



Settlement of the Fulfillment of Wife and Child Livelihood by the Islamic Religious Council Southern Patani Region of Thailand

Edi Darmawijaya¹; Miss Maslinee Ma'ming¹

¹ Universitas Islam Negeri Ar-Raniry Banda Aceh

 edi.darmawijaya@ar-raniry.ac.id

Abstract

Livelihood is all the needs and necessities that occur according to circumstances and places, such as food, clothing, shelter, assistance, and all his needs according to tradition because the law of subsistence is an obligation of a husband towards his wife and family. The Islamic Religious Council (MAIP) of Patani Region has a special working position namely Qadhi which handles matters related to family matters, in the Islamic Religious Council of Southern Patani Thailand does not have a Law or Compilation of Islamic Law (KHI) like Indonesia, but the responsible party will handle issues related to the family rights of Muslims by referring to the fiqh of Imam Shafi'i. In the case of non-fulfillment of the support of wives and children according to the religious assembly, for the Islamic religious assembly, there is no written fatwa, only a letter of agreement that can be an important asset in resolving the problem. This research uses qualitative methods, taking the background of informants, data collection is carried out using observation, interviews, and documentation. The results of this study concluded that after the marriage bond held a taklik letter (agreement) between husband and wife because it held a taklik made by the Islamic Religious Council (MAIP) so that the husband did not commit violence against his wife unfairly and followed shari'i, husbands who did not follow the taklik letter (Agreement) then the wife could complain to the Village Imam or the Islamic Religious Council (MAIP). The wife must bring two witnesses or concrete evidence, the Islamic Religious Council (MAIP) will give advice related to Islamic teachings that follow shari'a law so that peace arises between husband and wife then husband and wife may be added a taklik letter that has been determined by the Islamic Religious Council (MAIP) for the problem of not fulfilling income with the agreement between husband and wife, and the husband does not provide for himself, hurts and does not occupy the position for more than four months the wife may be fasahk.

Keywords: *Wife and child support, Patani Islamic Council of Thailand*

Abstrak

Nafkah adalah segala keperluan dan kebutuhan yang terjadi menurut keadaan dan tempat, seperti makanan, pakaian, tempat tinggal, bantuan, dan segala kebutuhannya menurut adat karena hukum nafkah merupakan kewajiban seorang

suami terhadap istri dan keluarganya. Majelis Agama Islam Wilayah Patani (MAIP) memiliki jabatan kerja khusus yaitu Qadhi yang menangani hal-hal yang berkaitan dengan masalah keluarga, di Majelis Agama Islam Patani Selatan Thailand tidak memiliki Undang-Undang atau Kompilasi Hukum Islam (KHI) seperti di Indonesia, namun pihak yang bertanggung jawab akan menangani masalah-masalah yang berkaitan dengan hak-hak keluarga umat Islam dengan merujuk pada fiqih Imam Syafi'i. Dalam kasus tidak terpenuhinya nafkah istri dan anak menurut majelis agama, bagi majelis agama Islam, tidak ada fatwa tertulis, hanya ada surat kesepakatan yang dapat menjadi modal penting dalam menyelesaikan masalah tersebut. Penelitian ini menggunakan metode kualitatif, dengan mengambil latar belakang informan, pengumpulan data dilakukan dengan menggunakan observasi, wawancara, dan dokumentasi. Hasil penelitian ini menyimpulkan bahwa setelah ikatan pernikahan diadakan surat taklik (perjanjian) antara suami dan istri karena mengadakan taklik yang dibuat oleh Majelis Agama Islam (MAIP) agar suami tidak melakukan kekerasan terhadap istri dengan tidak adil dan mengikuti syar'i, suami yang tidak mengikuti surat taklik (Perjanjian) maka istri dapat mengadu kepada Imam Desa atau Majelis Agama Islam (MAIP). Istri harus membawa dua orang saksi atau bukti yang nyata, Majelis Agama Islam (MAIP) akan memberikan nasehat terkait ajaran Islam yang mengikuti hukum syariat agar timbul perdamaian antara suami dan istri maka suami istri dapat ditambahkan surat taklik yang telah ditentukan oleh Majelis Agama Islam (MAIP) untuk masalah tidak terpenuhinya nafkah dengan perjanjian antara suami istri, dan suami tidak menafkahi, menyakiti dan tidak menempati posisi lebih dari empat bulan maka istri dapat di fasakh.

Katakunci: *Tunjangan istri dan anak, Dewan Islam Patani Thailand*

Introduction

Marriage is a sacred thing for the human being who lives it. The purpose of marriage among others is to form a harmonious family that can form a happy atmosphere towards the realization of tranquility and comfort for husband and wife and family members.¹ Because marriage is made in the form of a contract because it is a legal event, not a biological event or merely a sexual relationship between a man and a woman.² But after consummating a marriage one must not forget the obligations that must be fulfilled in a family, such as taking care of each other between husband and wife, mutual respect, and mutual love for each other, which is especially important in building a household after marriage, namely the responsibility for the wife and family from the husband's side.

The husband's duty to his wife is to provide clothing and food.³ The most prominent maleness of a man is the problem of work, because work is a means of

¹ H.M.A. Tihami et al, *Fikih Munakahat*, (Jakarta: RajaGrafindo Persada, 2010), p. 6.

² Amir Syarifuddin, *Garis-Garis Besar Fikih*, (Jakarta: Prenada Media, 2003), p. 74.

³ Amiur Nuruddin & Azhari Akmal Tarigan, *Islamic Civil Law in Indonesia*, (Jakarta: Kencana, 2004), p. 181.

livelihood, and livelihood is one form of realization of worship in the household.⁴ Livelihood includes all needs and necessities that apply according to circumstances and places.⁵ The obligation that must be fulfilled by the husband is to be fully responsible for meeting the needs of the family. The needs explicitly in the hadith are food, ideally food that has balanced nutrition, which can meet the needs of the body to avoid malnutrition and illness, in addition to clothing needs that can cover the aurat.⁶

Patani is one of four Thai provinces with a Muslim-majority population (80%). The name Patani comes from two Malay syllables namely "Pata" meaning (Beach) and "Ni" meaning ("This") so Patani means this Beach. As one of the new territories formed from the early Patani State, its demographics are not much different from other provinces such as Narathiwat Province, Yala Province, Satun Province, and Songkhla Province. Patani Province, one of the four provinces on Thailand's southern border, is a territory with different characteristics when compared to other provinces. The population is predominantly Muslim with Malay ethnicity, living dependent on agricultural products and rubber plantations as well as marine resources. In the Thai government's economic monograph, this region is classified as poor with a per capita income of only 3,251-5,700 baht, while other regions reach 11,952 baht.⁷

The people of the Patani region work every day to meet their daily needs. In general, Patani people work as rubber pensers, gardeners, traders, fishermen, rice fields, or professions such as doctors, teachers, policemen, and so on where the work should be burdened by adults or people who are competent in the law. However, there are still many children who do not go to school even though in the economic field their parents are able and incapable. Some of these children are told to work and some only ask for parental money. Children who do not go to school due to conflicts about politics, and economics that make the economy increasingly low day by day and difficult to find results because they are limited by no freedom and full rights which makes it more difficult for parents to find results in order to get more and causes a lack of time for care for their children.

This is the problem for parents, namely children participate in work and there is no time to study (school). In Thailand's Labor Law, there is already a prohibition that employers are prohibited from employing children under the age of 15 to become employees and it is mandatory for parents to provide education to children. The age criteria allowed to work in the Thai Labor Law are 18 years and above.⁸

⁴ Fatihuddin Abul Yasin, *Risalah Hukum Nikah*, (Surabaya: Terbit Terang, 2006), p. 69.

⁵ Sulaiman Rasjid, *Islamic Fiqh*, (Bandung: Sinar Baru Algensindo, 2013), p. 421

⁶ Enizar, *Family Law Hadith I*, (Metro: STAIN Press Metro, 2014), p. 117

⁷ Abdul Mani, 2013: 7, Feigenbbatt, t.t: 54.

⁸ Child labor and labor protection law, Wanida Intharam, special expert speaker of Law Office Legal Development Group, Secretariat of the House of Representatives, (Update 26 September 2017).

Livelihood and Foundation in Islamic Law

A marriage gives rise to rights and obligations between husband and wife. Among the most basic obligations of the husband to his wife is the obligation to provide for him, whether in the form of food, clothing (kiswa), or a place to live together. With marriage, the husband is obliged to provide for his wife both outwardly and mentally. The duty of the husband is to guide, his wife, and the household, will remain on matters of household affairs which are important to decide by the husband and wife together.⁹ The husband is obliged to protect his wife and provide everything necessary for married life according to his ability. The husband is obliged to provide religious education to his wife and provide opportunities to learn knowledge that is useful and beneficial for religion, the archipelago, and the nation.¹⁰

Livelihood is etymologically what you earn and what you spend on your family and for yourself. Anfaqa al-mal, meaning to spend a living. Minologically, providing a living means sufficient food, clothing, and shelter for the people who are dependents.¹¹ Providing is a husband's duty to his wife, and there is no difference of opinion on this issue. Even the Qur'an itself has made it mandatory through the word of Allah.¹²

1) In the Qur'an

a. Surah Al-Baqarah verse 233:

It means: "And it is the duty of the father to bear their sustenance and clothing in a proper manner. One is not burdened with more than one can afford, a mother will not get in trouble because of her child, and a father will not get in trouble because of his child." (Q.S. Al Baqarah: 233).

2) In the Hadith

The hadith narrated from Abu Hurairah is found in Sunan Abu Dawud which reads:

أَنَّ رَجُلًا جَاءَ إِلَى النَّبِيِّ (ص) فَقَالَ : يَا رَسُولَ اللَّهِ عِنْدِي دِينَارٌ؟ قَالَ : تَصَدَّقْ بِهِ عَلٰنَفْسِكَ. قَالَ عِنْدِي آخَرُ؟ قَالَ : تَصَدَّقْ بِهِ عَلَى رَوْحَتِكَ. قَالَ : عِنْدِي آخَرُ. قَالَ : تَصَدَّقْ بِهِ عَلَى وَلَدِكَ؟ قَالَ : عِنْدِي آخَرُ. قَالَ : تَصَدَّقْ بِهِ عَلَى خَادِمِكَ؟ قَالَ : عِنْدِي آخَرُ قَالَ : أَنْتَ أَبْصَرُ.

It means: "One day a man came to the Prophet (peace be upon him) and said, 'O Messenger of Allah, I have one dinar.' He said, 'Spend it on your own needs.' The man said again, 'I still have one more dinar.' He said, 'Spend it on your wife.' The man said again, 'I still have one more dinar.' The apostle said, 'Spend it on the needs

9. Sakban Lubis, Child Support After Divorce in Shafi'I Jurisprudence and Positive Law, *Al-Hadi Scientific Journal*, Vol 6, No. 1, July-December 2020, p. 93.

¹⁰ Nova Andriani's Thesis, *Obligation to Provide for Children After Divorce of Civil Servants*. Faculty of Shari'ah, Ar-Raniry State Islamic Institute. Banda Aceh: 2011.

¹¹ Nova Andriani Thesis, *Obligations to Provide for Children After Civil Servant Divorce*. Faculty of Shari'ah, Ar-Raniry State Islamic Institute. Banda Aceh: 2011.

¹² Shaykh Hasan Ayyub, *Family Jurisprudence*, (East Jakarta: Pustaka Al-Kausar, 2001), p.443.

of your child.' The man said again. 'I still have one more dinar.' Then the Apostle said, 'Spend it on the needs of your servants.' Then when the man said, 'I still have one more dinar.' He replied, "You know better who the treasure is used for.

Family support becomes mandatory if it meets conditions such as the existence of a family relationship that requires an inheritance relationship between relatives in need and relatives who can afford it. The existence of the needs of relatives who need a living. If the relative concerned does not need to provide for another relative, he is not entitled to a living, even though he is still a child. With this condition, small children who have their own property are provided for their own needs with their own property. If he does not have his own property, he is only obliged to his father; If the father is incapacitated, then he is obligated to other relatives. Relatives may earn their own living. Thus, if the relative concerned is able to work and indeed gets a job, then he is not entitled to a living, except for the elderly. The obligation to provide for parents does not require this condition, because children are obliged to do good to parents which includes providing for themselves, even though their parents are able to work, but the results are not sufficient to meet their needs.

People who are burdened with the obligation to provide for their child or the elderly. Compulsory income for children or parents is only required to be able to work, not necessarily able to act. Thus, fathers who are able to work are obliged to work to fulfill the obligation to provide for their children. If the father's obligation to provide for his children is provided for by other relatives, then that income can be counted as the father's debt to the relative concerned, which at the time of ability can be collected. So is the obligation of the child to provide for his parents; Children who are able to work are obliged to work to fulfill the obligation to provide for their parents. If this obligation is fulfilled by other relatives, it can be counted as a debt that can be collected to the child at the time of ability. Other requirements are religion, except for providing for children and parents. The Qur'anic designation that there is a requirement of co-religion for people who have an inheritance relationship and are charged with it. This condition is not required in the obligation to provide from parents to children, as well as from children to parents.

According to the type, income is divided into two, namely, material birth income such as clothing, food, shelter, and other living costs including children's education costs. Second, mental livelihood that is non-material such as intimate relationships, affection, friendship, and others. Providing for oneself in Islam directs that providing for oneself takes precedence over providing for others, oneself is not justified in suffering because it puts others first.¹³ Providing for others is obligatory upon oneself for others. There are three reasons that make this income mandatory, namely the cause of marriage, kinship, and property rights. This paper only discussed the income for the family (wife and children) and parents.

Property rights include dowry, are compulsory gifts from husbands to wives, and are compulsory gifts from husbands to wives, and are full rights for wives that

¹³ M. Ali Hasan, *Guidelines for Married Life in Islam*, (Jakarta: Siraja, 2006), p.213.

cannot be disturbed by husbands. The husband is only allowed to participate in using the dowry if it is given by the wife willingly.¹⁴ Then a living is a sum of money or goods given by someone for the needs of other people's lives, such as wives, children, parents, family, and so on. The point here is to provide for the wife to meet her needs. Livelihood is the obligation of the husband to his wife in material form, and the obligation to give nafaqah by the husband to his wife which applies in fiqh is based on the principle of separation of property between husband and wife. This principle follows the line of thought that the husband is a seeker of sustenance. There are three reasons that require nafikaqah, namely: marital ties, kinship, and property.¹⁵

While non-material rights include, an attitude of respect many hadiths of the Prophet teach that the loving and gentle attitude of the husband towards the wife is one of the signs of the perfection of one's imam. There are several hadiths of the Prophet that explain this problem. Hadith was narrated by Tarmizi and Ibn Hibban from Abu Hurairah(ra). He taught: "The most perfect believers of faith are the most virtuous, and the best among you are the best of their wives. Protecting and maintaining the good name of the wife, the husband is obliged to protect the wife and maintain her good name. This does not mean that the husband should cover up the faults that do exist with the wife, but it is the duty of the husband not to spread the mistakes of the wife to others. If the wife complains of things that are not true, after conducting research as necessary and not a priori, the husband is obliged to provide information to the parties who make the accusation, so that the wife's good name is not tainted. However, if the wife does things that are contrary to the provisions of Islamic teachings, the husband is obliged to warn her, especially those who lift up with others. The husband must not let his wife receive guests whose identities are unknown and so on.

Fulfilling biological rights, biological rights are the nature of life and therefore the husband is obliged to pay attention to the rights of the wife in this matter. The peace and harmony of marital life, among others, is determined by this biological factor. The disappointment experienced in this matter can cause a rift in marital life; In fact, it is not uncommon for wife abuse to occur, caused by feelings of disappointment in this matter.¹⁶ The rights of children, especially girls and sons have the right to inherit the entire property from parents with the provision of "mekol nyo'on" or sepikul segendong. The concept of "mekol nyo'on" has been preserved to this day. In determining the share of inheritance of daughters and sons the balance of one-to-one is not a problem, it is important that each party first knows their respective share or portion and then gives it up for part or all of its rights to be given to the other party.

¹⁴ Hamid Sarong, *Islamic Marriage Law in Indonesia*, (Banda Aceh; Pen Publishers, 2010), p. 94.

¹⁵ Nurmasiythah, *Protection of Wife's Rights in Marriage Registration Based on Maqasid Al-Shari'ah*, Thesis of the Faculty of Shari'ah, Ar-Raniry State Islamic Institute. Banda Aceh: 2014.

¹⁶ Mustofa Hasan, *Introduction to Family Law*, (Bandung: CV pustaka setia, 2011), p. 172.

Faraid distribution is still carried out, but after that, the parties give up part of their rights to be given to the other party so that each party gets a portion according to deliberation. Such conditions are only established if there is sincerity of the parties, if the element of sincerity is not found or each party argues that it wants to defend its rights in the provisions of Islamic inheritance law, then the division is carried out based on Islamic inheritance law. Generally, in villages, the division does not use fractional counts as commonly used in inheritance law, but a certain thing or property is given to a certain person or persons and so do others.

Jurisprudence scholars also unanimously stated that children have the right to receive a living from the father provided that:

1. If the father is able to provide for them, or at least able to work to earn ruzki. If you have no property or are unable to work such as paralysis and other reasons, it is not obligatory for the father to provide for his children.
2. The child does not have his own property or has not been able to earn his own living, such as his lame or physical disability. If the child is able to find a ruzki or has a permanent job, then it is no longer obligatory to provide for his children.
3. According to the Hambali school, between children and fathers there are no different religions. Unlike the Jumhur ulama, religious differences do not prevent providing for their children.

Below will be explained in detail again, namely the child who is entitled to a living from his father:

- a. Young children, who are not yet able to earn their own living. Unlike if, the child is an adult, it is no longer obligatory to provide for him. However, if the child is really unable to earn a living on his own, such as madness and other diseases that do not allow the child to work, it is still the responsibility of their father. According to the Hambali school, the father is still obliged to provide for his adult child, if he is poor, even if he is not physically or mentally disabled.
- b. The daughter of a woman who was poor until she had a husband.
- c. Children who are still seeking knowledge, even though they are adults and able to seek ruzeki. His activities in seeking knowledge should not be disturbed because he seeks sustenance.

History of the Islamic Religious Council of Patani Region

Before World War II, Muslims in Patani had many changes, and Patani scholars felt responsible for the dispute. So build an institution to solve existing problems, especially the problem of *Ahwal Syakhsiyah*. So built a place to solve religious matters called the "*Islamic Religious Council*". The Patani Regional Islamic Council was established in 1940 A.D. At that time the *Patani scholars* felt responsible for the matters that took place within the Patani region because there was nobody responsible for matters of Islamic affairs such as *wali amri* or *Qadi*.

Thus, the *religious scholars* in the Patani region unanimously agreed to grow a place to settle Islamic religious affairs and at the same time function as *Qadi Shar'i*, taking care of and escorting Muslims in the Patani region.¹⁷

So in 1940 A.D., the office of the Islamic Religious Council of Patani Region was established and melatik Al-Marhum Tuan guru Haji Muhammad Sulung bin Haji Abdul Qadir Tok Mina, one of the famous scholars at that time as chairman of the Islamic Religious Council and as Qadhi Ash-Syar'I Adh-dharury Patani Region.

The Patani Regional Islamic Council is an office for pilgrims of the Islamic power office of the Region and Qadhi Ash-Shar'i to take care of matters concerning the position of Muslims related to Sharia law and also as an advisor to the King of the Country (Governor) in their respective Regions in matters related to Islamic religious affairs.

The Islamic Religious Council of Patani Province was established in 1940 A.D. When it was established this institution was named "*Majelis Haiatul Al-Munaffizul Al-Ihkamul Syar'iyah*" which aimed to realize cooperation between Ulema and Muslim leaders in defending the dignity of Patani Muslims from injustice and harsh treatment of the Buddhist rulers of the Kingdom of Siam.¹⁸ The establishment of the institution itself was motivated by the policy of the Royal Thai Government under the leadership of Prime Minister Luang Phibun Songkhram who established the Siam Cultural Council in Bangkok called *Sepha Watanatham*. The main purpose of this institution was to promote Siamese nationalism while spreading the influence of Siamese culture throughout the country. At a later stage, the Cultural Council gradually established its influence throughout Thailand by issuing several regulations that apply not only to Thai Buddhist citizens but also to the Muslim community. For example: People are required to dress like Westerners and are forbidden to wear sarongs, kopyah, or other forms of Malay or Muslim clothing. Instead, residents were directed to wear hats, shorts, and shorts for women. In the use of language, residents are prohibited from using Malay, and government employees must use Siamese in official meeting forums. Malay names were banned and had to conform to Siamese.

Patani Regional Islamic Religious Council's View on Unfulfilled Wife and Child Support in South Patani Thailand

The Islamic Religious Council (MAIP) of Patani Region has a special working position, namely Qadhi which handles matters related to family matters, in the Islamic Religious Council of South Patani Region Thailand does not have a law or IHL like Indonesia, but the responsible party will handle issues related to the family rights of Muslims by referring to the fiqh of Imam Shafi'i. In the case of non-

¹⁷ Hasan La-teh's Thesis, *Zakat Management System in Islamic Minority Communities (Case Study in the Jurisdiction of the Islamic Religious Council in Southern Pattani Region of Thailand)*. Faculty of Islamic economics and business Tulung Agung State Islamic Institute: 2018.

¹⁸ Muhammad Kamah K. Zaman, Fatani 13 August (*Malaysia: Kuala Lumpur, 1996*), p.13.

fulfillment of the support of wives and children according to the religious assembly, for the Islamic religious assembly, there is no written fatwa, only a letter of agreement that can be an important asset in resolving the problem.

With regard to the above phenomenon, researchers asked the Islamic Religious Council (MAIP) of the Patani region, how MAIP views the fulfillment of wife and child support that is not carried out properly. Direct interview to Muhammadhasan Emaetha According to him, originally the income was mandatory for the husband to the wife and children such as food, clothing, and shelter these are all laws fardhu ain.

Factors that make husbands not meet the support of wives and children are:

1. Not following the pre-khursus for prospective husbands and prospective wives before the occurrence of the marriage bond.
2. There is no responsibility to provide for wives and children because lazy husbands do not care about wives and children.
3. The finances are weak while there is responsibility due to the low economy.
4. The husband is involved in drug participation.

A frequent cause of problems is that the husband is involved in drug parties, with the husband not caring about the wife and children. That is before the occurrence of the marriage bond, the Islamic Religious Council held a Pre-course for prospective husbands and prospective wives. The Pre Course is a course on family law in order to realize a harmonious family life, namely a happy and prosperous family. The purpose of conducting pre-courses is to enjoy Islamic law and establish a household so that married couples are always in religious engagement. With this course, it can be a source towards their happy and harmonious household, because they fulfill each other's responsibilities.

Settlement of the fulfillment of the livelihood of wives and children by the Islamic Religious Council of the Southern Patani Region of Thailand

The Islamic Religious Council is an institution that handles disputes or handles problems related to family law, the Islamic Religious Council (MAIP) as a matter that must be resolved. The case of non-fulfillment of the support of wives and children according to the religious assembly, for the Islamic religious assembly there is no written fatwa, only a letter of agreement that can be an important asset in resolving the problem. After the marriage bond holds a taklik letter (agreement) between husband and wife, because it holds a taklik made by the Islamic Religious Council (MAIP) so that the husband does not commit violence against his wife unjustly and follows shari'i, husbands who do not follow the letter of taklik (Agreement) then the wife may complain to the Village Imam or the Islamic Religious Council (MAIP).

With the problem of husbands not providing their livelihoods, wives complained to the Islamic Religious Council (MAIP) that their husbands did not provide and had to bring two witnesses or concrete evidence, recorded by the Islamic Religious Council (MAIP) as a matter that must be resolved. Furthermore, the Islamic Religious Council (MAIP) is called by the husband to be present at the

Islamic Religious Council (MAIP) to resolve the problem that occurs taklik complaints in the context of peace between two parties and advice on Islam to two parties, if it is caused by the khadi of the complaint, one talaq is rejected and each is referred to the wife in the absence of the wife's inconvenience, then another talaq is rejected.

The stages of solving the problem of the husband not fulfilling the income are:

1. Complaint, the wife can complain to the Village Imam or the Islamic Religious Council (MAIP) if the husband does not follow the taklik letter (Agreement) set by the Islamic Religious Council (MAIP).
2. Peace between husband and wife, the Islamic Religious Council (MAIP) will advise with regard to Islamic teachings that follow shari'i law.
3. Add a letter of Taklik (Agreement), in addition to the taklik that has been determined by the Islamic Religious Council (MAIP) for the problem of not fulfilling the bread, for example: taklik if the husband does not provide for the income then talaq one talaq.
4. Fasakh, that is, if the husband does not provide for himself, hurts, and is not in position for more than four months, thus the wife is unable to cope with kezoliman, there is a break in the bond of husband and wife (Fasakh).

In the settlement of a case Datok Yuttiam (Qadi ash-Syar'i) in ancient times referred to the book of fiqh in Malay Arabic, which was not translated into Siamese (Thai). Because it cannot be solved with sumpurna. Datok Yuttiam (Qadi ash-Syar'i) was printed by the Thai government in 2472 B./1929 A.D. to translate fiqh books from Malay, Arabic, and English, into Siamese/Thai. And it was ordered to the clerk to find a linguist who was a witness to the translation, to print it into a compilation.¹⁹ After translation, the advisory committee of the religious courts submitted it to the High Court and named the translation "Basic Islamic Law Regarding Family and Inheritance" the legal basis is still valid today, in establishing and implementing Islamic law with respect to family and inheritance covering the four southern regions, the law is hereditary.

The basic law of Islamic family law deals with the family and inheritance of the Thai state as a constitution or compilation of Islamic law applied by the Ministry of Justice based on the Qur'an, Sunnah, Ijma' and Qiyas. Because the Muslim population in Southern Thailand namely the regions of Patani, Narathiwat, Yala and Setun majority adheres to the Shafi'i School, as a source of reference.

The basis of Islamic law imposed on the family and heritage of the Thai state (Patani, Narathiwat, Yala and Setun regions) was first printed in 2483 A.D. /1940 A.D. and the 2nd time in 2554 B./2011 A.D.²⁰ Although the basis of Islamic law applicable to the family and inheritance of the Thai state has become a constitution used in the Islamic Religious Council of this Patani region, but there are still

¹⁹ <http://sejarah.blogspot.com/2010/06/sejarah-ringkas-majelis-agama-islam.30> September 2020.

²⁰ Ministry of Justice Team, *Basic Islamic Law Relating to the Family and Heritage of the State of Thailand (Patani, Narathiwat, Yala and Setun provinces)*, 2011AD, p. 126.

problems that have not been fully applied to it such as the problems of marriage, circumcision, divorce, the problem of income is also still peeled by scholars, and other problems about ahwal-shakhsiiyah.

Historically, the rules of Islamic law, especially family law in the legislation in Southern Thailand, are inseparable from the thoughts contained in the book of jurisprudence in other words referring to the *ijtihad* of previous scholars. The acceptance of the views of the Shafi'i School in Southern Thailand can be proven by looking at the beginning of the process of establishing family law regulations in Southern Thailand, where the book of the Shafi'i School was used as one of the references in making decisions of the Chairman of the Islamic Religious Council of Patani Region.

Conclusion

After getting an answer from the management of the Patani Regional Islamic Religious Council (MAIP) fulfilling the support of wives and children is generally mandatory, this obligation is based on the results of the author's interview with the management of the Patani Regional Islamic Religious Council (MAIP). In fact, the law is compulsory, but many husbands do not provide for their wives and children because they do not attend the Pre-Marriage Course before the marriage bond. By not taking the Pre Course, the husband does not understand family law. The Patani Regional Islamic Religious Council (MAIP) has no right to sanction a husband who is not fulfilled because now the Patani Region is not an Islamic State, there is no full right to settle the case. However, the Patani Regional Islamic Religious Council (MAIP) is only entitled to advise those who do not perform the obligation. In an interview that the author has conducted with the management of the Patani Regional Islamic Religious Council (MAIP), the author argues that basically the law in Islam to provide for the wife and children is mandatory for the husband such as food, clothing, and shelter, all the laws are *fardhu ain*.

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