house of residence referred to in paragraph (1) of this article is determined jointly by the husband and wife." In the marriage law that obliges the husband to give his wife a permanent residence. However, regarding appropriateness and how the house is not explained both in Islam and in law. This suggests that the obligation to have a residence is required. But the size, shape, and where the husband and wife live adapted to the economic conditions or the ability of each partner.

4) Conjugal Sustenance

The rights of a wife from her husband is to get a sustenance and the husband's rights from his wife is to get fulfillment of sexual (conjugal) needs, where each of them has rights and obligations. Therefore, there is a possibility that the husband can not prevent his wife when his wife refuses to fulfill his biological needs because his wife's right to earn a sustenance is not fulfilled by him. If it is possible for a husband to be unable to provide livelihood, then the wife is given the right to choose

³¹ Zainuddin, *Fiqih Viral*, 220.

between staying with her husband or separating. If the wife chooses to separate, then this is a separation that is not through the *talak* but *khulu'*.³²

The right of a wife to be well-intercourse occupies an urgent position because it greatly determines the husband's family's journey in building a harmonious family. Right to be associated is not only the right of the wife, but the right of the husband. In Islamic teachings, association or relation between husband and wife is placed as worship, so the only worship that uses elements of sexuality is marriage. Having a sexual intercourse with the wife will gain a reward if done in a good and right way.³³

Rasulullah SAW recommended to the wife to not refuse her husband's will without reason, so rise the husband to anger or causing her husband to cheat. Rasulullah SAW said, "if the husband invites the wife to sleep then she refuses, then her husband is angry with her, then the angel will curse her until the sun rises." (H.R.Muttafaq Alaih). A wife may reject her husband's invitation, but it must be reasonable. For instance due to pain, fatigue, or other forms of aging, and the husband must appreciate his wife's reason. Because God gives relief to people who are aging as they may break their fast, postpone their prayer, do *tayamum* when they do not get water, and so on.³⁴

Islam recognizes that sexual tendency is a human nature. That is why Islam sets marriage as a solution to protect the emergence of humanity's qualities. In Islam, the husband and wife's sexual relations are beautifully described and not

³² Syafi'I, *Ringkasan kitab Al Umm*, 515.

³³ Jamaluddin dan Amalia, *Buku Ajar Hukum Perkawinan*, (Sulawesi: Unimal Press, 2016), 72.

³⁴ Jamaluddin dan Amalia, *Buku Ajar*, 73.

rigid. The husband should seduce his wife with a flattering heart touched her, kissed her, felt the stimulating parts, and if all had reached its peak, then the commencement began. In such a way, it is hoped that both of them feel unrivaled enjoyment. That is the best practice of intercourse described by Rasullullah SAW.³⁵

e. Loss of Sustenance

Besides the husband is obliged to provide maintenance to the wife who is in the shade, but the husband can not give his wife a sustenance, if the following things happen:

- 1) The wife is blurred or moved from her husband's home elsewhere without the permission of her husband or justified religious reasons. It's like going to his parents home or away and does not go back.
- 2) The wife traveled without her husband's perks.
- 3) Ihram's wife at the time of the pilgrimage without the permission of the husband, but if the husband accompanies him or his wife traveling with his permission, then the sustenance is still obligatory.
- 4) The wife refuses to have sex with her husband.
- 5) If the wife is jailed for committing a crime.
- 6) The wife abandons her husband's obligation to pay her.
- 7) If the husband dies so he becomes a widow, in this case the wife deserves to inherit the heritage of her husband, in accordance with the assigned part to inherit her husband's heritage, in accordance with the prescribed part.

2. People with Social Welfare Problems (PMKS)

³⁵ Jamaluddin dan Amalia, *Buku Ajar*, 74.

a. Understanding of People with Social Welfare Problems (PMKS)

The People with Social Welfare Problems (PMKS) are individuals, families, groups, and/or communities who, due to an obstacle, difficulty, or disorder, cannot carry out their social functions, so that their physical, spiritual and social needs can not be met adequately, and reasonably.³⁶

b. Types of People with Social Welfare Problems (PMKS)

The Ministry of Social Affairs divides People with Social Welfare Problems into 26 categories, namely:³⁷

- a. Neglected Infant are children age 0-4 years old because of certain reasons, their parents cannot perform their obligations (due to several possibilities: poor, incapable, sick, one or both of them dying, sick toddler). So that they are disrupted survival, growth and development both physically, spiritually and socially.
- b. Neglected children are children age 5-18 years old because of certain reasons, their parents can not perform their obligations (because of several possibilities: poor, incapable, one of them are sick, one of them or both of them dies, family is not harmonious, no caregiver or guardian) so that they are interrupts to survival their life, growth and development both physically, spiritually and socially

³⁶Article 1 paragraph (9) Regulation of the Minister of Social Affairs of the Republic of Indonesia number 16 Year 2017 about Standar Nasional Sumber Daya Manusia Penyelenggara Kesejahteraan Sosial.

³⁷Penyandang Masalah Kesejahteraan Sosial, <https://bulelengkab.go.id/detail/artikel/penyandang-masalah-kesejahteraan-sosial-88>, accessed 1 May 2019

- c. Children are dealing with laws are children age 5-18 years old who behave deviating from the prevailing norms and habits in society, and their environment so that they harm themselves, their families and others, and disrupt public order, but because of age they cannot be prosecuted legally.
- d. Street Children are children age 5-18 years old who spend part of their time to earn a sustenance and roam the streets and public places.
- e. Socio-Economic Prone Woman is an adult woman age 19-59 years old who is not married or a widow does not have enough livelihood to be able to fulfill her basic daily needs.
- f. Victims of Violence are persons who are threatened physically or non-physically (psychologically) because of acts of violence, mistreated or improperly in the family environment or the social environment of the accused. In this case including children, women and elderly victims of violence.
- g. Neglected Elderly is someone who are 60 years old or older, because certain factors cannot fulfill their basic needs both physically, spiritually and socially.
- h. People with Disabilities are people who have physical or mental disorders that can interfere or constitute obstacles and obstacles for them to carry out their physical, spiritual and social functions properly, consisting of physically handicapped persons, mentally disabled people. In this case, including disabled children, those with ex-chronic diseases.
- i. Sex worker is someone who has sexual intercourse with others or opposite sex repeatedly and alternates, outside of a legitimate marriage with the aim of getting compensation for money, material or services.

- j. Beggars are people who earn from begging in public places in various ways, with reasons to expect mercy from others.
- k. Homeless people are people who live in a situation that is not in accordance with the norms of decent sustenance in the local community, and do not have a permanent livelihood and residence and take up public places.
- l. Scavengers are people who do work by scavenging directly and recycling used goods.
- m. Minority groups are individuals or groups that are not dominant with certain national, ethnic, religious or linguistic characteristics that are different from the majority of the population such as transvestites, gays and lesbians.
- n. Ex Prisoners (BWBLK) are people who have finished or within 3 months immediately end their punishment in accordance with the court's decision and experiencing obstacles to readjust themselves to the life of the community. So, they will difficult to get a job or carry out their lives normally.
- o. Drug Abuse Victims are people who use narcotics, psychotropic substances and other addictive substances including liquor, outside the purpose of treatment or without recommendation from the authorized doctor.
- p. The Poor Family is a person or head of a family who does not have a source of livelihood and/or has no basic ability or a person who has a source of livelihood but cannot fulfill the basic needs of a family that is appropriate for humanity.
- q. Infeasible Housing is a family whose environmental housing conditions do not meet the proper requirements for a place to live physically, healthily and socially.

- r. Family with Psychological Social Problems is a family whose relationships between families, especially between husband and wife, are not harmonious, so that the duties and functions of the family can not run properly.
- s. Remote Indigenous Communities are groups of people or communities that live in small social units that are local and disadvantaged, and are still very attached to natural resources and their habitats are socially isolated and underdeveloped compared to Indonesian society in general, thus requiring empowerment in dealing with environmental change in the broadest sense.
- t. Victims of disaster are individuals, families or groups of people who suffer both physically, mentally and socio-economically as a result of natural disasters that cause them to experiencing obstacles in carry out their duties and responsibilities. Included in victims of natural disasters are victims of tectonic earthquakes, volcanic eruptions, landslides, floods, tidal waves or tsunamis, strong winds, droughts, and forest or land fires, residential fires, airplane, train, boat and industrial disasters (work accident).
- u. Refugees are individuals, families or groups of people who suffer both physically, mentally and socio-economically as a result of social disasters that cause them to experience obstacles in carrying out their duties.
- v. Social Problem Migrant Worker is someone who works outside his place of origin and resides while the place experiences social problems so that they are becomes neglected.
- w. People with HIV/AIDS (ODHA) is someone who is recommended by a professional (doctor) or laboratory officer proven to be infected with the HIV

virus so that he experiences a decrease in immune system syndrome (AIDS) and neglected life.

- x. Vulnerable Families are young families who are newly married (up to 5 years of marriage) who experience social and economic problems (earning around 10% above the poverty line) so that they are unable to meet basic family needs.
- y. Trafficking Victims are people who experience psychological, mental, physical, sexual, economical and / or social suffering caused by criminal acts of trafficking in persons. (UU No. 21/ 2007 concerning the eradication of criminal acts of trafficking in persons).
- z. Communities disadvantaged are groups of people or communities that live in small social units that are local and remote, and are still very attached to natural resources and their habitats are socially isolated and underdeveloped compared to Indonesian society in general, thus requiring empowerment in the face of environmental change in the broadest sense.



CHAPTER III

LEGAL RESEARCH METHODS

To understand the purpose of this research, it is necessary for researchers to explain the method used. This research method is divided into seven parts, namely type of research, research approach, research location, data sources, data collection method, and data analysis method.

A. Research Type

The type used in this research is field research. Kartini Kartono argues that the aim of field research is to discover what recently happening in society specifically and realistically.³⁸ Descriptively, the field research also can be

³⁸Kartini Kartono, *Pengantar Metodologi Riset Sosial*, (Bandung: Mandar Maju, 1990), 32.

conducted to describe specific characteristics of an individual, condition, symptom or certain group, also to determine the frequency of certain relationships between a symptom and other symptoms in the community which in this case are the People with Social Welfare Problems (PMKS) at Sukoharjo Urban Village.

B. Research Approach

This research used a case study approach (case study) which is one type of descriptive qualitative research. The function of qualitative approach is to understand the phenomenon of what is experienced by the subject of research, such as behavior, perception, motivation, action. A qualitative approach is used if the data needed is in the form of information that does not need to be quantified. While case study is the research that is only focused on a particular case to be observed and analyzed thoroughly to completion. This is intended to intensively study the background, circumstance, and position of an ongoing event. Where in this case the phenomenon is experienced by the People with Social Welfare Problems (PMKS) in Sukoharjo Urban Village, Klojen Sub-District, Malang City, particularly around the Malang Pasar Besar store. Then, this phenomenon is associated to the theoretical basis relating to sustenance both regulated by positive law in Indonesia or Islamic law to produce descriptive data. These data are stated by the subject of research both written, oral or tangible behavior.

C. Research Location

This research took place in the Sukoharjo Urban Village, Klojen Sub-District, Malang City, precisely in the area around Pasar Besar Malang. The reason the

researchers chose this place as a research location, since the area is the center of the Malang City but there are still a bunch of people with social welfare problems (PMKS) who claimed to have had families. This condition is the reason the researcher conducted research on how to fulfill sustenance efforts for the People with Social Welfare Problems (PMKS) in the area.

D. Data Sources

The data source in this research is the subject from which data can be obtained. The data sources used in the study are:

1. Primary Data

Primary data is data obtained directly from the main source, namely the behavior of community members, through direct research into the field with interviews to explore information relating to research which in this case is the effort to fulfill sustenance. In this study, the subjects of the study were several People with Social Welfare Problems (PMKS) in Sukoharjo, Klojen, Malang.

The speakers in this study are as follows:

Table 2

List of informants

No	Name	Age	Type of PMKS	Basecamp
1	Jumiati	60 years old	Elderly, Displaced, Scavenger, Homeless	Around Jl. Sutan Syahrir
2	Andik Rodian	47 years old	Poor families & Homeless	Around Jl. K.H. Ahmad Dahlan and parking area

				of Comboran Market
3	Samsiyah and Suwarno	25 years old and 60 years old	Poor families & Homeless	A front of Indomaret at Jl. Kiai Tamin
4	Agus	74 years old	Poor families & Homeless	Around Jl. Syarif Al-Qodri
5	Suwarno	70 years old	Poor families & Homeless	Around Jl. Sersan Harun

2. Secondary Data

Secondary data includes official documents, books, research results in the form of reports, journals and so on. Secondary data was obtained from the results of literature studies that came from books which supported this research. In addition, the Law, Compilation of Islamic Law, and classical and contemporary jurisprudence (*munakahat*) books are also used as material for analyzing research problem Mrs. Including also previous research that came from thesis and journals about sustenance in marriage.

E. Data Collection Method

The methods used in this study include:

1. Interview

The interview is the process of obtaining information for research purposes in the form of meeting two or more people directly to exchange information and ideas with verbal questions and answers so that meaning can be built in a particular topic with a tool called the interview guide. In this case the researcher interviewed

5 People with Social Welfare Problems (PMKS) as research data material using a guided independent interview method. In its implementation the researcher brings a guideline which is only an outline of the things that will be asked.

2. Documentation

This documentation method is carried out to obtain written data relating to the efforts of Persons with Social Welfare Problems (PMKS) in Sukoharjo Urban Village, Klojen Sub-District, Malang City in fulfilling their livelihoods/sustenance in marriage. This documentation includes photographs of research and written evidence that supports the validity of the data. Some of the photos attached illustrate the condition of the subject of the study and the plan of the subject of the study is also attached as data material.

F. Data Analysis Method

After obtaining data from interviews and documentation, the data is processed and discussed through several data processing and analysis techniques as follows:

1. Editing

Before processing the data obtained, it needs to be edited first, in other words the data or information collected needs to be corrected once again and corrected if there are something wrong or which are still doubtful. Primarily in wrong communicative language that might be delivered by the speakers. Clarifying this note so that it can be read and can be easily understood to eliminate later doubts.

2. Classifying

Classification is the second step in the analysis of qualitative data. The purpose of classification is to classify the results of interviews based on certain categories. The category is to divide the data, how many People with Social Welfare Problems (PMKS) can fulfill their sustenance in marriage and how many have not fulfilled. In addition, the data obtained will be classified according to the concept of adequacy of sustenance of people with social welfare problems (PMKS).

3. Verifying

The next step is the researcher will be doing verification (re-checking) of the data that has been obtained and classified, so that the accuracy of the collected data can be accepted and recognized by all readers. This stage is carried out by meeting the parties concerned, namely the parties who gave the first statement, namely the People with Social Welfare Problems (PMKS) in Sukoharjo.

4. Analyzing

Analysis is a systematic process for compiling data obtained from interviews and documentation into information so that the characteristics of the data can be understood and are useful for solving problems. It can be said also, that the results of data obtained from homelessness are converted into information that can be used to draw conclusions.

5. Concluding

The researcher in this final stage makes conclusion or draw important points from the results of the research that has been carried out through the data collection methods above which then produce a concise, clear and easily understood picture. Conclusion taken from the results of the study must be in accordance with what has been formulated in the research questions.





CHAPTER IV

THE RESULT OF RESEARCH AND DISCUSSION

A. Overview of Research Location

1. Geographical Condition

Malang City, which is located at an altitude between 440 - 667 meters above sea, is one of the tourist destinations in East Java because of its natural and climate potential. Its location in the center of Malang Regency is astronomically located 112.06 ° - 112.07 ° East Longitude and 7.06 ° - 8.02 ° South Latitude, with the following boundaries:

- a. North: Singosari Subdistrict and Subdistrict Karangploso Malang Regency.
- b. East: Pakis District and Tumpang District, Malang Regency.
- c. South: Tajinan District and Pakisaji District, Malang Regency.

d. West: Wagir District and Dau District, Malang Regency

And surrounded by mountains:

- a. Mount Arjuno in the North.
- b. Mount Semeru in the East.
- c. Gunung Kawi and Panderman in the West.
- d. Mount Kelud in the South

2. Climate Condition

The climate condition of Malang City during 2008 recorded an average air temperature ranging from 22.7 ° C - 25.1 ° C. While the maximum temperature reaches 32.7 ° C and the minimum temperature is 18.4 ° C. Average air humidity ranging from 79% - 86%. With a maximum humidity of 99% and a minimum of 40%. Like other regions in Indonesia, Malang City follows changes in the second round of climate, rainy season and dry season. From the observation incomes of the Karangploso Climatology Station Relatively high rainfall occurred in February, November, December. While in June and September the rainfall is relatively low. Maximum wind speeds occur in May, September and July.

3. Geological Circumstanc

Land condition in the city of Malang include:

- a. The southern part includes a fairly wide plateau, suitable for industry.
- b. The northern part includes a fertile plateau, suitable for agriculture.
- c. The eastern part is a plateau with less fertile conditions.
- d. The western part is a very high plateau which is an area of education.

4. Population and Sociology

Malang City has an area of 110.06 km² with a population of up to 2010 amounted to 820,243 inhabitants consisting of 404,553 male population and female population of 415,690 people. Population density is approximately 7,453 people/km². Widely spreading in 5 Districts (Klojen = 105,907 people, Blimbing = 172,333 people, Kedungkandang = 174,447 people, Breadfruit = 181,513 people, and Lowokwaru = 186,013 people). Consisting of 57 villages, 536 RW units and 4,011 RT units.

Malang ethnic groups are known for being religious, dynamic, hard working, straightforward and proud of their identity as Arek Malang (AREMA). The composition of the native population comes from various ethnic groups (mainly Javanese, Madurese, a small percentage of Arab and Chinese).

Whereas in terms of religion, the majority of the people of Malang are adherents of Islam and Christianity, Catholicism and a small portion of Hindus and Buddhists. Religious people in Malang City are known as peaceful and work together in advancing their city. Many places of worship that have been established since the colonial era include Jami' Mosque (Great Mosque), Church (Alun-alun, Kayutangan and Ijen) and Temple in the Old City. Malang is also a center for religious education with many Islamic boarding schools and the Bible seminaries that are well known throughout the archipelago.

Malang City is referred to as a tourism city and education city. This is because Malang City has its own charm for migrants to get education, find a livelihood, or

even choose to live in Malang City. Most migrants are traders, workers and students who do not settle and within a certain period of time return to their home areas. Most of them come from areas around Malang City for traders and workers. While many students from outside the region (especially Eastern Indonesia) such as Bali, Nusa Tenggara, East Timor, Irian Jaya, Maluku, Sulawesi and Kalimantan.

B. Data Exposure

The researcher presented 5 informants who were People with Social Welfare Problems (PMKS) in Sukoharjo Urban Village, Klojen District, Malang City. The informant consists of one PMKS spouse, and the other four are PMKS who have a long distance relationship with their partner. The data that has been obtained are as follows:

1) Mr. Rodian

Mr. Andik Rodian or familiarly called Mr. Rodian is a merchant. He sells second-hand clothing on the third floor Comboran Market in Malang City. He comes from Surabaya and has a wife from Gresik City. In his marriage he was blessed with three children consisting of two daughters and one son. Mr. Rodian began life as the head of the household from the age of 24 years and proposed to a 20 year old girl to be his wife.

He is categorized as a PMKS with the type of homeless people since he does not have a permanent residence. He choose the terrace shop on Jalan K.H. Ahmad Dahlan, around the Pasar Besar and Parking Lot of Comboran Market as a place to

rest and live with other homeless people so he could allocate his money for the family. He stated that sleeping in a rented house or boarding house is just a waste of money, since he left for work at dawn and returned at evening.

In fulfilling their needs, Mr. Rodian got used clothes from students, pawnshops, and ransoMrs. After the used clothes are cleaned, he sells it back in the form of a piece or unit according to the buyer's request. But on the other hand, the magnificent city of Malang with a variety of tours and education centers does not make Mr. Rodian excessive in his economic level, but he is actually classified as a family with a shortage.

2) Suwarno and Samsiyah

Mr. Suwarno is a native of Banyuwangi Regency who has been a migrant in Malang City since 1975. Forty-five years migrated in Malang as a widower, becoming the beginning of his meeting with his wife from Pasuruan in 2018. Later, they decided to get married in December 2018. In Malang City, Mr. Suwarno works as a pedicab driver. He pulled a pedicab from morning until evening at Pasar Gadang area which is about 3.6 kilo meters from Pasar Besar. But the incomes of his work were insufficient for his daily needs so that he was categorized as a poor family. Because the economy is minimal, Samsiyah mothers also make a sustenance by becoming beggars on certain days.

The beginning of their meeting is, when Mrs. Samsiyah was in Pasar Besar and then met Mr. Suwarno. Mr. Suwarno felt so pity to her who was carrying a baby alone. And then, he offered to her to be his wife. Mrs. Samsiyah was a widow who

had two children, the first child at Tumpang Boarding School and the second is still a baby. Mr. Suwarno is 60 years old and Mrs. Samsiyah is 25 years old. Their age range are not a barrier for them to tie legal matrimony.

3) Mr. Agus

Mr. Agus is a 74-year-old PMKS. To fulfill his daily needs, he works as a pedicab driver. Every day, starting at dawn until approaching at night, he toured around Jalan Syarif al Qodri and Pasar Besar Malang to look for passengers. He choose the Store Ground on Syarif Al Qodri Street as a place to live when in Malang since 1973. He did not have a house in Malang or a rented residence as a place to rest at night. He is only relying on a pedicab that he had as a bed for sleeping, therefore he was categorized as a homeless.

Mr. Agus is a native of Wonorejo, Dampit, Malang Regency. He has been a migrant in Malang City since 1985. Before working as a pedicab driver, he was a laborer at a furniture store. He is a grandfather of 3 grandchildren and a father of 2 children. All of his family live in Wonorejo, he only choose to provide a sustenance and live in Malang City.

4) Mr. Suwarno

Mr. Suwarno belongs to the category of poor families and homeless people. He is 70 years old and works as a pedicab driver. From 7 a.m. to night he served everyone who needed his services. The majority of passengers are merchants and buyers in the Pasar Besar of Malang City who need their services to carry merchandise. His family comes from Dampit and he has been blessed with 4

children who all live in Dampit, Malang Regency. He has 1 wife who is 10 years younger than him and is a harmonious family. He married at the age of 35 years and his wife is 25 years old, they have been married for 35 years old.

5) Mrs. Jumiati

Mrs. Jumiati is a migrant in Malang City who comes from Blitar. She moved to Malang City due to marrying with her husband. Since childhood, she lived in a state of economic deprivation. Her parents died since she was a child and she was raised by her grandmother who was a poor people in the Blitar area. In addition, Mrs. Jumiati is also a homeless people who was also a victim of domestic violence. However, she had just become a homeless after receiving violence from her husband after undergoing 4 years of marriage.

She married at the age of 15 years old with the man who is from Arjosari. Both of them do a marriage contraction process at Religious Affairs Office (KUA) on Jalan Bandung (At that time called Jalan Bandung) and the marriage are not blessed with children. Mrs. Jumiati's husband is a bus driver who is a child of a rich people. However, the economic condition of her husband is different from his parents.

Before becoming a homeless and a victim of violence, she was only categorized as a poor people. She did not have enough money because her husband left her to live with her grandmother. The house was a shared house which is occupied by 4 other families including the grandmother. The house is located

behind Malang City Public Hospital. After the violence occurred, Jumiati's mother choose to leave home and became a homeless in Sukoharjo Urban Village.

C. Data Analysis

1. The Efforts of People with Social Welfare Problems (PMKS) in Fulfilling Their Sustenance Obligations

Sustenance or Livelihood is the main thing in a marriage. This method of fulfillment and adequate concepts in sustenance also has a big contribution to the harmony and longevity of relation. It cannot be denied that each couple has their own way of fulfilling their life needs. Here are the ways of the People with Social Welfare Problems (PMKS) in Sukoharjo Urban Village, Klojen Sub-District, Malang City, in fulfilling a livelihood in their family.

a. Drive a Pedicab

The majority of the informants in this research chose to be pedicab drivers to fulfill their obligations. The income from to be a pedicab drivers was very various even though they have same profession. This profession was cultivated by Mr. Suwanto, Samsiyah's husband, Pak Agus, and Pak Suwanto. While the distribution and management of their livelihood can be explained in the following data exposure:

Mr. Suwarno, Mrs. Samsiyah's husband to provide a sustenance, he said;

“Kalau buat sangu (nafkah) itu ya saya kasih setiap hari buat belanja kalau ada hasil. Saya kasih seluruhnya. Biasanya buat beli makan pagi pagi sama sore. Buat jajan anak istri saya. Buat beli pempers anaknya istri saya ini dari pernikahan sebelumnya yang masih bayi. Saya juga nyambi mbecak. Sehari biasanya ya 15 ribu kadang 20 kalo pas rame

itu kadang bisa sampe 50 ribu. Saya mbecaknya di Gadang. Kadang sehari juga ga dapet tapi seringnya alhamdulillah ya dapet. Kalau dapet itu ya langsung tak kasih semua. Mau dibelikan apa ya terserah dia. Istri saya kalau saya kerja ya di alun alun sama anak ya sama minta minta pas hari Jum'at."³⁹

"I give my income everyday for daily needs. I give it to buy breakfast in the morning and afternoon. Make a snack for my wife's child. To buy pampers to kids from my wife's previous marriage that is still a baby. I also drive a pedicab. I earn around 15 thousand, 20 thousand, and 50 thousand rupiahs sometimes per day. It is up to my wife what she wants to buy. My wife was in alun-alun while I am working"

Mr. Suwarno's and Mrs. Samsiyah's conditions was more lacking from the previous families . Every day he pedals a pedicab from his resting place (the terrace of the Pasar Besar shop) to Gadang Market, which is more than 3.5 km away from Pasar Besar. Revenues that only range from 15 thousand to 50 thousand rupiahs and sometimes even get nothing, do not dispel their enthusiasm in providing a sustenance for the family. In fulfilling the family's sustenance, Mrs. Samsiyah helped even though she was only a beggar at the Jami Mosque. The money they get is used only for food and diapers because of the minimal revenue. Mrs. Samsiyah also acts as the family treasurer because all the revenue she gets and her husband manage by herself.

"Kalau buat beli baju ya aslinya pengen beli. Tapi ya saya bilangan sama istri saya ya besok besok kalau ada rezeki lebih ya tak belikan. Selama setengah tahun ini ya ndak pernah beli baju sama sekali. Kalau selimut anak sama gendongannya ini ya bekas dulu dari rumah tak bawa aja."

"If I was asked did I ever buy my wife clothes ? No, I did not. But, I really want to buy it for her. I told to my wife tomorrow if there is more sustenance, I will buy it for you. During this half year with her, I have

³⁹Suwarno, interview (Malang, 9 April 2019).

never bought clothes at all. This blanket and sling was from my old house."

Very little revenue became an obstacle when Mr. Suwarno wanted to provide clothes. Money that is only enough to buy food can not be used to buy clothes because the price of clothes tends to be expensive. During his second marriage, Mr. Suwarno had never bought Mrs. Samsiyah's clothes even though he really wanted to buy clothes for her. The clothes that is worn by Mrs. Samsiyah and her child's blanket were from the first place of residence when Mrs. Samsiyah was still with her husband before.

*"Kalau nafkah batin ya ndak saya mbak. Saya Cuma bareng-bareng aja sama istri kalau tidur disini cuma nemenin. Kalau bahagia ya bahagia. Kalau dibilang ada rintangan ya ada rintangan."*⁴⁰

"I did not give my wife conjugal needs, I only sleep with her here. I am happy but still there are obstacles in our life. "

In addition to providing a clothes sustenance and place sustenance that Mr. Suwarno cannot get enough, he also does not give his conjugal income to his wife. The conditions of sustenance in the storefront are the second obstacles to carrying out obligations as well as the need for intercourse. They have felt happy just by accompanying each other in a legal relation without having a sex like a spouse relationship.

If we view from the positive law's point, regulations and fiqh *munakahat*, the inability of husband and wife to make intercourse can be the reason to divorce

⁴⁰ Suwarno, *interview* (Malang, 9 April 2019).

between them. however, because of the unavoidable *udzur* and sincerity of husband and wife, the absence of this conjugal income can be analogous to giving forgiveness for a sustenance which can not be fulfilled.

Mr. Agus also said in fulfilling his sustenance obligations,

*"Saya tidur disini (gelandangan) mulai tahun 1985. Sebelumnya saya kerja di meubel selama 7 tahun. Bagian motong kayu itu sebelum nikah. Setelah capek saya narik becak. Ketika itu saya sudah nikah tapi sebelumnya saya pernah kerja diproyek bangunan sebentar. Anak saya itu 3, yang sudah menikah 2. Udah punya anak semua."*⁴¹

"I became homeless since 1985. Previously I had worked in furniture business for 7 years. My job in there, is cutting wood. After being tired of working there, I decided to pull a pedicab. At that time I was married but before I had worked on a building project for a while. My child is 3, who is married 2. Have all children. "

"Dulu sebelum becak kan saya kerja proyek itu masih murah, sehari dapatnya 3500 per hari. Setelah mbecak saya sehari narik 2 kali kadang ya lebih. Sehari itu dapat 20 ribu kadang 15 ribu. Kadang seminggu dapat 250 saya. Seberapapun dapatnya ya di syukuri gitu insyaAllah akan ditambah oleh Allah SWT. Nanti sebulan sekali saya pulang saya kasihkan ke istri uangnya. Kadang sebulan 2 kali. Ya kalau keperluan bayar listrik ya pulang. Istri saya itu ngerti huruf arab sedikit sedikit. Jadi disana suruh ngajar. Ya kalau dibayar ya ndak seberapa tapi ya ada. Uangnya buat keluarga sama-sama.

"Before I became a pedicab driver, I worked on the project, there was still very little of my income, I earned 3500 per day. After pulling my pedicab, my income is sometimes 20 thousand, sometimes 15 thousand, because everyday I pulled my pedicab twice. Sometimes a week can get me 250.000 thousands, No matter how much I got, I'm grateful for the incomes. I believe God willing, fortune will be added by Allah SWT. I'll go home once a month to give money for my wife. Sometimes twice a month. If there is a need to pay for electricity, I go home again. My wife understands so well about Arabic word. So, there she has to teach. The salary is not much."

⁴¹Agus, interview (Malang, 11 April 2019).

In his efforts to fulfill his family's livelihood, Mr. Agus had tried several jobs before finally deciding to become a pedicab driver. The first job he worked on was project work, with a salary of Rp. 3,500.00/ day. After that, he moved into a wood cutter at a furniture store for 7 years. And the last, was a pedicab driver with an income of 15 thousand to 20 thousand per day. Mr. Agus never belied the blessings from God that was gave to him, because he knew that if he was grateful, God would add it.

Mr. Agus provides a sustenance every 2 weeks or one month because of the distance between his wife's house and the place where he is looking for livelihood. For purposes related to payments such as paying for electricity, Mr. Agus always takes the time to go home again. Mr. Agus's wife also received revenue from teaching Qur'an in her village, although the income she was received were not much. The income that Mr. Agus got during he stay in Malang he gave all to his wife for household needs. Even though the incomes of the deception are not much, but Mr. Agus's responsibility to provide livelihood is not so heavy, because his two children are married. Mr. Agus added,

*"Istri saya ndak pernah minta-minta di belikan baju. Dulu habis nikah, keluarga saya itu nunut di kandang ayam. Karena seperti itu saya berusaha sekuat mungkin menurut kemampuan saya, saya buat rumah saya rumah seadanya. Istri saya saya taruh rumah karena kalau di luar kayak saya gini kalau keliatan orang jadi tidak baik kesannya. Lebih baik di rumah. Kalau saya tinggalnya ya di pelataran begini saja di Malang."*⁴²

"My wife never asked me to buy clothes. When I was married, my family was in the chicken coop. Because of our condition, I tried as hard as possible according to my ability, I made my wife a makeshift home. I

⁴² Agus, interview (Malang, 11 April 2019).

put my wife at home because if she sleeps outside, it would seems bad. She is better at home. I will just sleep in the yard of the shop."

Besides sustenance of food, the clothes sustenance in Mr. Agus's family do not become a problem that damages the harmony of their relationship. Mr. Agus's acknowledgment of his wife who never asked to buy clothes was a form of forgiveness or the release of the husband's obligation to pay for his wife. So when a wife has freed the obligation to make a sustenance, a husband is no obliged to buy it continuously 2 times a year or at least to cover his body when cold and hot as Imam Shafi'i's opinion.

The economic situation is quite difficult to make them stay in the chicken coop as his residence at the beginning of the marriage. However, Mr. Agus's efforts never subsided to provide a more decent livelihood for his family. Until finally Mr. Agus could give his residence to his wife in Wonorejo. But, he became a homeless (person who did not have a place to live) in Malang without inviting anyone from his family members. This is because he believes that if a wife / woman is outside the house will be badly impressed.

*"Nakah batin ya pas pulang aja. Gampangannya ya ndak njamin lah. Soalnya saya 12 sampai 15 hari kadang 1 bulan disini. Kalau nafkah dzohir ya kerjasama. Istri saya dengan keterbatasan saya di Malang ini ndak pernah protes karena dia berpedoman pada Agama Islam sehingga dia tidak pernah singgung menyinggung perkara hal seperti itu kepada seorang laki-laki. Karena apa yang diterima harus di syukuri. Ya saya alhamdulillah mendapat istri seperti itu, tidak banyak kata."*⁴³

"I give conjugal needs to my wife when I go home. I can't guarantee to always give it to her. The problem is that I go home for 12 days up to

⁴³ Agus, interview (Malang, 11 April 2019).

15 days sometimes also I stay 1 month here (Malang). My wife has never protested because she is been really grateful. With her understanding, she never mentioned such intercourse to a man. because it's very sensitive. I thank God for getting a wife like her. "

The distance that is not close becomes a separate obstacle in the provision of a conjugal sustenance in Mr. Agus's family. This obstacle began since he choose to work as a pedicab driver in Malang City. Wives who are in Wonorejo and Mr. Agus in Malang make them only able to meet once to twice a month. Mr. Agus himself cannot guarantee the intense provision of conjugal sustenance like a couple who lives in one house, he can only guarantee the material income for his wife according to his ability. Mr. Agus's limitation was never disputed by his wife because his wife was someone who knew religion and made it a family life guide. His wife understood that the conjugal income was a sensitive matter that could offend her husband, so he never complained about it. This character who is grateful and prefers to be silent is a character that is desirable and grateful for Mr. Agus because he has been betrothed to someone like his wife.

Mr. Suwarno's way in fulfilling his obligation sustenance. He is said that,

*"Istri saya ada di kampung sana di dampit. Saya biasanya pulang seminggu sekali kadang ya lebih. Kalau kasih nafkahnya pas pulang gitu. Kalau pas seminggu ya berarti seminggu itu saya kasihnya. Kalau narik becak ya ndak nentu dapetnya, kalau nasib rejekinya ada ya kadang dapat sampai 50 ribu sehari. Kalau gak dapat sama sekali belum pernah. Ya walaupun sedikit ya masih lancar lah. Ya sekitar 200 ribu kalau seminggu itu saya pulang bawa uangnya buat istri. Pokok nyampe rumah cuma ninggal ongkos buat kesini lagi aja sisanya buat istri semua. Kalau udah tak kasih ya terserah dia mau dibuat apa, wong dia ibunya. Pokoknya sudah saya kasih. Mau di kasih cucu mau dibuat sendiri ya ndak papa saya ndak mau tau sudah. Asal udah saya kasih."*⁴⁴

⁴⁴Suwarno, interview, (Malang, 11 April 2019).

"My wife is in the village, precisely in Dampit I usually go home once a week, sometimes more. I give my sustenance when I go home. if I go home in a week, it means that a week I give my wife a sustenance. If I am asked about income that is obtained from pulling a pedicab, I can't answer it, sometimes if my fortune is a lot, I can get up to 50 thousand a day. If I don't get money at all, I've never experienced it. Although a little but it's still expeditious. Maybe my income is around 200 thousand in a week. I do not really care of her as long as I have given her a sustenance sustenance."

It is contrast to the fate of Mr. Agus who also works as a pedicab driver. Mr. Suwarno's income is higher than him and he has never been a day without income. However, if we look at it from the UMR in Malang, it reaches Rp. 2,600,000/month, Mr. Suwarno's income is far from enough. However, Mr. Suwarno added that if it was crowded then the daily income could reach IDR 50,000.00. With an income of Rp. 200,000.00/ week. Then, in a month the estimated income is around Rp. 800,000.00 or more depending on the intensity of the passenger he delivers.

The effort to fulfill his income by pulling this pedicab, he gave the income to his wife who served as the family treasurer. The income that Mr. Suwarno got, he gave once a week to his wife. Mr. Suwarno gave his wife authority over the money she had brought. Spent it for herself or her family, he gave his wife the right to manage it at all. He only asked a little for his return fee to Malang City again every week.

*"Istri saya kadang saya belikan baju kadang juga beli sendiri, cuma saya kasih uangnya aja gitu. Kalau saya pengen belikan ya saya belikan di Pasar Besar Malang kadang ya di Pasar Dampit. Kalau buat lebaran istri anak cucu itu pasti saya kasih. Kalau selain itu ya kadang beli kadang ndak."*⁴⁵

⁴⁵Suwarno, interview, (Malang, 11 April 2019).

"for my wife, sometimes I buy clothes, sometimes I ask her to buy it herself. I just gave the money to her to buy it herself. If I want to buy it, I will buy clothes at Pasar Besar Malang, sometimes at Dampit Market. If Eid arrives, I will definitely buy new clothes for my wife, my children and grandchildren. But besides that day, sometimes I buy it sometimes I not."

If the clothes sustenance in Mr. Suwarno's family are going well. He routinely gives clothes to his wife and even his granddaughter's wife especially when Eid Al-Fitr. Clothes that are bought conditionally, sometimes he give money to his wife to choose for herself sometimes he chooses for his wife and other families. When viewed from the routine of giving clothes to Pak Suwarno's family, the types of summer and winter clothes have been fulfilled even though they are not explicitly mentioned. The type of clothing material that must be given, there are no provisions that govern it either in Indonesian regulations or fiqh. Everything are depends on the financial condition of each family.

"Istri saya tempatkan di rumah, saya aja yang tidur di emperan toko sini sama kadang tidur di becak. Kalau nafkah batin itu ya cuma waktu pulang itu tok. Kadang seminggu pulang itu tiga hari di Dampit ndak sehari pulang besok balik di emperan lagi ya ndak. Kalau jatahnya ya kadang tiap pulang sekali pernah juga tiap bulan, ya sesempetnya. Belum pernah ada masalah apa apa dengan keluarga, apalagi masalah seperti itu."

"I place my wife at home, while I only sleep in the storehouse here. Sometimes I sleep on a pedicab. We share our conjugal needs everytime I come home from work. There has never been a problem with family, moreover a problem like that. "

Pak Suwarno is categorized as a People with Social Welfare Problems (PMKS) which is categorized as a poor and homeless family because in Malang City he does not have a permanent residence and includes people with little

income. He just sleep at the terrace of shop and pedicab he is owns. This condition apparently did not make Pak Suwarno put his wife in a difficult position such as himself by sleeping in the terrace of a shop or other places outside the house. He has given a decent income to his wife and family in Dampit.

As for his conjugal income, he was included in the category of a husband who migrated but diligently to visit his wife and family. So that in fulfilling the conjugal income for his wife, Mr. Suwarno did not have a problem. He is conditional on giving an conjugal income, sometimes every time when Pak Suwarno at home, or once a month, depending on the conditions of them, when they meet.

The calculation of Mr. Suwarno's (Mrs. Samsiyah's husband) income in terms of the minimum limit of food which is the opinion of the Shafi'i imam is one mudd every day is very unlikely to be fulfilled by Mr. Suwarno. Salaries of 15 thousand divided by 3 family members, so each person only gets 5 thousand rupiah per day to eat. So did Pak Agus and Pak Suwarno who work as pedicab drivers, even though Pak Suwarno had a higher income compared to PMKS with his profession, but the difference was not too significant.

In the other hand, there are no basic provisions regarding the maximum limits of a husband in providing his income to his wife, because this has been explained in the Qur'an as something good. While the minimum limit of providing income is distinguished according to the economic conditions of each husband. Husbands with sufficient economies will be burdened more in terms of living. For

the economy, it is still less obligatory for the law to provide a living even though his wife has a rich person, but the level is lower. As with the husband who has been given an apology or released by his wife, then the husband is not obliged to provide for his wife again. This shows that God does not burden His servants beyond their capabilities.

b. Trade Used Clothes

Providing for his wife by trading used clothes has been chosen by Mr. Rodian to fulfill his family's needs. Not much different from other informants who work as pedicab drivers, Mr. Rodian regulates his finances for family fulfillment as follows,

*"Saya selama menafkahi istri itu ndak ada kesulitan mbak. Masalahnya kalau dunia orang (berpakaian) hitam-hitam itu sangat mudah. Ngaturnya mudah. Contohnya waktu solat mereka langsung solat walaupun masakan gosong ya ndak papa yang penting solat. Mereka yang didahulukan hablum minallah (kesyariatannya). Istri saya dari dulu memang sudah syar'i sekali (bercadar) saya memang suka dengan orang seperti itu."*⁴⁶

"As long as I provide to my wife, there is no difficulty. It is caused, the world of black people is very easy. It's easy to control. For example, their time to praying must be on time even though their food is burnt, no matter what, the most important is pray. They make hablum minallah (their obligation) as their priority. My wife has always been syar'i women (veiled), and I love that. "

"Biasanya saya serahkan (nafkah) semua hasil kerja saya ke istri saya setiap harinya. Dapetnya ndak tentu, kadang ndak dapat sama sekali kadang ya berlebihan. Kadang ya lebih dari satu setengah juta dulu kalau sekarang ya selalu kekurangan. Soalnya daerah Malang kan daerah minus. Kalau soal Pakaian ya istri saya suruh beli sendiri. Paling saya Cuma kasih saran beli Pakaian yang pastel yang cerah-cerah jangan item aja. Beli yang keliatan muda kalau item aja kan kayak gimana gitu dilihat orang. Buat beli baju ya gak harus lebaran mbak."

⁴⁶ Andik Rodian, interview (Malang, 7 April 2019).

"I usually give all my income to my wife every day. It doesn't get fixed, sometimes there is no income at all. Sometimes be excessive. Sometimes it is more than one and a half million at first. But, at now I am always lacking. The problem is the Malang region is a minus area. About clothes livelihood, I told to my wife to buy it herself. I just suggest her to buy bright color, bright pastel clothes, not just black, so she looks younger."

Mr. Rodian said that his wife belonged to a group of people who wore black and veiled clothes or could be called syar'i groups. The doctrine from her parents that is received by his wife since childhood made Mr. Rodian's wife is not too concerned with world affairs. Ubudiyah's activities and understanding of the spirituality are the main things that become the pillar of Mr. Rodian's family. This is very influential on the concept of enough in their families. Mr. Rodian who works as a second-hand clothing merchant who earns approximately Rp. 1,500,000.00 and having three children does not make their family a beggar.

In this family, Mr. Rodian's wife served as treasurer and financial management center in the family. The money that is generated from Mr. Rodian is managed by her and distributed for household needs. While Mr. Rodian became the foundation for the family economy.

The provision of material sustenance which includes food, clothing, and family housing, Mr. Rodian is included in the family of disadvantages. With an income of Rp. 1,500,000.00 per month divided by five family members. It is divided again to each member, and the income is only ten thousand rupiah for each family members. This is very far from enough because the needs in the family is just not a food case. Imam Shafi'i which requires 1 mudd for a day or equivalent to $\frac{3}{4}$ kg of

rice and is measured by rice prices currently, is not sufficient. Not to mention the sustenance expenses that must be given to the husband by his wife and residence. However, Mr. Rodian's family feels sufficient and is able to manage very little income for family needs. Although in terms of income, he entrusted his wife and child to his father and mother-in-laws' house because he has not a house and chooses to sleep in front of a shop for himself.

As for non-material sustenance, he said the following,

*"Kalau nafkah batin saya tidak pernah ada masalah. Saya tempatkan istri di Gresik. Karena semua kalau diniati karena Allah itu sangat mudah. Karena semua yang saya lihat dari senyuman istri saya, istri saya tidak pernah punya pikiran kotor karena itu pikiran Allah. Semua lingkungan yang saya lihat itu Allah."*⁴⁷

"I have no problems with my intercourse affairs. I put my wife in Gresik.. My wife never had dirty thoughts because it was God's mind. She is a faithful worshipper."

A deep understanding about religion in Mr. Rodian's family is very influential for the concept of adequacy by his family. The intensity to take care of each other is very slight, it is because he and his wife live separately, making him also rarely give a conjugal needs to his wife. But, it is not a problem in their family because the base of what they think is circulated by only God.

c. Drive a bus

Mrs. Jumiati was the wife of a bus driver before she decided to become a scavenger in the Sukoharjo Urban Village. She said how she received a sustenance and managed family finances while she was still with her husband as follows,

⁴⁷Andik Rodian, *interview* (Malang, 7 April 2019).

*"Dulu saya tugasnya nyuci, masak gitu. Kalau suami saya ngasih uang ya setiap hari, ya sehari belanja itu ya cuman 15 ribu. Segitu itu udah banyak, harga beras, masih 5 ribu. Itu sudah sama di tabung, gak boleh dihabis habiskan, gak boleh pemborosan. Pasti satu hari nabung 2 ribu. Kalo untuk jajan sabun 3 ribu. Itu ya minim. Pernah ngasih bonus, kalo dapet rejeki banyak nanti ya dibelikan baju. Kalau sekarang ya ngerongsok itu paling mbak."*⁴⁸

"My job at home was to wash and cook. My husband gives money that was only 15 thousand a day. That's a lot, the price of rice was still five thousand. The overmeasure must be saved, it could not be spent. Do not be wasteful. We must save 2 thousand a day. In that time, I bought 3 thousand for soap. That is the least. He ever got a bonus, if he got a lot of luck, he will bought clothes. Now I can get money from scraping used goods. "

Before violence occur, Mrs. Jumiati's duties were just like the wife in general, such as washing, cooking, and taking care of the house. She was given his husband for Rp. 15,000. With a comparison of the price of rice at that time Rp. 5,000.00 / kg. When compared with the current price, the income provided is around 30-35 thousand rupiah per day. The money obtained is used for daily needs and saving. The income were obtained from the work of her husband who was a bus driver.

*"Kalau nafkah batin ya ngasih, ya kalau ingat aja. Kalau sudah gak ingat kalo mabuk arah ya ndak. Itu juga gak tentu kadang sat bulan dua kali. Padahal kita masih muda muda. Kalo mau melakukan ya di rumah neneknya, itu satu rumah di bagi empat keluarga. Ibu sama suami, trus ada tetangga, trus nenek sendiri."*⁴⁹

"My husband gave me my conjugal needs if only he remembers it. If he doesn't remember, he doesn't give it. Even though at that time we were young. If we want to do it, We did at her grandmother's house, one house for four families. There were I and my husband, a neighbors, and then grandmother herself."

⁴⁸Jumiati, interview (Malang, 4 April 2019).

⁴⁹Jumiati, interview (Malang, 4 April 2019).

If we see before the occurrence of violence to Mrs. Jumiaty, the livelihood of a place or residence has been given even though it is not their own home. The house that is occupied is the loan house of his grandmother which is occupied by 4 families. Its members consist of Mrs. Jumiaty's family, 2 neighboring families who are both poor, and the grandmother of Mrs. Jumiaty's husband. Efforts to fulfill the conjugal life of Mrs. Jumiaty's husband are not periodic or continue. Her husband only gave when he remembered, where the gift was made sometimes one month twice sometimes less than that.

*"Ngasih baju juga sering. Ibu Mertua saya kalau ngasih baju itu nyuri² dari bapak mertua saya karena bapak mertua itu ndak suka sama kita (Suami dan Ibu Jumiaty). Selalu ngomong, kenapa kok kamu anak orang kaya kok nikah sama anaknya gembel. Lama-lama dapat hasutan dari tetangga ya tersinggung saya."*⁵⁰

"My husband gives me clothes too often. When my mother-in-law gave me clothes, she gave it secretly. It was because my father-in-law doesn't like us (My husband and I). He always talking, "you are a kid of a rich man, how come you marry a girl who is poor. I was offended. "

"Suami saya suka mukul, pulang malam, biasanya mabuk. Dia juga suka judi. Ya berkali kali sudah saya nasehati. Ya tapi percuma, namanya kita kalo ketemunya malam karena dia nyupirin, jam 12 jam 1 gimana kalo mau nasihatini ? sedangkan dia pagi dia sudah berangkat nak, jam 5 bangun jam 6 sudah berangkat kayak gitu terus setiap hari. Lama lama ya saya milih pergi tapi saya ndak bilang apa apa sama dia. Saya juga ndak pernah cerai di Pengadilan. Putus hubungan gitu aja."

"My husband likes to beat me, comes home late, he usually drunk too. He also likes gambling. I have advised many times. but it's useless, we could only meet at night due to his works, how do i want to advise him? whereas early in the morning he left again, at 5 o'clock at 6 o'clock. Over time I choose to leave home. But I didn't say anything to him. I also never divorced in court. We just break our connection."

⁵⁰Jumiaty, interview (Malang, 4 April 2019).

In the past, Mrs. Jumiati often earned clothes from her husband when he got more incomes. Sometimes, his mother-in-law gave the clothes to her. Her mother-in-law did not give openly because her husband's father did not like their relationship (Mrs. Jumiati and her husband). But that didn't last long because of her husband's rude attitude slowly began to appear. Mrs. Jumiati became a victim of acts of violence that is committed by her husband.

Mrs. Jumiati often gets harsh treatment from her husband. It is because of the bad character of her husband who likes to get drunk and gamble. The habit of her husband had been scolded several times, but there was no significant impact on her husband's attitude. For this reason Mrs. Jumiati choose to leave the house and cut off her relationship with her husband. It is supported by the incitement of neighbors who defended Mrs. Jumiati and told her to make up her mind.

According to Law No. 1 of 1974 concerning Marriage and other positive laws in Indonesia say that the wife's departure from home cannot be categorized as divorce. Divorce must be decided by the court, so that the marital status becomes clear and deviated as when registering a marriage. If viewed from *shighat taklik talak*, hurting a husband against the physical body of a wife can be the reason for a wife filing a claim and paying *iwadh* of Rp. 10,000.00 to the husband and fell one divorce to her. However, the divorce cannot immediately fall without a wife's lawsuit and a court decision. This is because unapproval without a wife's claim does not have any impact on the law in Indonesia. Therefore, both marriages are still considered valid by law.

On the other hand, if seen from the books of *munakahat* and the book of *fiqh*, the act of the discharge of the wife from the house without the permission of the husband is called *nusyuz* (defect). The consequence of *nusyuz* is the end of the husband's obligation. Therefore it can be said that the husband of Jumiati's mother is no longer obliged to provide both food, clothing, shelter, and conjugal income.

In his book *Fiqh Sunnah*, Sayyid Sabiq explains the term sustenance is the requirement of husbands to fulfill the needs of husbands in providing food, shelter, clothes, servants, and medicines if their husband is wealthy.⁵¹ Then it can be known, that all PMKS have been approved. Some needs such as medicines and servants are not enough for everyone because the price is not cheap. A maid or household assistant is an additional income that is intended for a husband with excessive income and his wife is indeed asking for that responsibility.

The Word of Allah in Surat al-Talaq *وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ* which is intended for people with economies that are not excessive which in this case PMKS. They have practiced what Allah has commanded to provide according to the blessings that Allah has given them. They have worked from morning to evening to collect rupiah for rupiah. Then all the results that have been obtained can be obtained for the family without sacrificing them at all. Allah was destined their situation with these conditions, so they must be able to pass it.

⁵¹ Sayyid Sabiq, *Fiqh Sunnah* Juz II, (Beirut: Darul Fikri, 2006), 539.

Likewise Imam Syafi'i said that Allah SWT has determined that men (husbands) fulfill all their obligations in an acceptable way. The proper definition is to give to the owner the right of necessity, fulfill it without coercion, and not show an attitude of displeasure. Mr. Rodian, Mr. Suwarno, Mr. Agus, Mr. Suwarno has shown that attitude in every rupiah he gives to his wife and his analysis because if one of these traits is abandoned, then they are deemed valid for leaving or delaying the rights of others, while he demand from his rights. As for giving husband's sustenance to his wife, the characteristics of decency must be present.

Different things happened in the marriage conditions of Mrs. Jumiati. In the Islamic view, the attitude of the husband of Jumiati's mother who was very rude and fond of being drunk was considered as the husband's depravity towards his wife. Affection and tranquility which is one form of inner living is not given to his wife.

2. The Concept of Adequate Sustenance for PMKS

The efforts that have been made by PMKS in fulfilling family sustenance are not much different from each other. They work according to their abilities. However, the income they get is quite varied. From the income they get in their efforts to provide e a sustenance, they have their own concept of adequacy. They explained it as follows:

a. Surrender to God

Secure the belief to always surrender to God in conceptualizing enough in life is the concept of adequacy according to Mr. Rodian, he said

*"Kalau semua lingkungan yang dilihat itu Allah, ndak bakal ada rasa ndak cukup. Saya tidur disini itu juga sudah ketetapan Allah mbak, jadi orang seperti ini, dapat istri seperti itu, itu sudah ketetapan Allah. Disamping saya sudah berusaha dan berikhtiar mencari nafkah untuk keluarga saya, itu semua kan juga udah di atur. Jadi ya gimana buat ngerasa gak cukup. Ya cukup, karena Allah tau yang terbaik untuk hambanya."*⁵²

"If all the environment that is seen is God, there will never be enough feeling. I slept here, it was also God's decree, become someone like this, get a wife like that. That was God's decree. Besides I have tried and tried to make a sustenance for my family, it's all been arranged. So how do I feel it is not enough. Yes enough, because God knows the best for his servant. "

Mr. Rodian's family is a Syar'i family that is very familiar with religion. From that religion, he and his family knew enough/adequacy. Anything related to this life is always associated with God's destiny. Besides Mr. Rodian has tried to sufficient the needs of his family according to his abilities, he also always remembers Allah in every result that was obtained. Therefore, a little or a lot of results were obtained, he always believed that this had become God's best choice for him and his family.

b. Acceptance

The acceptance is implicitly mentioned as a meaning of adequacy according to Mr. Suwarno. The condition of his family who were in shortage, he argued about his condition as follows,

"Ya kalau di bilang cukup ya belum cukup mbak. Kalau masalah uang dan masalah makanan ndak pernah ada masalah mbak. Biasa aja itu. Pngen aja belikan dia (Ibu Samsiyah) tempat tinggal yang layak, ndak di jalan kayak gini, kan kasian anaknya juga. Pngen belikan baju juga, tapi ya saya bilangin ke istri, besok-besok kalau ada rezeki lebih ya tak

⁵²Andik Rodian, interview (Malang, 7 April 2019).

*belikan. Yang saya suka dari dia itu (Ibu Samsiyah) dia itu orangnya neriman.”*⁵³

"It's not enough but I have never protested about money and food problem. It's normal. I just want to give her (Mrs. Samsiyah) a decent place to live, not on the road like this, she (Mrs. Samsiyah's child) is poor child too. I want to buy clothes too, but I told my wife, tomorrow if there is more sustenance, I would buy it. What I like about her (Mrs. Samsiyah) is she is a person who are easy to accept."

From the answer that was said by Mr. Suwarno, he felt he had not become a person who was adequacy. The concept of adequacy for him is when he can provide a decent livelihood to his wife. Make the clothes, the place to live, and the conjugal income that for the past 6 months their marriage has not been given. All of these to be the hopes of Mr. Suwarno to give it for his family. The income that was earned is not a problem for Mr. Suwarno's life. This is because supported by the inherent character of his wife. The easy-to-accept character of Mrs. Samsiyah became a special happiness for Mr. Suwarno, even though he lived in a shortage.

c. Doesn't feel lacking for anything

Doesn't feel lacking for anything is the the concept of adequacy according to Mr. Agus and Mr. Suwarno. Although they are different in express, but points the understanding of adequacy in their view as follows;

*“Cukup itu ya ndak kurang apa-apanya. Dulu pertama nikah rasanya ya ndak cukup pas saya masih di meubel, tapi pas saya mbecak ini ya udah cukup. Anak juga udah nikah sekarang. Udah cukup alhamdulillah. Dulu istri saya itu biasa ke langgar. Orangnya senang ngibadah, gak banyak pengen, bicaranya juga dikit. Sedangkan saya sendiri pengen berkeluarga dengan orang yang senang ibadah alhamdulillah diijabahi.”*⁵⁴

⁵³Suwarno, interview (Malang, 9 April 2019).

⁵⁴Agus, interview (Malang, 11 April 2019).

"Enough that means it doesn't feel lacking for anything. When I first got married it wasn't enough, so did when I was still work in the furniture business, but when I became a pedicab driver, it was enough. Our children are also married now. My wife used to go to the mosque. She is the person who happy to worship. I wanted to have a family (to marriage) with people who like to worship and i thank God for granting my wish. "

The concept of adequacy in Pak Agus's view is not to feel lacking for anything. He told that at the beginning of his marriage he felt less. Finally, he decided to change his profession to become a pedicab driver. As a pedicab driver, he can feel enough and cultivate the job for 34 years. Not much different from Pak Suwarno and Mrs. Samsiyah, Pak Agus also has a wife who did not worry about her husband's economic condition. Besides the character of Mr. Agus's wife who likes to worship and tends to be quiet and doesn't demand much from her husband.

*"Saya kan udah kerja. Uang juga buat istri, buat keluarga. Di Dampit sana juga udah saya buatin rumah untuk istri. Walaupun saya tidur sini, dapat uang dikit-dikit, tapi ya cukup. Istri saya itu orangnya nerimaan. Baik. Ndak pernah komentar eh kok hasilnya cuma segini, belum pernah. Ya apa adanya lah. Ya neriman istilahnya. Pokok keluarga saya itu ndak pernah ada masalah apa apa. Sama tetangga juga ndak pernah. Malah dikenal baik sama tetangga."*⁵⁵

"I have been working. In Dampit, I also made a house for my wife. Even though I sleep here, I get a little money, but it's enough. My wife is easy to accept and kind. My family has never had a problem. My family is well known to neighbors. "

Not much different from the answers of other informants, that Mr. Suwarno who had tried to provide a sustenance every day as a pedicab driver, and had made a house for his wife in Dampit. He had felt enough with what was obtained.

⁵⁵Suwarno, *interview* (Malang, 11 April 2019).

Adequacy in his family is added by the existence of a wife who always accepts what he gives. There is no significant problem in Mr. Suwarno's family. Even the comments were never uttered by the wife to Pak Suwarno. This good relationship takes place not only between family members, but also with neighbors.

d. Can eat

The concept of adequacy according to Mrs. Jumiati is very simple, she said as follow,

"Kalau buat saya cukup itu ya bisa makan itu. Saya ndak pernah kurang kalau makan. Namanya makan ya bisa di kasi orang, pagi juga di kasih orang lagi, malam juga di kasih orang. Karena hidup kan ndak boleh disesali ya, yaudah di jalanin aja."⁵⁶

"For me adequacy is enough to eat. I have never been lacking when eating. I eat, sometimes it's given by people. In the morning I was given by people to eat. You can not regret your life, so just walk in it. "

Mrs. Jumiati is very simple in interpreting a word of enough. To be able to eat it has become enough for her. She does not need for luxury that is abundant to feel sufficiency/ adequacy. Every day, even though she is only a scavenger, she never feels deficient due to lack of food. The people around her knew how she had become a homeless and give her breakfast at morning and evening. A very difficult condition at her old age being aware of herself that there is nothing to regret, life must be continue.

From the opinions that was expressed by several People with Social Welfare Problems (PMKS) with different categories, it turns out that their perspective on the concept of adequacy is not much different. The foundation of religion, mutual

⁵⁶Jumiati, *interview* (Malang, 4 April 2019)

acceptance, not much targeting something materialistic becomes the key to feel enough. Gratitude for what is already owned and not looking at the least income as a problem becomes a milestone in the harmonious relationship between families of People with Social Welfare Problems (PMKS).

Al-Qur'an has guaranteed to enable poor people who want to guard themselves from adultery with marriage, namely as follows:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ
وَاللَّهُ وَاسِعٌ عَلِيمٌ

"And love those who are alone among you, and the worthy (wives) of your bondservants the men and women of your maids. If they are poor God will enable them with His grace. And Allah is All-Wise, All-Knowing. " (Q.S. Al-Nur (24):32)

God's gift to enable them in this case is not always interpreted in the form of luxury of wealth. Adequacy, peace of mind, and harmony, is one form of God's gift given to some people with social welfare problems (PMKS) in Malang. It is precisely from this simplicity that happiness is felt to be essential because it comes from the heart.

The simplicity that is always applied turns out to have a different color when external factors fall into the family environment. As happened to Mrs. Jumiaty, the neighbor's incitement became a torch from her departure from home. While the husband's hard treatment of it is the axis of the household problems that occur.

The reasons for this are the abandonment of efforts to make a sustenance in the family.

In his Fikih Sunnah, Sayyid Sabiq explained that the term sustenance is the obligation of the husband to fulfill his wife's needs in providing food, shelter, servants, and medicine when her husband is rich. Then it can be seen, that all PMKS have carried out their obligations. Some needs such as medicines and helpers are not enough for everyone because the price is not cheap. Maid is an additional income that is intended for husbands with excessive income and the wife does ask for the help.

The Word of God in Surat al-Talaq **وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ** which is intended for people with economies that are not excessive which in this case PMKS. They have practiced what God has commanded to provide according to the blessings that God has given them. They have worked from morning to evening to collect rupiah for rupiah. Then all the results that have been obtained can be obtained for the family without sacrificing them at all. God destined their situation with these conditions, so they must be able to pass it.

Likewise Imam Syafi'i said that Allah SWT has determined that men (husbands) fulfill all their obligations in an acceptable way. The proper definition is to give to the owner the right of necessity, fulfill it without coercion, and not show an attitude of displeasure. Mr. Rodian, Mr. Suwarno, Mr. Agus, Mr. Suwarno has shown that attitude in every rupiah he gives to his wife and his analysis because if one of these traits is abandoned, then they are deemed valid

for leaving or delaying the rights of others, while he demand from his rights. As for giving husband's livelihood to his wife, the characteristics of decency must be present.

Different things happened in the marriage conditions of Mrs. Jumiati. In the Islamic view, the attitude of the husband of Jumiati's mother who was very rude and fond of being drunk was considered as the husband's depravity towards his wife. Affection and tranquility which is one form of inner living is not given to his wife.





CHAPTER V

CONCLUSION

A. Conclusion

Based on the explanation and analysis of data on the Concept of Adequate Sustenance for People with Social Welfare Problems (PMKS) (Study at Sukoharjo Urban Village, Klojen Sub-District, Malang City), it can be concluded as follows:

1. The efforts to fulfill the sustenance of the PMKS are by working on their respective abilities. The income that is obtained are only used for primary needs. The primary need in sustenance that can be fulfilled by all PMKS is food. Meanwhile, differences in the fulfillment of sustenance are in the clothing, residence and conjugal needs depends on the ability and income that was earned by each PMKS.

2. The concept of adequacy in perspective of the majority of PMKS is not feeling lacking for anything. Although in their lives they cannot fulfill all their primary needs, moreover secondary and tertiary, they can still feel sufficient for what has been obtained. The concept of adequacy is based on understanding the religion and character possessed by PMKS and their partners. A few of them are stated that what was obtained was not sufficient or lacking, but they still tried to continue their lives without regretting it.

B. Suggestion

Based on the explanation and analysis data of this research, the researcher suggest the following:

1. Communities in the PMKS environment are in order to increase social sensitivity when seeing the surrounding environment lack. Give assistance sincerely in accordance with the financial capabilities that are owned without feeling indifferent. Do not isolate people with socio-economic problems in the unworthy scope of society.
2. The social services to improve welfare levels by empowering PMKS by training special skills and employing PMKS in line that can improve the lives of the community.
3. The government to improve the welfare of the community through programs that are in accordance with the needs of marginal communities. Primarily in terms of decent homes with prices that can be reached by the economic community below the average in urban areas.

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Interview Photos

Picture 1: Interview with Mr. Suwarno and Mrs. Samsiyah



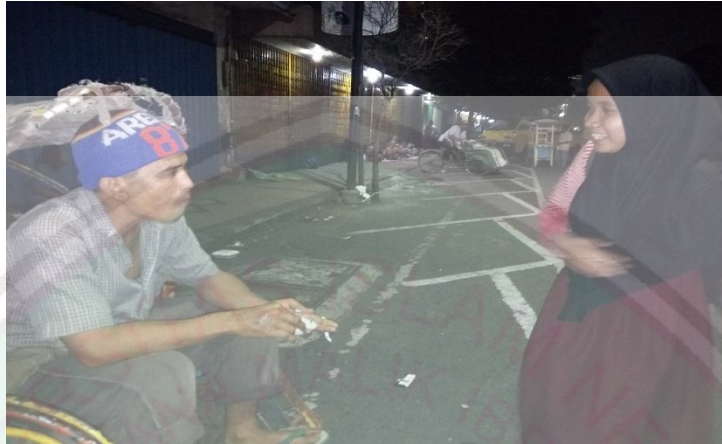
Picture 2: Interview with Pak Suwarno



Picture 3: Interview with Mr. Agus



Picture 4: Interview with Mr. Andik Rodian



Picture 4: Interview with Mrs. Jumiati



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