

Islamic Law Study (Syafi'i School) on The Fulfillment of Maintenance For Long-Distance Couples in Koncer Kidul Village, Tenggara Subdistrict, Bondowoso Regency

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Abstract. *This study aims to examine how the law of fulfilling maintenance for long-distance couples, both material and spiritual, is viewed in Koncer Kidul Village, Tenggara Subdistrict, Bondowoso Regency, from the perspective of the Syafi'i school of thought. The methodology used is qualitative with a case study approach, where data was collected through in-depth interviews, field observations, and documentation studies. The research results indicate several legal considerations regarding the fulfillment of maintenance for long-distance couples in the village, influenced by factors such as needs and existing debts. It is hoped that this research can serve as a consideration for the community to carefully think about engaging in long-distance relationships.*

Keywords: *Islamic Law, Syafi'i School, Maintenance Fulfillment, Long-Distance Couples*

1. INTRODUCTION

Maintenance, also known as maintenance or financial support, has an important meaning in Islamic law. It refers to the obligation to provide for the basic needs and expenses of one's dependents, including food, clothing, shelter, and other necessities. In Islamic law, the obligation to provide maintenance is regulated in the Qur'an and Hadith. In addition, in positive law in Indonesia, Law No. 1 of 1974 on Marriage also confirms this. As stated in the Law, "The husband is obliged to provide maintenance to his wife and children according to his ability." The concept of sustenance encompasses not only the physical well-being of the individual but also emotional and spiritual well-being. In addition to the material aspects of sustenance, there is also an emphasis on the importance of emotional support and nurturing relationships within the family unit. This holistic approach to care and support reflects the values of compassion, mercy and responsibility that are at the heart of Islamic teachings.

Fulfilling the obligation of maintenance in a marriage is not only a legal obligation, but also a spiritual and moral responsibility. In the Shafi'i school, the concept of maintenance is more than just providing financial support: it includes emotional and physical care as well. By understanding and practicing the principles of maintenance, we can strengthen the bonds of our relationship and create a harmonious and fulfilling family life. marriage according to the correct opinion means sexual intercourse. In sharia it is interpreted as a contract which contains the legalization of sexual intercourse using the phrase (Anonymous or Tojo). With this wording, men and women who previously had no ties whatsoever have new roles and statuses attached to each other, these statuses are called husband and wife. The impact of this new bond will give

rise to many new consequences, these are new rights and obligations that previously did not include the obligation to provide a living for the husband to his wife.

quoted from the hadith of Abuhurairah:

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا أَنْ لَكُمْ عَلَى نِسَائِكُمْ حَقًّا وَلِنِسَائِكُمْ عَلَيْكُمْ حَقًّا

"Abu Hurairah said from the Messenger of Allah SAW, remember that over you there are rights of your wife and over your wife there are rights of you."

However, the fact is that the process in life will experience many challenges and changes along with the demands and needs of a person caused by the increasing lifestyle or career of a person and the lack of employment or lack of income so that it is not sufficient for household needs so that someone is required to migrate far away. So it is possible that this kind of thing drives someone to migrate to various regions both domestically or abroad so that a long-distance relationship occurs or what is better known as a long-distance relationship for a fairly long period of time, so that it is not possible for someone to go back and forth because it takes a long journey. Of course this is very interesting to study regarding how to fulfill the livelihood for couples who have long-distance relationships, which occurs in the community of Koncer Kidul Village, Tenggara District, Bondowoso Regency.

2. LITERATURE REVIEW

The methodology of ijtiḥad of the Shafi'i school

The Shafi'i school of thought is one of the four schools of thought that is known and widely followed by Muslims around the world. This school was founded by Imam Syafi'i (767-820 AD), the main approach used by the Syafi'i School in making laws is the Al-Quran and Hadith approach. Ijtiḥad methodology, the ijtiḥad methodology of the Syafi'i school of thought is very systematic and structured, namely developing special principles in its ijtiḥad, including the use of a proposition that is recognized as authentic and paying attention to the legal context and objectives. The concepts prioritized in the Syafi'i school of thought are the use of the Al-Quran and Hadith approach, a structured ijtiḥad methodology, the use of qiyas, and attention to Maqasid al-Shariah as a basis for understanding and establishing Islamic law.

Livelihood in the Shafi'i school of thought

Support is an important aspect of Islamic law, which relates to a husband's obligation to provide support to his wife. In this context, Imam Syafi'i, the founder of the Shafi'i school, provided comprehensive guidance regarding the support that a husband must provide. This literature will discuss Imam Syafi'i's views regarding livelihood, the legal bases underlying it,

as well as its application in everyday life, regarding Imam Syafi'i's livelihood obligations referring to the verse of the Qur'an:

﴿وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنُبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ ۚ إِنَّ اللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا﴾

Worship Allah and do not associate anything with Him. Do good to your parents, close relatives, orphans, poor people, near and far neighbors, colleagues, Ibn Sabil, and any servants you have. Indeed, Allah does not like people who are arrogant or very proud of themselves. (QS an-Nisa': 36).

And refers to the verse al-Thalaq 7:

﴿لِيُنْفِقْ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قَدَرَ عَلَيْهِ رِزْقُهُ فَلْيَنْفِقْ مِمَّا آتَاهُ اللَّهُ ۚ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا ۚ سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا﴾

Let the person who is spacious (his sustenance) provide a living according to his ability, and the person whose sustenance is limited, let him provide a living from what (treasures) Allah has bestowed upon him. Allah does not burden a person except (according to) what Allah bestows on him. Allah will give you spaciousness after narrowness.

3. RESEARCH METHODS

. In this study, the author will take a location in one of Bondowoso Regency, namely Koncer Kidul Village, Tenggarang District. The type of data used in writing this journal is in the form of field data in the form of the results of researcher interviews with informants about the fulfillment of long-distance couples' livelihoods. Data sources are one of the most vital in research. Because the main data sources in qualitative research are words and actions, the rest are additional data, such as documents and others. Therefore, in collecting qualitative data techniques, they are grouped by means of primary and secondary data. The primary data source in this study is a data source that directly provides data or information to researchers including information obtained from the results of interviews that conduct long-distance relationships. The type of approach used by the author in compiling this study is an approach through Islamic Law (Madzhab Syafi'i).

4. DISCUSSION

Obligation of Maintenance

There are two types of sustenance, namely: material and non-material sustenance. Material sustenance is meant to be the primary need in a household. What is meant by non-material is things like improving one's intercourse with one's wife, educating one's wife and so

on. This is also an obligation of a husband, because the husband is the head of the household who is fully responsible for what he leads.

a. Material

Regarding material sustenance, scholars agree that it is an absolute obligation that must be fulfilled by a husband because it is a wife's reward for her obedience to a husband. What is debated among scholars is only the amount of sustenance, which there are differences of opinion, the majority of Hanafi, Maliki, Syafi'i, Hanbali scholars agree on the obligation of sustenance, but they differ on four issues, namely time, obligation, size, people who are entitled to receive it and those who are obliged to receive it as follows:

- 1) According to Imam Malik: That the measure of sustenance is not limited by sharia, and it returns to the circumstances experienced by the husband and wife. It differs based on differences in place, time and conditions, and this opinion was also put forward by Abu Hanifah regarding the obligation of sustenance.
- 2) According to Imam Hanafi: It is obligatory for a person to provide for every relative who is related to him by blood, namely siblings, uncles or aunts. The maintenance of relatives is limited to sufficiency, in this case Imam Hanafi stated that it does not become a debt regarding the maintenance of relatives, unless the judge decides. Maintenance is a term for something that is spent, which gives meaning to something that can continue to exist and continue because of it.
- 3) According to Imam Syafi'i: He believes that sustenance can be estimated, for people who have ample means, two mud, for people in the middle, one and a half mud and for people who experience difficulties. And also sustenance must be given to the wife and family and to relatives according to their abilities.

إِسْمٌ مِنَ الْإِنْفَاقِ وَهِيَ عِبَارَةٌ عَنِ الْإِذْرَارِ عَلَى الشَّيْءِ بِمَا بِهِ يَقُومُ بَقَاؤُهُ

Household sustenance is a top priority because it will affect the integrity and sustainability of the household. Sustenance in Islam which has been regulated in Islamic teachings that a man who is married has the responsibility to provide for his family. Sustenance is property that has been determined as the right of a wife which must be given by the husband for food, clothing, shelter and protection and so on. As for a husband must provide maintenance to his wife if the following conditions are met:

1. The marriage contract between the two must be valid according to religion.
2. A wife is completely surrendered to her husband
3. Wife prepares herself for husband to enjoy pleasure with her

If these conditions are fulfilled, then the wife may demand her rights from her husband, because sustenance is entirely the responsibility of a husband as long as there is no excuse for the husband, and a wife is not a nusuz and a wife surrenders herself entirely to a husband referring to the following evidence:

وَنَفَقَةُ الزَّوْجَةِ الْمُمْكِنَةِ مِنْ نَفْسِهَا وَاجِبَةٌ عَلَى الزَّوْجِ

"His livelihood A wife who has completely surrendered herself to her husband is obligatory for the husband."

اتَّقُوا اللَّهَ فِي النِّسَاءِ فَإِنَّكُمْ أَخَذْتُمُوهُنَّ بِأَمَانَةِ اللَّهِ وَاسْتَحْلَلْتُمْ فُرُوجَهُنَّ بِكَلِمَاتِ اللَّهِ وَلَهُنَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

"Be fearful of Allah regarding women because you took them with Allah's mandate and you made their private parts lawful with Allah's words. Your right over them is to provide them with sustenance and clothing them in a virtuous manner."

If a person only has fun with his wife but refuses to provide for her, then a wife is allowed to sue her husband to divorce him. This is in line with Sayyidina Umar's ultimatum to warlords who are far from their wives.

كَتَبَهُ عُمَرُ بْنُ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ إِلَى أُمَرَاءِ الْأَجْنَادِ فِي رِجَالِ غَائِبُوا عَنْ نِسَائِهِمْ يَأْمُرُهُمْ أَنْ يَأْخُذُوهُمْ بِأَنْ يَنْفَقُوا أَوْ يُطْلَقُوا، فَإِنْ طَلَّقُوا بَعَثُوا بِنَفَقَةٍ مَا حَبَسُوا وَهَذَا يَنْشِبُ مَا وَصِفْتُ

"The companion of Umar Ibn Khattab who sent a letter to the leaders of the war troops that regarding the husbands who were far from their wives in the contents of the letter he wrote that he gave instructions to them to remind the husbands with two options: by providing maintenance for the wives they left behind or another option is by divorcing them. If the husbands choose to divorce them then they are required to send maintenance to their wives that they have not given during their absence."

From The explanation above regarding the obligation of legal support is absolute for a husband as long as there are no obstacles that make the support fall away for a husband refers to the arguments mentioned above, legally it is absolute that support is the obligation of the husband which if it is not fulfilled or the husband intentionally does not provide support for his wife then it is a sin, because it is the same as neglecting his wife and not fulfilling his rights to his wife. If the husband has obstacles such as a poor husband then the support falls away for him which is explained:

وَسَقَطَتْ النِّفَقَةُ عَنِ الزَّوْجِ بِالْعُسْرِ

"A husband's obligation to provide support to his wife is terminated due to the husband's difficult circumstances."

سُقُوطُ النِّفَقَةِ تَسْقُطُ عَنِ الزَّوْجِ نَفَقَتُهُ زَوْجَتِهِ بِمَا يَلِي عَسْرُ زَوْجٍ فَلَا تَلْزَمُهُ نَفَقَةٌ مَا دَامَ مُعْسِرًا

"Living" A husband's obligation to his wife falls due to several reasons, one of which is because the husband is in a difficult economic situation, so a husband's maintenance is not obligatory because of this."

b. Non-material sustenance

In the fiqh literature itself, non-material sustenance has several types, such as the actions of a husband whatever must be done which culminates in positive feelings, such as happiness, peace and tranquility in the soul. This is in accordance with what was expressed by Ibn Kathir in his book.

إِنَّ الْعَشَرَ بِالْمَعْرُوفِ تَتَضَمَّنُ طَيِّبَ الْكَلَامِ وَحُسْنَ الْأَفْعَالِ وَالْهَيئَةَ بَيْنَ الزَّوْجَيْنِ

"that actually having intercourse with one's wife in a good way includes good speech, good attitudes between the two of them, and good behavior as well."

Living non-material as mentioned above, which means "al-mu'asyarah bi al-ma'ruf" means having intercourse with one's wife in a good way, such as being affectionate with one's wife, teaching one's wife good manners, and so on. This includes sexual relations, which in this case is usually included in the connotation of "sexual relations" quoting from Syarh Sunan Abidaud

قَالَ الْجَامِعُ عَفَا اللَّهُ تَعَالَى عَنْهُ الْأَرْجَحُ عِنْدِي مَا ذَهَبَ إِلَيْهِ مَالُكَ وَأَحْمَدُ مِنْ وَجُوبِ جَمَاعَتِهَا لِأَنَّ هَذَا مِنَ الْمَعَاشِرَةِ بِالْمَعْرُوفِ الَّتِي أَوْجَبَهُ اللَّهُ تَعَالَى بِقَوْلِهِ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ

"The group of scholars are of the opinion, may Allah forgive them, that what is more likely according to the opinion of the Companions of the Book is what Imam Malik and Imam Ahmad said about the obligation to have sexual intercourse with one's wife, because this is part of a valid relationship, quoting from the word of Allah.

وعاشروهن بالمعروف

If sexual intercourse is categorized as obligatory maintenance that must be fulfilled by a husband, so if it is left out, it is a sin for a husband, then the position is the same as dhohir maintenance, if it is not fulfilled, the wife may demand it and may sue the husband for divorce. However, in this case there is still a difference of opinion among scholars, some say this is obligatory, some say it is not obligatory on the grounds that the authority to have intercourse with a wife is purely the right of a husband. In this case, Imam Nawawi stated in his book:

إِذَا اغْتَرَفْتَ بِقُدْرَتِهِ عَلَى الْوَطْءِ وَقَالَتْ: إِنَّهُ يَمْتَنِعُ مِنْهُ فَلَا خِيَارَ لَهَا وَهَلْ مُطَالَبَتُهُ بِوِطْءَةٍ وَاحِدَةٍ؟ وَهَلْ يُجْبَرُ هُوَ عَلَيْهَا؟ وَجَهَانِ أَصَحُّهُمَا لَا، لِأَنَّهُ حَقُّهُ فَلَا يُجْبَرُ عَلَيْهِ كَسَائِرِ الْوُطْأَاتِ

"When a wife admits that her husband is able to have intercourse with her and then she says that her husband prevented himself from having intercourse with her, then there is no choice for the wife, should she ask him for one intercourse? Should she be forced to do it? There are two aspects, the most correct is no, because it is her right and she should not be forced like that. other sexual relations".

وَالثَّانِي: نَعَمْ لِمَعْنَيَيْنِ الْمَهْرُ فَإِنْ قُلْنَا تَجِبُ الْوُطْءُ

"The second: Yes, because of the two meanings, one of which is to determine the dowry and the second: to obtain the pleasure of purity, if it is said that having sexual intercourse is obligatory."

Ibn Hajar al-Haytami stated:

وَلَا يَجِبُ عَلَيْهِ وَطُوءُهَا لِأَنَّهُ حَقُّهُ وَقِيلَ عَلَيْهِ مَرَّةً لِنَقْضِي شَهْوَنَهَا وَيَتَقَرَّرُ مَهْرُهَا

"And it is not obligatory for a husband to have sexual intercourse with his wife, because that is his right, while other opinions say that it is obligatory once so that a wife can fulfill her lust and also determine her dowry."

وَاخْتَلَفَ الْعُلَمَاءُ فِي مَنْ كَفَتْ أَنْ جَمَاعَ زَوْجَتِهِ فَقَالَ مَالِكٌ إِنْ كَانَ بِغَيْرِ ضَرُورَةٍ أَلْزَمَ بِهِ أَوْ يُفَرِّقُ بَيْنَهُمَا وَنَهَوْهُ
عَنْ أَحْمَدَ وَالْمَشْهُورُ عِنْدَ الشَّافِعِيَّةِ أَنَّهُ لَا يَجِبُ عَلَيْهِ وَقِيلَ عَلَيْهِ مَرَّةً وَأَنَّ بَعْضَ السَّلَفِ فِي كُلِّ أَرْبَعٍ لَيْلَةً وَعَنْ
بَعْضِهِمْ فِي كُلِّ طَهْرٍ مَرَّةً

"In this case, the scholars have different opinions regarding husbands who prevent themselves from having sex with their wives. Here, Imam Malik is of the opinion that it is obligatory for a husband to have sex with his wife if it is not in an emergency situation, if not then just separate the two. This is also in line with what was conveyed by Imam Ahmad. While the opinion that is well-known among the Shafi'iyah school of thought is that it is not obligatory, but among the Shafi'iyah there are also those who are of the opinion that it is obligatory. While the opinion of some groups of Salaf scholars is that it is obligatory every four nights with intercourse once, while other opinions say that once in each purification is minimal.

وَأَمَّا الْوُطْءُ فَقَدْ قَالَ صَاحِبُ الْقَبَسِ: الْوُطْءُ وَاجِبٌ عَلَى الزَّوْجِ لِلْمَرْأَةِ عِنْدَ مَالِكٍ إِذَا تَقَى الْغَضْرُ وَقَالَ ابْنُ حَنْبَلٍ وَالْأَجْهَرُ يَجِبُ
عَلَى الرَّجُلِ وَطْءُ زَوْجَتِهِ وَيَقْضِي عَلَيْهِ بِهِ حَيْثُ تَضَرَّرَتِ الْمَرْأَةُ بِتَرْكِهِ وَقَدَّرَ عَلَيْهِ الزَّوْجُ لِأَنَّ الْإِنْسَانَ لَا يُكَلِّفُ مَا لَا يُطِيقُهُ،
وَالزَّاجِعُ إِنَّهَا إِذَا شَكَتْ قِلَّةَ الْوُطْءِ يَقْضِي لَهَا فِي كُلِّ أَرْبَعٍ لَيْلًا بِلَيْلَةٍ، كَمَا أَنَّ الصَّحِيحَةَ إِذَا شَكَتِ الزَّوْجُ مِنْ قِلَّةِ الْجَمَاعِ أَنَّ
يَقْضِي لَهُ عَلَيْهَا بِمَا تَطِيقُهُ كَالْأَجِيرِ، خِلَافًا لِمَنْ قَالَ: يَقْضِي بِأَرْبَعِ مَرَاتٍ فِي الْيَوْمِ وَاللَّيْلَةِ لِاخْتِلَافِ أَحْوَالِ النَّاسِ فَقَطُّ لَا
تَطِيقُ الْمَرْأَةُ ذَلِكَ

"As for Regarding intercourse, Shohibul Qabas said: It is obligatory for the husband to have intercourse with his wife, according to Imam Malik it is obligatory if there is no excuse. Ibn

Hanbal and al-Juhuri said: It is obligatory for the husband to have intercourse with his wife and he will be judged for abandoning her because in that case the woman is disadvantaged because her husband neglects her while he is able to do so, because a person will not be burdened with what cannot be borne, and the superior opinion is if the woman complains because of the lack of intercourse then it is decided for the husband to have intercourse with his wife once every four nights, like the authentic opinion if the husband complains because of the lack of sexual desire then it is decided for the husband to have intercourse with his wife according to his ability like a trader, different from the opinion of those who decide to have intercourse once every four nights because of the difference in social circumstances.

Inamong the Shafi'i school of thought there are two camps between obligatory and not obligatory, according to Imam Syafi'i the husband is not obliged to have intercourse with his wife on the grounds that it is the husband's right while the other camp says it is obligatory at least once. From the above scholar's misunderstanding, the researcher takes a middle ground, namely, it is obligatory if the husband is able to fulfill it and there is no other excuse that eliminates his obligation and there is no obligation to provide for a husband who is unable to fulfill it, considering that in a husband and wife relationship it is also a need which needs to be channeled referring to the ijtiḥad of Sayyidina Umar bin Khattab that the husband is obliged to provide sexual needs to his wife at least once in 6 months. This opinion is based on the ijtiḥad of Umar bin Khatab when one night, he was walking around the city, then he heard a woman reciting poetry. "How long this night is and how dark it is all around, and I have waited a long time, without having time to joke with her, by Allah, if it were not for fear of her, my bed would have shaken with its contents, but my Lord and shame prevented me from doing so, and the honor of my husband cannot be trampled upon with her."

5. CONCLUSION

After conducting an analysis based on a review of the theory and field data obtained by the researcher, the following conclusions can be drawn:

MRRegarding the fulfillment of long-distance couples' financial support, the parties in a long-distance relationship can do so through transfers, and according to Islamic law, specifically in the Syafi'i school of thought, it does not violate the law at all as long as material support can be met, while non-material support in the Syafi'i school of thought is obligatory as long as there is no excuse that prevents it, but in this case, long-distance couples certainly cannot fulfill this and it is an excuse that prevents them, to eliminate their sexual desire, couples

have their own way of dealing with it, namely by doing activities that can eliminate their desire, or by video calling sex (VCS) with their partners.

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