

Fulfillment of rights and obligations of husbands with convict status according to Islamic law: A case study in Class IIB Correctional Institution in Sumedang

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Abstract: Marriage under Islamic law gives rise to reciprocal rights and obligations between husband and wife, including the obligation to provide physical and spiritual support inherent in the husband. However, imprisonment presents a situational obstacle that prevents these obligations from being fulfilled optimally. This study aims to describe the fulfillment of the rights and obligations of husbands of prisoners, identify the obstacles encountered, and analyze their impact on household life from an Islamic legal perspective. The study used a qualitative approach with a case study method at the Class IIB Sumedang Penitentiary (LAPAS). Primary data were collected through semi-structured interviews with three husband-convict informants, while secondary data were sourced from Islamic legal literature and relevant laws and regulations. The results of the study indicate three patterns of fulfilling physical support that depend on the economic conditions before detention: achieved through productive assets, partially achieved through savings, and not achieved due to a lack of resources. Fulfilling spiritual support was almost impossible for all informants due to physical limitations. From an Islamic legal perspective, imprisonment does not absolve a husband of his obligations, but rather shifts the mechanism for fulfilling them to a more adaptive one, based on the principles of *al-masyaqqah tajlib al-taysir* and *ma la yudraku kulluhu la yutraku kulluhu*. Unfulfilled obligations are not automatically abrogated but remain a debt that must be repaid upon the husband's release.

Keywords: Husband's rights and obligations, Prisoners, Physical sustenance, Spiritual sustenance, Islamic law

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Introduction

The imprisonment of a husband often triggers a significant dilemma in the enforcement of Islamic law, particularly regarding the binding nature of financial support according to Sharia. General corrections, the total number of inmates in prisons and detention centers throughout Indonesia reached 277,035 people, while available capacity only capable accommodates 132,107 people. Its height number the participate indicates that part big prisoners is individuals who previously own role social in the middle society, including role as head family that carries obligation living to wife and children.

Based on Constitution Number 22 of 2022 concerning correctional facilities, prisoners is convicts who are currently undergo criminal prison for time certain and located in the coaching process at the institution correctional conditions imprisonment bring complex consequences husband lost freedom moving, disconnected from access economy directly, and not can present in a way physique in life family. Ironically, the pressure driving economy husband look for living with way that violates law precisely be one of factors that place they are behind bars, so that the original family want to supported precisely lost bone his back (Yulian, 2021). Condition This put wife in a vulnerable position, namely

bear burden double as seeker living at a time caregiver single children, while in a way law He Still bound in bond legal marriage (Fauzi, 2024).

Phenomenon the no can released from framework normative marriage in Islamic law, which views marriage no just bond social usual, but a agreements of a nature sacred and powerful, called *mitsaqan ghalizan*, which causes rights and obligations for each party in order to achieve objective a marriage that is peaceful, loving and compassionate (Ja'far, 2021). Allah says in the Qur'an Surah Al-Baqarah verse 228:

وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ

Meaning: They (women) have rights balanced with their obligations in an appropriate manner.

Piece paragraph the explain that the women have right balanced with his obligations according to the proper way, while husbands positioned as qawwam, namely the leader who bears obligation livelihood and protection to family (Andini, 2024). Obligations husband in bond marriage This includes two dimensions that are not can separated : maintenance born, including fulfillment need clothing, food, shelter and expenses health family, and living inner, which includes presence emotional, protection direct, fulfillment need biological wife, and guidance religious (Hasan, 2018).

Principle this no only sourced from religious norms, but also has confirmed in law positive Indonesia through Constitution Number 1 of 1974 concerning Marriage Article 34 paragraph (1) and Compilation of Islamic Law (KHI) Article 80 which in explicit obligatory husband give sustenance, kiswah, and place residence to wife in accordance with his abilities (Hermanto, 2021).

Foundation normative about obligation husband in fulfillment living the mind is also strengthened by study law contemporary Islamic family. Livelihood inner viewed as part from right wife who includes fulfillment need sexual, love darling, and aspects psychological in life marriage. Fulfillment the no solely related with connection biological, but also has function in build harmony, peace and prosperity house stairs. With thus, the fulfillment living inner is part from not quite enough answer husband in guard quality relation marriage as well as fulfil right wife in a way proportional (Idum, 2023). More study new also shows that literature Islamic jurisprudence, good classic and contemporary, placing living inner as obligation substantive husband at a time right wife, even though law positive Indonesia has not give mechanism laws that are special arrange fulfillment remedially (Salbiah et al., 2025).

Imam Shafi'i in the Book of Al-Umm more far confirm that legal marriage in a way automatic obligatory husband for fulfil living to wife and obligations the no fall except with existence nusyuz from party wife, with a minimum limit of fulfillment living inner is four month, while Imam Hazm mentioned a minimum of one month (Maulidani, 2022).

Comparison view sect this was also confirmed by Firdaus & Ridwan (2021), who concluded that good Imam Syafi'i and Imam Abu Hanifah agree that the status of the prisoner no delete obligation living husband, but both of them different in set levels and mechanisms the adjustment in accordance ability economy detained husband. Allah says in the Al-Qur'an Surah An-Nisa Verse 19.

وَعَايِشُوهُنَّ بِالْمَعْرُوفِ

Meaning: "And mix together with they according to proper way".

With thus, husband as head family sued present no only in a way financially, but also physical, emotional, and spiritual in life house the stairs. In line with what was said by the Prophet Muhammad SAW in hadith narrated by Imam Tirmidhi following:

عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: خَيْرُكُمْ لِأَهْلِيهِ وَأَنَا خَيْرُكُمْ لِأَهْلِي

Meaning: "From Sayyidah Aisyah, she said The Messenger of Allah said The best of you are the best to his wife and I is the best person to my wife".

Problem this own distant dimensions more wide from just problem economy. From the side psychological, pressure inner self channeled and absence partner cause prisoners experience imbalance emotional (Santoso, 2021), more far Maulidani's research (2022) show that lack of attention to urgency fulfillment living inner for prisoners has implications for the emergence of deviation sexual, the prevalence of which is proven in a way significant more high in the institution correctional facilities compared to the population general. Findings similar put forward by Hasri & Ridwan (2021) at Makassar Class 1 Prison, which shows that lack of fulfillment living inner prisoners to wife impact directly on the decline level harmony house stairs, even potential trigger disloyalty to one party.

On the other hand, the wives prisoners generally still be patient and accepting circumstances, and depend on help you for fulfil need life everyday. Series impact the show existence gap between Islamic legal norms which are firm obligatory husband fulfill living body and soul, with reality social which is precisely put wife prisoners in position prone to without protection law and adequate economy.

Problem this become the more urge for reviewed remember height number prisoners status husband in Indonesia, while study academics who are specific discuss mechanism fulfillment living in condition imprisonment. Good from perspective jurisprudence classic and practice in the field is still very limited. The absence of clear guidelines about form adaptation obligation living for husband prisoners potential cause uncertainty law for the bereaved family, at the same time open room for neglected rights a proper wife still protected although husband is at during the sentence.

Therefore that, research this important done for fill in emptiness study said, at the same time give contribution conceptual for development law responsive Islamic family to conditions special like imprisonment, as well as become references for maker policy in formulate more protection comprehensive to family prisoners.

A number of study has make an effort examine problem this from various corner Handayani (2020) in detention Batusangkar find three typology implementation living born, namely implemented, less implemented, and not implemented, which is subject to availability asset before the detention period. Sarjono (2023) at Wonogiri Prison conclude that fulfillment living done through wages coaching independence, management abandoned business, or help relatives of Kiljamilawati (2026) at Bulukumba Class II A Prison add that party prison participate support through coaching programs independence. From the perspective normative, Jamarudin (2023) emphasized that obligation living no fall although husband status prisoners during bond marriage still legitimate. Research latest from perspective sociology law by Sidiq (2023) in Pemalang add that when husband no capable operate function his wife's livelihood often take role as guarantor answer economy family as form adaptation social, although matter. This potential shift balance relation husband and wife according to Islamic law.

Although thus, the fourth study the not yet study in a way simultaneously dimensions living inner, obstacles relational, and impact psychosocial imprisonment to harmony house stairs. Emptiness this is what it is gap in study this, namely integrate third dimensions the in a way intact in one study, instead discuss it in a way separated as research previously. Therefore that, research this choose approach qualitative with studies case directly in the field to produce empirical, in-depth, and contextual understanding about fulfillment living physical and spiritual husband prisoners

Based on description above, research this aim for describe implementation fulfillment rights and obligations husband prisoners during is in Class IIB Sumedang Prison, identifying obstacles faced in the process, as well as analyze how Islamic law assesses impact of prisoner status to life House stairs. In theoretical, research this contribute to development law Islamic family with present combination analysis normative and concrete field data, including dimensions living birth, livelihood inner, and impact psychosocial in a way simultaneously. In a way practical, results study. This expected can become references for institution correctional facilities in designing mentoring programs family prisoners, for religious court judges in consider related decisions with obligation living husband who is

undergo criminal, as well as for maker policy in strengthen system protection family prisoners in Indonesia.

Methods

Study this use approach qualitative with method descriptive analytical for reveal in a way deep experience life prisoners status husband in fulfil rights and obligations to wife. Research implemented at the selected Class IIB Sumedang Correctional Institution (LAPAS) in a way purposive because accessibility and relevance as representation prison class middle class in West Java. Population study this is all over prisoners man status husband legitimately serving a prison term at Sumedang Class IIB Prison. From the population said, it is determined three people as subject study through purposive sampling technique, namely prisoners who have been serve a minimum of one year in prison years and have difference condition economy before the detention period, in order to obtain varied picture about pattern fulfillment livelihood. Third informant the furthermore called as Informant HA (no own assets), IT Informant (has savings), and Informant M (has asset productive in the form of property rented) (Sugiyono, 2019).

Primary data collected through interview semi- structured implementation in a way gradually to third informant. Procedure data collection begins with compilation *interview guide* in the form of a list of questions open around living birth, livelihood inner self, obstacles, and fulfillment strategies obligation during detention (Abdussamad, 2021). Researchers furthermore submit application permission study to Class IIB Sumedang Prison, continued with determination timetable interview with each informant in the room visits that have been facilitated by officers prison. Every session interview ongoing about 45-60 minutes and recorded use tool recorder voice with agreement informant, then transcribed verbatim for facilitate the analysis process.

Data analysis was performed through data reduction, data presentation thematic based on three focus main (implementation obligations, obstacles faced, and perspectives Islamic law), as well as withdrawal conclusion with compare findings field to draft normative Islamic law and research previous. Data validity is guaranteed through triangulation source inter-informant and confirmation repeat results interview (Sugiyono, 2019).

Results and Discussion

Implementation Fulfillment of the Rights and Obligations of Husbands of Prisoners

Islamic law through draft *qiwamah* put husband as guarantor answer main in fulfillment rights and obligations family, especially in the field of livelihood. Obligations this confirmed in QS Al-Baqarah verse 233, QS At- Thalaq paragraph 7, Article 34 paragraph (1) Law no. 1 of 1974, as well as Article 80 KHI. However findings field at Class IIB Sumedang Prison show that implementation obligation this is very much determined by the conditions the economy owned informant before the detention period, and produce three different patterns, a variations that are also commonly found in study Handayani (2020) at Batusangkar Detention Center and Kiljamilawati (2026) at Bulukumba Prison.

Informant first, HA, no own savings and asset whatever before enter prison. As a result, all burden living family switch to wife who works as seller cosmetics. HA's wife does not only bear the needs of two children and the needs house stairs, but also provide pocket money to husband inside prison. HA conveyed in interview:

“When I came in prison, my wife and I do agreement for wife moreover first to search cost need like school, home stairs, rented houses, and so on” (HA, interview, 2026).

Conditions this reflect occurrence inversion role economy in House stairs, a conditions that are normative contradictory with draft qiwamah, however in a way practical is form adaptations permitted by law *almasyaqqah tajlib al- taysir* (Hermanto, 2021).

Similar pattern was also found in Yulian's research (2021) in the District Kluet Tengah, where the wives prisoners in general can be patient and accepting condition her husband who is undergo punishment. The wives the work alone for fulfil living family although assisted by brother his brother. This is reflect the principle of *al- Ta'awun* in family, namely each other help for reach objective together, and in Islam, the wife allowed work if he has request permission to husband and her husband allow it (Yulian, 2021). Handayani (2020) categorizes pattern like this as typology no implemented, where the wife fully bear burden living without contribution whatever from husband. In view Islamic law, obligations HA's livelihood is not fall, but rather status as debt that must be paid paid off after he free, as Imam Syafi'i's view (Sarjono, 2023).



Figure 1. Documentation of the interview with one of the informants

Informant both IT, are in relative conditions more good because own the savings he stated enough for fulfil need family until the criminal period ended.

“I have savings, God willing Enough until I out” (TI, interview, 2025).

This pattern is closest to principle Islamic law requires living in accordance ability. Although husband no present in a way physical, obligations financial Still can fulfilled in a way no directly. However limitations communication consequence no existence visit from wife cause non financial dimensions from obligation husband almost fully no fulfilled. This is in line with conclusion Jamarudin (2023) stated that that in Islamic law, obligations living no fall during husband still own ability, good in a way direct and no direct.

Condition utilise savings as source living this was also found in study Kiljamilawati (2026) at Bulukumba Class II A Prison, where prisoners who do not own income active from in prison depend on savings owned before enter prison for need family. The savings usually used for need base like food, education children, and costs health. According to Shafi'i school of thought, livelihood measured based on poverty or rich husband without see condition wife, so that during husband still own source Power financial, obligations his livelihood still valid (Yulian, 2021).

Informant third M, has the most stable condition among third informant. He has three boarding houses for rent with income IDR 500,000 per unit per month, so need family at home still can fulfilled in a way independent and sustainable without depend on other parties.

“For need family at home I have boarding house for rent for need wife and children” (M, interview, 2025).

This pattern is closest to QS At-Thalaq verse 7 and parallel with typology implemented in study Handayani (2020). Kiljamilawati (2026) also found pattern similar in Bulukumba Prison, where the husband the prisoner ana delegates management business to wife to provide for family still guaranteed. This pattern reflect the principle of *al- Ta'awun* and deliberation in taking decision family as entrusted in KHI Article 80 paragraph (1).

One of informant, namely Informant M, also follow the coaching program independence provided by Sumedang Class IIB LAPAS and obtain income from activity. However, the income received not yet sufficient for sent as living for family at home, and only enough for fulfil need personal daily during be inside prison. Conditions this different with findings Kiljamilawati (2026) at Bulukumba Class IIA Prison, which shows that the coaching program independence covers field carpentry, washing vehicles, plantations, salons and livestock capable produce wages that are significant help prisoners fulfil need base family during the criminal period.

Difference this indicates that although policy coaching independence has available at Class IIB Sumedang Prison, its effectiveness in support fulfillment living born still limited, so that his contribution not yet fully impact on welfare economy family outside prison as found in other prisons. In fact, in general normative, prisoners entitled get reward hard work how hard it is as listed in Article 9 letter (j) of the Law Number 22 of 2022 concerning. Correctional, which regulates that prisoners entitled accept guarantee safety work, wages, or premium results work.

Obstacle Fulfillment of the Rights and Obligations of Husbands of Prisoners

Different with living still born can attempted through mechanism alternative, fulfillment living inner face more limitations complex and relative difficult overcome by all informant. Based on results analysis researchers to patterns obstacles that arise in interview third informants, obstacles the can categorized to in two forms, namely obstacle structural and barriers relational. Barriers structural sourced direct from condition imprisonment. That alone, while obstacle relational rooted in dynamics connection between husband, wife, and family big.

Obstacle the most consistent structural experienced by the three informant is inability fulfil living inner, encompassing presence physical, protection direct, and fulfillment need biological wife. Informant H revealed in a way bright:

“At this time I Not yet Can guard and protect wife as well as Not yet Can fulfil need biological wife” (Informant HA, interview, 2026).

Informant M also admitted:

“For living inner I Not yet Can maximum Because limitations is at in prison” (Informant M, interview, 2026).

Conditions this in a way direct clash with obligation *mu'asyarah bill Ma'ruf* (associating with others with wife in a way good) as confirmed in QS An-Nisa verse 19.

Obstacle in fulfillment living inner this own serious implications, both for prisoners that alone in a way psychological and for sustainability relation house ladder in a way overall. Research Maulidani (2022) revealed that lack of attention on urgency fulfillment right living inner for prisoners precisely implications for the problem deviation sexual. This is due to aspect psychological is the most influential factor to irregularities sexual for a prisoners, because condition pressure turbulent mind.

Condition pressure inner the participate reflected in confession Informant HA and Informant M above, who are explicit state his inability fulfil need biological wife, so that strengthen findings Maulidani (2022) that limitations structural imprisonment potential become source pressure psychological for prisoners status husband, even though study. This no in a way special browse indication deviation sexual on the third informant. On the other hand, this this can also be done caused by not existence accompanying partners, so that the prisoners experience imbalance emotional (Santoso, 2021).

In terms of regulations and facilities, no availability room special for prisoners who have family for distribute living his inner self to wife be one of root unresolved issues get solution concrete in policy Indonesian correctional system, different with countries such as Saudi Arabia, Germany, America and Australia which have provide facility conjugal visit (Maulidani, 2022). Condition similar participate found in Class IIB Sumedang Prison, where there was no there is facility and room special that allows prisoners distribute living inner to wife, as reflected from confession all over informant who stated inability they fulfil need biological partner during the detention period.

Obstacle structural in educate children are also felt weight by M which has children small:

“Obstacles For educate child No Can because in prison. I'm scared children I forget to I Because Still small” (M, interview, 2025).

This is contrary to with QS At-Tahrim verse 6 commands which oblige every head family guard member his family from evil. Ibn Qudamah in *Al- Mughni* confirm that husband own obligation for ensure wife no neglected in aspect life whatever (Muzammil, 2019). Conditions restrictive imprisonment interaction between husband with his children no only impact on fulfillment religious obligation, but also potential damage bond inner in family term long.

Obstacle relational most evident in the case of IT. Rejection family wife on the status of prisoners her husband cause wife no once do visit to prison during the detention period.

“Wife I No Once tomorrow For visit I” (TI, interview, 2025).

As a result, communication only can ongoing through telephone with very limited frequency. Conditions this no only cut off dimensions living inner in total, but also places bond IT marriage in vulnerable situation going to Farewell. Rahmawati (2023) identify that social stigma to family prisoners often become trigger main rejection family wife and lead to an increase pressure psychological on both split party.

In perspective rules jurisprudence, conditions this still no abort obligation husband, because rules *ma la yudraku kulluhu la yutraku kulluhu* want husband still strive to the limit can within reach, including through communication telephone even though it is very limited (Hermanto, 2021). This is in harmony with view the Hanafi school of thought states that provision living for husband who has the status prisoners determined based on condition husband, where each prisoners fulfil living based on level his abilities (Yulian, 2021). With however, although obstacle structural and relational real existence, Islamic law remains give flexibility in mechanism fulfillment obligation in accordance with available capacity

Impact Imprisonment to Home Life in Islamic Legal Perspective

Impact imprisonment to stability house ladder third informant show significant variations, which are determined by two themes main thing that appears from results analysis: availability source Power economy and quality support family. Findings This in a way general in harmony with conclusion

Rahmawati (2023) that imprisonment husband No in a way automatic destroy house stairs, but intensity the impact is highly dependent on factors contextual that surrounds each family.

In case M, the condition House ladder relatively most stable. Three factors main become its support: First, the existence of asset productive which guarantees sustainability economy family, second attitude reception from party family wife and third, intensity fairly regular visits. M said:

“Household before to prison and after to Thank God, the prison is normal and peaceful” (M, interview, 2026).

Condition this approach ideals a marriage that is peaceful, loving and merciful as stated in QS Ar-Rum verse 21, even though in conditions that are very less than ideal. Handayani (2020) said condition like this as form relation mubaadalah (mutuality) which is precisely strengthen bond marriage in the middle limitations.

In case Informant HA, pressure sufficient economy heavy can overcome blessing agreement together built on base deliberation between husband and wife since the beginning of the detention period, in line with principle taking decision together in KHI Article 80 paragraph (1). In Islamic law, consent wife bear living when husband truly no capable viewed as form *ibra* ' (liberation) from obligations), so that no add debt living for husband (Sarjono, 2023). Similar pattern found in study Yulian (2021) in Kluet Tengah, where the wives prisoners endure through living monthly in amount small, results garden or abandoned rice fields husband, and work assisted independent brother. Findings this confirm that good agreement and communication between husband and wife become key main guard stability house stairs in the middle limitations consequence imprisonment.

On the other hand, the IT case shows most significant impact from imprisonment. Rejection family wife, absence visits, and almost disconnection communication put house IT ladder in the most fragile condition. He himself admit:

“After enter prison, house ladder untidy Because from party family wife No accept” (TI, interview, 2025).

Condition This potential leading to neglect wife, who in Islamic law is one of the violation serious to right wife.

Wife's rights on good treatment (*mu'asyarah bill ma'ruf*) which is emphasized in QS An-Nisa verse 19 in detail real no can fulfilled, as reflected in the case Informant T who experienced rift house ladder consequence rejection family wife and the breakup visit and communication. If the condition kind of this continues and ends in divorce, then in law positive matter the possible based on PP no. 9 of 1975 Article 19 letter (c) which justifies it divorce if one of them party get punishment five years in prison or more (Handayani, 2020).

Related with legal status obligations that are not fulfilled, the scholars from various sect own diverse views however can synthesized. According to Hambali school, if husband no capable give living to his wife so wife entitled for request divorce, because living must given husband to his wife (Yulian, 2021). Views this relevant with case Informant H who is completely mo capable fulfil living born, but in in practice divorce no happen. Because wife in a way voluntary take over not quite enough answer economy family through agreement together, a deep conditions perspective jurisprudence precisely more approach draft *Ibra* ' compared to right divorced according to Hanbali school.

Whereas according to Maliki school of thought, obligation husband give living become fall If husband in poor condition or No capable give livelihood, and livelihood that no become debt that must be paid paid If Already capable (Kiljamilawati, 2026). Meanwhile the majority of scholars, including

The Hanafi School and the Syafi'i School, argue that obligation living nature permanent and if no filled so become debt that must be paid paid off.

Overall, third case the confirm that imprisonment husband no in a way automatic abort obligation in Islamic law. Rules *ushuliyyah al- aslu fi al- amr lil-wujub* (origin order show obligations) and views majority of scholars agree that obligation living husband still attached during marriage ongoing, with debt status for those who don't capable fulfill it (Sarjono, 2023). Research Maulidani (2022) also emphasized that in draft Maqashid Syariah, *hifdz nasl* (maintaining descendants) for prisoners who have family become *haq al- intirrom al- insani* (right on honor humans) who must actualized. Therefore that, the regulations that govern fulfillment living physical and spiritual for prisoners who have family is something need urgent that is not can postponed again, good from perspective Islamic law and law positive Indonesia.

Conclusion

Study this conclude that fulfillment rights and obligations husband inmates at Sumedang Class IIB Penitentiary ongoing in a way varied and not uniform, depending on conditions the economy of each informant before the detention period. Three were found pattern fulfillment living born, namely implemented through asset productive, implemented part through savings, and not implemented consequence absence source Power.

Prison limitations make it nearly impossible for all informants to fulfill emotional and conjugal needs, as well as guide their children. Obstacles faced divided into two dimensions: Structural (limitations room movement, disconnection access economy, lack of communication) and relational (rejection family wife and the breakup visits), both of which potential bother harmony house ladder.

In perspective Islamic law, obligations husband still attached although currently undergo criminal, with mechanism fulfillment of a nature adaptive in accordance rules jurisprudence, meanwhile obligations that are not fulfilled status as mandatory debt paid off.

Study this recommend: First, strengthening the coaching program independence market- oriented economy in prisons so that prisoners can get adequate income, second development service counseling family prisoners For overcome obstacle relational, and third the need for regulations that are explicit arrange mechanism fulfillment obligation living husband prisoners, including provision facility special for prisoners who have family, as form protection rights the bereaved family.

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