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Productive Livelihood For Children On QS. An-Nisa Verse 09

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Abstract

A living became a necessity in domestic life. Most studies of living still revolve around consumptive livelihood (*an-nafaqah al-istihlākīyah*), because read from an outward point of the texts indicate that living is in the form of food, drink, clothing, food, and domicile. Even though these consumptive details can be productive. Productive livelihood (*an-nafaqah al-isti'māliyah*) for children has not been so massive discussion among researchers. Some published research on productive living still requires a stronger foothold as a legal backing. From there, researchers want to provide the basic foundation of QS. An-Nisa': 09 as a formalistic legal basis in order to be more effective in taking application actions in the practical realm of each family. With the approach of Islamic legal philosophy, researchers read and study QS. An-Nisa': 09, is the verse relevant as the basic basis for productive livelihood for children? And what are the laws born of it? From this study, the results obtained are 1) this verse is relevant to be used as a basis for the concept of productive livelihood for children. 2) with the approach of Islamic legal philosophy gave conclusion of law a) the necessity of applying productive income for children to families who have knowledge and an established economy; b) be an encouragement for families with knowledge or established economies to manage management towards productive livelihood for children; c) does not apply to those who do not have the capacity of both or one of them.

Keywords: productive livelihood, children, QS. An-Nisa': 09

Abstrak

Nafkah menjadi keharusan dalam kehidupan berumah tangga. Kajian nafkah yang terbanyak masih berfokus pada nafkah konsumtif (*an-nafaqah al-istihlākīyah*), karena dibaca dari segi lahiriah teks mengisyaratkan bahwa nafkah berbentuk makanan, minuman, sandang, pangan, dan domisili. Padahal rincian yang konsumtif tersebut bisa diproduktifkan. Nafkah produktif (*an-nafaqah al-isti'māliyah*) untuk anak belum begitu masif menjadi perbincangan di kalangan para peneliti. Beberapa penelitian yang diterbitkan terkait nafkah produktif, masih membutuhkan pijakan yang lebih kuat sebagai sandaran hukum. Dari situ, peneliti hendak memberikan pondasi dasar dari QS. An-Nisa': 09 sebagai landasan legal formalistik agar semakin mantab dalam

mengambil tindakan pengaplikasian di ranah praktis masing-masing keluarga. Dengan pendekatan filsafat hukum Islam, peneliti membaca dan mengkaji QS. An-Nisa': 09, apakah ayat tersebut relevan sebagai landasan dasar nafkah produktif untuk anak? Dan apa saja hukum yang lahir darinya? Dari kajian tersebut, hasil yang diperoleh adalah 1) ayat ini relevan untuk dijadikan sebagai landasan konsep nafkah produktif untuk anak. 2) dengan pendekatan filsafat hukum Islam melahirkan hukum a) keharusan menerapkan nafkah produktif untuk anak bagi keluarga yang memiliki pengetahuan dan ekonomi yang mapan; b) menjadi anjuran bagi keluarga yang berpengetahuan atau yang berekonomi mapan menata manajemen mengarah ke nafkah produktif untuk anak; c) belum berlaku bagi yang tidak memiliki kapasitas keduanya atau salah satunya.

Kata Kunci: Nafkah produktif anak, filsafat hukum Islam, QS. An-Nisa': 09

Introduction

The practice of the form of livelihood is part of the study of *al-mutaḥayyirāt*, which is the discussion of jurisprudence that is eclectic and adapts to space and time, while the spirit of livelihood is the area of study *at-tamābit* (remains stagnant), which carries the values of welfare, honor, harmony, and justice. In classical Islamic jurisprudence, the livelihood is the responsibility of the head of the family to all residents of the house, namely wives, sons and daughters, and domestic servants. Tarmizi and Fakhrurrazi also add *al-uṣūl* [father, grandfather, upwards].¹ As an additional illustration, in Indonesia, in the explanation of Syarifudin,² some families apply the concept of joint property.

This income becomes inevitable because of its relationship with the definite needs of the family. It's just that, in both those based on classical jurisprudence and those based on the concept of common property, published research still focuses a lot on the meaning of consumptive income (*istihlakīyah*), which is a

living to meet needs and once exhausted. This understanding is natural because outwardly *nash* at a glance explains the fulfillment of food, clothing, and shelter.

It was Afandi,³ the first researcher to promote the concept of productive livelihood [*an-nafaqah al-isti'māliyah*]. He found productive livelihood practices in Pamekasan applied by husbands to their wives. The wife is given shop capital to manage so it can meet her daily needs, and the husband can share his other modals to other wives. Another concept of productive income can be applied from research conducted by Supriadi, Roy Purwanto, and Soleh⁴ related to YouTube content as productive endowments. Only moving the application from waqf to providing for the family (*nafaqah*). Again, the shortcomings of the *maqāṣid as-syarī'ah* studies of most researchers have not provided the foundation of the Qur'anic verses as the basis for it. Likewise, research on "Productive Livelihood for Children on Kiai Syansuri

Badawi Perspective" conducted by Musthofa and Anang Firdaus⁵ has not laid the basic foundation of Quranic verses as strong and accurate legitimacy. But at least, from the results of these studies, there is agreement on the benefits of productive living. It only requires the legitimacy of a strong proposition as a foundation, in addition to the *maqāṣid as-syar'ah* they present. With an approach to Islamic legal philosophy, researchers want to study QS. An-Nisa': 09 and elaborates on the meaning of the verse with productive income for children as a stronger legitimacy and more precision. The step was to apply the study of the double movement offered by Fazlurrahman, then deepen the description of the verse with the *maqāṣid as-syar'ah* of Jasser Auda.

Method

This article uses a literature review. Researchers refer to tafsir *Al-Jami' li Ahkām Al-Qurān* by Imam *Al-Qurthubi*, *Ahkām Al-Qurān* by Al-Jasshash and Ibn Arabi, and tafsir *Mafātih Al-Ghaib* by Imam Ar-Razi to get a complete picture of its meaning and spirit. Researchers then study through *Nail Al-Auṭār* by Imam As-Shaukani, *Al-Fiqh Al-Islāmi wa Adillatuhu* by Wahbah Az-Zuhaili, and *Dau' Al-Miṣbah* by *Hadratusshaykh* KH. M. Hashim Ash'ari. With the *maqāṣid framework*, researchers reinterpret QS. An-Nisa': 09 is based on recent references, namely journals, freelance articles, and other

sources. Finally, the researcher re-presents it descriptively.

Surah An-Nisa': 09 on Scholars Discussion

If we read the explanation of Fazlur Rahman,⁶ the spirit of the Qur'an includes no more than three main points namely moral, social and economic. Meanwhile, to examine these points in order to gain a more complete understanding, it is necessary to do double movements Fazlur.⁷ The first movement is to depart from the present to the time when the Qur'an was revealed, while the second movement is to generalize the content of existing statements to answer today's problems.

When we look at the factors that cause divorce, the economy still occupies a high position in value. Bondowoso regional statistical data has 634 cases caused by the economy, ranking second after the disharmony factor with 683 cases;⁸ Ngawi area has many as 1207 cases caused by economy, the highest compared to other factors;⁹ and Tegal area has many as 1493 cases caused by the economy,¹⁰ the highest of the other causes. In each region, economic factors in the average year still occupy a high position as a trigger for family divorce. Yet one of the spirits of Islam, in Fazlurrahman's view, is economic welfare.

The obligation of economic improvement also be the responsibility of the government as exemplified by Sayyidina Umar

bin Khatthab when leading did not distribute the spoils of war to the soldiers and was managed by the state. The latter was later revealed essentially from QS. Al-Hashr: 07, “*key lā yakūna dūlatan baina al-aqbiya’ minkum*”, so that economic turnover is not narrow among the rich; and so that the war troops do not become landlords. Many more economic cases were taken over by Umar's government in his day as in the cases detailed by Rahman.¹¹ In addition to macroeconomic turnover, the Quran also encourages each individual to improve the economic quality of the family as a micro effort as Allah SWT says,

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَةً ضِعَفًا خَافُوا
عَلَيْهِمْ.

"Let those who leave behind weak offspring fear for them." (QS. An-Nisa': 09)

The interpreters explain that this verse forbids individuals to whisper or urge someone who is dying to donate their entire wealth. This Arab tradition was then stopped by inviting the mukhāṭab to rethink if he was the one who experienced the condition of death; think about how one's own family will be left behind. So that the tradition of solicitations for wills is limited through the case of Sa'd's companions regarding the prohibition of His Majesty the Holy Prophet PBUH from testifying more than one-third of the property despite his economic status in a rich condition,

...قَالَ: لَا. الثُّلُثُ، وَالثُّلُثُ كَثِيرٌ. إِنَّكَ إِنْ تَدَرَ وَرَثَتَكَ
أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدْرَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ. وَلَسْتَ
تُنْفِقُ نَفَقَةً تَبْتَغِي بِهَا وَجْهَ اللَّهِ إِلَّا أُجِرْتَ بِهَا، حَتَّى اللَّفْمَةَ
تَجْعَلُهَا فِي فِي امْرَأَتِكَ....

“... He said, "No." One-third, one-third is many. It is better to make your heirs rich than to make them dependent on people. And you do not spend an expense for the sake of God unless you pay for it, even a bite makes it in your wife....”¹²

Interpreters focus on ethical values, maintaining the moral message not to force someone to give up their inheritance entirely; also so as not to eat the property of orphans unjustly. Linking between QS. An-Nisa': 09 with the relation of inheritance is indeed supported by the diction of the verse that guides the study, namely "taraka" with its derivatives, "at-tirkal", the inheritance left behind, in addition to its own historical background. What is less noticed is that the mufassir also recited the hadith "at-tsuluts" which also mentions the diction "wa lasta tunfiqun nafaqatan...", concerning livelihood.

This redaction is a main point of indication as the basic foundation for determining productive income, that the income is not only consumptive in the form of food, drink, and the necessities of life that once run out, but "at-tirkal" which means property that can be taken advantage of by circulation of turnover. The management of prospective "at-

tirkab" candidates with the latest economic management, without having to wait for the owner to die is a form of *an-nafaqah al-isti'māliyah*. In other words, speed up the timing of *tirkab*. A productive livelihood can provide a turnover of benefits from it for the livelihood of a child.

That bequeathing a generation that is rich and financially independent is better than leaving them in a state of poor welfare and begging their fellow human beings. This principle stems from preventing the occurrence of "*dzurriyah di'āfan*", weak and financially poor offspring. In the rule of jurisprudence, it is stated, "*dar'u al-mafāsīd muqaddamun 'alā jalb al-maṣāliḥ*", prevention from destruction is prioritized rather than benefit; Another rule reads, "*akbaff ad-dararain*", which is the lesser of the two dangers that come our way; and adegium "*al-wiqāyah kbair min al-'ilāj*", prevention is better than treatment.

Therefore, family income that was originally in the form of *istiblāki* (consumptive) in the form of food, drink, side dishes, clothing, shelter, servants, household cleaning equipment,¹³ and children's education,¹⁴ then it became inevitable to expand into *isti'māli* (productive) forms such as real estates, furniture, and objects that could benefit from it. These objects can still be understood from the diction "*taraka*" or "*at-tirkab*" used by the Surah An-Nisa' verse 09; hadith derivatives mentioned from the discussion of livelihood to wives

including alms; and the ban leaves the generation financially weak.

Reinterpretation of QS. An-Nisa Verse 09: Understanding the Whole Concept of Productive Livelihood

1. The Forms of Productive Livelihood

In this article, the division of income into *al-istiblākiyah* (consumptive) and *al-isti'māliyah* (productive) refers to the phrase put forward by Wahbah Az-Zuhaili in the classification of the meaning of property. That treasure (*al-māl*) is functional, a way of utilizing it by spending such as food, drink, or money. This he later referred to as *al-māl al-istiblākiy*. While the treasure which is used by management and the treasure still exists, it is called *al-māl al-isti'māliy* (productive property), such as vacant land, shops, books, and the like. How to utilize this treasure is not once exhausted, but it is managed and the benefits are consumed.¹⁵

From the results of research in Pamekasan promoted by Afandi and phrases stimulated by Wahbah Az-Zuhaili, the new building of productive livelihood phrases became inevitable, namely *an-nafaqah al-istiblākiyah* (consumptive living) and *an-nafaqah al-isti'māliyah* (productive living). The first is commonplace in family life, while the second is not familiar in its application. The first indication of productive income from objects taken advantage of comes from the

diction of "taraka" with its derivatives, "tirka" which has connotations of objects left by the mayyit. This "tirka" was the forerunner of productive living, *an-nafaqah al-isti'maliyah*; also diction in the hadith of the companions of Sa'ad as an interpretation of QS. An-Nisa': 09 about providing to the wife is worth alms. The phrases *an-nafaqah al-isti'maliyah* was devised from *al-māl al-isti'maliyah* used by Wahbah Az-Zuhaili in *Al-Fiqh Al-Islāmiyah*,

وَالْمَالُ الْإِسْتِعْمَالِيُّ هُوَ مَا يُمَكِّنُ الْإِنْتِفَاعَ بِهِ مَعَ بَقَاءِ عَيْنِهِ
كَالْعِقَارَاتِ وَالْمَفْرُوشَاتِ وَالثِّيَابِ وَالْكِتَابِ وَنَحْوَهَا.

“Productive property is that which benefits from its existence such as real estate, furniture, fashion, books, and the like”.¹⁶

From the assets taken advantage of to rotate circulation, assembled into a living in the form of objects that can be operated circulation of benefits from the financial side. Forms of living can be such as real estate, rent, vehicles, clothing for rent, or other objects if they can rotate productively. Outwardly, clothing (*at-tsiyāb*) and houses (*al-maskan*) or *al-kutub* (books) mentioned as subsistence by jurisprudence scholars can be included in the category of *an-nafaqah al-isti'maliyah* (productive living). It's just that in a generally accepted phenomenon, these objects are still operated as a form of

consumption used alone, not yet to the application that is rotated (productive). What distinguishes these objects then is the application of the use and operation of living objects.

2. Offspring Who Manage Productive Income

The child of the manager of productive income is indicated from the redaction of "*dzurriyyatan ḍi'āfan*", a weak and poor offspring in QS. An-Nisa': 09. *Dzurriyyah* comes from Arabic which means *naslu al-insān dzukūran wa inātsān*, the offspring of a person both male and female. To avoid the *ḍi'āfan* (weak welfare) inherent in the *dzurriyah* (descent) of the verse phrase, there must be planning from an early age as a manifestation of the value of piety to Allah SWT by maintaining the commission of the child entrusted to him, so that what sticks later is the nature of *ṭayyibah* (great).

Planning to prepare human resources (offspring as generation) from an early age is discussed by tafsir scholars until he is two years old breastfeeding as mentioned in QS. Al-Baqarah: 233, "*ḥawlaini kāmilain*". The needs of children after two years are not discussed by scholars of interpretation in the verse. Even the scholars of exegesis in that verse then shifted the discourse on the discussion of the child's obligation to filial support for

parents with another verse fragment, "*wa bi al-wālidaini iḥsānan*".

The form of filial piety to parents in the frame of *iḥsānan* includes providing for them. From this, scholars give a line that when children are financially independent, even though they are not yet in puberty, they are obliged to provide for their parents. While parents can escape the responsibility of providing for children if they are unable to with the redaction "*wa 'alā al-wārits mitslu dżālik*", that income becomes a shared responsibility with the chain of heirs. As-Syaukani clarified the age limit of children who are responsible for parents. When still an infant, the child's support is borne jointly between husband and wife, while when the child is grown up it is the responsibility of the father, although some argue that it remains the responsibility of the husband and wife with a mount of dependents to provide for the child based on the amount of inheritance, "*'alaibimā ḥasba al-irts'*".¹⁷

Az-Zuhaili¹⁸ states that the child's livelihood remains a burden on their parents until he enters puberty, is financially independent, or in a physical condition that does not allow him to seek financial needs. After puberty, the term used by Az-Zuhaili is *al-ujrah*, the reward given by parents to children, no longer using the term bread. Involve children in work and give them wages. While girls still use the term

livelihood even though they are also given soft skills in sewing, spinning, or other crafts. The diction of providing for girls is still used because girls are the responsibility of the guardian parents until they get married.¹⁹

At first glance, the sorting of Wahbah includes acts of gender discrimination between men and women. However, what needs to be underlined is that not all discriminatory elections or groupings fall into criminal acts. Such as sorting children's capacity in classes and learning levels. Such actions include indispensable sorting. Wahbah does not deny the honing of soft skills to girls, but only the type of giving "alms" to children. The male ones are included in the category of alms *ujrah*, and girls are included in the category of alms of bread. Both *ujrah* and livelihood have alms value. Although there are indeed other effects of the election, such as the magnitude that certainly differs between "*nafaqah*" and "*al-ujrah*".

Interestingly, Wahbah²⁰ provides educational income slots for children. Students in Wahbah's view are included in the category of *al-'ajz*, weak. Students are weak in time and physical management to focus more on gaining knowledge which in the future is needed by the community at large. This benefit is an obligation for parents to continue to provide until the end

of their studies. Wahbah's opinion became one of the breakthroughs in addition to the basic needs of food, clothing, and shelter mentioned in the hadith text. This opinion also supports As-Shaukani's description of the diction "*wa taṣaddak bibi 'alā waladik*" which emphasizes that providing continues into adulthood.

In Indonesia, Marwan²¹ offers a maximum age limit for children to receive income from parents is 23 years, after completing undergraduate studies and looking for a job with a duration of one year. So the responsibility of parents to provide for their children is until the age of 23 years. Of course, it is permissible to involve them from the age of 14 in light work in between holidays or if it does not interfere with development, physical, social, and mental. Marwan's policy does not violate articles 69, 70, and 71 related to the protection and rights of children.

By involving children after puberty, collaboration (*al-jam'*) can be made between the opinions of Wahbah Az-Zuhaili and Marwan. That giving *al-ujrah* (wages) to children while helping parents' economic circulation becomes teaching and rewarding, and providing a living becomes a necessity. With this pattern, Peter Garlans emphasizes the importance of financial education from an early age, involving children in the business of earning a living and teaching

financial circulation patterns from upstream to downstream. So that it is embedded in how to manage the child's financial economy in the future.²²

At least, with financial education, teaching families the commitment to make budget slots for needs and burdens that must be pursued jointly by family residents. This pattern can also be included in the category of "*tadbir umūr al-manzil*", managing household affairs according to *Hadratusshaykh* KH. M. Hashim Ash'ari. That is, although the fulfillment of needs is still fairly not optimal to be included in the *ḥājīyah* category, at least the family pattern has started through the latest financial management. So that future hopes for the improvement and development of the family economy are inevitable.

The Role of Parents in Applying Productive Livelihood

The redaction of the role of parents in implementing productive income for children is implied in QS. An-Nisa': 09, "*Falyattaqullāh wal yaqūlū qaulan ṣadīda*", should fear Allah Almighty and present relevant topics. The meaning of mufassir's views does refer to each individual who attends (visits) someone who is sick before death. That they keep their speech, motivate the sick to do their best, not urge the sick

person to devote all his property, and discuss good themes.

In a broader sense, *qaulan sadīdan* can be interpreted as a reinforcement or answer to the previous statement of discussion, namely worrying about weak and unprosperous offspring, so be fearful of Allah Almighty. *Al-qaul as-sadīd* is a just deed and a righteous utterance.²³ In the contemporary context, it can be interpreted as an effort to educate children who are relevant to their time as a fortress so as not to be weak, *da'if*. *Qaul sadīd* presupposes the knowledge of parents and their education. With the latest and continuously updated science, parents will be increasingly aware of the level of responsibility for the obligation to provide for themselves. That the child's needs are the responsibility of the parents, as well as the importance of teaching independent economics to children from an early age.

Jurisprudence scholars base the responsibility of parents to provide for children in the words of Allah Almighty, "*wa 'alā al-mawlūd labu riḡqubunna wa kiswatubunna bi al-ma'ruj*", and for fathers to provide for children. Although scholars of tafsir give an understanding that the verse relates to the condition of the wife who is constrained to serve the needs of her husband because it meets the needs of an infant child, it is not even two years old. The wife is busy

breastfeeding and taking care of the baby so that the fulfillment of the husband's needs becomes neglected. In those conditions, QS. Al-Baqarah: 233 is a reinforcement that the wife still earns a living, also for the fulfillment of the needs of the children of the husband. This condition is alluded to by the wife who gets permission or orders from the husband to carry out duties from him, so that service to the husband is reduced because of one task that is being carried out by the wife of the husband.

In addition to providing consumptive income (*al-istihlāki*) to children, parents are also obliged to equip *skills* for future economic independence, both from work experience to providing initial capital in the form of assets that can be managed (*al-isti'mālī*) such as shops, vehicles, or any property that can be managed in circulation. Today, it can be in the form of a *marketplace* or *madsos* account as a store that needs to be prepared as well as content materials that need to be displayed; it can also be a Youtube account as Supriadi, Roy Purwanto, and Soleh²⁴ research related to productive endowments, for example. These efforts include parental responsibility in setting the economic foundation.

The head of the family must also update (follow developments) related to regional economic policies. This is because it is related to the amount of income and

human resource capacity in the family. As the narration of Wahbah²⁵ regarding the amount of income, "*'alā qadri ḥāli munfiq wa 'awāidi al-bilād, li annabā li al-ḥājah, fa tuqaddaru bi qadri al-ḥājah*", is limited to the ability of the provider and local government policies, because the income is to meet needs, it is determined based on needs with the amount of policy of a region. In the past, Imam As-Shafi'i once gave a standard for the amount of consumptive income in his time as a guideline for daily needs for a wide audience,

وَقَالَ الشَّافِعِيُّ: إِنَّهَا تُقَدَّرُ بِالْأَمْدَادِ. فَعَلَى الْمُسْرِ كُلِّ يَوْمٍ
مُدَّانِ، وَالْمَتَوَسِّطُ مُدٌّ وَنِصْفُ، وَالْمُعْسِرُ مُدٌّ.

"Imam al-Shafi'i said, the magnitude is determined by mud. For the rich, then every day provides a living of two mud. People who are well-off provide one and a half mud per day. While the person who is papah, then provides a living one mud/day".²⁶

Of course, the amount of consumptive income is now shifting by looking at the conditions of a region and government policies related to daily basic needs. To fulfill that, indeed the strongest provider is the head of the household (father). However, it does not rule out the possibility of involving the heirs of "*wa 'ala al-wārits mitslu dzālik*" with the amount of

inheritance conditions. Many journal studies involve family members, especially wives and children to meet the needs of life, including the research of Paulus et al²⁷ related to strategies for developing and meeting the needs of fishermen in East Leste and Indonesia, Pattiselno et al²⁸ research related to urban farmers' livelihood strategies in South Leitimur Ambon City, and Yanfika et al²⁹ on gender equality involving women in meeting the needs of life in Tanggamus Lampung Regency.

The involvement of women has been exemplified since the time of *Hadraturrasul* Muhammad (peace be upon him) as the case of Asma' bint Abu Bakr who lifted grass from the field and the case of Raithah who provided for Ibn Mas'ud's family.³⁰ This kind of involvement was not forbidden by *Hadraturrasul* (peace be upon him) at that time. That is, when the burden of family needs has been well illustrated, empowering the family's human resource capacity to fulfill together becomes a policy. Ofcourse with negotiations (deliberation) between internal families as signaled in QS. Al-Baqarah: 233, "*... fa in arāda fiṣālan 'an tarādin wa tasyāwurin falā junāḥa 'alaihima*", willing between husband and wife and the result of mutual deliberation.

In addition to discussing the process of family financial processing, children's education to process finances, knowledge

related to economic quantities that affect the circulation of *household income-outcomes*, Wahbah also classifies property into two: *al-istihlāki* (consumptive) and *al-isti'mālī* (productive). This division of classification is important related to the foundation for expanding the meaning of living based on the diction. That parents also prepare valuable goods that become the forerunner of the business of the next generation (their children) after they grow up or are ready to be independent from the *soft-skills* possessed and honed through education.

***Maqāṣid As-Sharī'ah's* Support for the Reinterpretation of QS. An-Nisa': 09**

As Fazlurrahman explained, the second movement is to narrate the spirit of QS. An-Nisa': 09 in order to answer the growing needs of society, "*ṣāliḥ li-kulli zamān wa makān*", along with the needs and development of the times; "*al-ḥukm yadūru ma'a illatibi wujudan wa 'adaman*", that the law goes hand in hand with its illat; and "*al-'ibratu bi 'umūmi al-lafz, lā bi khusūṣ as-sabab*", that understanding is extracted from the universality of the text, not from the specificity of cause.³¹

Spirit of QS. An-Nisa': 09 is none other than carrying the spirit of family economic welfare and preventing family poverty. These two spirits go hand in hand with *maqāṣid as-syar i'ab* as follows.

1. *Al-Maqāṣid Al-'Āmmah (General Maqāṣid)*

This spirit of productive livelihood for children is supported by *maqāṣidas-syarī'ah* in the frame of *ḍarūriyah* (inevitability), that the purpose of the shari'ah is derived there are five broad lines (*ad-ḍarūriyah al-khamsah*), namely *ḥifz ad-dīn* (maintaining religion). Jasser Auda defines in recent studies as freedom of religion, avoiding conflict wars in the name of religion, and safeguarding religious honor in a good way.

The second is *ḥifz al-'aql*, caring for the mind, from the initial prohibition of drinking khamar or prevention of items that damage the mind, today experiencing a shift in studies to scientific development, human resource development, facilitating their knowledge, to limiting intellectuals so as not to change domicile.

The third is *ḥifz al-māl*, caring for property which initially discussed usury, plunder or mistreatment of other people's property, now also undergoing a shift in study into economic development, from personal-individual, regional, domestic, to public areas at large. That is, economic independence from each individual to the region is supported by the spirit of Islamic sharia so that it does not become backward and becomes a common burden.

The fourth is *ḥifẓ al-ird*, caring for honor. If in the past *maqāṣid as-syariah* discussed in the private sphere related to self-purity so that there was a policy of adultery law, then honor in subsequent studies experienced an expansion of meaning. Honor is not only related to self-sanctity, but also to personal-individual and public status. While the last is *ḥifẓ an-nasab*, caring for offspring who originally spoke about the birth of children, now also shifts to protecting children's rights, improving offspring from nutrition, education, and thinking about their welfare, to maintaining the honor of nasab. *Ad-darūriyah al-khamsah* is part of *al-maqāṣid al-'ammah* (general *maqāṣid*), the outline of which the purpose of shari'ah is derived is inseparable from these five basic foundations.³² As seen in the following hierarchy of *classical maqāṣid* as set forth by Jasser Auda,

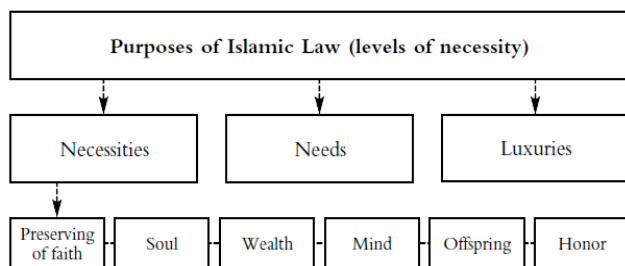


Figure 1. The Hierarchy of Classical Maqāṣid

2. *Maqāṣid Al-Khāṣṣah* (Specific *Maqāṣid*)

The next Islamic sharia back-up is *al-maqāṣid al-khāṣṣah* (specific *maqāṣid*), that the themes in the discussion of Islamic

jurisprudence also have the purpose of benefit. As the theme of providing for children also gets support through the values that are supported by Islamic law, for example to care for family welfare and the survival of great offspring [*human development*].³³ Thematic codification in addition to making it easier for a wide audience to study Islamic studies, also frames Islamic teachings so that they are easy to understand and learn.

Related to indications of productive income in QS. An-Nisa': 09, *Hadratusshaykh* KH. M. Hashim Asy'ari implicitly also supports this intention by mentioning the benefits of building a family are five: 1) children, 2) channeling sexual martyrdom, 3) managing family affairs, 4) developing family networks, 5) educating oneself to be responsible for the trust carried out, and being patient with the obstacles experienced.³⁴ That is, the specific purpose of the study of income is derived from the management of family affairs management (*tadbir umūr al-manzil*) in order to be harmonious and achieve the pleasure of Allah SWT.

In other words, there is a special discussion on the theme of bread, scholars and followers of Islam get guidance on how to operate a living for children so that it is in accordance with the spirit of what is taught by Islam, which is nothing but to care for

the continuity of the family and its welfare.

Without the spirit of intent of *maqāṣid as-syarī'ah al-khāṣṣah*, the themes that have been compiled by previous scholars would be stale and not in accordance with the times. For example, regarding the standard of income that has been mentioned by Imam As-Shafi'i with the amount of two mud for the materially rich to provide for the family; one and a half mud for people of moderate ability; and one mud for people who fall into the poor category. The standard of income will become obsolete when entered in a different time and space. However, with the meaning of *maqāṣid as-syarī'ah al-khāṣṣah*, the product of determining this standard will be the spirit to set consumptive income standards in each region and at different times on the theme of income standards in family jurisprudence studies.

3. *Al-Maqāṣid Al-Juz'iyah (Partial Maqāṣid)*

Next is the support of *al-maqāṣid al-juz'iyah (partial maqāṣid)* which explains the purpose of the detailed postulates of his text, such as how to get an overview of the teachings of QS. An-Nisa': 09, "*Wahyakhshu alladzīna lau tarakū min khalfihim dzurriyatan dī'āfan*", should people worry about the welfare of the families left behind; as well as other postulates. These propositions certainly have the purpose of great benefit

as a guide to carrying out the commandments of Islamic teachings³⁵. This description is as the picture Auda,³⁶

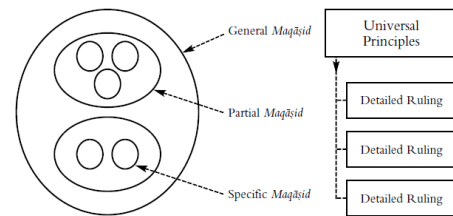


Figure 2. Linkages of Detailed Maqashid

From these universal values of sharia, productive income for children comes down to *al-maqāṣid al-juz'iyah* by extracting it through the word of Allah Almighty.

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّتَهُمْ ضِعْفًا خَافُوا
عَلَيْهِمْ.

"Let those who leave behind weak offspring fear for them." (QS. An-Nisa': 09)

This verse is often used as a basis for discussing wills and inheritances because of their association with children or heirs left behind. The redaction of the verse that can guide the study is "*taraka*" with its derivative, "*at-tirkab*", the abandoned inheritance. This diction is an important indication as the basic foundation for determining productive income, that the income is not only consumptive in the form of food, drink, and the necessities of life that once run out, but "*at-tirkab*" which

means property that can be taken advantage of by circulation of turnover. The management of prospective "*at-tirkah*" candidates with the latest economic management, without having to wait for the owner to die is a form of *an-nafaqah al-isti'māliyah*. In other words, speed up the timing of tirkah. A productive livelihood that can provide a turnover of benefits from it for the livelihood of a child.

The importance of management management from the forerunner of *at-tirkah* can be understood through the understanding of tafsir scholars who explain QS. An-Nisa' verse 09 by narrating the hadith of the Holy Prophet (peace be upon him) to the companions of Sa'd regarding the prohibition of wills exceeding one-third of the property despite his economic status in a rich condition. That bequeathing a generation that is rich and financially independent is better than leaving them in a state of poor welfare and begging their fellow human beings. This principle stems from preventing the occurrence of "*dzurriyah di'āfan*", weak and financially poor offspring. In the rule of jurisprudence it is stated, "*dar'u al-mafāsīd muqaddamun 'alā jalb al-maṣāliḥ*", prevention from destruction is prioritized over taking benefit; Another rule reads, "*akhaḥḥ a ḍ-ḍ ararain*", which is the lesser of the two dangers that come our way; and adegium "*al-wiqāyah khair min al-'ilāj*",

prevention is better than treatment.

Therefore, family income that was originally in the form of *istihlāki* (consumptive) in the form of food, drink, side dishes, clothing, shelter, servants, household cleaning equipment,³⁷ and children's education,³⁸ then it became necessary to expand into *isti'māli* (productive) forms such as real estates, furniture, and objects that could benefit from it. These objects can still be understood from the diction "*taraka*" or "*at-tirkah*" used by the Qur'an Surat An-Nisa' verse 09. As Wahbah Az-Zuhaili said,

المَالُ الإِسْتِهْلَاكِي هُوَ الَّذِي لَا يُمَكِّنُ الإِنْتِفَاعَ بِهِ إِلَّا بِإِسْتِهْلَاكِ عَيْبِهِ، كَأَنْوَاعِ الطَّعَامِ وَالشَّرَابِ وَالْحَطَبِ وَالنَّفْطِ وَالْوَرَقِ وَالنُّقُودِ..... وَالْمَالُ الإِسْتِعْمَالِي هُوَ مَا يُمَكِّنُ الإِنْتِفَاعَ بِهِ مَعَ بَقَاءِ عَيْبِهِ كَالْعِقَارَاتِ وَالْمَفْرُوشَاتِ وَالتِّيَابِ وَالْكَتُبِ وَنَحْوَهَا.

"Consumptive property is property that is used by obliteration (use) such as food, drink, wood, oil, leaves, and money. While productive property is that which benefits from its existence such as real estates, furniture, fashion, books, and the like"³⁹

Actually, physically, living and clothing can be pulled towards productivity because it is the forerunner of "*at-tirkah*" if it

is utilized and operated in financial circulation. It's just that in the meaning that has become commonplace, these objects are always interpreted as consumptive used alone. The objects that are benefited from it if managed with economic turnover, then become a living for children, as well as teaching materials related to financial independence from an early age,

الصِّغَرُ الَّذِي لَمْ يَبْلُغْ بِهِ صَاحِبُهُ حَدَّ الْكَسْبِ، فَإِنْ بَلَغَ
الْغُلَامُ لَا الْأُنثَى حَدَّ الْكَسْبِ، كَانَ لِلْأَبِ أَنْ يُوجِرَهُ أَوْ
يُدْفَعَهُ إِلَى حِرْفَةٍ لِيَكْتَسِبَ مِنْهَا وَيُنْفِقَ عَلَيْهِ مِنْ كَسْبِهِ.

"Young children who have not reached working age – if they reach adulthood, not women – then the father gives work and provides for the results of his performance".⁴⁰

The chain of income for children from providing *al-māl al-isti'māli* (productive property) business resources such as shops to manage, vehicles for rent, furniture, and real estates; to teaching how to manage *al-māl al-isti'māli* despite relying on the services of staffing (*al-khādīm*); will be the circulation cycle of productive income (*an-nafaqah al-isti'māliyah*) that will meet the needs of life to be independent without disrupting the child's learning process.

The use of civil service services was also extracted from the indication of the

words of His Holiness the Holy Prophetsa to Sa'd, "*at-tsuluts. Wa at-tsuluts katsir*", one-third of the management of the property is already very much. Also from his saying "*tašaddak ilā khādīmika*", give alms to your employees.

Indeed, the management of the forerunner of "*at-tirkah*" or "*an-nafaqah al-isti'māliyah*" does not rule out the possibility of loss, as Afandi research⁴¹ found in productive income for wives in Pamekasan. Husbands still intervene when the shop run by the wives is experiencing losses. This is a solid guideline in management, that losses are not a reason to undermine the operation of the concept of productive living. In fact, spending wealth just waiting for time to run out is worse than managing property. Although there is a possibility of loss, it does not rule out the possibility of continuing to rotate. So that it is not just waiting for the time to run out, but striving continuously to continue to provide benefits from its existence.

The application of the circulation of *an-nafaqah al-isti'māliyah* falls into the category of *al-maqāṣid al-'āmmah al-ḥājīyah* (needs) taking into account the capacity of the head of the family (father) in terms of material and education. For those who are able materially and educationally, it is imperative to implement the circulation of *an-nafaqah al-isti'māliyah* or the forerunner of

"*at-tirkab*", so that the heirs left behind not only spend with the passage of time, but try to continue to maintain in order to provide sustainable benefits in the future.

For the head of the family (husband or father) who is not materially able, but has the ability to educate or knowledge, then can start the application of *an-nafaqah al-isti'māliyah*. It is highly recommended to start by implementing the format gradually, because the process of managing productive income or will "*at-tirkab*" will provide financial independence for heirs; As for the head of the family who has not been able to materially and scientifically, it is not mandatory to apply it. The application of the circulation of *an-nafaqah al-isti'māliyah* although *al-hājyah* (necessity) in the study of *al-maqāṣid as-syari'ah*, but can shift to *al-maqāṣid al-'āmmah aḍ-ḍarūriyah* (inevitability) in the description of Jasser Auda. As in thekaidah quoted by him,

الْحَاجَةُ إِذَا عَامَّتْ تَنْزِلُ مَنَزِلَةَ الضَّرُورَةِ

"The need, if it is urgent, occupies a position of inevitability".⁴²

Conclusion

Based on the results of this study, it is revealed that there are indications and fragments of opinion from scholars regarding the concept of productive income for children based on QS.

An-Nisa': 09. With the approach of Islamic legal philosophy and *maqāṣid as-syari'ah* derived the law of having to apply productive income for children to families who are knowledgeable and have more income; advocate starting for families who understand the concept of productive income or have more income; and not yet applicable to families that do not meet both of these conditions or one of them. From this study, it is necessary to follow up field research related to productive income for children; And there needs to be a complete concept related to productive income for children as a financial handle for the family economy.

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- ³⁷ Az-Zuhaili, *Al-Fiqh Al-Islami wa Adillatuhu*, 7:798.
- ³⁸ Az-Zuhaili, 7:823–24.
- ³⁹ Az-Zuhaili, *Al-Fiqh Al-Islami wa Adillatuhu*, 4:55.
- ⁴⁰ Az-Zuhaili, 7:823.
- ⁴¹ Afandi, “Nafkah Produktif Perspektif Maqashid Al-Syari’ah,” 40–53.
- ⁴² Auda, *Al-Maqāṣid untuk Pemula*, 10.