

The Livelihood Status of Career Woman in Indonesia: Revitalization of *Tanqih al-Manat* in Legal Reasoning

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ABSTRACT

The purpose of this study was to discuss the livelihood status of career women in view of Islamic law and it's urgency in Indonesia, the epistemology of tanqih al-manat in legal reasoning, and how the application of tanqih al-manat in obligation of career woman livelihood. This research employed a qualitative approach in explaining, describing and analyzing the data and find out the results of the research. The data collection technique used is a literature study. The results of this research identified that being a career woman has become an urgent need in Indonesia, because if only men have careers it will cause an imbalance between the average income and a decent standard of living. The women had the right to work like men as long as the work required it or she herself needed the work and the work was carried out with respect and obey the religious principles and goals. Tanqih al-manat was a method of filtering the right 'illat from various possible properties. Through the filtering process of 'illat, it was found that the proper 'illat from the texts of the obligation to support livelihood is the husband's control and detention in the house so that she is unable to live independently. Therefore, this research concluded that career women do not have to be supported in livelihood by their husbands, because they were no longer confined to their homes and they were able to live independently.



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1. Introduction

All individuals, regardless of gender, are inherently entitled to equal rights from birth. Hence, it is imperative that individuals have equitable opportunities to acquire employment, education, participate in decision-making processes, engage in political activities, and other related domains. Nevertheless, a disparity exists in terms of gender due to the persistent and deeply ingrained societal perceptions of men and women. The interplay between justice and gender equality cannot be divorced from the prevailing societal understanding of the roles assigned to men and women within their social fabric. Throughout history, it has been widely acknowledged that women have been subjected to marginalization. This prevailing paradigm has persisted and remains hegemonic, resulting in the enduring perception of women as weak and lacking in authority. The strength of the feminist movement in Indonesia is a well-established fact, although the deeply entrenched patriarchal culture among the Indonesian populace poses significant challenges for its eradication. In contemporary society, even if women have gained access to education without financial constraints, there is an expectation for them to assume traditional gender roles upon marriage. Gender bias of this nature arises due to the inherent design of societal frameworks (Irma and Hasanah, 2014).

The deliberate and sustained efforts made by businesses have led to a rise in the representation of women in top management positions on a global scale. The representation of women in senior leadership roles has increased from 31% in 2021 to 32% at now. The responsibilities encompassed in this category consist of the chief executive officer and managing director, chief finance officer, chief information officer, chief operations officer, chief marketing officer, and human resources director positions. The upward trend persists, exhibiting a consistent linear progression observed in preceding years. Over the course of the past ten years, there has been a notable increase in the representation of female leaders, with a growth of 11 percentage points from the initial figure of 21% in the year 2012. According to a poll conducted by Grant Thornton, encompassing a sample of 5,000 business leaders from 29 countries, about 90% of respondents reported that their respective businesses have a female presence in the C-suite or an equivalent executive position. In terms of regional dynamics, it is noteworthy that each area under consideration has achieved a commendable milestone, whereby the proportion of women occupying senior positions has reached or beyond 30% (Grant Thornton, 2022).

The notion of equality within this profession should also encompass the notion of equality in terms of livelihood obligations. According to the principles of ancient fiqh, women are consistently assigned the role of primary income earners. The prevailing patriarchal culture throughout the historical period in which traditional fiqh laws were formulated provides a comprehensible context for the placement of women as the primary earners. A cultural framework that assigns men a position of superiority while relegating women to a position of inferiority. Traditionally, men have been regarded as the primary figures of authority inside the domestic sphere, assuming the role of property owners and assuming the responsibility of providing for women. Furthermore, men are expected to actively engage in public places and maintain a visible presence within society. The traditional societal expectation is that women are primarily responsible for home responsibilities. Consequently, it is imperative for women to assume the role of recipients of livelihood opportunities. Prior to marriage, it is incumbent upon the father to assume responsibility for the sustenance of his offspring. Subsequently, when entering into matrimony, it becomes the husband's duty to provide the livelihood of his spouse. In conclusion, it may be argued that patriarchal culture has historically placed women in a position of dependence and limited autonomy. Moreover, the prevailing patriarchal culture exerts a significant influence on the leadership roles assumed by women within their respective societies (Carbajal and Austin, 2018).

Furthermore, the notion of 'work for women' can be seen as a manifestation of the feminist movement's objective to achieve gender equality between men and women. The inference is that there is a concerted effort to advocate for equal chances across genders, especially within the realm of employment. This connotation has also permeated several regions across the globe, including Indonesia. The implication is that the establishment of the nation's constitution is also supported by the principle of gender equality, including both societal and governmental domains. As indicated in the revised Constitution of 1945. According to Article 28 F of the Constitution, individuals enjoy the fundamental entitlement to engage in communication and access information for the purpose of personal and societal growth. Furthermore, individuals have the right to actively pursue, acquire, own, retain, manipulate, and transmit information using various means of communication that are accessible to them.

According to Article 28 C, paragraph (1) of the Constitution, it is affirmed that every individual possesses the entitlement to enhance their personal growth by fulfilling their fundamental necessities. Additionally, individuals have the right to access education and avail themselves of advancements in science and technology, arts, and culture. This is intended to enhance their overall standard of living and contribute to the well-being of humanity. Similarly, Article 28, D, paragraph (3) similarly affirms that "every individual possesses the entitlement to equitable prospects within the realm of governance." The constitution ensures that all citizens, regardless of gender, are afforded equal chances for employment in both social and governmental sectors. There has been a notable growth in the inclination and aspiration of women to engage in employment and pursue professional careers.

This phenomenon exhibits dissimilarities when compared to a patriarchal cultural framework. In patriarchal societies, the woman often faces limited employment prospects, which hinders their ability to achieve financial independence. The spatial constraints within the household restrict the wife's range of mobility to a relatively confined area. In the context of her domestic life, the wife's ability to go from her residence necessitates seeking consent from her spouse, so resulting in her seclusion inside the confines of the household. The seclusion of the wife within the household is intended to satisfy the husband's entitlements. Consequently, it can be argued that the husband bears the responsibility of ensuring the financial well-being of his wife. Failing to fulfill this duty would essentially result in subjecting his wife to a state of ruin, an act that is explicitly prohibited under the principles of Shari'a law. The primary objective of the Shari'ah is to attain desired outcomes and mitigate potential risks. Any element or factor that incites peril is in direct opposition to the principles of Shari'ah (Alimuddin, 2022).

This demonstrates that the responsibility to provide sustenance for the wife aligns with the principle of 'alkharaju bi al-daman'. The essence of this principle, known as kaidah, is that the individual who is entitled to receive a benefit is also the individual who bears the responsibility of assuming any associated loss or risk.' (Azzam, 2005). The objective of confining the woman to the household and prohibiting her from engaging in employment is to satisfy the husband's entitlements, so affording him an advantageous position. However, this arrangement also imposes a disadvantage upon the wife, as it restricts her prospects for self-actualization within the broader societal context. The provision of financial support to the husband and the corresponding financial burden on the wife must be fulfilled by a guarantee for the provision of essential needs, commonly referred to as nafkah (livelihood). Moreover, it is important to acknowledge that both the husband and the wife are considered as devout followers of Allah and are deserving of dignity as human beings. As such, it becomes imperative to ensure that their fundamental human need are adequately fulfilled. The dynamic between a husband and wife is characterized by partnership, mutuality, and cooperation, rather than a hierarchical structure of mastery (Husna, 2022).

The concept of livelihood hegemony encompasses essential elements, including sustenance, attire, and habitation. The provision of material support by the husband to his wife might be understood as a manifestation of the concept of livelihood, as the term itself carries an inherent association with materiality. Simultaneously, it is noteworthy that non-material commitments, such as fulfilling the sexual demands of one's spouse, do not fall within the purview of the concept of existence, despite the husband's engagement in such activities for his wife. The term that has been utilized in an unsuitable manner for this particular objective is "inner sustenance," yet in its tangible manifestation, it is referred to as "outer livelihood." In the context of formal discourse, the concept of sustenance does not encompass the notions of inner or outside sustenance. The concept under consideration pertains to the existence of entities that possess vitality, hence encompassing tangible or physical manifestations (Ja'far and Hermanto 2021).

This condition diverges with the contemporary societal landscape, when women are expected to possess independence, education, and many abilities. Over time, as women have gained the ability to participate in the workforce and engage in competition with men, their productive authority has emerged as a consequence of their efforts for women's emancipation and gender equality, particularly in the 20th century. Women have played an active role in various domains such as politics, culture, economy, and sports, among others. In the realm of the economy, a significant number of women are engaged in various occupations such as migrant workers overseas and flight attendants (Susilo 2016). Moreover, these entities have the potential to manifest themselves in both public and professional spheres. This particular scenario necessitates the formulation of a novel fiqh rule that is distinct from existing ones. In order to enhance the understanding of fiqh, it is imperative to take into account various contextual factors and contexts. The issue at hand pertains to the current situation of women pursuing careers within the framework of Islamic law. If a career is deemed permissible under Islamic law, does its status negate the need for financial support? In the context of Islamic law, if the premise is that career women no longer require financial support, what specific strategies might be employed to effectuate a transformation in these prevailing Islamic perspectives?

2. Research Method

This study applied a qualitative methodology to elucidate, depict, and comprehensively analyze the findings of the investigation. The employed methodology for data collecting involves doing a comprehensive review of existing literature. The initial step involves the acquisition of relevant materials and data sources, such as books, articles, papers, and writings pertaining to the subject of investigation. The present study examines and analyzes various items in accordance with scientific principles and theories, or as presented by the researchers themselves. Subsequently, the authors identify the 'illat, or legal reasoning, in relation to the obligation of livelihood. This identification is achieved through the application of the steps outlined in the tanqih al-manat method. Finally, the study concludes by discussing the legal consequences of the 'illat that have been identified.

3. Results and Discussion

a. Career Woman's Status in the View of Islamic Law and Its Urgency in Indonesia

The findings of the study indicate The topic of women's roles within the household or in society at large might be initiated by referring to verse 33 of Surah al-Ahzab in the Qur'an. This poem is frequently employed as a foundational argument for restricting women's mobility outside of their residences. According to the interpretation provided by al-Qurtubi, this verse might be understood as a directive for women to confine themselves within the household. This verse pertains primarily to the wives of Prophet Muhammad PBUH, although its applicability extends to women in a broader sense. Moreover, al-

Qurtubi elucidates that within the religious context, there exists a plethora of instruction emphasizing the importance for women to remain within the confines of their residences, venturing outside solely in cases of urgent necessity. According to the individual, this particular guideline derived from Shari'ah serves as a form of reverence towards women (Ahmad, 2006).

The same opinion was expressed by Ibn 'Arabi in his book *Ahkam al-Qur'an*. According to him, the meaning of this verse is 'stay in the house and do not makeup and then leave the house.' (Arabi 2003). According to Ibn Kathir, this verse is a prohibition for women to leave the house if there is no need that is justified by religion, such as praying in the mosque. (I. A. al-F. I. K. al-D. Ismail 2004)

Abu> A'la Al-Madudi, a contemporary Pakistani Muslim thinker adheres to an understanding that is in line with the above opinion in his book *al-Hijab*. According to him, qiraat experts differ in reading this verse, the majority of qiraat experts from Medina and some Kufa scholars read this verse with 'waqarna ', which means 'stay at home and stay there'. While the scholars of Basrah and Kufa read it with ' waqirna ' which means 'stay in your homes in peace and honor'. According to him, the place of women is at home, they are not exempt from work outside the home except that they are always at home quietly and respectfully so that they can carry out household obligations. For when there is a need or necessity (*hajah*), then they may leave the house on the condition that they maintain honor and maintain shame. According to him, women are also allowed to speak in public on the condition that they do not intentionally soften their voices to tease others (Al-Maududi, 1964)

Scholars argue that women are only allowed to work outside the home when in an emergency analogy it with the story of the Prophet Shuaib and his two daughters contained in the QS. al-Qasas 28/23-24. According to them, based on this verse, a woman is allowed to work only in emergency conditions as the story in this verse describes the condition of the Prophet Shuaib who is in old age and tired. In addition, Prophet Shuaib did not find anyone else who could be told to take water as described in the next verse when his daughter came to Prophet Musa conveying his father's want to give a reward to Prophet Musa for his services in helping his two daughters. If there were other people at that time, then the Prophet Shuaib would not have told his daughter to convey the message to him. Therefore, according to them, this indicates that the two daughters of the Prophet Shuaib worked to find water outside the house due to emergency conditions. (Zaidan 1993)

According to Sayyid Qutub, one of the popular thinkers of the Ikhwanul Muslimin, the verse QS. al-Ahzab 33/33 does not mean that women cannot work, because Islam does not prohibit women from working. However, Islam does not like to motivate it. Islam justifies them to work in emergency conditions and does not make it a basic law. According to him, at the beginning of the arrival of Islam, women also worked when conditions required them to work. The problem is not whether they have the right to work or not, but Islam does not tend to motivate women to leave the house except for jobs that are necessary, required by society, or based on the needs of certain women. For example, the need to work because there is no one else who can bear the cost of his life, or the person who bears the cost of living is not able to meet his needs (Qutub, 2002).

Likewise with household needs today. In classical times, the primary needs of the household were not as complex as it is today so the husband's work was still adequate to meet household needs. The primary needs of households still revolve around the need for food, drink, and clothing. In contrast to today, household needs, especially in urban areas, have increased to become primary needs, which in the past may have been secondary-even tertiary needs. Such as the need for electricity costs, cleaning services, security fees, transportation, and telecommunications. This situation requires the wife to help the husband meet household needs.

It should be underlined that the needs in the past were different from the modern era today. Today's community culture has changed the level of community needs. In today's modern times, many people do work that basically falls into the *al-hajiyat* category, but in society, it has shifted to become *daruriyat* needs. The work of looking for food in primitive societies can still be done by going into the forest looking for food, but in today's modern era it is difficult to do such a thing (Al-Yasa', 2016).

According to Wahbah al-Zuhaili, a contemporary fiqh expert from al-Azhar alumni, Almighty Allah to equalize women and men in the field of Human Rights (HAM), roles in the fields of religion and civilization that are adapted to their gentle feminine nature. According to him, a woman is not required to work at home alone, women may share the work with men and that is an image of a commendable virtue and is included in the category of helping to help. Women even have the same rights as men in mastering various fields of life, such as carrying out activities for community empowerment, religion, science, politics, benefit guidance, staffing, trade business careers, and various other forms of cooperation. Women were even required to participate directly with those who fought to treat and care for the sick. Women are required to call for virtue, prevent evil, perform congregational prayers in the mosque, listen to public recitations, and refute disputes by presenting correct arguments, as was done by a woman during the time of 'Umar Ibn Khattab when 'Umar Ibn Khattab sets a rule that expensive dowry (Wahbah al-Zuhaili, 2006).

Observing the opinion of scholars regarding the status of women in their careers, it can be concluded that there are two typologies of thinking about the status of women in their careers. First: is the typology of modernist thought, namely the tendency to interpret texts about women with flexible and elastic interpretations. They view that legal norms regarding the status of women need to be reinterpreted by taking into account cultural changes. This hope is in line with the accommodative tendency of modernism with the idea of women's emancipation. This idea wants equal status between men and women in various social statuses, including in the political and economic fields. Second: is the typology of fundamentalist thought, namely the tendency of rigid interpretation, and zahiriistic literalism. Their ideas assume that women are not equal to men. The implication is the paradigm limits women's movement, limits women's involvement in social and political fields.

The first typology of thought is more easily accepted by current logic and reality. The complexity of household needs today requires women to work and have a career. Today's women are even demanded by the advancement of education and technology to have skills and multitasking. Therefore, it is fitting with education and women's skills, when they become wives, are given the opportunity to work and have a career according to their education and skills.

In addition, after examining the texts related to the right to work, they do not differentiate between men and women. The existing texts even praise anyone who works without distinguishing between men and women. Likewise, there is no difference between unmarried and married women. That is, women as a whole are appreciated for work as men. As they are also appreciated for developing education and skills that can support the interests of their work.

According to Quraish Shihab, there is no one clear and definite religious text, either in the Qur'an or Hadith, which leads to the prohibition for women to work even outside their homes. Therefore, in principle, women cannot be prohibited from working, because basically, religion stipulates a rule which reads: "In terms of society, everything is permissible as long as there are no restrictions, and in the case of pure worship, everything is not allowed as long as there is no guidance". The jobs and activities performed by women in the time of the Prophet were quite diverse, to the point that they were involved in wars, helping each other with men. For example, Umm Salamah (wife of the Prophet), Shafiyah, Lailah al-Gafa>ryyah, Umm Sinam al-Aslamiyyah, and others are recorded as

figures involved in the war. The Hadith scholar, Imam Bukhari, recorded chapters in his *Saheeh* book that inform the activities of women, such as the Chapter on Women's Involvement in Jihad, the Chapter on Women's War at Sea, the Chapter on Women's Involvement in Taking Care of Victims, and others. In the field of trade, the name of the Prophet's first wife, Khadijah bint Khuwailid r.a., is recorded as a very successful person. Similarly, Qilat Ummi Bani Anmar is recorded as a woman who once came to the Prophet to ask for guidance in the field of buying and selling (Shihab, 2007).

In addition, the texts of the Qur'an and Hadith command humans to learn without distinguishing between men and women. The purpose of the learning task is to gain knowledge and the task for people who have gained knowledge is to practice their knowledge or at least transfer their knowledge to others. This means that both men and women have the right to work in order to practice their knowledge. It's the same whether he is needed to work because of the knowledge he has, or he needs the job because of the demands of life. The right of women to work applies to both married and unmarried women because the texts do not differentiate between men and women in studying, both are required to study. The texts also do not differentiate between unmarried women and married women.

Therefore, it can be drawn a general principle that women - both married and unmarried - have the right to work as men as long as the work requires it or she herself needs the work and the work is carried out with respect and maintains the principles and religious purposes. When women in the view of Islamic law are allowed to work, how about their livelihood in the view of Islamic law. Is their husband obliged to give them a livelihood? The Logic usul fiqh that can be used for answering this hypothesis is the logic of *Tanqih al-Manat*.

Therefore, the arguments for the obligation of subsistence are only suitable for the obligation to support a wife who is passive at home. When a wife has no significant role apart from matters in the bedroom. All her needs are borne by the husband, even the affairs of her needs are prepared by her husband's helper. It is different when a wife is active outside the home and has a significant role in the household, including the role of fulfilling the household's financial needs. Conditions like this that change with changes in human civilization, cause the need to review this verse, whether it only applies in general to all wives in every condition, or may be excluded for a wife who has multiple roles in the household, or even dominates the fulfillment of the household's financial needs.

The revitalization of *tanqih al-manat* is very urgent to be carried out in Indonesia because work for a wife in Indonesia has reached the emergency stage, because household needs are not adequately met if only one husband works if the income is only based on the standard of people's Regional Minimum Wage (UMR). This is due to an imbalance between the standard of Minimum/Decent Living Needs (KHM/KHL) and the standard of Regional/Provincial Minimum Wage (UMR/UMP). The average KHL in Indonesia, as reported by the Central Bureau of Statistics, between 2019-2021 is not commensurate with the average UMR in Indonesia that year, even up to 2023 which is only IDR. 2.944.541 (BPS, 2023). As the following data:

Month	Average Living Needs (KHL) Single Worker (PL)		
	2019	2020	2021
January	IDR 2.119.153	IDR 2.323.197	IDR 2.801.428
February	IDR 2.109.436	IDR 2.311.465	IDR 2.854.006
March	IDR 2.132.399	IDR 2.333.332	IDR 2.873.471
April	IDR 2.118.286	IDR 2.202.611	IDR 2.547.841
May	IDR 2.130.695	IDR 2.239.600	IDR 2.653.273
June	IDR 2.231.159	IDR 2.243.033	IDR 2.690.889
July	IDR 2.105.041	IDR 2.215.872	IDR 2.662.105
August	IDR 2.123.459	IDR 2.198.390	IDR 2.904.695
September	IDR 2.142.082	IDR 2.190.913	IDR 2.899.105
October	IDR 2.161.996	IDR 2.261.948	IDR 2.888.643

November	IDR 2.170.342	IDR 2.543.057	IDR 2.941.701
December	IDR 2.190.704	IDR 2.550.860	IDR 2.949.970
Average	IDR 2.144.563	IDR 2.301.440	IDR 2.805.594

Table 1, Minimum/Decent Living Needs (KHM/KHL) for a Month from 2019 to 2021

Source: (BPS, 2021)

This means that the average wage earned by the Indonesian people is only sufficient to meet their proper minimum personal needs, not for the needs of the household consisting of his wife and children. The logical consequence is, if the wives don't work, the average family's needs will not be properly met. Except for a handful of families where the husband earns above average income. This inequality can be concluded after looking at data from the Central Statistics Agency (BPS) regarding Minimum/Decent Living Needs (KHM/KHL) for a month from 2019 to 2021 (BPS, 2021).

Actually, there are several reasons that cause women to want to work, including the application of knowledge, insufficient husband's income, self-actualization, financial freedom, lifestyle, additional insight, economic needs for self and family life, equal rights with men, increasing a woman's education level, and pride at being able to do it (Widya Ananda, Zayyan, and Arifin, 2021). Although it cannot be denied, that a working wife can also bring problems in the household. not a few husbands who later become negligent of their responsibilities because they depend on the income of their wives (Ismanto, Wijaya, and Ritonga, 2018).

b. The Epistemology of Tanqih al-Manat in Legal Reasoning

The scholars of *Usul fiqh* use three methods in identifying 'illat. *Tahqiq al-manat*, *takhrij al-manat* and *tanjih al-manat*. Though all three is method study *manat* law or 'illat, all three are different. *Tahqiq al-manat* is observation to existence 'illat on one object law , through *nas* , *ijmak* or *istinbat* (Al-Amidi, n.d.). *Takhrij al-manat* is push all ability to find out the 'illat the law indicated by the text and *ijmak* , without there is affirmation its 'illat position (Al-Ghazali, n.d.). If linked with time like *al'illah*, in conclusion *takhrijul manat* is search 'illat by using the theory of *munasabah*.

The word *tanjih* originated from the word *naqaha* - *yanqahu*- *inqahun*, which means *tahzib* , which means clean-up (Al-Fairuz, n.d.). *Manat*, sourced from the word *anata*, means hanging , in Thing this considered similar with definition 'illat that is *wasfun zahir mundabit*, trait real and regular (Manzur, n.d.) *Tanqih al-manat* by terminology is tracing and *ijtihad* in skeleton find the right 'illat from various proffered properties text, with method leave traits that are not appropriate or called 'illat filtering ('Abdul Rahman Ibrahim al-Kailani, 2004).

For example, the Hadith of the Prophet Muhammad PBUH which is narrated from Abu Hurairah r.a. said: "When we were sitting with the Prophet Muhammad PBUH suddenly come a person male then said: "O Messenger of Allah, perish me". He asked: " What 's the matter with you?". That person replied: "I have to get in touch with my wife while I am in fasting ". So, the Messenger of Allah (may peace be upon him) asked:" What you have boy, so you must set him free? ". That man replied: "No". Then He asked again: "would you like to fast during two moons in a row?". That person replied: "No". Then He asked again: "do you have food for given to sixty poor's people?". That man replied: "No". For a moment the Prophet Muhammad PBUH kept silent. When we were still in circumstances earlier, the Prophet Muhammad PBUH given one basket contains dates, then He asked: "Which person has asked just now?". That person replied: "I am". So. He said: "Take it these dates then give alms with him." That man said: "What there are people who are poorer than me, O Messenger of Almighty Allah. For God's sake, there are no families living in between two borders, which the intent is two desert sand, which is poorer than my family. "Listening his statement is the Prophet Muhammad PBUH to be laughed to looks teeth series. Then He said: "If so, feed your family with all these dates" (Al-Bukhari, 1422).

Rasulullah PBUH in this Hadith sets obligations pay *kaffarah* in Arab primitive person. In a way implicit, there are some properties or possible criteria that might be '*illat*' above law mandatory *kaffarah*; (1) the action of *jimak*, (2) perpetrator a'ribi intercourse, (3) a woman who is intercourse with wife status and (4) the action of *jimak* performed on the genitals in front or *qubul* (meaning taken from the word *wat'i* found in Hadith). The mujtahid must be able to determine by filtering which one among these properties is the most appropriate to be '*illat*'. Imam Shafi'i (Al-Syafi'i, 1393) by his *ijtihad* only makes "*jimak*" as '*illat*' and ignores another criterion. That is, action *jimak* seconds circumstances Ramadan fasting only cause expiation, good done an Arab person or not, done in *qubul* or anal (other than forbidden), which is intercourse wife or no. While Imam Malik (Al-Kharsy, n.d.) and Imam Abu Hanifah (Al-Kasani, 1982) sort *jimak* (*wiqa'*) with ignore aspect in particular and take aspect generally as the '*illat*' that is action deliberately cancel fasting. That is, each action deliberately cancels fasting good by *jimak* or other causes mandatory *kafarat*.

In conclusion, *Tanqih al-Manat* in principle negates a number of existing properties in text, which is not appropriate to be '*illat*' or part from '*illat*' that alone. Determination process that of course with analyzing and exploring other indicators that can strengthen the choice of existing properties as manat law. A reasoning process like this is also very much needed in the study of what actually the manat the most appropriate law in obligation livelihood. More specifically obligation husband provides for his wife. Before exploring the '*illat*' of the obligation of livelihood, it is necessary to explain the meaning of '*illat*'. The etymology of the word '*illat*' is from masdar which came from the root word '*alla-ya'ullu-illah*' or '*i'talla*' which means sick or disease (Ma'luf 1956). According to Al-Jurjani in *al-Ta'rifat* mention that '*illat*' by language means something that is somewhere place then its existence changes the condition of that place. Therefore, '*illat*' that also called '*disease*', because he changes condition physical somebody from strong becomes weak (Al-Jurjani, n.d.).

Terminologically, there are several definitions of '*illat*' put forward by the scholars of fiqh. The majority of the Hanafiyyah scholars, some of the Hanabilah and Imam Baidawi (Usul fiqh figures of Syafi'i), formulate the definition of '*illat*' by: A trait (which functions) as an identifier for a law (S. M. Ismail, n.d.). Imam al-Gazali, put forward the definition of '*illat*' as follows: The nature that influences the law is not because of its substance, but by the will of the Syar'I (Al-Ghazali, n.d.).

According to the Mu'tazilah, '*illat*' is a trait that directly affects the law, not by the will or actions of Allah. According to them, '*illat*' is what causes the law to be prescribed and Syar'i, in this case, must follow the '*illat*'. Therefore, a law does not depend on Syar'i, but it depends on the '*illat*'. For example, intentional murder, logically, is the cause of someone's obligation to be tortured. In this case, there is no need for Syar'i's intervention, because according to them, based on the reason, this can already be known. Because of this intentional killing, Allah is obliged to determine *qisas* punishments to prevent people from committing crimes and to achieve benefit. Imam Abu Zahrah stated that '*illat*' is a clear, clear attribute and has a relationship with one law (Zahrah, 2006). This definition is more likely to point out the nature of a law clearly and clearly.

According to Khudari Bik, '*illat*' is wisdom that emerges from Syar'i rules, namely a benefit that is required to bring about and perfect it. As for the harm, it is demanded to be kept away and reduced (Bik, 1998). This understanding is more directed to the meaning of wisdom when the meaning leads to the purpose of law and without regard to a clear and tangible nature. Observing the previous definitions, it can be understood that there are groups of scholars who define '*illat*' as a clear, real, and legal nature. Another group argues that with a character that has a legal relationship, it is legal wisdom rather than a text.

c. The Application of *Tanqih al-Manat* in Livelihood of Woman in Indonesia

The scholars of Usul fiqh use three methods in identifying '*illat*. *Tahqiq al-manat*, *takhrij al-manat* and *tanqih al-manat*. All of these are different. *Tahqiq al-manat* is observation to existence '*illat* on one object law, through *nas*, *ijmak* or *istinbat*. *Takhrij al-manat* is push all ability to find out the '*illat* the law indicated by the text and *ijmak*, without there is affirmation its '*illat* position. If linked with time like *al'illah*, in conclusion *takhrijul manat* is identifying '*illat* by using the theory of *munasabah*.

Based on the previous explanation, formulating the '*illat* of the obligation of living by using the method of studying the '*illat* that has been formulated by the scholars, can be taken in two steps. First, is *takhrij al-manat*. Second, *tanqih al-manat*. Departing from the first method, namely *takhrij al-manat*, then there are three possibilities that can become the '*illat* of the husband's maintenance obligation to his wife. The first possibility is, the marriage contract (*al-aqdu al-zaujiyyah*). The second possibility is the husband's control or detention of his wife in the house (*al-ihtibas*). The third possibility is that the husband enjoys the wife's biological service (*al-tamkin*) ('Aziz, n.d.).

If the marriage contract becomes the '*illat* of a livelihood obligation, then living is obligatory under any circumstances as long as it is still in the marriage contract as long as there are no things that invalidate a living. If the control or detention of the wife in the house becomes the obligation of a living, then the wife who works outside the home is not obliged to be supported. If the husband enjoys the wife's biological services, which are the '*illat* of the maintenance obligation, the wife who has not served her husband's needs is not obliged to provide for her, even though the wife stays at home.

Using the second step, namely *tanqih al-manat*, then the closest '*illat* is the possession or detention of the husband in the house (*ihtibas*). That is when a wife is only given domestic duties and is not allowed to take on tasks and play a role in the public sphere. The husband's control and detention in the house will have implications for the wife's inability to support herself (not being able to be independent). Therefore, the act of not providing for a wife who is stuck in the house is injustice. The wife who is stuck in the house is unable to support herself, so the husband is required to provide livelihood for her. The provision of a living should not only be based on the ability of the husband but also on the merits of the wife getting it (Majana, 2018).

The first possibility is the 'marriage contract'. It is more dominant to be the *sabab* (cause) of the wife's obligation to support the wife than to be '*illat* (Al-Ghazali, n.d.), because the marriage contract is the initial motive for the existence of the obligation to make a living. The third possibility, namely 'husband enjoys a biological relationship with his wife' is also more appropriate to be the cause of the obligatory dowry than to '*illat* the wife's maintenance obligation. As the word of Almighty Allah in QS. al-Baqarah/2: 236. In addition, making the husband enjoys a biological relationship with his wife' into '*illat* of the livelihood obligation for his wife will cause a wife who is no longer able to serve to be obligated to support her livelihood, because of illness, old age, or because she is menstruating. Logically, they are the ones who are more deserving of protection from their husbands, because they are weak and unable or unable to support themselves. Therefore, the most logical possibility of '*illat* is the second possibility, namely the existence of 'the control of the husband and his detention in the house' under his leadership.

The determination of '*illat* is strengthened by analogizing it with the principle of the obligation to provide maintenance to people other than the wife (other relatives). After examining the object that is given a living in the Shari'a, it can be concluded that the principle of providing a living for other relatives is 'their inability to provide for themselves. As parents are required to provide for their children who have not been able to earn a living for themselves. On the other hand, children are required to provide for their parents who are no longer able to support themselves. The demand stops when the object to be supported is able to support itself. Therefore, scholars wrote that one of the conditions

for the obligation to provide for children and parents is that children and parents are unable to work and support themselves. The same goes for living with other relatives (Wahbah al-Zuhaili, n.d.). Determination of 'illat' is also strengthened by observing the word of Almighty Allah in QS. al- Talaq/ 65: 6.

After Almighty Allah ordered to give residence to the wives according to their abilities, Allah then accompanied them by prohibiting them from making things difficult. This shows that one of the purposes of Allah's commandments. to give them a place to live is so as not to trouble them. According to Muqatil and also Abu Hanifah as quoted by al-Qurtubi, what is meant by this verse is not to make it difficult to provide for them (Ahmad 2006). Based on this explanation, the *tanqih al-manat* application process can be described in the following table:

The Law Object	First Step	Second Step	Third Step	Results/Legal Consequences of Determining 'Illat with the Tanqih Manat Approach
The livelihood status of career women	Looking for the possibility of 'illat with the <i>tahqiq manat</i> approach	Identifying 'illat with the <i>takhrij manat</i> approach	Determining the right 'illat with the <i>tahqiq manat</i> approach	Determining 'Illat with the Tanqih Manat Approach
<i>Illat/manat</i>	The marriage contract (<i>al-aqdu al-zaujiyyah</i>); The second possibility is the husband's control or detention of his wife in the house (<i>al-ihtibas</i>); and the husband enjoys the wife's biological service (<i>al-tamkin</i>).	The husband's control or detention of his wife in the house (<i>al-ihtibas</i>); and the husband enjoys the wife's biological service (<i>al-tamkin</i>).	The husband's control or detention of his wife in the house (<i>al-ihtibas</i>);	Because women are no longer under the control of their husbands in the house, wives who have a career are no longer obliged to provide for themselves, because the principle of providing a living is based on the inability of those who are supported to support themselves.

Table 2, *The Tanqih Manat Application Process*

After the process of filtering 'illat' by using the logic of *tanqih al-Manat* and concluding that 'illat', the obligation to provide for the wife is the control or detention of the husband in the house (*ihtibas*). Automatically, if a wife no again is at in mastery within the home, no again only on-duty look after affairs domestic, wife no again Required supported. A career wife can follow help her husband provide families need. A wife's career in condition certain even can just be required to follow as well as help her husband provides for the family. the wife does not have to be supported in livelihood because the 'illat' must always together with the law. When its 'illat' is exists, then the law must be existed. When its 'illat' has already no exists, then the law must be removed. When wife is stuck inside the home and only on duty for affairs domestic, they are required to be supported in livelihood. When they already have careers, they do not need again to be supported in livelihood.

4. Conclusion

Being a career woman has become an urgent need in Indonesia, because if only men have careers it will cause an imbalance between the average income and a decent standard of living. The main purpose of livelihood is for helping the object of livelihood. It can be concluded that 'the correct 'illat of the three possibilities is 'the existence of the husband's control and detention in the house' because this condition will make the wife more retarded, less independent, and more difficult. This means that not providing for them in the condition of being stuck in the house is an injustice, and not providing for those who

have no income is a burden that they cannot afford. Giving burdens to the mukallaf of things that are not able to be contrary to sharia principles. Furthermore, it can be concluded that the livelihood obligation is universally built on the inability of the person to be supported. When the person being provided for is already able to be independent people, then the obligation to support him in livelihood falls, like a child must be supported until he is an adult and is able to earn a living independently, parents must be supported in livelihood when they are old and begin to weaken. So naturally, women who have a career are no longer required to be supported in livelihood as they (children and parents) are not required to be supported when they are able to support themselves.

5. References

'Abdul Rahman Ibrahim al-Kailani. 2004. *Tahqiq Al-Manat 'Inda Al-Usuliyyin Wa Atsaruhu Fi Ikhtilaf Al-Fuqaha*. Vol. 58. Saud: Majallah al-Syariah wa al-Dirasah al-Islamiyyah.

'Arabi, Abu Bakar Muhammad Ibnu 'Abdullah Ibnu. 2003. *Ahkam Al-Qur'an*. Cet. III. Beirut: Dar al-Kutub al-'Ilmiyyah.

'Aziz, Sa'ad Bintu Muhammad 'Abdul. n.d. "'Amal Al-Zaujah Wa Atsaruhu 'Ala Al-Nafaqah Al-Zaujiyyah." *Majallah Jami'ah Tayyibah Li Al-Adab Wa Al-'Ulum Al-Insayniyyah* 10.

Ahmad, Abu 'Abdullah Muhammad Ibnu 'Abdullah Ibnu Abu Bakr al-Qurtubi. 2006. *Al-Jami'u Li Ahkam Al-Qur'an*. Cet. I. Beirut: Muassasah al-Risalah.

Al-Amidi. n.d. *Al-Ihkam Fi Ushul Al-Ihkam, Ta'liq Abdul Razaq Al-'Afifi*. Cet. I Juz.

Al-Bukhari, Abu 'Abdullah Muhammad Ibnu Ismai'l. 1422. *Al-Jami' Al-Sahih*. Cet. I. al-Qahirah: Dar al-Salafiyyah.

Al-Fairuz, Abadi. n.d. *Qamus Al-Muhit*. Jld. I.

Al-Ghazali, Abu Hamin. n.d. *Al-Mustashfa Min 'Ilmi Al-Wusul*. Cet. I. Beirut: Muassasah al-Risalah.

Al-Jurjani, Muhammad. n.d. *Kitab Al-Ta'rifat*. Jeddah.

Al-Kasani, Al-Imam Alauddin Abu Bakar al-Hanafi. 1982. *Badai' Al-Shanai' Fi Tartib Al-Syra'i*. Jld. II. Beirut: Dar al-Kitab al-'Arabi.

Al-Kharsy, Syeikh Muhammad Ibnu 'Abdullah Al-Maliki. n.d. *Al-Kharsy 'Ala Muhktasar Sayyid Khalil*. Jld. VIII. Beirut: Dar al-Fikr.

Al-Maududi, Abu A'la. 1964. *Al-Hijab*. Cet. II. Dimasyq: Dar al-Fikr.

Al-Syafi'i, Abu 'Abdullah Muhammad Ibnu Idris. 1393. *Al-Umm*. Jld. II. Beirut: Dar al-Ma'rifah.

Al-Yasa', Abubakar. 2016. *Metode Istislahiah: Pemanfaatan Ilmu Pengetahuan Dalam Ushul Fiqh*. Jakarta: Prenada Media Group.

Alimuddin, Harwis. 2022. *Teori-Teori Ijtihad Berbasis Kemaslahatan Dan Aplikasinya Di Indonesia*. Cet. I. Bandung: Ellunar.

Azzam, Abd al'Aziz Muhammad. 2005. *Al-Qawa'id Al-Fiqhiyyah*. Cairo: Daar al-Hadits.

Bik, Khudari. 1998. *Usul Al-Fiqh*. Beirut: Dar al-Fikr al-'Arabi.

BPS. 2021. "Rata-Rata Kebutuhan Hidup Layak (KHL) Pekerja Lajang (PL) 2019-2021," 2021.

—. 2023. “Rata-Rata Upah/Gaji (Rupiah), 2022-2023,” 2023.

Carbajal, Jose, and Stephen F Austin. 2018. “Patriarchal Culture ’s Influence on Women ’s Leadership Ascendancy.” *The Journal of Faith, Education, and Community* 2 (1): 1-23. <https://scholarworks.sfasu.edu/jfec/vol2/iss1/1>.

Grantthornton. 2022. “Woman in Business 2022,” 2022. <https://www.grantthornton.co.id/insights/global-insights1/women-in-business-2022/>.

Husna, Khotimatul. 2022. “Kajian Dalalah Dalam Perspektif Relasi Kesalingan Suami Istri Menurut Konsep Keluarga Maslahah Nahdlatul Ulama” 20: 323-36. <https://ejurnal.iainpare.ac.id/index.php/diktum/article/view/3633/1348>.

Irma, Ade, and Dessy Hasanah. 2014. “Menyoroti Budaya Patriarki Di Indonesia.” *Social Work* 7 (1): 71-80.

Ismail, Imaduddin Abu al-Fida Ibnu Katsir al-Dimasyqi. 2004. *Tafsir Al-Qur'an Adzim*. Vol. I. al-Qahirah: Dar al-Da'wah al-Islamiyyah.

Ismail, Sya'ban Muhammad. n.d. *Tahzib Syarh Al-Asnawi 'ala Minhaj Al-Wusul Ila 'Ilmi Al-Usul Li Al-Baidawai*. Juz. III. al-Qahirah: Al-Maktabah al-Azhariyah li al-Turats.

Ismanto, Bambang, Muhammad rudi Wijaya, and Anas Habibi Ritonga. 2018. “Istri Sebagai Pencari Nafkah Utama Dan Dampaknya Dalam Keluarga Perspektif Hukum Islam.” *Fitrah: Jurnal Kajian Ilmu-Ilmu Keislaman* 4 (2): 397-416. <https://doi.org/10.24952/fitrah.v4i2.950>.

Ja'far, A. Kumedi, and Agus Hermanto. 2021. “Reinterpretation Of The Rights And Duties Of Contemporary Husbands And Wives.” *Samarah* 5 (2): 648-67. <https://doi.org/10.22373/sjhk.v5i2.9124>.

Ma'luf, Luis. 1956. *Al-Munjid Fi Al-Lughah Wa Al-Adab Wa Al-'Ulum*. Beirut: Maktabah al-Katsulikiyyah.

Majana, Sanuri. 2018. “Penentuan Mut'ah Wanita Karir Dalam Pandangan Hukum Positif Indonesia.” *Al-Istinbath : Jurnal Hukum Islam* 3 (1): 67. <https://doi.org/10.29240/jhi.v3i1.406>.

Manzur, Ibnu. n.d. *Lisanul Arab*. Jld. X. al-Qahirah: Dar al-Ma'arif.

Qutub, Sayyid. 2002. *Tafsir Fi Dzilal Al-Qur'an*. Vol. 2. Jakarta: Gema Insani Press.

Shihab, M. Quraish. 2007. *Perempuan Dari Cinta Sampai Seks, Dari Nikah Mut'ah Sampai Nikah Sunnah, Dari Bias Lama Sampai Bias Baru*. Jakarta: Lentera Hati.

Susilo, Edi. 2016. “Iddah Dan Ihdad Bagi Wanita Karir.” *Al-Hukama'* 6 (2): 275-97. <https://doi.org/10.15642/althukama.2016.6.2.275-297>.

Wahbah al-Zuhaili. n.d. *Fiqh Al-Islami Wa Adillatuhu*. Vol. IX. Dimasyq.

—. 2006. *Qadaya Al-Fiqh Wa Al-Fiqh Al-Mu'ashir*. Cet. I. Dimasyq: Dar al-Fikr.

Widya Ananda, Syifa Aulia, Widad Alfiyah Zayyan, and Imamul Arifin. 2021. “Pandangan Islam Tentang Wanita Karir Dan Ibu Rumah Tangga Dalam Bingkai Keluarga Dan Masyarakat.” *Profetika: Jurnal Studi Islam* 22 (2): 347-56. <https://doi.org/10.23917/profetika.v22i2.16700>.

Zahrah, Muhammad Abu. 2006. *Usul Al-Fiqh*. al-Qahirah: Dar al-Fikr al-'Arabi.

Zaidan, Abdul Karim. 1993. *Al-Mufassal Fi Al-Ahkam Al-Marah Wa Al-Bait Al Muslim*.
Bairut: Muassasah al-Risalah li al-Nasyr wa al-Tauzih.