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Stay at Home:

The Ruling for Husbands to Provide Sustenance to Their Wife in the Perspectives of Minangkabau Ulemas on Families Impacted by Covid-19 in West Sumatra, Indonesia

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Abstract

The article discusses the perspectives of Minangkabau ulemas in West Sumatra concerning the ruling for husbands incapable of providing a living for their wife as a result of the COVID-19 pandemic. The study findings are highly specific as Minangkabau customs and culture are grounded on a matrilineal system, yet they remain to be based on Islamic sharia. The research data were acquired by in-depth interviews with three influential ulemas in West Sumatra and a prominent customary figure who is the Chair of the Minangkabau Adat Council. The study found that according to the Minangkabau customary and cultural

perspective, husbands are duty-bound to earn a living outside their home while their wife remains at home. Such spousal relationship has an impact on the wife's acceptance of the husband. A condition wherein wives can accept being married to a husband incapable of providing a living on account of the COVID-19 outbreak does not become a legal issue. Accordingly, the study will have implications on the formation of new categories concerning the husband's obligation to provide sustenance to his wife during a state of emergency.

Keywords: Stay at Home;Spousal Relationship;Sustenance;COVID-19; Minangkabau Ulemas

Introduction

COVID-19 has spread globally and become a worldwide pandemic affecting numerous countries including Indonesia. As a consequence, the COVID-19 outbreak has had various implications on the formal sector such as companies that employed numerous workers or the informal sector such as online-based motorcycle taxi drivers or small traders. The pandemic has subsequently introduced new challenges into the world throughout all sectors of human life. One of these challenges is found in the field of Islamic law (sharia) such as law on worshiping at mosques or family law on the husband's responsibility to provide sustenance to his family (wife and child), which is deemed obligatory according to sharia.

According to Islamic law (sharia), the four main schools of jurisprudence (Shafi'i, Hanbali, Hanafi, and Maliki) emphasize that sustenance is the right of the wife and child. However, the Shafi'i school (as well as the Maliki and Hanafi schools) which is followed by most Muslims in Indonesia states that the husband's obligation to provide sustenance can be performed once the wife lives in the same house with the husband (*tamkî*n) (Al-Zuhaili 2002a). The husband's obligation in providing sustenance is an implication of his action, which includes the burden of responsibility (Al-Anshârî n.d.). Hence, the husband's responsibility to provide sustenance to his family is a risk borne by the husband in family life.

The perspective of these legal scholars assumes that the husband earns a living as a source of income to provide for his wife and child. Accordingly, the scholars had varying opinions concerning the amount of sustenance husbands should give to their wife. Scholars of the Hanafi school allow a flexible amount of sustenance in which it is measured in accordance

with the conditions or ability of the husband. The assumption made by the scholars takes place within the context of a normal state of global economic, social, and personal life. However, it seems that the scholars did not include a state of emergency category like the COVID-19 global pandemic that has spread throughout over 185 countries, including Indonesia (Johns Hopkins University 2020).

West Sumatra is one of the provinces in Indonesia identified as a COVID-19 pandemic red zone area. According to West Sumatra Province COVID-19 Monitoring Data, at the time of the research there were 408 COVID-19 positive cases and 735 patients under observation of the local government. They were spread throughout all of the regencies in West Sumatra. To break the chain of COVID-19 transmission, the West Sumatra Regional Government enforced a large scale social restriction (PSBB) policy. As a result of the policy, many husbands lost their job and source of income for providing sustenance to their family.

According to the data of the West Sumatra Government Regional Labor Office, as reported by CNN (2020), as of April 5, 2020 as many as 6,551 workers in West Sumatra were impacted by the COVID-19 pandemic. Out of the amount above, as many as 6,157 people were being placed on leave without pay, while 398 people were laid off. The number will continue to rise as there are still many companies that have not reported to the government the number of employees they had to dismiss on account of COVID-19. The data was collected from 1,257 companies out of a total of 3,800 large and medium scale companies in West Sumatra. This means that the data above has not included small scale companies and informal sector workers in West Sumatra.

Such condition is very interesting to study as West Sumatra Province is one of the provinces that maintains strong religious (Islamic) and customary identity. In terms of custom, the people of West Sumatra adhere to the principle of Custom is based on Sharia, and Sharia is based on the Quran (*Adat Bersendi Syara-Syara Bersendi Kitabullah*) (Abdullah 2010 see also, Benny Ridwan 2019) With the largest matrilineal system in the world (Stark 2013), Minangkabau custom places men in the position as husbands or fathers who are the breadwinner in the family. During the COVID-19 pandemic, the principle of *Adat Bersendi Syara-Syara Bersendi Kitabullah* is currently confronted by trials and challenges. Given such customary principle,

understanding the perspectives of ulemas as religious actors are of utmost importance. Based on that argument, we propose the following problem statement in the study: *What is the husband's responsibility to provide sustenance to his family impacted by COVID-19 in the perspectives of ulemas in West Sumatra like?*

Methodology

This is a field study conducted amid the COVID-19 pandemic. During this period of emergency, the public is required by the government to stay at home and refrain from traveling. Data in the study were gathered via in-depth interviews with four informants who are originally from three different regions in West Sumatra, namely Bukit Tinggi Municipality, Padang Pariaman Regency, and Padang Municipality. They were chosen as informants based on three qualifications. First, availability of access to all the informants. Second, the informants' feasibility in terms of their standing in West Sumatra, as well as their influence on the community and the government. Third, their representativeness of the population spread of Minangkabau community in several regions. The informants are Buya Gusrizal Gazahar (Chair of MUI West Sumatra residing in Bukit Tinggi), Ustad Zulkifli Zakaria (an influential ulema in West Sumatra residing in Padang Pariaman), Mas'oed Abidin (a charismatic ulema in West Sumatra residing in Padang), and M. Sayuti Datuk Rajo Penghulu, (General chair of the West Sumatra Minangkabau wide Association of Village Adat Councils (*Lembaga Kerapatan Adat Alam Minangkabau Sumatera Barat* – LKAAM) residing in Padang).

The research began by observing the phenomenon in which husbands lost their job due to the COVID-19 pandemic. This was subsequently followed by composing the research design and selecting informants who are representative, feasible, and accessible to be contacted for in-depth interviews. The interviews started by asking general questions in order to identify the informants' understanding on the subject matter, such as *"What is your opinion on husbands who were laid off or returned to their kampong as a result of the COVID-19 outbreak?* Then, more specific questions were asked to find the perspectives of the informants in giving meaning to and understanding the problem formulated in the study. These specific questions, for instance, are, "*What do you feel when husbands lose their job as a result of the COVID-19*

outbreak and become incapable of providing sustenance to their wife and children?". "What is the Islamic ruling for husbands who are unable to provide for their wife not as a result of his inability, but on account of a state of emergency?". "How does the Minangkabau custom, which is based on Islamic sharia, view husbands who are unable to provide sustenance to their wife as a result of the COVID-19 outbreak?". Other even more specific questions were subsequently posed based on the responses given by the informants. The gathered data were then grouped (categorized) based on the correlation of meanings contained in the responses provided by the informants concerning the questions. The data categorization process was accordingly assessed using relevant literary sources. Subsequently, the data were presented in an interpretative and descriptive manner.

The Concept of Sustenance in the Perspective of Law and State of Emergency

A. Sustenance According to Islamic Law and Indonesian Law

As a country with a Muslim-majority population, there are numerous Indonesian vocabularies that are of Arabic origin. The word *nafkah* (sustenance) in Indonesian is one of the vocabularies adopted from the Arabic language. Linguistically speaking, the word *nafkah* comes from the Arabic term *an-nafaqah*, which is rooted from *anfaqa-yunfiqu-infaqan* (Al-Yasu'i 1986). According to the Arabic-Indonesian dictionary written by Munawwir, (1984) *nafkah* is defined as *al-mashrûf wa al- infâq*, which refers to shopping expenses, spending, and living cost. Such definition describes a shift or transfer of wealth or capital from one person to another for cost of living (Al-Jazirî n.d. compare also with, Muhammad n.d.). According to Dimyathî, (n.d.) the shift or transfer of wealth or ownership is conducted for positive purposes such as cost of living and education.

Meanwhile, according to *fiqh* (the science of Islamic jurisprudence), experts on *fiqh* (known as *fuqahâ'*) define sustenance as living cost obligation a person (not necessarily a husband) provides to another person (not necessarily a wife) who is a dependent of the former. The cost of living covers expenses for food/nourishment *(math'âm),* attire/clothes *(malbâs),* house/dwelling *(maskân)* (Al-Jazirî 1996). Within such broad definition, the obligation of

providing sustenance may take place between a master and his slave or an older sibling to a younger one. This general definition refers to the Quran surah At-Thalaq (65) verse 7:

> *"Let a man of wealth spend from his wealth, and he whose provision is restricted – let him spend from what Allah has given him. Allah does not charge a soul except [according to] what He has given it. Allah will bring about, after hardship, ease".*

Quran surah An-Nisaˆ (4) verse 34:

> *"Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth".*

Due to the extensive definition of sustenance, experts on *fiqh* (*fuqahaˆ*) propose 3 types of obligation to provide sustenance, namely:

First, obligation to provide sustenance as a consequence of marital relationship (*Zaujiyyah).* According to *fiqh* ulemas of the Hanbali and Hanafi schools, the husband's obligation to provide sustenance even applies to divorced couples. However, *fiqh* ulemas of the Maliki and Shafi'i schools propose a different opinion wherein the obligation to provide sustenance for divorced couples only applies in their residence (Al-Zuhaili 2002b).

Second, obligation to provide sustenance as a consequence of fraternal relationship and kinship *(Qarabah)*. For this type of sustenance, *fiqh* ulemas have determined different limitations. *Fiqh* ulemas of the Maliki school limit the obligation to provide sustenance under this category to merely be from parent to child *(al-waˆlid wa al-walad).* Whereas *fiqh* ulemas of the Shafi'i school limit the obligation to provide sustenance to be between parent and child as well as grandparent and grandchild *(ushuˆl* and *furuˆ).* Meanwhile, *fiqh* ulemas of the Hanafi school do not only limit the obligation to provide sustenance to be between parent and child as well as grandparent and grandchild, they also allow provision of sustenance to siblings on a horizontal line *(hawaˆsyi).* As for *fiqh* ulemas of the Hanbali school, they allow a broad limitation concerning the obligation to provide sustenance, which can be applied to anyone within the family tree lineage (Al-Zuhaili n.d.).

Third, obligation to provide sustenance as a consequence of slave ownership (*Milk).* This category requires a new *ijtihad* (independent reasoning in Islamic law) as slavery is no longer acknowledged and justifiable by law (Sanni 2012, Ali 2017 see also, Pettigrew 2019).

Nevertheless, according to Khalaf (1990), sustenance in Islamic law is sustenance provided for the wife. Khalaf defined sustenance, according to the perspective of family law, as a husband's obligation to properly fulfil his wife's needs in the form of food, clothes, and residence, bed, service, and all things relating to her life necessities. In this perspective, all *fiqh* experts (*fuqaha*̂) places the husband as a person with the obligation to provide sustenance to his wife and child (Sa̍biq 2002). According to Haqqi̍, the obligation clearly refers to the Quran surah An-Nisa̍ verse 34, which states that one of men's privileges over women is the provision of sustenance (Al-Ra̍fi'i̍ 2002).

Concerning the husband's obligation to provide for the wife, in the context of formal law in Indonesia, it refers to Law No. 1/1974 on Marriage (*Law of the Republic of Indonesia No. 4/1974 on Marriage* n.d.). In article 34 verse 1 it is stated that '*The husband is obligated to protect his wife and provide all necessities of family life in accordance with his ability'.* However, the amount of sustenance the husband should provide is not stipulated in the Law. Subsequently, it is stated in article 34 verse 3 that, *'If the husband or the wife neglect their responsibilities, each party may file a claim to Court'.* According to Nuruddin and Tarigan (2004), this article presupposes that the spousal relationship in the household is asymmetrical. This means that the husband may file a claim to court if the wife is unable to fulfil her responsibilities to the husband. Conversely, the wife may file a claim to court if the husband is incapable of providing sustenance.

B. What is the Ruling on Sustenance during a State of Outbreak Emergency?

The various perspectives above are based on the presupposition that a man in his role as a husband has the obligatory responsibility to provide sustenance to his wife and child under normal conditions, not in a state of emergency. Under emergency conditions such as war, the history of Islam indicates that the wife can take over the husband's obligation to provide sustenance when the husband goes to war. Nevertheless, the wife's obligation to earn a living as a result of the husband going to war is limited. According to a historical narration

(*riwayat*) it is elaborated that Caliph Umar limited husbands fighting in wars to a period of 6 months leaving their wife and relinquishing their obligation to provide sustenance (Rawwas 2011 see also, Shihab 2011).

Another state of emergency may also occur in which either husband or wife are unable to earn a living due to the presence of a disease outbreak. When a disease spreads in a city/land, the Prophet Muhammad PBUH stated:

> *"*Tha'un [an infectious disease/plaque] *is a forewarning from Allah Subhanahu Wa Ta'ala to test His subjects of mankind. So when you hear of the disease spreading in a land, then do not enter that land. And when the disease is spreading in a land you are in, then do not leave it."* (Hadith narrated by Bukhari and Muslim from Usamah bin Zaid).

In the context of the COVID-19 pandemic, the hadith above serves as a basis in implementing a lockdown policy. According to Merriam Webster Dictionary, (Merriam-Webster 2020) lockdown means the confinement of prisoners to their cells for all or most of the day as a temporary security measure. Lockdown is also defined as an emergency measure or condition in which people are temporarily prevented from entering or leaving a restricted area or building (such as a school) during a threat of danger. In essence, it prevents people to interact with one another within a temporary period of time due to existing threats or dangerous conditions. In the case of the danger posed by the spread of COVID-19, the main objective of a lockdown is to prevent the spread of the disease from one person to another by way of keeping people separated or confining certain areas.

Technically speaking, Lau et al. (2020) explain lockdown as quarantining citizens in their home by limiting their travel and ensuring their strict compliance. People who need to leave the house are highly limited since every citizen is given a travel permit which only allows them to leave the house for a maximum of 30 minutes each day. People active outside the house must follow social distancing rules. Additionally, a city lockdown policy also regulates cancellation of events and meetings, closure of public venues as well as schools and universities. Given the lockdown policy implemented during the COVID-19 pandemic, both husband and wife may have lost their job as a source of income for their family. We argue that such state of emergency had eluded the

considerations of classical *fiqh* experts (*fuqaha*') in determining the types of sustenance that a husband is obligated to provide to his wife and child.

Sustenance in the Minangkabau Matrilineal Culture: Husbands work, Wives Stay at Home

A. The Position of Women as Wives in the Minangkabau Custom

In the Minangkabau culture in West Sumatra, women hold a vital position in the management of property or wealth. This is one of the most striking features in the authentic cultural system of the Minangkabau ethnic group. Despite putting women in such a significant position, the matrilineal culture does not necessarily place men in a position subordinate to that of women. According to Blackwood (2000) in the Minangkabau custom, men and women mutually have special rights under different contexts. These contexts may be distinguished based on gender, age, or birth order. In general, the differences are established in the role of women as the Mother of the hereditary line while men play the role as the keeper of the hereditary line. Hence, women's role as Mother in a Minangkabau clan is an essential part of the customary leadership structure in Minangkabau culture. Accordingly, Blackwood (2000) describes the relationship between women and men within the family in the Minangkabau culture as a complex system of 'power networks' with numerous different orientations.

According to M. Sayuti Datuk Rajo Penghulu, the special position that women hold has always been implemented from generation to generation and it has functioned as the guide of Minangkabau culture until today. Consequently, such culture has its implications on various other life aspects, such as spousal relationship in terms of sustenance rights and obligation in the household.

> *According to customs, ideally speaking, Minangkabau women stay at home. A Minang proverb states, "*Bundo kanduang limpapeh rumah nan gadang. Umbun puruak pagangan kunci. Umbun puruak aluang bunian. Pusek jalo kumpulan tali. Sumarak dalam kampuang. Hiasan dalam nigari*". This is about the Minangkabau custom giving women dignity. Women hold the key to the* rumah gadang *(Minangkabau traditional house; literal definition "big house"*-Researcher*). The entire household economy is held by women. If a husband has a salary, all will*

be given to his wife. Ambuang puruk pagang kunci, Undung-undung ka Madinah*. This means, the wife holds the key to the household storage, she orders the child to leave (on a voluntary journey known as* merantau-Researcher) *for Madinah. If a women in the household is spendthrift, then the household economy will be spendthrift as well because she holds the money in the household* (Interview with M. Sayuti Datuk Rajo Penghulu n.d.).

The explanation above shows that the distinction between the role of the husband as the breadwinner/earner and the wife as the keeper of wealth is not driven by discrimination that places the wife in a position subordinate to her husband. Egalitarianism functions as a strong and equal relational basis established between husband and wife in the household. Such spousal relationship is manifested in the form of power sharing within the household. According to Wierenga (1995) the social status conferred on women in the Minangkabau custom is a consequence of the egalitarian concept inherent in the Minangkabau community in West Sumatra. Based on the given assumption, the position of women is highly respected before the the customs of Minangkabau culture.

By means of such exceptional role, Minangkabau women as wives can ensure their descendants will constantly be in line with the customary system of Minangkabau culture. Given women's essential position as Minangkabau's cultural agents, women as wives prefer their sons to marry women of Minangkabau descent rather than other ethnicities. The reason for this is, undoubtedly, due to the fact that the custom of Minangkabau culture follows the female lineage (matrilineal) instead of the male (patrilineal). When a Minangkabau man marries a woman of non-Minangkabau descent and they have a child, then that child will not maintain the identity of his/her Minangkabau clan. Accordingly, the child will have no place in Minangkabau's cultural, customary, and social structure.

This cultural perspective, consequently, places the women of Minangkabau as one of the centers or agents of culture aside from the other three elements of leadership in the Minangkabau community that is known as *Tungku Tigo Sajarangan*, namely *Ninik Mamak* (customary leaders), *Alim Ulama* (religious leaders), and *Cadiak Pandai* (intellectuals). Every

Minangkabau clan is led by a *Mamak* or commonly called *Ninik Mamak. Ninik Mamak* functions as *Kapai Tampek Batanyo, Ka Pulang tampek babarit* (a person to ask (things) when leaving, and give news/information when returning), which means that *Ninik Mamak* is a figure who clan members consult with and who provides news or information to clan members, so a *Ninik Mamak* knows the conditions of their clan members (Penghulu 1991). These three elements are a customary provision that serves as a basis in the implementation of social, cultural, economic, and religious life among the people of Minangkabau in West Sumatra (Malau, H. et.al. 2020). In this case, culture may be defined as "that complex whole which incudes knowledge, belief, art, law, morals, custom, and any other capabilities and habits acquired by man as a member of society" (Taylor 2016).

The Minangkabau culture, which puts women as the most crucial actor in the management of ancestral wealth in Minangkabau, is also reflected in the management of the husband's wealth and income in the household. According to Ustad Zulkifli Zakaria, the wife's position is extremely substantial in managing the husband's earnings as sustenance for the family up to the point that sometimes the husband has to request money from the wife just to buy his personal necessities.

> *Concerning the use of sustenance in the household, there are currently two point of views. First, Minangkabau people who have a general view of the existing tradition, which indeed involves the husband earning a living and the wife managing the husband's earnings. All of the husband's earnings are given to the wife. Second, Minang people who understand the ruling of Islamic sharia, he will impose limitation. The wife will only be given money or shopping allowance for a month, or a week. It should be like this, not all of the husband's earnings are handed over to the wife. And people belonging in the second group are fewer than the former, which is the customary and traditional group. Customarily speaking, the use of family money is indeed left to the wife. The husband merely stores (his earnings) to the wife. Even for just buying cigarettes, the husband asks for money to the wife* (Interview with Ustadz Zulkifli Zakaria n.d.).

B. Wealth and Sustenance in Minangkabau Custom

According to Benda-Beckmann (2013), there are two kinds of wealth in the Minangkabau custom. *First*, ancestral wealth which is owned by a clan or sub-clan of the Minangkabau ethnic group. It may be in the form of land for farming or other activities. The ancestral wealth owned by the clan or sub-clan is inherited from generation to generation. Inheritance of communal land (*tanah ulayat*) follows a matrilineal system, which means from the mother's sibling (*mamak*) to the niblings. The implementation of ancestral wealth management follows this lineage because the expansion of descendants in Minangkabau custom is solely based on the Mother's descendants. This implies that clans or sub-clans in Minangkabau culture are established based on the Mother's lineage. To maintain the system, Minangkabau men ideally marry with someone of a different clan (exogamy). The ideal marriage for a Minangkabau man, according to Minangkabau culture, is to marry a "*mamak*'s child" (the daughter of his uncle). The accumulation of wealth can, thus, be maintained within the clan or sub-clan under a strong customary system because the inheritance of the *Mamak* (uncle) will be given to the children of his sisters (Radjab 1969). A *mamak* in the family (he may be the older or younger brother of the mother) can establish a *Niniak Mamak* that is highly influential in implementing habits and traditions in the family.

Second, wealth acquired from individual income, which is commonly called *harta pencaharian* (self-earned wealth). This second type of wealth follows normal practice wherein a husband (father) commonly provides sustenance to his wife or child. However, there is also wealth acquired personally by the husband (father) that subsequently changes into communal/ancestral wealth (*harto pusako*). This may occur as Minangkabau custom allows a man (as a husband or father) to hand down his self-earned personal wealth to the clan or sub-clan as communal/ancestral wealth (*harto pusako*), and it would ultimately be owned by the clan or sub-clan. This provision is specified in detail in Minangkabau custom, which consequently leads to the categorization of wealth into high ancestral wealth and low ancestral wealth.

High ancestral wealth refers to inherited wealth owned by a clan or sub-clan of the Minangkabau ethnic group that is passed on from one generation to the next. Whereas low ancestral wealth refers to wealth acquired from a husband's (father) income/earnings that has changed into

communal/ancestral wealth upon being handed down to his clan or sub-clan. Once the wealth that he has amassed on his own has been bequeathed to his clan or sub-clan, it becomes property of the low ancestry and after several generations it will become property of the high ancestry (Evers 1975). According to Goettner-Abendroth (2012) in the economic perspective of property or asset management, women in matrilineal society such as Minangkabau has tremendous control over the clan or family's production of economic resources. These resources include cultivation lands, or other food sources. Women function as the center of economic resource management and distribution to the children, grandchildren, and their descendants. For women who come from an accomplished or wealthy clan, they even bear the responsibility to advance the village or the village community where they live. Sanday (2002) considers that Minangkabau's custom on wealth management succeeded in opposing and accommodating patrilineal influences of immigrant kings, traders, and religious followers. Nowadays, the people of Minangkabau are aware of the threat brought about by modernization to their "matriarchal" tradition.

Sustenance the husband provides to his wife and child in this case falls into the second category of wealth, which is wealth acquired from individual earnings (as a husband or father). This second type of wealth follows the usual model of a husband (father) typically providing sustenance to his wife or child. That is why, according to Buya Gusrizal Gazahar, the management and amount of sustenance the husband gives to his wife and child are not included in the interest of Minangkabau custom.

> *The husband is responsible for providing sustenance to his wife and child. The sustenance is a routine obligation, not a part of ancestral wealth. So, management of the sustenance may be specified according to an agreement between husband and wife in the household. Matrilineal (system-*Researcher*) does not mandate the husband's money to be held by his wife* (Interview with Buya Gusrizal Gazahar n.d.).

According to this perspective, the husband or father is a figure who is respected in the household because he provides sustenance to his wife and child. However, as the largest matrilineal society in the world, a husband or

father in the Minangkabau cultural system is perceived as mentioned in the customary adage *"bak abu di ateh tunggua"* (like ash atop a hearth) (Schrijvers and Postel-Coster 1977). This means that in Minangkabau's matrilineal culture, a husband living and staying in a *Rumah Gadang* (see Azra 2017 Rumah Gadang (big house) functions as a place where the extended family of a Minangkabau clan resides. The advent of Islam to West Sumatra has made the Surau to be more than just a sleeping quarter for adult Minangkabau men, but as a place for worshiping and seeking religious (Islamic) knowledge). together with his family of the same clan or sub-clan is in a weak position because he is merely 'temporarily staying' there. This, consequently, becomes one of the main reasons for husbands to leave their kampong where their clan or sub-clan resides for a voluntary journey outside of their homeland known as *merantau*. They do not return to their homeland or kampong for quite a long period of time. As a result, according to Joke (Schrijvers and Postel-Coster 1977), some villages or kampongs have a surplus of women, with children and the elderlies left as decision makers. Despite being far away from their homeland, men are formally still held responsible for decisions on and management of family wealth. These so called *perantau* (wayfarers) of Minangkabau send money to their wife, sister's child(ren), and mother. So, for an extended period of time, women often have to provide a living for themselves, their children, and parents by earning their own income through farming or trade as well as use the sustenance sent by their husband.

These wayfaring men, be it husbands or fathers, may work in the informal sector in major cities like Jakarta, which is the hardest hit by the COVID-19 pandemic, or other cities and even abroad. According to Munoz (2016) the tradition of *merantau* (voluntary journey outside of the homeland) in Minangkabau has existed since the 7th century when Minangkabau traders left their kampongs to sell gold. Meanwhile, Naim (2012) explains that the *merantau* tradition has occurred since the 13th century when the people of Minangkabau began leaving their kampongs. Under the current conditions, these Minangkabau wayfarers are caught between a rock and a hard place.

First, these men as husbands and fathers, whether they are working in their homeland or not (*merantau*), may be facing termination of employment. According to a report by *TEMPO* (2020) magazine, as of Wednesday, April 8 of 2020, the number of workers and laborers in Indonesia who were dismissed

and put on leave without pay was at 1.2 million from 74,430 companies. Out of that amount, as many as 1.01 million of them are formal workers who used to work in 39,977 companies. The remaining amount accounts for informal workers who were dismissed from 34,453 companies. Meanwhile, for West Sumatra Province, based on data from the West Sumatra Government Labor Office as reported by CNN, (CNN 2020)(CNN 2020)as of April 5 of 2020, there were 6,551 workers impacted by the COVID-19 outbreak. Out of that amount, as many as 6,157 workers were put on leave without pay, while 398 of them were dismissed or terminated from work. The data was acquired from 1,257 companies out of a total of 3,800 large and medium scale companies in West Sumatra, and this number will continue to rise as there are still many companies that have not reported to the government their dismissal of employees caused by the COVID-19 pandemic.

Second, these men as husbands and fathers who tried to earn a living in major cities hit by the pandemic, particularly Jakarta, then returned to their hometown may become COVID-19 carriers to their respective kampongs in West Sumatra. Returning to one's hometown in time for the Eid al Fitr celebration is a cultural phenomenon for Minangkabau people working outside their homeland. According to Syafwan (2016), returning to one's kampong in the Minang wayfarer tradition, which is known as *pulang basamo*, is a cultural ritual conducted due to a customary necessity in the form of pride and care of keeping their *Rumah Gadang* as a symbol of success and honor that these wayfaring men uphold to safeguard their ethnic clan. According to a report by Liputan6.com, as of April 15 of 2020, as many as 62,534 Minangkabau wayfarers have entered West Sumatra.

The junction of the two things above may create a condition that exacerbates the current situation into a greater state of emergency. Since the Minang wayfarers were being laid off or simply have no work to do, they have become incapable of providing sustenance to their wife and child, and they ultimately chose to return home to their respective kampongs. As a different case, yet occurring at the same period of time, Minangkabau workers from outside of West Sumatra began returning home as they approach the Eid al Fitri celebration marking the end of Ramadhan. This means that the situation will get even more difficult as husbands are unable to provide sustenance to

their wife and child and the number of wayfarers returning from outside of West Sumatra to their respective kampongs continue to rise.

The Rulling For Sustenance Obligation During a State of Emergency in Emergency in the Perspectives of Minangkabau Ulemas

1. *The Wife's Acceptance Revokes the Husband's Obligation*

The various substantial roles that women as wives maintain in the household in the Minang culture are accordingly tested in states of emergency, particularly a global emergency not unlike the current spread of COVID-19. According to Ustad Zulkifli Zakaria and Buya Mas'oed Abidin, wives can refer to Islamic teachings on contentment (*ridha*) or acceptance of their husband's conditions and his difficulty in providing sustenance in facing these ordeals during the COVID-19 emergency period. Ustad Zulkifli Zakaria argues that if the wife is content and accepts the husband's inability in providing sustenance as a result of unemployment during the COVID-19 pandemic, then it is not an issue according to customary law and Islamic law.

> *If the husband cannot provide sustenance, but the wife accepts, there's no problem. In a state of emergency, the husband is still held responsible. During the COVID-19 period, although the husband faces difficulty in earning a living, Allah will open other doors of good fortune. There are many people who will help* (Interview with Ustadz Zulkifli Zakaria n.d.).

A similar argument is also conveyed by Buya Mas'oed Abidin. He stated that the peak of having sufficient sustenance in the household is indicated by the wife's contentment or acceptance of her husband.

> *The peak of adequacy in household sustenance given by the husband to the wife is contentment (*ridha*). The current situation*

is that everyone is overcome by khauf*, fear. The government, health personnel, the state and its citizens, the world, all countries are afraid of COVID-19, it induces fear. Once we feel there is* khauf, *afraid all are afraid, patients are afraid, doctors are afraid, governments are afraid, all are afraid. This sense of fear has made the situation into an emergency. While in fact, Allah SWT has said, 'Lā yukallifullāhu nafsan illā wus'ahā'* (in QS Al-Baqarah 2: 286-Researcher) *no human being will be burdened with a responsibility heavier than one can bear. If the wife understands that this is a state of emergency, then (she should) be content and surrender herself to Allah SWT, this is not a problem, they will still be happy because the wife is contented* (Interview with Buya Mas'oed Abidin n.d.).

The perspectives of the two ulemas in West Sumatra set the concept of wife's contentment/acceptance (*ridha*) as an extremely defining response in the ruling of the husband's obligation to provide sustenance to the wife. This means that if the wife accepts/is contented with her husband not providing sustenance due to the state of emergency, then the husband's obligation to provide sustenance is invalidated. However, if the husband is unable to provide sustenance due to the state of emergency and the wife accepts, then how does the couple continue their life with neither sustenance nor income? According to Ustad Zulkifli Zakaria, in the perspective of the wife, this becomes a matter left to Allah SWT as Allah SWT will open doors of good fortune and income through other means such as assistance from others. In a similar vein, Buya *don't care.*

ConcernMas'oed Abidin believes that the state of emergency is an ordeal and Allah SWT does not burden human beings beyond their ability to bear them. According to this perspective, their belief in divine

providence or their faith in religious doctrines do influence the opinions of the two ulemas

The two ulemas stated that the implication of the religious perspective above is that the husband's sustenance to the wife during the COVID-19 pandemic may be taken from the zakat collected from the Muslim community. Buya Mas'oed Abidin said:

> *In the perspective of religion, the zakat money collected can be used to address poverty as a result of COVID-19. The religious authorities who manage zakat on wealth wouldn't be right if they* ing the matter Ustad Zulkifli Zakaria stated:
>
> *Prophet Muhammad SAW has given instruction. The people are to request zakat on wealth managed by the government. So, it is not personal wealth that is being requested, it is (wealth*-researcher*) from the* baitul mal *(house of treasury*-researcher*). The people are entitled to request that from the government* (Interview with Ustadz Zulkifli Zakaria n.d.).

A different argument was presented by the Chair of MUI West Sumatra, Buya Gusrizal Gazahar. In his opinion the state of emergency does not invalidate the wife's right to receive sustenance from her husband. In cases when the husband's earnings decreased, the amount of sustenance given may be reduced on account of an emergency. However, under conditions in which the husband is unable to provide sustenance not because of his inability but because of existing government policy, then the obligation of providing sustenance is transferred to the government as the policy maker. In principle, the wife's right to receive sustenance cannot be invalidated on grounds of emergency.

> *The pandemic period does not invalidate the wife's rights on her husband, this is the legal ruling. There are 3 rights of the wife that become the husband's obligation,* Mahar

(dowry-researcher*),* Nafkah *(sustenance*-researcher*), and Residence. If COVID-19 were to have an impact on the husband's obligation to provide sustenance, then the extent of the impact should be measured. If (the husband is*-researcher*) unable to provide sustenance, surely the rules in Quran surah Al-Baqarah verse 236 applies, '*Lā junāḥa 'alaikum in ṭallaqtumun-nisā`a mā lam tamassụhunna au tafriḍụ lahunna farīḍataw wa matti'ụhunna 'alal-mụsi'i qadaruhụ wa 'alal-muqtiri qadaruh, matā'am bil-ma'rụf, ḥaqqan 'alal-muḥsinīn*'* (There is no blame upon you if you divorce women you have not touched nor specified for them an obligation (mahar - dowry). But give them [a gift of] compensation – the wealthy according to his capability and the poor according to his capability – a provis n.d.). *Because even under normal conditions, there is no measurement as to how much sustenance should be given. If the husband is no longer able to earn a living due to the COVID-19 pandemic, it is prohibited to leave the house, then the obligation is transferred to the government. Because the husband's inability to earn a living is not caused by complications, but by policy. These are different issues, people held back by conditions and held back by policy. If they are held back by policy, then it is the policy makers who shall bear their responsibility* (There is no blame upon you if you divorce women you have not touched nor specified for them an obligation (mahar - dowry). But give them [a gift of] compensation – the wealthy according to his capability and the poor according to his capability – a provis n.d.).

The husband's obligation to provide sustenance to his wife during the COVID-19 pandemic will subsequently be observed in relation with the state of emergency itself and how the government produced a policy concerning the said state of emergency. According to this perspective, the three ulemas interviewed as informants in the study argue that the

government or state is responsible for tending to people who are disadvantaged. According to Buya Maso'ed Abidin, the Constitution of the Republic of Indonesia (*Undang-undang Dasar* – UUD), article 34 verse 1, has stipulated that the poor and destitute children in Indonesia shall be cared for by the state.

> *This is already a state of emergency, because everyone is afraid in facing COVID-19. In the Quran* (Surah Al-Baqarah 2:155-Researcher), *it is mentioned 'And We sill surely test you with something of fear and hunger and a loss of wealth and lives and fruits, but give good tidings to the patient'. So, the remedy in facing this misfortune is patience, as happiness comes to those who are patient. The patient returns to Allah. The wife's acceptance of the condition of her husband who is unable to provide sustenance is patience. But, even though the wife can accept the condition of her husband who can't provide sustenance because he can't work, but in the government's perspective, the state shall care for the poor. That's the duty of the state. If the state does not perform that duty, this means the state also lacks any ability* (Interview with Buya Mas'oed Abidin n.d.).

Ustad Zulkifli Zakaria also presented a similar view. He is of the opinion that the current conditions can already be categorized as an emergency. The reason for this is that people are even being prohibited from conducting congregational worship at mosques, let alone working outside the house to earn a living.

> *Residents are requested to stay at home, advised not to conduct congregational worship at mosques. In other countries, mosques are even being sealed and monitored by security personnel so people don't conduct worshiping rituals. But, in the perspective of sharia law, if the husband is unable to provide sustenance to his wife due to the state of emergency established by the*

government, then the responsibility for providing sustenance to the wife falls upon the Ulil Amri (*government*-Peneliti). *This is because it is no longer the citizen's personal problem, but it is a public issue associated with everyone's safety. Historically, Caliph Umar bin Khattab often patrolled the land to check whether his people had eaten or not. That became one of teachings of Islam, anyone who is in a superior position is responsible for those below. There is also a hadith explaining that people are allowed to make requests to their leaders. The people are entitled to make requests to the government* (Interview with Ustadz Zulkifli Zakaria n.d.).

2. *The Husband's Responsibility to Provide Sustenance is Transferred to the State*

Meanwhile, according to Buya Gusrizal Gazahar, a state of emergency should have proportions with determined criteria so that a situation can be included in a category that has an impact on the husband's obligation to provide sustenance to his wife. According to Gusrizal Gazahar, the state of the COVID-19 pandemic is already considered as *ad-darurat al-muttaqab,* a predictable state of emergency. Muslims are, thus, afforded *uzur syar'i* (religiously justifiable excuse).

During the COVID-19 pandemic, there are two states of emergency. First, emergency that is threatening personal life. Second, emergency that is threatening amah *(the public*-researcher*), emergency that is threatening the general public. In this case, the general emergency should be prioritized from the emergency that is threatening personal individuals. Because this condition is considered as a public emergency, residents are requested to remain at home to break the chain of COVID-19 transmission with the Islamic legal objective of saving human lives*

(Interview with Buya Gusrizal Gazahar, Bukit Tinggi, May 10th 2020 n.d.).

Additionally, according to Buya Gusrizal Gazahar, in a predictable state of public emergency *(ad-darurat al-muttaqab),* based on the decision made by the government, the husband's obligation to provide sustenance to his wife is invalidated. This is due to the fact that the husband's inability to provide sustenance is not a result of his own person, but due to an intervention implemented by the government as the policy maker of the state of emergency.

> *When the state makes a policy, then the impact should also be borne by the state. When the state bears no responsibility, then the people is not obligated to follow said policy. In a state of emergency there are those responsible, of which in this case is the government. This means that the husband's obligation is borne by the ruler. That is why the government should be cautious in making policies. If the government is unable to fulfil its obligation to provide sustenance, then there is no obligation to comply for the sake of fulfilling basic needs. Husbands may continue working although the government demanded them to stay at home, because the conceptual* maqashid *(purpose) of the state should be to make policies that protect the lives of its citizens. And this in the* daruriyat khamsah*. If a policy is not included in* daruriyat khamsah*,*(Al-Râzi 1999, According to al-Syaṯhîbî̂ the content of maqâshid al-syarî̃ah (the objectives of Islamic law) is for the benefit of mankind. In this case, al- Syaṯhîbî̂ divided the mashlahah (basis of law) into three tiers, namely dlarûriyyaṯ (primary safety/interest), haĵiyyaṯ (secondary safety/interest), and tahsîniyyaṯ (tertiary safety/interest). Subsequently, -Syaṯhîbî̂ also separated dlarûriyyaṯ into five main safety or interests, namely: safety in religious belief, physical safety, freedom of thought and expression, safety of family and

descendants, and safety of property/wealth. Al-Syaṯhibî 2003 see also) *then there is no obligation for the people to obey, since everyone has the right to protect themselves* (Interview with Buya Gusrizal Gazahar, Bukit Tinggi, May 10th 2020 n.d.).

The government of Indonesia, through President Jokowi on the 31st of March, 2020, had indeed declared the country being in a state of health emergency. This was done by issuing the Decree of the President of Indonesia No. 11/2020 on the declaration of National Public Health Emergency Corona Virus Disease 2019. In combating the COVID-19 pandemic, the government opted to implement a large scale social restrictions (PSBB) policy, which was enacted by issuing the Governmental Regulation No. 21/2020 on Large Scale Social Restrictions (*Pembatasan Sosial Berskala Besar* – PSBB). The government referred to Law No. 6/2018 on Health Quarantine as a legal basis. Accordingly, Jokowi requested Regional Governments to uphold the issued regulations and he asked the Regional Heads not to make their own policy. As a consequence, the Regional Governments (including West Sumatra Regional Government) do not have the authority to make policies to regulate their constituents in the region to combat COVID-19. While in fact, every region has their own distinct customs and cultures. West Sumatra, for instance, has a strong religious identity, (Abdullah 2010 see also, Hadler 2010, Ramayulis 2011) which results in ulemas being one of the most crucial actors for regulating people's life, particularly during the COVID-19 pandemic. Additionally, the people of Minangkabau also practice the *merantau* tradition and *pulang basamo* in the period leading up to the Eid al Fitri celebration. Such cultural tradition is one of the factors that may exacerbate and accelerate the spread of COVID-19 in West Sumatra.

According to Buya Gusrizal Gazahar, the government's policy strategy of not implementing a lockdown in combating COVID-19 is one of the problems in dealing with culture and custom in Minangkabau. The government is considered to have avoided the obligation of funding

expenses for residents and livestock in quarantined (locked down) areas. This is provisioned in verse 1 article 55 Law No. 6/2018 on Health Quarantine: *During Regional Quarantine, the basic life necessities of residents and livestock feed are the responsibility of the Central Government.* While in fact, according to Yunus and Rezki (Yunus 2020), a lockdown is a viable option as a strategy to anticipate the spread of COVID-19. Several experts have also suggested the government to implement a limited lockdown policy (Asmara 2020).

Weible et al. (2020) discern that government policies may change during a time of crisis not unlike the current combat against COVID-19. The government's policy change in fighting COVID-19 may cover mitigation (temporary close down of disease infected areas) or strict lockdown for regions that have become epicenters of the pandemic following projections of mortality rate, as implemented by the British government (Hunter n.d., Patrick GT Walker 2020). However, the government's subsequent decisions may be adjusted to contextual factors such as involvement of institutions (like MUI and Customary Council), local culture (like the custom of *pulang basamo*), economic orientation of residents, and even to operational level such as social behavior on the field. These are sustainable necessities that should be applied so that all parties bear relatively similar burden in combating COVID-19.

The Indonesian government's decision concerning the state of health emergency by choosing to apply a Large Scale Social Restrictions (PSBB) policy strategy in facing COVID-19 along with the commitment demanded of the Regional Heads not to produce their own policy have resulted in a negative response that may exacerbate existing conditions. As an example, based on the PSBB policy, residents are required to remain at home, to work and worship at home. This policy has led to people (husbands) loosing their jobs. People who ventured outside their homeland and worked there had to return to their kampong. That was the practical choice as they have lost their job, while their living cost as well

as their wife's and child's is not being provided by the government. Every individual, consequently, had the choice of returning to their homeland when they were dismissed from work, just like in India where thousands of migrant workers became stranded when lockdown was applied and people returned to their hometown (Abi-Habib 2020).

Conclusion

The Decree of the President of Indonesia No. 11/2020 on the Declaration of National Public Health Emergency and Governmental Regulation No. 21/2020 on Large Scale Social Restrictions (PSBB) have had an impact on people loosing their livelihood or source of income. Husbands who lost their job as a result of the COVID-19 outbreak have, thus, become unable to fulfill their responsibility of providing sustenance to their wife and child. While in the custom of Minangkabau culture which is based on matrilineal principles, husbands are responsible for earning a living whilst their wife stays at home to manage household finance earned by her husband.

In terms of spousal relationship, ulemas in West Sumatra have different opinions concerning the husband's inability to provide sustenance to his wife since he cannot work as a result of the government's policy to implement Large Scale Social Restrictions (PSBB). The first argument is that husbands who are unable to provide sustenance because they are not working is not a legal issue as long as their wife is contented with or accepts their condition. The reason for this is that the wife's contentment or acceptance is the peak of happiness in the household. The second argument is that husbands who are unable to provide sustenance because they are not working does not invalidate the wife's right to receive sustenance from the husband, and it does not invalidate the husband's obligation to provide sustenance to his wife. The reason for this is that the husband's inability to provide sustenance is not caused by the husband himself, but by the government's policy instead.

Nevertheless, in terms of the relationship between husband and wife as citizens and the government, the responsibility of husbands who are unable to provide sustenance because of the government-made policy should be handed over to the government that made the policy causing those husbands to lose their job and consequently become incapable of providing sustenance to their wife. This is a reasonable argument because the government's policy is a threat to the general public. A general emergency should be prioritized over emergencies that personally threaten individuals. Accordingly, impact on individuals such as the husband's obligation to provide sustenance to his wife becomes the state's responsibility.

The study may have implications on the ruling for husbands to provide obligatory sustenance to their wife during states of emergency established by the government. Therefore, during states of emergency, the spousal relationship which includes the husband's obligation to provide sustenance is altered into a relationship between the spouses as citizens and the government. Accordingly, the study suggests an additional new category of sustenance provision during states of emergency. The assumption that a state of emergency invalidates the husband's obligation to provide sustenance to his wife may be considered as a new category of ruling on sustenance provision since the issue has yet to be assessed by experts on Islamic jurisprudence (*fuqaha*).

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