

**TINJAUAN HUKUM ISLAM TERHADAP PEMENUHAN NAFKAH
LAHIR DAN BATIN PADA PERKAWINAN LANJUT USIA**

(Studi Kasus di Desa Wonoploso Kecamatan Gondang Kabupaten Mojokerto)

SKRIPSI

Oleh

ARIF SAHROZI

20181700242006



**PROGRAM STUDI HUKUM KELUARGA ISLAM
FAKULTAS SYARI'AH
INSTITUT PESANTREN KH. ABDUL CHALIM
MOJOKERTO
2022**

SKRIPSI

**TINJAUAN HUKUM ISLAM TERHADAP PEMENUHAN NAFKAH
LAHIR DAN BATIN PADA PERKAWINAN LANJUT USIA**

(Studi Kasus di Desa Wonoploso Kecamatan Gondang Kabupaten Mojokerto)

Oleh

ARIF SAHROZI

20181700242006

Dosen Pembimbing

Nuril Habibi M.H.I

NIDN. 2116118401



**PROGRAM STUDI HUKUM KELUARGA ISLAM
FAKULTAS SYARI'AH
INSTITUT PESANTREN KH. ABDUL CHALIM
MOJOKERTO**

2022

**TINJAUAN HUKUM ISLAM TERHADAP PEMENUHAN NAFKAH
LAHIR DAN BATIN PADA PERKAWINAN LANJUT USIA**

(Studi Kasus di Desa Wonoploso Kecamatan Gondang Kabupaten Mojokerto)

SKRIPSI

Diajukan Kepada:

Fakultas Syariah Institut Pesantren KH. Abdul Chalim

Untuk memenuhi salah satu persyaratan dalam menyelesaikan

Program Sarjana Hukum Keluarga Islam

Oleh

ARIE SAHROZI

20181700242006

PROGRAM STUDI HUKUM KELUARGA ISLAM

FAKULTAS SYARI'AH

INSTITUT PESANTREN KH. ABDUL CHALIM

MOJOKERTO

2022

ABSTRACT

Arif Sahrozi, 2022. Review of Islamic Law on Fulfillment of Birth and Inner Livelihood in Elderly Marriages (Case Study in Wonoploso Village, Gondang District, Mojokerto Regency). Department of Islamic Family Law, Faculty of Sharia, KH Institute. Abdul Chalim.

Supervisor : Nuril Habibi, M.H.I.

That the main problem of this research is the Review of Islamic Law on the Fulfillment of Birth and Inner Livelihood in elderly marriages in Wonoploso Village, Gondang District, Mojokerto Regency. Aims to find out: (1) How to fulfill physical and spiritual living in elderly marriages in Wonoploso Village, Gondang District, Mojokerto Regency. (2) How is the review of Islamic law on the fulfillment of physical and spiritual living in elderly marriages in Wonoploso Village, Gondang District, Mojokerto Regency. This method uses field research (field research). This approach is descriptive analysis, with direct reference to elderly married couples.

The results of this study indicate one couple who carries out an elderly marriage and the marriage is carried out according to Islamic law. So that the husband's responsibility towards his wife (subsistence), which results in the wife being unable to sue her husband. Broadly speaking, there are outward and inner livelihoods that are fulfilled, although not optimally due to the age factor, while

inner livelihoods are not fulfilled. This is very clearly seen because in elderly marriages they are relatively old and no longer productive.

While in the review in Islamic law that the husband is obliged to provide a living for his wife, both physically and mentally. Islamic law has contained several rules and responsibilities of the husband, which aims to avoid the possibility of harm to women.

The fulfillment of a living that occurs in Wonoploso Village, Gondang District, Mojokerto Regency can be tolerated on the grounds that the provisions in Islamic law and the Compilation of Islamic Law (KHI) do not regulate the size of the fulfillment of a living, it is only said to be adjusted to each individual's ability. As long as it does not cause harm, and there is no element of persecution and is carried out on the basis of the awareness and willingness of couples who marry at an advanced age, this willingness can be seen when the consent is qabul.

Keywords : Elderly, Birth and Inner Livelihood, Islamic Law



مُسْتَخْلَصُ الْبَحْثِ

عارف سَهْرُوزِير ٢٠٢٠. مُرَاجَعَةُ الشَّرِيعَةِ الْإِسْلَامِيَّةِ بِشَأْنِ الْوَفَاءِ بِالْوَلَادَةِ وَسَبَلِ الْعَيْشِ الدَّاخِلِيَّةِ فِي زَوَاجِ الْمُسْتَنِينَ (دِرَاسَةٌ حَالَةٌ فِي قَرْيَةِ وَنُوبَلُوسُو، مُقَاطَعَةِ جُونْدَانَج، مُوْخُوكِيرْتُو رِيْجَنْسِي). قَسْمُ قَانُونِ الْأُسْرَةِ الْإِسْلَامِيَّةِ، كَلِيَّةُ الشَّرِيعَةِ كِيَاهِ الْحَاجِّ مَعْهَدُ عَبْدِ الْكَلِيمِ فَجَتْ مُوْجُو كَرِطَا.

المُشْرِفُ : نُرَيْنُ حَبِيبِي، الْمَاجِسْتِيرَة

أَنَّ الْمُسْكَلَةَ الرَّئِيسِيَّةَ لِهَذَا الْبَحْثِ هِيَ مُرَاجَعَةُ الشَّرِيعَةِ الْإِسْلَامِيَّةِ حَوْلَ الْوَفَاءِ بِالْوَلَادَةِ وَسَبَلِ الْعَيْشِ الدَّاخِلِيَّةِ فِي زِيَّجَاتِ الْمُسْتَنِينَ فِي قَرْيَةِ وَنُوبَلُوسُو، مُقَاطَعَةِ جُونْدَانَج، مُوْخُوكِيرْتُو رِيْجَنْسِي. تَهْدِفُ كَيْفِيَّةَ تَحْقِيقِ الْحَيَاةِ الْجَسَدِيَّةِ وَالرُّوْحِيَّةِ فِي زِيَّجَاتِ الْمُسْتَنِينَ فِي قَرْيَةِ وَنُوبَلُوسُو، مُقَاطَعَةِ جُونْدَانَج، رِيْجَنْسِي مُوْخُوكِيرْتُو. كَيْفَ يَتِمُّ مُرَاجَعَةُ الشَّرِيعَةِ الْإِسْلَامِيَّةِ بِشَأْنِ تَحْقِيقِ الْحَيَاةِ الْجَسَدِيَّةِ وَالرُّوْحِيَّةِ فِي زِيَّجَاتِ فِي قَرْيَةِ وَنُوبَلُوسُو، مُقَاطَعَةِ جُونْدَانَج، رِيْجَنْسِي مُوْخُوكِيرْتُو. تُسْتَخْدَمُ هَذِهِ الطَّرِيقَةُ الْبَحْثِ الْمِيدَانِيَّةِ الْبَحْثِ مِيدَانِي هَذَا النَّهْجُ هُوَ تَحْلِيلُ وَصْفِي، مَعَ إِشَارَةٍ مُبَاشِرَةٍ إِلَى الْمُرَوِّجِينَ الْمُسْتَنِينَ تُشِيرُ نَتَائِجُ هَذِهِ الدِّرَاسَةِ إِلَى أَنَّ أَحَدَ الْأَوْجُوهِ يَتَزَوَّجُ مُسْنًا وَيَتِمُّ الزَّوْاجُ وَفْقًا لِلشَّرِيعَةِ الْإِسْلَامِيَّةِ. بِحَيْثُ تَكُونُ مَسْئُولِيَّةُ الزَّوْجِ تَحَاةَ زَوْجَتِهِ (الْكَفَافِ) مِمَّا يَتَرْتَّبُ عَلَيْهِ عَدَمُ قُدْرَةِ الزَّوْجَةِ عَلَى مَقَاضَاةِ زَوْجِهَا. بِشَكْلِ عَامٍ، هُنَاكَ سَبَلُ عَيْشٍ خَارِجِيَّةٍ وَدَاخِلِيَّةٍ يَتِمُّ تَحْقِيقُهَا، وَإِنْ لَمْ يَتِمَّ تَحْقِيقُهَا عَلَى النَّحْوِ الْأَمْتَلِ بِسَبَبِ عَامِلِ الْعُمُرِ، بَيْنَمَا لَا يَتِمُّ تَحْقِيقُ سَبَلِ الْعَيْشِ الدَّاخِلِيَّةِ. يَتَضَحُّ هَذَا بِوُضُوحٍ لِأَنَّهُ فِي زِيَّجَاتِ الْمُسْتَنِينَ تَكُونُ قَدِيمَةً نَسِيًّا وَلَمْ تَعُدْ مُنْتَجَةً

بَيْنَمَا وَرَدَ فِي الْمُرَاجَعَةِ فِي الشَّرِيعَةِ الْإِسْلَامِيَّةِ أَنَّ الزَّوْجَ مَلَزَمٌ بِتَوْفِيرِ لِقَمَةِ الْعَيْشِ لِزَوْجَتِهِ جَسَدِيًّا وَعَقْلِيًّا. اخْتَوَتْ الشَّرِيعَةُ الْإِسْلَامِيَّةُ عَلَى الْعَدِيدِ مِنَ الْقَوَاعِدِ وَالْمَسْئُولِيَّاتِ لِلزَّوْجِ، وَآلَتِي تَهْدِفُ إِلَى تَجَنُّبِ اخْتِمَالِ إلْحَاقِ الْأَذَى بِالْمَرْأَةِ.

يُمْكِنُ التَّسَامُحُ مَعَ تَحْقِيقِ لِقْمَةِ الْعَيْشِ الَّتِي تَحْدُثُ فِي قَرْيَةٍ وَنُوبَلَوْسُو، مُقَاطَعَةِ جُونْدَانِغ، وَمُوجُوكِيرْتُو لَا تُنْظَمُ حَجَمَ تَلْبِيَةِ KHI رِيْجِنْسِي عَلَى أَسَاسِ أَنَّ أَحْكَامَ الشَّرِيعَةِ الْإِسْلَامِيَّةِ وَمَجْمُوعَةِ الشَّرِيعَةِ الْإِسْلَامِيَّةِ لِقْمَةِ الْعَيْشِ، يُقَالُ فَقَطُ أَنَّهُ يَتَكَيَّفُ مَعَ قُدْرَةِ كُلِّ فَرْدٍ. طَالَمَا أَنَّهُ لَا يُسَبِّبُ ضَرَرًا، وَلَا يُوجَدُ عُنْصُرُ اضْطِهَادٍ وَيَتِمُّ تَنْفِيذُهُ عَلَى أَسَاسٍ وَعِيٍّ وَاسْتِعْدَادِ الْأَزْوَاجِ الَّذِينَ يَتَزَوَّجُونَ فِي سِنٍّ مُتَقَدِّمَةٍ، يُمَكِّنُ رُؤْيَاهُ هَذَا الْاسْتِعْدَادِ عِنْدَمَا تَكُونُ الْمُوَافَقَةُ قَبْلَ.

الكَلِمَاتِ الْمِفْتَاحِيَّةِ : كِبَارُ السِّنِّ، الْمَوْلِدِ وَالْمَعِيشَةِ الدَّاخِلِيَّةِ، الشَّرِيعَةِ الْإِسْلَامِيَّةِ



