



Fulfillment Of Rights And Obligations Of Husband And Wife In Annual Fisherman's Families

Pemenuhan Hak Dan Kewajiban Suami Istri Keluarga Nelayan Tahunan

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Abstract

This study aims to investigate the fulfillment of husband and wife rights and obligations in annual fishing families in Ketapang Village, Ulujami District, Pemalang Regency. The study used a qualitative method with a sociological approach, where humans serve as the primary research instrument, and data were obtained naturally through interactions with the research subjects. The sociological approach was used to understand the dynamics of social relations within fishing families, including the division of roles, responsibilities, and the adaptation processes that develop within them. The results show that the fulfillment of rights and obligations between husband and wife is based on mutual understanding and willingness of each party, although there are variations in practice in each fishing family. Husband and wife interactions are influenced by the fishermen's work patterns, which often require husbands to be away from home for long periods of time, so that the issue of fulfilling spiritual needs emerges as a major challenge. However, fishing couples are able to resolve these issues through patience, fortitude, and mutual understanding of each other's circumstances. Efforts to maintain marital harmony are carried out by building mutual trust, maintaining communication through video calls, and maintaining mutual commitment, so that family relations remain stable despite the limitations of time and space.


Abstrak

[Ditulis dalam bahasa Indonesia, Cambria font 10, justify, 1 spasi, terdiri dari maksimal 200 kata, memuat latar belakang masalah, urgensi penulisan/penelitian, metode penelitian, hasil-hasil penting penelitian dan simpulan]. Sebagai contoh, Pemberhentian komisioner penyelenggara Pemilu melalui putusan Dewan Kehormatan Penyelenggara Pemilu (DKPP) tidak bersifat final dan mengikat pada tataran eksekutorialnya mengingat putusan tersebut dapat dibatalkan oleh Pengadilan Tata Usaha Negara. Penelitian ini bertujuan untuk menguraikan kewenangan DKPP dan PTUN dalam penyelesaian pelanggaran etik yang dilakukan oleh penyelenggara Pemilu sekaligus mengurai implikasi dan relasi putusan dari kedua lembaga tersebut. Penelitian ini dilakukan dengan menggunakan jenis penelitian yuridis normatif. Hasil penelitian menunjukkan bahwa DKPP dan PTUN memiliki kewenangan yang saling beririsan namun dengan putusan yang berbeda. DKPP murni mengadili persoalan etik dan PTUN mengadili Keputusan Presiden yang merupakan tindak lanjut dari putusan DKPP. Dalam rangka untuk menghindari konflik putusan atas kasus yang beririsan maka atas pelanggaran



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kode etik dimasa mendatang harus diselesaikan dengan mekanisme penyelesaian oleh lembaga yudikatif.

INTRODUCTION

Building a harmonious household is the dream of every married couple. A family that can live comfortably, without quarrels, and consistently finds happiness will undoubtedly lead to a better family. A peaceful atmosphere within the family is essential. Human plans cannot run smoothly according to expectations. The many trials and challenges of life presented by Allah SWT require families to be more patient and trusting in Him to gain His blessings. By gaining His blessings, all family problems will be easily overcome.

The rights and obligations of husband and wife in household life can be seen in Law No. 1 of 1974 concerning Marriage, regulated in Chapter VI Articles 30-34. The wife's obligations in Law No. 1 of 1974 concerning Marriage, Article 34, are regulated in general in paragraph 2, in the KHI, they are regulated in detail in article 83, which states that the main obligation for a wife is to be devoted physically and mentally to her husband in a way that is permitted by Islamic law. The wife also organizes and manages daily household needs as well as possible.

In the compilation of Islamic Law it is regulated in Chapter XII Articles 77-84. Article 30 of Law No. 1 of 1974 concerning Marriage states, "Husband and wife bear the noble obligation to uphold the household which is the basic foundation of the social structure." In a different editorial formulation, the Compilation of Article 77 paragraph (1) reads: "Husband and wife bear the noble obligation to uphold a household that is peaceful, loving, and compassionate which is the basic foundation of the social structure." The more detailed provisions on the rights and obligations of husband and wife in the KHI Article 79, the husband is the head of the family, and the wife is the housewife.

The rights and position of a wife are equal to the rights and position of a husband in domestic life and social interactions in society. Each party has the right to take legal action. The provisions of a husband's obligations towards his wife and family in Article 80 of the Compilation of Islamic Law are as follows: The husband is the guide of his wife and household, but important household matters are decided jointly by the husband and wife. The husband is obliged to protect his wife and provide all the necessities of household life according to his ability. A husband is obliged to provide religious education to his wife and provide the opportunity to learn knowledge that is useful and beneficial for religion, the nation and the country. In accordance with the husband's income, he is responsible for the maintenance, *kiswah*, and residence for his wife. The husband also pays for all household expenses, care costs, and medical expenses for his wife and children and pays for the children's education.

As Allah SWT says in surah A Baqarah verse 233:

... وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ ... God willing

The obligation to provide maintenance is only given to those who are entitled, namely by giving according to need, not determining the amount of maintenance that must be given .

The husband is obliged to provide his wife with a place to sleep and other living expenses . The wife must follow the husband 's house and live at the husband 's place . The size of the subsistence obligation is based on the surami 's remuneration , so subsistence provision is based on the surami 's ability . Islam has made it mandatory for the wife to provide maintenance to her wife because as a consequence of the legal contract , the wife becomes the husband 's right , so that the wife can obey her husband , and in the

meantime, the wife is obliged to obey her husband's stay at home together, managing everything in the household, caring for and educating the children.

In the effort to maintain a living, the husband must have a stable income or job, so that he can provide a living to his family at a decent level. Concerning the management of business, the nursing took one of the research locations in Desa Kertapang Kelurami Kaburpaten Pematang, which is in the area of the majority of the work as service.

Based on observations through interviews with Mrs. Iftiya (wife), a fisherman who annually sails to the Papua region, she revealed that not living with her husband has made her more independent. However, Mrs. Iftiya also revealed that she has difficulty caring for her children, because she is raising them alone and does not live with her in-laws or her biological mother. Their communication is slightly hampered by signal factors when at sea. Mrs. Iftiya's husband returns home at least once a year. The problem of living expenses is borrowed from the boat owner in advance, which will later be deducted after he returns.

Fishing at sea is a livelihood activity, dependent on the weather for its livelihood. Annual fishermen are classified as labor fishermen, who catch fish using other people's equipment, also known as crew members (ABK). As labor fishermen, like most workers, they typically live under economic constraints.

These economic limitations are characterized by the fact that quite a few of them choose to become laborers on foreign ships or known as ABK (Ship Crew) with passports and also local labor fishermen who sail to Papua, Sulawesi and the surrounding areas to improve their economy. This results in them having to undergo a long-distance marriage relationship or what is known as a long distance marriage (LDM).

Long distance marriage couples due to the husband working as a fisherman annually, namely husband and wife couples who are separated by distance for some reason, so that it is difficult for the couple to meet. Thus, a husband and wife fishing family is a condition where a couple makes an agreement to live separately for certain reasons, for example because of work, economics or education. Fishermen, for example, can have an incomplete family because the husband is at sea for some time for work. The researchers took three families of labor fishermen who are currently undergoing long-distance marriages. However, most of them, even though they cannot realize the integrity of their family, can still maintain their family. As if long distance marriage is not an obstacle to realizing family resilience.

Family resilience is part of realizing a harmonious family. The importance of awareness in realizing a harmonious family is the main goal for all families. Law No. 1 of 1974 defines marriage as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the Almighty God. This Law on Marriage defines that family life must begin with sincere intentions and be bound by a sacred agreement (Mitsaaqan Ghalidzan) in order to achieve a prosperous and happy family as stated in the Compilation of Islamic Law (KHI) which emphasizes that "Marriage aims to realize a family life that is harmonious, loving and compassionate." Among the mirrors of a harmonious family is the existence of family resilience, so realizing family resilience is the same as realizing a harmonious family.

The reality of the lives of annual fishermen who generally experience long-distance marriages where the husband and wife do not live together is considered important by researchers to explore the rights and obligations of married couples in annual fishing families. As a challenging family practice, it is necessary to pay attention to the efforts they have made. Many things can be studied regarding the consequences of annual fishermen who experience long-distance relationships such as communication, biological needs, and also economics.

Through this research, the researcher chose the title "Fulfillment of the Annual Rights of Fishermen's Husband and Wife". Ketapang Village was chosen because the majority of its residents work as fishermen and its geographical location is directly adjacent to the North Java Sea. This research covers annual fishermen who go out to sea for one year and return home once for one week. This community was chosen because annual fishermen have unique characteristics, such as minimal communication intensity amidst the establishment of communication tools and how they maintain their marriages.

Based on the background, the author chose the title "FULFILLMENT OF RIGHTS AND OBLIGATIONS OF HUSBAND AND WIFE IN ANNUAL FISHERMAN FAMILIES (Case study in Ketapang Village, Ulujami District, Pemalang Regency). The manuscript written by the author whose English is the second language needs to be proofread. Ignoring this requirement results in the rejection of the manuscript.¹

METHODS

This type of research is qualitative research, namely contextual research that uses humans as instruments, and is adapted to normal situations in relation to data collection which is generally qualitative in nature.

This research is a form of social research that uses a qualitative descriptive format, namely research that aims to describe and summarize various conditions, as situations or various phenomena of social reality that exist in the community that is the object of research and attempts to bring that reality to the surface as a characteristic, character, model, sign or description of a particular condition, situation or phenomenon. In this study, the author uses a descriptive method with qualitative research that describes the situation, conditions and events regarding the fulfillment of the husband and wife's rights in fishing families annually in Ketapang Village, Ulujami District, Pemalang Regency.

The approach method used in this research is a sociological approach. Epistemologically, sociology comes from the word *socius*, which means society, and *logos*, which means science. So it can be concluded that sociology is defined as a science that specifically studies social life.

On the basis of the problem statement proposed by the author in this research, this research is a field research resource (field research arch), namely research carried out in the field or on site. In this research, the researcher carried out research activities in the Village of Ketapang, the District of Urlur Jami, Kabu Pate in Malang. Curative research is carried out using a sociological - anthropological approach, namely r letters Perspective perspective in assessing social and human resource phenomena that combine the concepts and methods of the branch of social science, namely sociology.

ANALYSIS AND DISCUSSION

ANALYSIS OF THE FULFILLMENT OF RIGHTS AND OBLIGATIONS OF HUSBANDS AND WIFE IN FISHERMEN'S FAMILIES ANNUALLY

Analysis of the Fulfillment of Rights and Obligations of Husband and Wife in Fishing Families

Marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the goal of forming a happy and eternal family based on the One Almighty God.

¹ Bassiouni, "International Recognition of Victims' Rights."

The agreement made by a Muslim to make a Muslim woman his wife is a covenant made in the name of Allah SWT. Therefore, living as husband and wife is not merely a bond made based on a covenant with humans, namely with the woman's guardian, her family as a whole, and with the woman herself. Rather, it is a more appropriate covenant with Allah.

Essentially, Islamic law outlines the rights and obligations of husband and wife in the Quran, Hadith, and Islamic jurisprudence. These rights are summarized in Articles 77-84 of the Compilation of Islamic Law, including a husband's responsibility for his family, a wife's obligation to serve her husband physically and spiritually, and the husband and wife's shared obligation to establish a harmonious, loving, and compassionate household. This principle is intended to serve as a guide for Muslim men and women building a household. However, it can be implemented more effectively when a husband and wife build a household within a shared residence.

Based on interviews with the perpetrators, a description of household life headed by a fisherman can be concluded that in the life of a fisherman, the husband is unable to fully fulfill his role in guiding his family. They can only provide material support by sending their wages via bank transfer upon arrival, and even then, only when there's a signal. As for the wife's spiritual support, she can only fully fulfill it when they return home.

On the other hand, the husband is the head of the family and will be held accountable for his actions both in this world and the hereafter. Therefore, a husband should provide a sound education in accordance with Islamic teachings so that his wife and children will always obey God's commands. However, heads of families who work as fishermen annually cannot fulfill their role as family educators effectively. Instead, they can only supervise their families from a distance and only communicate by phone to advise their children and wives.

Interviews with three married couples from fishing families revealed that they tend to maintain harmonious households. Mutual trust, mutual advice, and prayers foster a harmonious home. While they may be away from home for extended periods, this is to support their families. However, the problems they encounter tend to be minor, as there is a mutual agreement between husband and wife regarding the husband's work. Therefore, the wife must understand and face the consequences. A wife's feelings of loneliness, worry and jealousy are no longer a problem as long as they trust each other. A wife must also be patient and strong in caring for children without a husband. It's true that some households where the head of the family is a fisherman, and family life is less harmonious. This is usually due to several factors, including: First, the individual factor is whether each individual can maintain their honor, as married life inevitably encounters problems, both minor and major. Second, the head of the family may have only recently become involved in the world of fishing, meaning they only started working as fishermen after marriage. This is due to the husband's habit of building a household in the same residence as his wife, then leaving for extended periods to earn a living. This type of family life is often prone to marital discord. However, according to researchers, the decision ultimately rests with the individual.

So according to researchers, a head of a family who works as an annual fisherman has the responsibility as the leader of the family. Because in this case they have provided a good

living for their families so that their needs can be met. The lack of spiritual sustenance for a wife and the education of a father for his child is no longer a problem because the husband of a fisherman and his wife have made an agreement before the marriage contract which states that both parties must be able to accept each other's situation, take care of each other and trust each other. This is in line with what is stated in the Compilation of Islamic Law Article 45 concerning Marriage Agreements. Even though a husband of a fisherman often leaves the shared residence, they still play their role as head of the household by supervising and advising their family so that they can continue to uphold a family that is *sakinah mawaddah wa rahmah*. In accordance with the text of Article 77 paragraph (1) in the Compilation of Islamic Law, namely:

"Husband and wife have a noble obligation to uphold a household that is peaceful, loving and compassionate, which is the basic foundation and structure of society."

Based on the table above, the three husband and wife couples in Ketapang Village have different indicators according to the fulfillment of rights and implementation of husband and wife obligations that researchers have described in the previous chapter. Couples who get the Very Good indicator in the implementation of husband and wife rights and obligations, because the husband continues to fulfill the provision of income well and the wife continues to take care of household affairs and maintain assets when the husband is not outside Pematang Regency with the best communication intensity among other couples. Meanwhile, couples who get the Good indicator in the fulfillment of rights to husbands, because the husband provides a living regularly and the wife continues to take care of the household and maintain her husband's assets when he is outside Pematang Regency.

By implementing the five pillars above, the three couples in Ketapang Village have demonstrated the values of mutual respect in fulfilling the rights of husband and wife in fishing families in long-distance relationships or Long Distance Marriages (LDM).

Annual Analysis of Husband and Wife in Fisherman's Family Maintaining Their Marriage

All married couples certainly long for a harmonious household life. However, domestic life is actually very dynamic. Differences of opinion, discussions, and even petty arguments often fill the days of a married life. Here are five pillars that fishermen often use as guidelines for maintaining their marriages, particularly within the context of traditions and culture related to fishing life:

Commitment to a Solid Bond of Promise (*mitsaqan gholdizan*)

This pillar originates from a valid marriage contract where the woman (wife) has received strong approval (*mitsaqan ghalidzan*) from the man who married her. Agreement means an agreement between both parties and a mutual commitment through a marriage contract. This pillar can be seen from the background of the couple's marriage. Based on the three couples, they married based on the wishes of each partner, it was not an arranged marriage between families, whether the couple with the initials DI, IU or RN.

With such a background, there is no element of coercion from any party in marriage. Before getting married, the three husband and wife couples had accepted each other's situation, including the wives who accepted their husbands' jobs. Having made a commitment from the beginning of their marriage, the three couples were able to maintain their married life.

Principle of Pairing and Reciprocity (*zawaf*)

The term husband and wife in the Quran uses the word " *zawf* ", which means partner. This means that the wife is the husband's partner and the husband is the wife's partner. The principle of being a couple also has a positive meaning and is depicted in the Quran: the husband is a garment for the wife, and the wife is a good garment for the husband. The image of clothing serves at least as a reminder that the function of husband and wife as a couple is to warm, nurture, adorn, cover, perfect, and honor each other .

This pillar can be seen in how partners trust each other. This trust is built through good communication between husband and wife. Communication is crucial for maintaining a healthy marriage, enabling each partner to understand each other's circumstances. Most families fail to build a successful marriage due to a lack of dialogue or discussion. Therefore, the three couples in Ketapang Village feel a sense of mutual need, like a pair of clothes that protect and care for each other .

There are several good communication patterns in maintaining a healthy marital relationship, including providing enough time, mutual understanding by being a good and active listener, delving into your partner's world by seeing things from your partner's point of view, maintaining honesty by saying what your needs and thoughts are, respecting each other as family members, family as a group bond and the last is the ability to solve problems.

As practiced by three couples who live in Ketapang Village, their communication model utilizes technology such as mobile phones for calls and video calls. The communication patterns of these three couples often utilize their free time, and even when there is a signal, it's not always guaranteed that they'll land on the ground. Therefore, a signal is also necessary as a communication network. In this way, the principle of pairing (*zawaj*) has been applied to fulfilling the rights and obligations of husband and wife in Ketapang Village.

Treating each other well (*mu'asyarah bil ma'ruf*)

This pillar is derived from the first two, namely the attitude of treating each other well (*mu'asyarah bil ma'ruf*). This attitude is the most fundamental ethic in a husband-wife relationship. It is also one of the pillars that can maintain and foster all the goodness that is a shared goal so that it can continue to be felt and enjoyed by both parties.

This pillar can be seen from the way couples value time together for family, the intensity of togetherness between husband and wife can affect the sustainability of marriage, so that the age of marriage shows that husband and wife have had different efforts to maintain marital relationships, as happened in the three couples, namely being open and discussing, forgiving each other when they make mistakes, the stage of self-reflection,

then one of them apologizes when feeling guilty, exchanging thoughts and opinions and the last is being silent first to calm the mind and then looking for a solution together by discussing. Thus, between the two parties there is no gap to let or ignore.

The habit of deliberating together (musyawarah)

This pillar is the attitude and behavior of always consulting and exchanging ideas when making decisions related to domestic life. As explained in Surah Al Baqarah: 233

﴿وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُبْرِئَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا
الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ God willing عَلَى الْمَوْلُودِ أَنْ يُلْبِسَهُمَا مِثْلَ بَدْنِهِمْ وَإِنْ
أَنْقَرُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ ٢٣٣﴾ God willing

" And mothers should breastfeed their children for two full years, for those who want to complete breastfeeding. It is the father's obligation to provide for their food and clothing in an appropriate manner . A person is not burdened, except according to his ability. Let not a mother be made to suffer because of her child, nor should a father be made to suffer because of his child. Heirs are like that too. If both want to wean (before two years) based on agreement and deliberation between the two, there is no sin on either of them. If you want to breastfeed your child (to someone else), there is no sin for you if you make payment in an appropriate way . Fear Allah and know that Allah is All-Seeing of what you do . " (Qs. Al Baqarah: 233)

A husband or wife should not be authoritarian and impose their will. Decisions, especially those concerning the couple and family, should not be made solely without involving and seeking the partner's opinion. In a society where men typically make decisions, this can be a difficult one to implement.

Consultation was a characteristic of Muslim society in the first century. This practice was also practiced by three married couples from a fishing family in Ketapang Village, although their techniques varied. Consultation significantly helps couples become more open to each other's views, fostering mutual respect.

Behavior of Providing Mutual Comfort/Willingness (taradhin)

The final pillar is mutual comfort and providing comfort to one another. In the Quran, this is called taradhin min huma , which means the willingness/acceptance of both husband and wife. Willingness is the ultimate acceptance and complete comfort. A person feels willing when their heart feels no obstruction or rejection. In the life of a married couple, this must be a constant pillar supporting all aspects of their behavior, speech, attitudes, and actions so that their life is not only solid but also engenders love and happiness.

This pillar is the final result of the four pillars mentioned above. If all couples implement the previous four pillars, then the three couples in Ketapang Village have reached the pinnacle of mutual consent or comfort. If any of the previous four pillars are not met

properly, there is a high likelihood of gaps in the fulfillment of the annual husband-wife rights of fishing families.

CLOSING

Conclusion

The fulfillment of rights and obligations carried out by the husband and wife of the annual fishing family in Ketapang Village is in accordance with the implementation they want with the willingness of each husband and wife. However, from several seafaring families differ in the implementation process in carrying out interactions within their respective families. Then regarding the interaction between the wife and husband of the annual fishing family in Ketapang Village, researchers found the problem of spiritual sustenance which is a need for the husband and wife, but the husband and wife of the annual fishing family were able to solve the problem together in the sense that they patiently endure and persevere until the husband returns home. In essence, the husband and wife of the annual fishing family understand each other, let go, and be patient with their family.

The efforts of a fisherman's family to maintain their marriage

The annual efforts of fishing families to maintain their marriages are to use five pillars to support long-distance household life, as follows:

Commitment to a strong bond of promise (mitsaqan ghokidzan)

The principle of pairing and reciprocity (zawaj)

Behavior of providing mutual comfort/willingness (taradhin)

Treat each other well (mu'asyarah bil ma'ruf)

The habit of consulting with each other (deliberation)

If these five pillars are practiced firmly and continuously, the vision and goals of the family will be easily felt and enjoyed together.

Suggestion

To the Ketapang village institution, Ulujami District, to continue to strive to improve the welfare of its people, especially fishermen's wives, through empowerment programs and increasing productive activities and continuous socialization about the importance of maintaining family integrity and the importance of realizing a harmonious family.

Long-distance fishermen in long-distance relationships are encouraged to continue to strive to maintain family resilience by strengthening their faith and maintaining positive family interactions to minimize potential conflict. Wives of long-distance fishermen are especially encouraged to engage in productive activities so they don't become overly anxious and negative when their husbands don't report to them.

For future researchers, they should conduct research by delving deeper into their principles of household management and selecting more subjects, so that the data obtained will be more varied and conclusions can be drawn better.

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DECLARATION OF CONFLICTING INTERESTS -14pt, Cambira Bold (1.15 space)

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