



Analysis of the Istidhlal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective

Abdillah Afabih*

Hasyim Asy'ari Tebuireng University

Jombang Indonesia

email: abdillahafa5@gmail.com

** corresponding author*

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Abstract

Islam has provided detailed regulations on marriage, from the marriage proposal (akad), agreement (akad), to the fulfillment of rights and obligations between husband and wife. All these statements are based on the Quran and Hadith. One of the husband's obligations towards his wife is to provide a living (support payments). Fiqh scholars unanimously agree that livelihood is the responsibility of the husband, regardless of his wealth, poverty, or middle ground. However, Imam Ibn Hazm has a unique and different viewpoint from the consensus of the scholars. He argues that the responsibility of providing a living actually shifts to the wife due to the husband's incapability. Based on this unique perspective, this research aims to analyze "How is the concept of livelihood understood in the perspective of Imam Ibn Hazm and the istidhlal method used in that concept?" In this research, a qualitative analysis method with a literature review approach will be used. Data will be collected through the analysis of relevant works by Imam Ibn Hazm concerning the concept of livelihood, as well as through the analysis of works by other scholars and related literature. The istidhlal method will be



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Analysis of the Istidhal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective applied to understand the arguments and viewpoints of Imam Ibn Hazm regarding the concept of livelihood. The main findings of this research will summarize Imam Ibn Hazm's perspective on the concept of livelihood and the role of istidhal in supporting his viewpoint. The research will identify the main arguments used by Imam Ibn Hazm to support his viewpoint, as well as the implications of his viewpoint on the understanding of the concept of livelihood in Islam. This research will conclude that Imam Ibn Hazm's perspective on livelihood and the use of the istidhal method to support his viewpoint make significant contributions to the understanding of the concept of livelihood in Islam. The implications of Imam Ibn Hazm's perspective on contemporary Islamic family law thinking will also be discussed.

Keywords:

Support Payments, Ibn Hazm, Istidhal Method.

Abstrak

Islam telah mengatur semua aspek pernikahan secara rinci, mulai dari lamaran pernikahan (akad), persetujuan (akad), hingga pemenuhan hak dan kewajiban antara suami dan istri. Semua pernyataan ini didasarkan pada Al-Quran dan Hadis. Salah satu kewajiban suami terhadap istrinya adalah memberikan nafkah. Para Mufti Fiqh sepakat bahwa nafkah adalah tanggung jawab suami yang harus dilakukan, baik dia kaya, miskin, atau berada di tengah-tengah. Namun, Imam Ibnu Hazm memiliki pandangan yang unik dan berbeda dengan kesepakatan para Mufti. Beliau berpendapat bahwa tanggung jawab memenuhi nafkah sebenarnya beralih kepada istri karena ketidakmampuan suami. Berdasarkan pandangan unik ini, penelitian ini bertujuan untuk menganalisis "Bagaimana konsep nafkah dipahami dalam perspektif Imam Ibnu Hazm dan metode istidhal yang digunakan dalam konsep tersebut?" Dalam penelitian ini, akan digunakan metode analisis kualitatif dengan pendekatan studi kepustakaan. Data akan dikumpulkan melalui analisis karya-karya Imam Ibnu Hazm yang relevan dengan konsep nafkah, serta melalui analisis karya-karya ulama dan literatur terkait lainnya. Metode istidhal akan diterapkan untuk memahami argumen dan pandangan Imam Ibnu Hazm dalam konsep nafkah. Temuan utama dari penelitian ini akan merangkum pandangan Imam Ibnu Hazm tentang konsep nafkah dan peran istidhal dalam mendukung pandangannya.

Penelitian ini akan mengidentifikasi argumen-argumen utama yang digunakan oleh Imam Ibnu Hazm untuk mendukung pandangannya, serta implikasi dari pandangannya terhadap pemahaman konsep nafkah dalam Islam. Penelitian ini akan menyimpulkan bahwa pandangan Imam Ibnu Hazm tentang nafkah dan penggunaan metode istidlal dalam mendukung pandangannya memberikan kontribusi penting dalam pemahaman konsep nafkah dalam Islam. Implikasi dari pandangan Imam Ibnu Hazm ini terhadap pemikiran hukum keluarga Islam kontemporer juga akan dibahas.

Keywords:

Nafkah, Ibn Hazm, Istidlal Method.

Introduction

Humans naturally have a need to establish relationships with each other. One important form of relationship is through the institution of marriage. In this context, it is important to understand the concept of livelihood from an Islamic perspective as an important aspect in maintaining a happy marriage and family.

In Law Number 1 of 1974 concerning Marriage in Indonesia, marriage is defined as an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on belief in the Almighty God.¹ However, to achieve this goal, Islam has established provisions regarding the rights and obligations of husband and wife, including the husband's obligation to provide support for his wife.

Support is an obligation that must be fulfilled by the husband to his wife in accordance with the provisions of the Koran, sunnah and ijmak. In the Koran, Allah SWT says that "Men are the leaders of women because Allah has preferred some of them (men) over others (women), and because they have spent part of their wealth" (QS. An - Nisa: 34). This verse emphasizes that the husband has an obligation to provide support for his wife and family.

However, despite the importance of the concept of livelihood in Islam, the Al-Quran as the main source of law in this religion does not

¹ *Compilation of Islamic Law* , Cet. 2 (Bandung: Nuansa Aulia, 2011), 76.

Analysis of the Istidal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective explain the provisions regarding maintenance in detail. Therefore , it is important to study the fiqh approach in understanding the concept of livelihood in more depth.

As far as researchers can observe, there have not been many studies on the concept of livelihood that focus on Ibn Hazm's thoughts or perspective. For example, a study conducted by Subaidi (2014). He only shows that the status of living is obligatory and is a form of worship.² Likewise, Syamsul Bahri (2015), he stated that the obligation to provide a living is based on the Al-Quran and hadith, and the level of support provided is seen from the condition of the provider.³ The research conducted by Ibnu Rozali (2017) is not much different from the two, but he succeeded in presenting the details and typology of the livelihood that must be provided.⁴

The study on livelihoods presented by Wardah Nuroniyah et al (2019) is a little more interesting. He offers the concept of shifting maintenance obligations initiated by Husein Muhammad, namely that the obligation of maintenance is not on the husband, but on whoever is capable in the family.⁵ Likewise, with research written by Soleh Hasan Wahid (2019), he offers the concept of livelihood from the perspective of two figures, namely Murtadha Muthahhari and Faqihudin Abdul Kodir.⁶

Different from existing research, in this research, the author will examine the typical opinions expressed by Imam Ibn Hazm on the issue of livelihood. This unique approach attracts the author's attention to explore the concept of livelihood from Imam Ibn Hazm's perspective

² Subaidi, "THE CONCEPT OF LIVING ACCORDING TO ISLAMIC MARRIAGE LAW," *ISTI'DAL: JOURNAL OF ISLAMIC LEGAL STUDIES* 1, no. 2 (December 2014): 157–69.

³ Syamsul Bahri, "The Concept of Livelihood in Islamic Law," no. 66 (2015).

⁴ Ibnu Rozali, "The Concept of Providing a Support for the Family in Islam," *Intelektualita Journal: Islam, Social and Science* 6, no. 2 (18 December 2017): 189–202, <https://doi.org/10.19109/intelektualita.v6i2.1605>.

⁵ Wardah Nuroniyah, Ilham Bustomi, and Ahmad Nurfadilah, "FAMILY OBLIGATIONS FROM HUSEIN MUHAMMAD'S PERSPECTIVE" 4, no. 1 (2019).

⁶ Soleh Hasan Wahid, "CONTEXTUALIZATION OF THE CONCEPT OF GENDER-FRIENDLY LIVING FROM THE PERSPECTIVE OF MURTADHĀ MUTHAHHARI AND FAQIHUDDIN ABDUL KODIR," *Al-Syakhsiyah: Journal of Law & Family Studies* 1, no. 2 (27 December 2019): 255–79, <https://doi.org/10.21154/syakhsiyah.v1i2.2030>.

and the istidlal method used to determine law is the main issue in this problem.

Thus, this study proposes the title " Analysis of the Istidlal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective "as an effort to deeply understand Imam Ibn Hazm's unique views on livelihood and analyze the istidlal method used to determine law in this context. Through this research, it is hoped that it can provide new insights and a deeper understanding comprehensive about the concept of maintenance in Islam, as well as its implications in the context of contemporary Islamic family law.

With this research, it is hoped that it can make a significant contribution to the development of thinking and understanding of the concept of livelihood and the rights and obligations of husband and wife in Islam.

Methods

In this research, the research approach used is library research. This approach involves the use of books, scriptures, magazines and other documentary materials as the main object of research.⁷ This is in accordance with the aim of this research to analyze the text of the book al-Muhalla bi al-Atsar by Ibn Hazm. Therefore, this research can be classified as normative-juridical legal research.

The research subject in this study is the text of the book al-Muhalla bi al-Atsar by Ibn Hazm. This text will be the main source of data that will be analyzed in this research. Apart from that, the research subject also includes various references and related literature that supports understanding and analysis of the concept of livelihood in Islam.

Implementation of research procedures will involve the following steps: first, identification and selection of the text of the book al-Muhalla bi al-Atsar and related literature that is relevant to the research theme. Second, search and collect data from identified library sources. Third, reading and understanding the text of the book al-Muhalla bi al-Atsar as well as analysis of the concept of livelihood contained in the text. Fourth, analysis and interpretation of the data

⁷ S. Nasution, *Research Methods for Scientific Research* (Jakarta: Bumi Aksara, 1996), 176.

Analysis of the Istidal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective collected to gain a comprehensive understanding of the concept of livelihood in Islam.

The use of materials and instruments in this research involves the use of books, scriptures, articles and related literature as primary and secondary sources. The instruments used are the ability to read, understand, analyze and interpret the text of the book al-Muhalla bi al-Atsar and other literature relevant to the research theme.

Data collection was carried out by reading, studying and recording relevant information from the text of the book al-Muhalla bi al-Atsar and related literature. The data collected includes the concepts of livelihood contained in the text and related thoughts from other authors which are used as references in this research.

The analysis technique used in this research is inductive analysis. In this analysis, data collected from the text of the book al-Muhalla bi al-Atsar and related literature will be analyzed in depth to identify emerging patterns, themes and concepts. From this analysis, general conclusions about the concept of livelihood in Islam can be drawn.⁸

Results and Discussion

Livelihood in Islamic Law

Nafkah comes from the Arabic syllables *anfaqa – yunfiqu – infaqan* which means to spend. There are several definitions of livelihood according to the opinion of fiqh scholars, including: Shaykh Muhammad Nawawi al-Jawi, stated that the word livelihood is taken from the word *infaq* , which means "to spend". According to him, the word livelihood is not used except for good.⁹

Abdur Rahman al-Jaziri, living in language is spending and paying. Like the saying "I provide for livestock". This means that when the livestock has been transferred from its owner, either by selling or destroying it, it is called giving back. According to the terms of the jurists, living is something that comes from someone who is obliged to pay in the form of bread, clothes, shelter, and the like.¹⁰

⁸ Sutrisno Hadi, *Research methodology* , Print I (Yogyakarta: Student Library, 2015).

⁹ Muhammad Nawawi Al-Jawi, *Tausih 'ala Fath al-Qorib al-Mujib* , n.d., 231.

¹⁰ Abdur Rahman al-Jaziri, *al-Fiqh 'Ala Madzahib al-Arba'ah* , Juz 4, (Beirut: Dar al-Fikr, 1986), 553.

Wahbah al-Zuhaili, explained that living is a facility that a wife is entitled to receive from her husband. The marriage bond means that the wife has the authority to obtain it. In the book *al-Fiqh al-Islam wa Adillatuhu*, Wahbah defines sustenance as the sufficiency that a person provides in terms of food, clothing and shelter.¹¹

The principle regarding the obligation to provide a living has been established in the Koran, Hadith and Ijmak as follows:

Al-Qur'an

Al-Baqarah verse 233:

*"Mothers should breastfeed their children for two full years, that is, for those who want to complete breastfeeding. and the father's obligation to feed and clothe the mothers in a virtuous manner. Someone not burdened but according to ability levels. let not a mother suffer misery because of her child and a father because of his child, and the heirs are also obliged to do so. If both of them want to wean (before two years) with their consent and deliberation, then there is no sin on either of them. and if you want your child to be breastfed by someone else, then there is no sin for you if you pay according to what is appropriate. Fear Allah and know that Allah is All-Seeing of what you do."*¹²

In Tafsir Ibn al-Katsir it is explained that a baby's father (husband) is obliged to provide for the baby's mother (wife) in an appropriate manner. Namely in accordance with the customs that apply to them in their respective countries, without excess or deficiency, and in harmony with the ability and smoothness of the baby's father.¹³

Al-Thalaq verses 6-7:

Place them (the wives) where you live according to your ability and do not make it difficult for them to narrow their (hearts). and if they (wives who have been divorced) are pregnant, then give them their living until they give birth, then if they breastfeed your (children) for you then give them their wages, and discuss (everything) among you. well; and if you

¹¹ Wahbah al-Zuhaylī, *Al-Fiqh al-Islam wa Adillatuhu* (Damascus: Dar al-Fikr, 1985), 7, 786.

¹² Ministry of Religion of the Republic of Indonesia, *Al-Quran and Translations* , tt, 37.

¹³ Abu Fida Isma'il bin Umar bin Kasir Al-Qurosyi, *Tafsir Ibn Kasir* (Riyadh: Dar al-Thoyyibah, 1999), 1, 634.

Analysis of the Istidal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective encounter difficulties then another woman may breastfeed (the child) for him.

Let it be someone who is able to provide a living according to his ability. and those whose sustenance is limited should make a living from the wealth that Allah has given him. Allah does not impose a burden on a person but only what Allah gives him. Allah will later provide spaciousness after narrowness.¹⁴

In *Tafsir al-Misbah Quraish Shihab* explains that this verse explains the husband's obligation to provide for his wife and family, by revealing that the editor *should be someone who is capable*. In *Surah al-Thalaq*, this means capable and has a lot of sustenance to provide for his wife and children. his children to the extent of his abilities. Meanwhile, editors *and people who are limited in their sustenance should make a living from the wealth that Allah has given them*, which means an appeal to people whose income is limited to provide a living according to their abilities and not force themselves to make ends meet by seeking sustenance from sources that are not approved by Allah. Therefore, wives should not demand too much beyond their husband's capabilities.¹⁵

Hadith

From Hakim bin Muawiyah from his father he said, I asked: "O Messenger of Allah, what are the obligations of a husband towards his wife?" He answered, "You feed him when you eat, you clothe him when you dress, do not hit him in the face, speak ill of him and do not separate him (from his bed, except in the house)."¹⁶

The hadith explains that the husband is obliged to provide for his wife in the form of food and clothing. Then the husband is not permitted to hit his wife, except with educational blows, other than the face. Husbands are also prohibited from criticizing her by saying dirty words or separating from their wife's bed by going somewhere else.¹⁷

¹⁴ RI, *Al-Quran and Translations* , 559.

¹⁵ Muhammad Quraish Shihab, *Tafsîr Al-Mishbâh*. 14 , Ed.rev (Tangerang: Lantera Haiti, 2016), 303.

¹⁶ Muhammad bin Yazid Al-Qazwainy, *Sunan Ibn Majah* (Beirut: Dar al-Kutub al-Ilmiyyah, 1971), 296–97.

¹⁷ Muhammad bin Isma'il Al-Shan'any, *Subulus Salam Syarh Bulugh al-Maram min Jam'i Adillati al-Ahkam* (Beirut: Dar al-Kutub al-Ilmiyyah, 2012), 3, 144.

Another hadith that explains the husband's obligation to support his wife is the following history of Sulaiman bin Amr bin Ahwas:

From Sulaiman bin Amr bin Ahwas, my father told me that he testified during the Hajj Wada' with Rasulullah Shallallah Alaihi wa Sallam. He praised Allah and then gave a warning and advice: "Be kind to women, for indeed they are (like) prisoners beside you. You have no power over them whatsoever other than that. Unless they commit heinous acts. If they do, then leave them in their beds and hit them with blows that do not hurt. If they obey you, then do not mistreat them. Indeed, you have rights over them, and so do they have rights over you. Meanwhile, your right over them is that they cannot put people you don't like into your bed and home. Know that their right over you is that you do good to them (by providing enough) for their clothing and food.¹⁸

This hadith clearly forms the basis of the husband's obligation to fulfill his wife's needs by providing enough food and clothing for them. More than that, this hadith urges husbands to treat their wives well, unless the wife commits a disgraceful act.

Ijmak

The scholars agree on the opinion that the husband is obliged to provide for his wife. Provided that the husband has reached puberty, unless the wife is *nusyus* , then the obligation to provide for her is terminated. According to Hanafiyah scholars, there is no support for young wives who are not yet ready to have sex.¹⁹

Aqli's argument

A wife is in the custody (control) of her husband after the marriage contract. Her job at home is only to serve her husband, so that her living needs automatically become the husband's responsibility in lieu of detention.²⁰

Biography of Imam Ibn Hazm

Ibn Ḥāzm was born on the last day of the month of Ramadan in 384 AH/ 994 AD in Manta Lisyam (Cordoba). His birth was just after dawn before the sun rose. Ibn Ḥāzm was born in the east of the city of

¹⁸ Al-Qazwainy, *Sunan Ibn Majah* , 297.

¹⁹ al-Zuhaylī, *Al-Fiqh al-Islam wa Adillatuhu* , 7, 787.

²⁰ 'Alauddin Abu Bakr bin Mas'ud Al-Kasani al-Hanafi, *Storm' ash-Shonai'* (Beirut: Dar al-Kutub al-Ilmiyyah, 2003), 5, 113.

Analysis of the Istidal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective Cordoba, which at that time was the center of scientific civilization in Europe.²¹

Ibn Hazm came from an elite-aristocratic family who had taken the political route in achieving the glory of Islam. Ibn Hazm's family even had a hand in establishing the Umayyad dynasty in Spain, where Khalaf, one of his grandfathers, accompanied the Umayyad family when they first came to Spain. After the Umayyad family succeeded in establishing the Umayyad state in Spain, the Khalaf family finally settled in Manta Lisyam. Ibn Hazm's father, Ahmad, once held the position of *Vizier* during the reign of Al-Mansur, while Ibn Hazm himself held the same position during the reign of Al-Murtadha Abdurrahman bin Muhammad (Abdurrahman IV), Al Mustadzhar (Abdurrahman V), and Hisham Al Mu'tadd Billah.²²

Ḩāzm's happy and prosperous family life did not last long. When his father served as a minister at the end of the first Umayyad government in Andalusia, disaster befell him along with a change in rulers. As a ruler of the Umayyad caliph, Hisyām Abu Manṣūr al-Āmīrī could not do anything. The Caliph was nothing more than a figurehead. Here and there there were frequent rebellions, which began in 398 H. The rebels attacked, robbed and ravaged West Cordoba. As a result, there was massive displacement. Ibn Ḥāzm's family was forced to flee to their old residence in East Cordoba, precisely the village of Bilat Magis in 399 H. In these uncertain conditions, Aḥmad, Ibn Ḥāzm's father was called to the presence of Allah in 402 H.²³ Ibn Ḥāzm died in Ounabah, a village located in the west of Andalusia on Sunday 28 Sha'ban 456 H. with the age of 71 years 10 months 29 days.²⁴

Analysis of the concept of livelihood according to Imam Ibn Hazm

According to Imam Ibn Hazm, a husband is obliged to provide support for his wife from the moment the marriage contract is executed

²¹ Muhammad Abu Zahroh, *Tarikh al-Madzahib al-Islamiyah* (Cairo: Dar al-Fikr al-Arabi, n.d.), 515.

²² Muhammad Iqbal, *100 greatest Islamic figures in history* (Jakarta: IntiMedia & Ladang Pustaka, 2003), 109.

²³ Muhammad Abu Zahroh, *Ibn Ḥāzm Hayatuhu wa 'Asruhu – Ara'uhu wa Fiqhuhu* (Cairo: Dar al-Fikr al-Arabi, 1954), 29–30.

²⁴ Muhammad al-Muntashir Al-Kattani, *Mu'jam Fiqh Ibn Ḥāzm al-Dhahiri* (Beirut: Dar al-Kutub al-Ilmiyyah, 2009), 9.

A husband's obligation to provide maintenance (*nafaqah*) for his wife remains valid after the marriage contract ('*aqd al-nikāh*), regardless of whether she is invited to live in his house or not—even if the wife is still in his household or under his care. This obligation applies in all circumstances: whether the wife is in a state of *nusyūz* (disobedience) or not, whether she is rich or poor, whether she has parents or is an orphan, whether she is a virgin or a widow, and whether she is free or enslaved. In all cases, the husband remains responsible for providing maintenance according to his financial ability and in a proper manner (*bi al-ma'rūf*).

The evidence for the obligation of maintenance is based on the statement of the Prophet Muhammad ﷺ as narrated by Jābir (رضي الله عنه):

“Fear Allah regarding women, for you have taken them as a trust from Allah, and you have made their private parts lawful by the word of Allah. It is obligatory upon you to provide them with their sustenance and clothing in a good and proper way (*bi al-ma'rūf*).” (Reported by Abū Dāwūd)

This narration clearly indicates that providing maintenance becomes obligatory upon a husband once a valid marriage contract has taken place.

Some scholars, however, mention additional conditions regarding the wife's entitlement to maintenance. For instance, it is stated in *al-Muḥallā* that a wife is only entitled to maintenance once a residence or living space has been prepared for her by the husband. Yet, such a condition is not explicitly supported by the Qur'an, the Sunnah, statements of the Companions (*qawl al-ṣahābah*), or analogical reasoning (*qiyās*). If Allah had intended exceptions—such as exempting maintenance for wives who are still minors (*saghīrah*) or wives who are disobedient (*nāshizah*)—then a clear textual explanation would have been provided.

In another report, it is narrated that 'Umar ibn al-Khaṭṭāb wrote to military commanders concerning soldiers who were absent from their wives for long periods:

“'Umar ibn al-Khaṭṭāb wrote to the commanders of the army that they should examine those whose absence had been prolonged, and that they should either send maintenance (allowances) or return, or else separate (divorce). If they divorced, then the wives are still entitled to maintenance for the period of absence.”

This report emphasizes that maintenance remains the husband's responsibility even when the husband is away, and it

highlights the

importance of protecting the wife's rights during prolonged separation.

In this report, 'Umar ibn al-Khaṭṭāb did not differentiate between wives who were disobedient (*nāshizah*) and those who were not. This indicates that a wife who is in a state of *nusyūz* still retains her entitlement to maintenance (*nafaqah*) from her husband.²⁸

Ibn Ḥazm further argued that Abū Sulaymān and his companions, as well as al-Thawrī, maintained that maintenance becomes obligatory from the moment the marriage contract is concluded (*'aqd al-nikāh*), even if the wife is still a minor (*ṣaghīrah*). Moreover, Ibn Ḥazm stated that there is no authentic report from the Companions suggesting that a wife in a state of *nusyūz* loses her right to maintenance. According to him, this opinion is only attributed to later authorities such as al-Nakha'ī, al-Sha'bī, Ḥammād ibn Sulaymān, al-Ḥasan, and al-Zuhrī. Ibn Ḥazm also noted that the reasoning behind their view appears to be primarily connected to the issue of marital intimacy: if the wife refuses sexual relations, then she is considered undeserving of maintenance.²⁹

Regarding the standard and amount of maintenance, Ibn Ḥazm emphasized that it must correspond to the husband's financial capacity. A wealthy husband is expected to provide food such as bread, meat, and fruit as part of the wife's living needs. A husband of moderate means provides according to his ability, and likewise a poor husband provides according to what he can afford. In addition, the husband must provide adequate clothing in line with his economic condition. For a wealthy husband, this may include fine garments such as silk; for a middle-income husband, clothing may be made from linen or cotton; and for a husband of limited means, the provision is adjusted to his capacity.³⁰

Housing is also among the obligations that a husband must fulfill toward his wife. This is supported by the Qur'anic instruction in Sūrat al-Ṭalāq (65:6):

"Lodge them [your wives] where you dwell, according to your means."³¹

Based on his textualist principle that religious obligations must be grounded in authoritative texts, Ibn Ḥazm maintained that legal rulings cannot be established merely through personal reasoning without evidence. For this reason, he formulated four primary foundations of Shari'ah law: the Qur'an, the Sunnah, consensus (*ijmā'*), and *al-dalīl* (proof-based textual evidence).³²

Accordingly, Ibn Ḥazm concluded that a husband is obliged to provide maintenance to his wife from the moment the marriage contract

⁵ *Analysis of the Halal Method in the Concept of livelihood according to Islam, its Requirement and its Application*

takes place, whether they live together or separately. This obligation applies regardless of the wife's condition, including whether she is in *nusyūz* or not, and regardless of other factors such as social status, wealth, or family circumstances. The legal basis for this duty is the Prophetic guidance establishing that husbands are responsible for providing adequate sustenance and clothing for their wives. In addition, husbands are also required to provide appropriate clothing and accommodation in accordance with Qur'anic instructions. Thus, Ibn Hazm concluded that the husband's essential obligations toward his wife include maintenance, clothing, and housing, all of which must be fulfilled according to the husband's ability.

Analysis of Imam Ibn Ḥazm's *Istidlāl* Method in the Concept of Maintenance: The Qur'an

The Qur'an is divine revelation and the primary foundation of Islamic law. It is free from doubt and serves as the ultimate reference for Muslims in determining religious obligations and returning to Allah.

Allah says:

"And there is no creature on earth or bird that flies with its wings except that they are communities like you. We have not neglected anything in the Book. Then to their Lord they will be gathered." (Qur'an 6:38)³⁴

Based on this principle, Ibn Hazm viewed the Qur'an as comprehensive and sufficient in its guidance. In his perspective, explanations of Qur'anic meanings may sometimes be derived from other Qur'anic verses. Some meanings are clear and explicit, while others require expertise and deeper interpretive competence. Furthermore, Ibn Hazm argued that certain general expressions within the Qur'an require clarification through the Sunnah in order to ensure that legal obligations are understood correctly.³⁵

For Ibn Ḥazm, the Qur'an does not impose difficulty beyond human capability. This is supported by Allah's statement:

"Allah does not burden a soul beyond its capacity. It will have [the consequence of] what it has earned, and it will bear [the consequence of] what it has committed..." (Qur'an 2:286)³⁷

Thus, Ibn Ḥazm affirmed that the Qur'an is a decisive source and a divine explanation for humanity, through which knowledge of Allah's law is established and structured. On this basis, the obligation of maintenance (*nafaqah*) is not merely a social expectation, but a legal duty rooted in textual evidence and framed by the principle of capability (*istitā'ah*) and appropriateness (*al-ma'rūf*).

Koran. There are no mutashabih words in the Koran that have not been explained, except for two things. Namely, the letters at the beginning of the letter such as **ال**, **ح**, **ص**, and lafadz qasam in the name of Allah.³⁸

Ibn Hazm believes that explanations of the verses of the Koran can be found in other verses, although some are clear and some require special understanding. The Koran is considered to have explained everything, except in certain matters such as the initial letters of the letter and the pronunciation of qasam. In conclusion, the Al-Quran is considered as a divine word that is a guide for mankind, and there are no ambiguous words in the Al-Quran that have not been explained, except in certain cases.

Sunnah

The second proposition according to Ibn Hazm is al-Sunnah, which includes the words (*qauli*), deeds (*fi'li*), and decrees (*taqriri*) of the Prophet Muhammad. The Sunnah qauliyah in the form of commands (*jamir*) and prohibitions (*nawahi*) must be taken into account, that commands indicate obligations and prohibitions indicate prohibition, imperative. Everything demands to be done immediately unless something indicates otherwise. Humans are not allowed to say that something is permissible or makruh without evidence from the Koran, al-Sunnah, or *ijma'*, because this means going against the will of Allah.³⁹

Meanwhile, those in the form of the Prophet's actions (*sunnah fi'liyah*) only function as models of good behavior to be imitated (*uswah/qudwah hasanah*). The law of following it is not mandatory, unless the sunnah *fi'liyah* functions as a "demonstration" of the sunnah qauliyah. With regard to the Prophet's approval (*sunnah taqririyah*) of the actions of friends known to him, that only shows permissibility. Therefore, we are not obliged to follow the actions of the Prophet SAW, but we may follow him as a role model. This is based on the word of Allah surah al-Ahzab verse 21.⁴⁰

³⁸ Zahroh, *Ibn Hāzm Hayatuhu wa 'Asruhu – Ara'uhu wa Fiqhuhu* , 277.

³⁹ Ibn Hāzm, *Al-Ihkam fī Ushul al-Ahkam* , 2, 6.

⁴⁰ Ibn Hāzm, 2, 8–9.

Furthermore, if two contradictory hadiths are found, one comes from the words of the Prophet SAW (*sunnah qauliyah*) while the other is from the actions of the Prophet SAW (*sunnah fi'liyah*), Ibn Hazm provides the following solution:⁴¹

- 1) If it is known that the Sunnah Qauliyah came first (*wurud*) from the Sunnah Fi'liyah, then the Sunnah Fi'liyah is considered to cancel (*nasikh*) the law of the Sunnah Qauliyah. This is based on the belief that the Prophet SAW did not commit any haram acts.
- 2) If it is not known which comes first or later (*wurud*), then the one which contains additional rules (*al-za'id*) is chosen between the two.

Ibn Hazm, like the majority of scholars, believes that the Koran and Sunnah are both revelations from Allah. He referred to the Al-Quran surah al-Najm verses 3-4 as his evidence, and on that basis he formulated that the revelation was divided into two, first; The revelation that is read (*revelation matluw*) and its editorial composition contains miracles, that is the Koran. Second, revelations that are not read (delivered) and whose editorial composition is not a miracle (*revelation marwi*), namely news (*al-khabar*) that comes from the Prophet. Thus, the sunnah (*al-khabar*) is essentially a revelation from Allah, therefore the obligation to obey it, according to Ibn Hazm, is at the same level.⁴²

For Ibn Hazm, the sunnah has an important role and position as a source of sharia. Likewise, because the Sunnah is also a revelation like the Koran, the two (as long as the Sunnah is valid) always correspond in content to the Koran and there will be no contradiction (*ta'arud*) between the two.⁴³

Ibn Hazm views that the qauliyah sunnah must be taken literally, while the fi'liyah sunnah is only an example of good behavior. If there are conflicting hadiths, Ibn Hazm provides a solution based on the order in which they come or additional rules. Ibn Hazm also considers the Koran and Sunnah to be revelations of Allah that are equally important, and the Sunnah will not conflict with the Koran if the

⁴¹ Ibn Hāzm, 2, 39.

⁴² Ibn Hāzm, 1, 97.

⁴³ Ibn Hāzm, 1, 98.

Sunnah is authentic. Sunnah has an important role as a source of Shari'a and must be obeyed.

Ijmak

The third source of law in Istidlal *that* Ibn Hazm recognized was ijmak, namely the consensus of friends which is based on the texts of the Koran and as-Sunnah.⁴⁴ In the book " *an-Nubzah al-Kafiyah fi Ahkam Usul al-Din* " he strengthens his opinion regarding the validity of ijmak and the necessity of continuing to rely on the text even in ijmak, on verses of the Koran, including; an-Nisa': 115, Ali 'Imran: 103, al-Anfal: 46, and an-Nisa': 82.⁴⁵

Furthermore, in establishing and accepting ijmak as a source of law, Ibn Hazm has two criteria. First, he limited his participants to friends only. Second, he narrows his scope to only issues based on the text. This approach is different from that adopted by the majority of ushul al-fiqh scholars, who state that ijmak participants are ulama/mujtahid (including post-friends) and their field is not bound by the text.⁴⁶

Ibn Hazm only accepted the advice of friends, because friends received information directly from Rasulullah SAW (*tawqif*). Their numbers are limited so their opinions can still be known. So, their agreement was definite and total and based on direct information from the Prophet SAW. According to him, only a friend's ijmak can be accepted as ijmak and that is only possible on issues that are based on the text.⁴⁷

Ibn Hazm recognized ijmak as the third source of law. Ijmak is an agreement between friends based on the Al-Quran and as-Sunnah. Ibn Hazm limits ijmak participants to friends and only accepts ijmak in matters based on the text. His approach is different from the majority of ushul al-fiqh scholars who admit that ijmak participants are also ulama/mujtahid after the Companion period and their scope is not tied to the text.

⁴⁴ Ibn Hāzm, 4, 128.

⁴⁵ Abu Muhammad Ali bin Ahmad Ibn Hāzm, *Al-Nubzah al-Kafiyah fi Ahkam Ushul al-Din* (Beirut: Dar al-Kutub al-Ilmiyyah, 1985), 15.

⁴⁶ Ibn Hāzm, *Al-Ihkam fi Ushul al-Ahkam* , 4, 147.

⁴⁷ Ibn Hāzm, 4, 148.

Ibn Hazm believes that only a friend's ijmak can be accepted as ijmak because the friend received the information directly from Rasulullah SAW. Their limited number makes it possible to find out their opinions. He believed that their agreement was certain and based on direct information from the Prophet SAW. According to Ibn Hazm, only the ijmak of friends can be accepted as ijmak and only in matters based on the text.

Al-Dalil

According to Abu Zahrah in the book " *Ibn Hazm Hayātuḥū wa 'Asruḥu wa Fiqhuhu* ", if from the three sources, Al-Quran, Sunnah, and Ijmak cannot be found and no clear legal rules regarding a problem can be obtained, then Ibn Hazm takes the path of ijтиhad, namely by *al-Dalil* . According to him, *al-Dalil* does not actually stand alone outside the Al-Quran, Sunnah and Ijmak, but still originates and originates from them.⁴⁸

In *Al-Ihkām fī Uṣūl al-Āḥkām* (Chapter 29), Ibn Ḥazm emphasises that the concept of **al-dalil** is fundamentally different from **qiyās** (analogical reasoning). In his view, al-dalil is neither an additional legal source placed outside the *nass* (the revealed text), nor an independent method that generates rulings beyond the textual framework in the manner of *qiyās*. Rather, al-dalil is already contained implicitly within the *nass* itself. This distinction is presented as both a response to, and a correction of, the assumption held by certain groups who accept *qiyās* and subsequently equate it with al-dalil. Ibn Ḥazm notes that some people, out of ignorance, presume that the use of al-dalil entails departing from the authority of the text and *ijmā'* (consensus). Others assume that *qiyās* and al-dalil are identical. For Ibn Ḥazm, such assumptions represent a serious misunderstanding, as al-dalil operates within the text rather than beyond it.⁴⁹

On this basis, Ibn Ḥazm classifies al-dalil into two broad categories. The first is al-dalil derived directly from the *nass* of the Qur'an and the Sunnah, while the second is al-dalil derived from *ijmā'*. He maintains that al-dalil extracted from the *nass* comprises seven forms, whereas al-dalil grounded in *ijmā'* comprises four forms.⁵⁰ This classification demonstrates that Ibn Ḥazm does not reject disciplined reasoning as such, but restricts it to the textual domain. In other words, legal inference is permissible only insofar as it arises from the internal implications of revelation and consensus, rather than from speculative extensions.

When discussing al-dalil derived from the *nass*, Ibn Ḥazm

Analysis of the Istid'lal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective explains that legal rulings may emerge through conclusions that are logically contained within the text, even if the conclusion is not explicitly stated in the same wording. One prominent form is a legal conclusion (*natījah*) that follows from two explicit propositions (*muqaddimāt*) found in the revealed sources. This resembles structured demonstrative reasoning (*burhānī*), in which two affirmed statements necessarily yield a third. A common example is the statement that every intoxicant is considered khamr, and that every khamr is unlawful. From these two propositions, the conclusion that every intoxicant is unlawful follows implicitly. Ibn Ḥazm insists that such a ruling is not established through *qiyās*, but through extracting what is already implied by the generality and logical structure of the text.

Ibn Ḥazm further notes that al-dalīl may take the form of applying a conditional ruling contained in revelation. Here, the legal implication is attached to a specific condition, and the ruling remains valid so long as the condition is fulfilled. This is illustrated in the Qur'anic instruction in Sūrat al-Anfāl (8:38), which states that if the disbelievers desist, their previous sins will be forgiven. The verse implies that forgiveness is contingent upon cessation, meaning that the legal and moral consequence follows only when the stated condition is genuinely met.⁵¹

Another important dimension of al-dalīl in Ibn Ḥazm's framework is the derivation of broader meanings from a word or expression whose implications necessarily extend beyond its literal wording. In Sūrat al-Isrā' (17:23), for instance, the Qur'an forbids even saying "uff" to one's parents and commands respectful speech. For Ibn Ḥazm, the prohibition of such a minimal expression of irritation necessarily implies the prohibition of harsher forms of harm and disrespect, such as insulting, rebuking, or striking, because these actions fall more clearly within the category of offence and mistreatment. This is not, in his reasoning, a move into analogy, but rather an acknowledgement that the linguistic and moral force of the text encompasses stronger forms of the prohibited behaviour. In a similar way, when the Qur'an describes Prophet Ibrāhīm as *halīm* (forbearing and gentle), the description implicitly negates its opposite qualities, such as harshness, recklessness, or vulgarity, even though the opposite traits are not explicitly mentioned.

In addition, Ibn Ḥazm maintains that al-dalīl may operate through the elimination of legal possibilities until only one viable ruling remains. Where no evidence establishes that an act is

obligatory or prohibited, the matter returns to the foundational principle of permissibility (*ibāḥah*) unless and until a clear text moves it into another legal category. This position reflects Ibn Ḥazm's broader insistence that Shari'ah obligations cannot be imposed without textual authority and that legal responsibility must not be extended through conjecture.

Furthermore, Ibn Ḥazm includes within al-dalīl certain implications produced by hierarchical ordering within statements. When one matter is presented as superior to another, and the second superior to a third, then the superiority of the first over the third becomes an implicit consequence, even if it is not stated verbatim. Such reasoning is grounded in the logical structure of the proposition itself and does not require external analogical extension.

He also acknowledges that al-dalīl may arise from the scope of expression and its necessary logical consequences. For example, when a general statement establishes that all intoxicants are unlawful, it is logically entailed that anything which intoxicates falls within the prohibition, and that the prohibited category is not random but linked to a specific meaningful property. This, again, is not presented as *qiyās*, but as a necessary inference arising from the text's semantic boundaries and rational coherence.

Finally, Ibn Ḥazm explains that general Qur'anic expressions frequently contain multiple particular applications without listing them individually. The verse, "Every soul shall taste death" (Āl 'Imrān 3:185), implicitly includes all people without exception, even though individuals are not named one by one. For Ibn Ḥazm, this is a further example of how al-dalīl functions as a recognition of what the text already encompasses by virtue of its universal wording.

Abū Zahrah notes that when the Qur'an, the Sunnah, and *ijmā'* do not provide an explicit legal ruling regarding a given issue, Ibn Ḥazm employs *ijtihād* through the framework of al-dalīl. Nevertheless, Ibn Ḥazm does not treat al-dalīl as an independent source standing outside the revealed texts and consensus. Instead, it remains rooted in them, functioning as a disciplined method of extracting implicit meaning, necessary consequences, and universal applications that are already embedded within the authoritative foundations of Islamic law. In this manner, Ibn Ḥazm's approach illustrates the characteristic precision of the *Zāhirī* school: it rejects free analogical speculation, whilst retaining a rigorous textual logic that remains firmly anchored within the boundaries of revelation and consensus. Implicit legal conclusions from *na ṣ* which contains two

Analysis of the Istidal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective propositions, general application of the conditions in naṣṣ as long as these conditions are fulfilled, taking certain meanings from one pronouncement or the meaning contained in another lafaz, and others.

Apart from that, Ibn Hazm emphasized the difference between al-Dalil and qiyas. He stated that al-Dalil is not the same as qiyas and is not an addition to naṣṣ or something that stands alone outside naṣṣ. Ibn Hazm also emphasized that the use of al-Dalil must be based on clear naṣṣ and must not violate the principles of the Koran, Sunnah and Ijma'.

In the context of his book al-Muhalla, Ibn Hazm uses the Al-Quran and Sunnah as a legal basis regarding the concept of livelihood. This shows that he considers the Koran and Sunnah as the main sources for establishing law.

Conclusion

Based on the data we have discussed, it can be concluded that Ibn Hazm has views that are in line with the majority of ulama regarding the husband's obligation to support his wife and the standards for providing maintenance. However, he has a difference of opinion regarding the category of wife who is entitled to receive maintenance. Ibn Hazm is of the opinion that disobedient wives and wives who cannot be married still have the right to receive maintenance from their husbands. This opinion is different from the view of some ulama who limit the right to alimony to wives who are obedient and capable of being promiscuous.

To support his view, Ibn Hazm used the istidal method by citing a hadith narrated by Jabir ra. as an argument for determining the husband's obligation to support his wife. Apart from that, he also used a hadith narrated by Ibn Umar as an argument in determining the category of wife who was entitled to receive maintenance. His opinion is also supported by the Al-Quran, especially Surah Al-Thalaq verse 7, which is the basis for determining living standards.

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