



# Faqihuddin Abdul Kodir's Reasoning on Alimony: The Epistemological Perspective of *Bayāni*, *Burhāni*, and *Irfāni*

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## Abstract:

The reinterpretation of the concept of alimony plays a pivotal role in defining familial roles. This article delves into the epistemological reasoning of Faqihuddin Abdul Kodir in redefining the concept of alimony within a modern context. Employing conceptual and philosophical approaches, the article reveals that the alimony concept introduced by Kodir is a product of epistemological reasoning encompassing *bāyani*, *burhāni*, and *irfāni* dimensions. *Bāyani* reasoning is demonstrated through an understanding approach, and the *tabdīl* (replacement) method used to analyze alimony texts. *Burhāni* reasoning is supported by rational thinking, utilizing major and minor premises derived from the current phenomena within family dynamics. *Irfāni* reasoning is evidenced through the elucidation of meaning by Kodir, specifically regarding alimony texts as a project for the development of divine law (*al-aḥkām al-ilāhiyyah*) based on the values of love and compassion (*rahmatan lil 'ālamīn*). This reformulation has implications for methodological and practical innovations regarding alimony in local and global contexts.

*[Pembaharuan interpretasi terhadap konsep nafkah berperan penting dalam pembagian peran dalam keluarga. Artikel ini mengkaji penalaran epistemologis Faqihuddin Abdul Kodir dalam mereformulasi konsep nafkah dalam konteks modern. Dengan memanfaatkan pendekatan konseptual dan filosofis, artikel ini menemukan*

*bahwa konsep nafaqah yang digagas oleh Faqihuddin Abdul Kodir dihasilkan melalui penalaran epistemologis bāyani, burhani dan irfāni. Penalaran bāyani dibuktikan dengan pendekatan pemahaman dan metode tabdīl yang digunakan untuk menganalisis teks-teks nafkah. Penalaran burhāni dibuktikan dengan pemikiran rasional menggunakan mayor dan minor yang berasal dari realitas fenomena keluarga saat ini. Penalaran irfāni dibuktikan dengan pengungkapan makna yang dilakukan oleh Kodir, yaitu teks nafkah sebagai proyek pengembangan hukum ilāhiyyah berdasarkan rahmatan lil 'ālamīn. Artikel ini berimplikasi pada pembaharuan metodologis dan praktis terhadap nafkah, dalam konteks lokal dan global].*

**Keywords:** Alimony, Reasoning, Epistemology

## Introduction

Alimony has emerged as a significant topic in the realm of Islamic family law, garnering considerable attention in the early 21<sup>st</sup> century. Classical scholars previously articulated the notion of subsistence, a concept that contemporary Islamic scholars critique for its tendency to position the husband as the sole bearer of financial responsibility. This conceptualization is rooted in interpretations of Quranic and Hadith texts, which have been scrutinized, leading to a critical understanding of the marriage contract context that historically positioned women as passive entities.<sup>1</sup> Hence, the marital agreement designates the husband as responsible for the well-being of his wife, necessitating his provision for her. This obligation is not solely grounded in the contractual agreement but also stems from interpretations of foundational texts, such as the 34<sup>th</sup> verse of an-Nisā'. This verse has historically been construed to imply that men are leaders for women, shaping a paradigm where women are associated with domestic responsibilities while men undertake public duties.<sup>2</sup>

As Subaidi posited, a predominant viewpoint among classical scholars is that alimony naturally follows a valid marriage contract, constituting the husband's initial duty toward his wife.<sup>3</sup> Darmawan further reinforces this argument by mapping the perspectives of classical thinkers such as Imām Ḥanafi, Imam Malik, Imam Shafi'i, and Imam Hanbali regarding sustenance. According to these scholars, alimony arises as a logical outcome of marital ties and the practice of *istislām*, wherein the wife surrenders to the husband, leading to mutual benefits.<sup>4</sup> Despite allowing for collaboration

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<sup>1</sup> Subaidi, "Konsep Nafkah Menurut Hukum Perkawinan Islam," *Isti'dal: Jurnal Studi Hukum Islam* 2, no. 1 (2014): 157–69, <https://doi.org/https://doi.org/10.34001/istidal.v1i2.325>.

<sup>2</sup> Ahmad Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara," *Al-Ihkam* 13, no. 1 (2018): 97–120, <https://doi.org/10.19105/al-ihkam.v13i1.1187>.

<sup>3</sup> Subaidi, "Konsep Nafkah Menurut Hukum Perkawinan Islam," 157.

<sup>4</sup> Darmawan, "Nafkah Sebagai Konsekuensi Logis Pernikahan," *Al-Hukama: The Indonesian Journal of Islamic Family Law* 10, no. 2 (2020): 219–42, <https://doi.org/https://doi.org/10.15642/alhukama.2020.10.2.218-242>.

and mutual advantage, the concept of alimony is still portrayed as the responsibility of one party, namely the husband.

Unlike classical scholars, modern thinkers critique the conventional understanding of alimony, deeming it out of touch with contemporary realities, inadequate in addressing the demands of the modern family economy, and tending to reinforce traditional gender roles, particularly the domestication of wives. Muhammad Abduh asserted that alimony is the husband's responsibility, but its essence is democratic, allowing both spouses to share the responsibility for the family's financial well-being.<sup>5</sup> Amina Wadud, a proponent of realizing alimony, emphasizes the essential link between financial support and the dynamic role of the family head. Consequently, the obligation for alimony is perceived as both actively engaged and aligned with individual capabilities.<sup>6</sup> Asma Barlas further proposes that the normative expectation of the husband as the sole provider is not rigid. She argues that the Quranic text designating the husband as the breadwinner does not imply that women are unable or forbidden to provide for themselves.<sup>7</sup>

Similarly, several contemporary Indonesian Muslim thinkers support previous arguments. Hussein Muhammad contends that the concept of subsistence is not a dogmatic obligation solely for the husband but rather for whoever is capable. This perspective is derived from the reinterpretation of verses such as al-Baqarah (2): 223, an-Nisā' (4): 34, al-Ṭalāq (65): 6, and the hadith.<sup>8</sup> Applying the Islamic Nusantara approach, Rajafi posits that the conceptualization of alimony is not an unambiguous duty solely imposed on the husband but rather an obligation with a bilateral dimension.<sup>9</sup> Utilizing the *qirā'ah mubādalah* method, Kodir contended that religious texts, Qur'an and hadith, elucidating issues of alimony should be directed to both husbands and wives. In other words, both parties collaborate in providing for the family.<sup>10</sup> In this context, Kodir's perspective stands out for its uniqueness as it employs a method of interpretation he developed himself, distinguishing it from the approaches of the two preceding contemporary Indonesian Muslim thinkers. Kodir's methodological critique of the concept

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<sup>5</sup> Amrin Borotan, "Konsep Al-Qawamah Dalam Surat An-Nisa' Ayat 34 Perspektif Keadilan Gender (Studi Pemikiran Muhammad 'Abduh 1266- 1323h/1849-1905m)," *Jurnal Hukum: Jurnal Hukum Islam* 5, no. 2 (2022): 63–80.

<sup>6</sup> Ernita Dewi, "Pemikiran Amina Wadud Tentang Rekonstruksi Penafsiran Berbasis Metode Hermeneutika" 15, no. 2 (2013): 145–67, <https://doi.org/http://dx.doi.org/10.22373/substantia.v15i2.4891>.

<sup>7</sup> Asma Barlas, "*Believing Women*" in *Islam Unreading Patriarchal Interpretations of the Qur'an* (Austin: University of Texas Press, 2002), 187.

<sup>8</sup> Wardah Nuronyah, Ilham Bustomi, and Ahmad Nurfadilah, "Kewajiban Nafkah Dalam Keluarga Perspektif Husein Muhammad," *Mahkamah : Jurnal Kajian Hukum Islam* 4, no. 1 (2019): 107–20, <https://doi.org/DOL: 10.24235/mahkamah.v4i1.4571>.

<sup>9</sup> Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara," 118.

<sup>10</sup> Kodir, *Qirā'ah Mubādalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 372.

of family living proved successful in reformulating the idea of financial responsibility. Through *qirā'ah mubādalah*, Kodir aimed to introduce innovative methods of textual interpretation, striving to establish an equitable relational meaning between men and women.<sup>11</sup> The implication of this method is the cultivation of perspectives that encapsulate the values of a spirit of partnership, interconnectedness, collaboration, and the principle of reciprocity.<sup>12</sup>

In constructing the concept of alimony from the perspective of *mubādalah*, Kodir draws upon the five pillars or principles of marriage, namely *zawāj* (partnership), *mithāqan ghalīzan* (strong connection), *tarāḍin* (willingness), *musyāwarah* (deliberation), and *mu'āsarah bi al-ma'ruf* (act in good manner).<sup>13</sup> Through these five principles, Kodir contends that religious texts, Qur'an and hadith, addressing issues of livelihood should be directed to both husbands and wives. In essence, the collaborative efforts of both spouses are emphasized to provide for the family.<sup>14</sup>

In this context, the author observes that Kodir's justification for the concept of livelihood emanates from a knowledge system (*episteme*) crafted through reasoned understanding. In philosophy, epistemology holds a crucial role as it delves into the origins of the construction of human thought as a comprehensive entity. Amin Abdullah contends that an individual's perspective on a subject is inevitably influenced and molded by their conceptualization through epistemological reasoning.<sup>15</sup> Al-Jabiri revealed that epistemology plays a crucial role in motivating and revitalizing the standing of Muslim society in modern life. It is because epistemology is concerned with the foundational aspect of reason in acquiring knowledge.<sup>16</sup>

In Ro'uf's study, al-Jabiri distinguished reason as *al-'aql al-mukawwin* (*la raison constituante*), an intellectual faculty inherent in humans for formulating or creating universal theories and principles.<sup>17</sup> Then there is *al-'aql al-Mukawwan*, which is a principle or rule derived from

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<sup>11</sup> Faqihuddin Abdul Kodir, *Perempuan (Bukan) Sumber Fitnah; Mengaji Ulang Hadis Dengan Metode Mubadalah* (Bandung: Afkaruna, 2021), 5.

<sup>12</sup> Faqihuddin Abdul Kodir, *Qirā'ah Mubādalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam* (Yogyakarta: IRCiSoD, 2019), 59.

<sup>13</sup> Ramdan Wagianto, "Konsep Keluarga MaŞLaĤAh Dalam Perspektif Qira'ah Mubadalah Dan Relevansinya Dengan Ketahanan Keluarga Di Masa Pandemi Covid-19," *JURIS: Jurnal Ilmiah Syari'ah* 20, no. 1 (2021): 1-17, <https://doi.org/http://dx.doi.org/10.31958/juris.v20i1.2889>.

<sup>14</sup> Kodir, *Qirā'ah Mubādalah: Progressive Interpretation for Gender Justice in Islam*. p. 372.

<sup>15</sup> Amin Abdullah, *Religious Studies Nomatitivity and Historicity* (Yogyakarta: Pustaka Siswa, 2002), 261.

<sup>16</sup> Ahmad Hasan Ridwan, "Kritik Nalar Arab : Eksposisi Epistemologi Bayani, 'Irfani Dan Buhani Muhammad Abed Al-Jabiri," *AFKARUNA* 12, no. 2 (2016): 187-222, <https://doi.org/10.18196/AIIS.2016.0062.187-221>.

<sup>17</sup> Abdul Mukti Ro'uf, *Kritik Nalar Arab Muhammad 'Abid Al-Jabiri* (Yogyakarta: LKiS, 2018), 83.

Arabic culture that serves as a foundation for acquiring knowledge. This intellect exhibits relativity as it is characterized by a dynamic nature referred to as a cognitive system.<sup>18</sup> The result is that al-Jabiri classifies episteme into three categories, namely *bayāni*, *burhāni*, and *'irfāni*.<sup>19</sup>

Therefore, researchers posit that Kodir's reinterpretation of alimony is intricately linked to the constructed epistemology. It is contended that alimony in the *mubādalah* perspective does not emerge spontaneously; rather, it is influenced by epistemological reasoning, leading to a reformulation of alimony in the contemporary context based on *qirā'ah mubādalah*. This reformulation is reconstructed through the reasoning of *bayāni*, *burhāni*, and *'irfāni*, as critically and systematically compiled by Abed al-Jabiri.<sup>20</sup>

Researchers opt for Kodir's reasoning on family support for four reasons. Firstly, Kodir is the architect of the *qirā'ah mubādalah* framework, which researchers have employed as a reference for analyzing gender issues, particularly in family law. Secondly, the style of text interpretation mirrors the pattern of post-modernist feminism, aiming to break away from classical interpretative patterns.<sup>21</sup> Thirdly, Kodir is an Indonesian feminist who provides insights that foster synergies between Western and Eastern traditions within the context of gender equality dialectics.<sup>22</sup> Fourth, she is also a Muslim feminist with an egalitarian perspective.<sup>23</sup>

Indeed, it must be acknowledged that scholars have extensively delved into the intellectual legacy of Faqihuddin Abdul Kodir. Muna highlighted the pertinence of *qirā'ah mubādalah* thought in the context of Indonesian feminist interpretation.<sup>24</sup> Zakiyah also assessed the positioning of Faqihuddin Abdul Kodir's ideas within the landscape of Indonesian Islamic studies.<sup>25</sup> Focusing on the nature of thought, Hakim characterized Kodir's perspective as conforming to a pattern of post-modernist

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<sup>18</sup> Ridwan, "Kritik Nalar Arab: Eksposisi Epistemologi Bayani, 'Irfani Dan Buhani Muhammad Abed Al-Jabiri," 189.

<sup>19</sup> Aqiel Mutawalli et al., "Analysis of Reason Bayani, Burhani, and 'Irfani' s in Islamic Studies," *BIRCI-Journal* 13, no. 3 (2022): 19271–78.

<sup>20</sup> Abid Rohmanu, *Kritik Nalar Qiyasi Al-Jabiri; Dari Nalar Qiyasi Bayani Ke Nalar Qiyasi Burhani* (Ponorogo: STAIN Po PRESS, 2014), 30.

<sup>21</sup> Ulfah Zakiyah, "Posisi Pemikiran Feminis Faqihuddin Dalam Peta Studi Islam Kontemporer," *THE INTERNATIONAL JOURNAL OF PEGON: ISLAM NUSANTARA CIVILIZATION* 4, no. 2 (2020): 115–38, <https://doi.org/https://doi.org/10.51925/inc.v4i02.33>.

<sup>22</sup> Moh. Nailul Muna, *Tafsir Feminis Nusantara: Telaah Kritis Qira'ah Mubadalah Karya Faqihuddin Abdul Kodir* (Tangerang Selatan: Lembaga Kajian Dialektika Anggota IKAPI, 2023), 134.

<sup>23</sup> Yulmitra Handayani and Mukhammad Nur Hadi, "Interpretasi Progresif Hadis-Hadis Tema Perempuan: Studi Aplikasi Teori Qira'ah Mubadalah," *HUMANISMA: Journal of Gender Studies* 4, no. 2 (2020): 157–76, <https://doi.org/http://dx.doi.org/10.30983/humanisme.v4i2.3462>.

<sup>24</sup> Muna, *Tafsir Feminis Nusantara: Telaah Kritis Qira'ah Mubadalah Karya Faqihuddin Abdul Kodir*.

<sup>25</sup> Zakiyah, "Posisi Pemikiran Feminis Faqihuddin Dalam Peta Studi Islam Kontemporer."

feminism.<sup>26</sup> Ihsaniyah scrutinized the methodology and validity of Kodir's knowledge through the lens of *qirā'ah mubādalah* thought.<sup>27</sup> Windariana examined the hermeneutic pattern of Kodir's interpretation.<sup>28</sup> Subsequently, Wahid conducted research on the contextualization of alimony by comparing the ideas of Kodir and Murtadha Mutahahhari.<sup>29</sup>

This research aims to complement previous studies that explored the ideas of Faqihuddin Abdul Kodir. The focus of this study is to investigate how Faqihuddin Abdul Kodir's epistemological reasoning reformulates the concept of alimony in the contemporary context. Employing conceptual and philosophical approaches, the authors highlight reasoning influenced by Abid al-Jabiri, *bayāni*, *burhāni*, and *'irfāni* as integral epistemes in shaping a gender-friendly understanding of alimony.

## Discussion

### Faqihuddin Abdul Kodir's Perspective of Alimony

On the matter of alimony, Kodir sharply critiques the concept within classical jurisprudence (*fiqh*). He posits that in jurisprudence, the underlying logic serving as the philosophical basis for the husbands obligation to provide for the wife revolves around the premise of men's needs, particularly emphasizing intimate aspects of the relationship. Simultaneously, women's needs are often reduced to the material aspect. This rationale confines the relationship between husband and wife to a transactional nature, treating the wife as if she were goods exchangeable for material resources. Another pivotal argument asserts that women play a fundamental role in the reproductive process. Consequently, the limitations imposed on the wife during reproductive phases necessitate the husband to shoulder the financial burden of the household. At this position, Kodir rebuts this reasoning by invoking the concepts of *zawāj* and *mu'āsyarah bi al-ma'rūf*, emphasizing the principle of togetherness. This theory advocates for cooperation between both parties based on mutual respect and affection.

Kodir elucidated the Quranic and Hadith texts pertaining to familial sustenance, which later became a counterpoint to the conventional group's understanding of alimony. Abdul Kodir initiates his interpretation by referencing al-Jumu'ah (62):10, which discusses seeking sustenance after

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<sup>26</sup> Lukman Hakim, "Corak Feminisme Post-Modernis Dalam Penafsiran Faqihuddin Abdul Kodir," *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 21, no. 2 (2020): 231–53, <https://doi.org/10.14421/qh.2020.2101-12>.

<sup>27</sup> Ayu Hafidhoh Ihsaniyah, "EPISTEMOLOGY OF QIRA'AH MUBDARI (Study of Qira'ah Mubdari Book by Faqihuddin Abdul Kodir)" (UIN Sunan Kalijaga, 2020).

<sup>28</sup> Rofiatul Windariana, "Qira'ah Mubadalah; Telaah Terhadap Hermeneutika Feminis Faqihuddin Abdul Kodir" (UIN Sunan Kalijaga, 2022).

<sup>29</sup> Soleh Hasan Wahid, "Kontekstualisasi Konsep Nafkah Ramah Gender Perspektif Murtadha Mutahahhari Dan Faqihuddin Abdul Kodir," *Al-Syakhsyiyah: Journal of Law & Family Studies* 1, no. 2 (2019): 255–79, <https://doi.org/10.21154/syakhsyiyah.v1i2.2030>.



performing Friday prayers: "When the (Friday) prayers have been performed, scatter you on the earth, seek the grace of Allah, and remember Allah as much as possible so that you may be lucky." He also alluded to two verses promoting sharing and almsgiving, namely al-Baqarah (2):3, "(that is) Those who believe in the unseen, establish prayer, and infuse some of the sustenance that We bestow upon them," and al-Baqarah (2):267, "O believers, give some of the fruits of your good works and some of what We bring out of the earth for you. Do not choose what is bad for you to do when you do not want to take it, except by squinting (reluctantly) at it. Know that Allah is Rich and Most Praiseworthy."

Kodir underscored that the standards in this sharing recommendation must be tailored to each individual's abilities. The wealthy, naturally, are reminded to give more than the poor, as affirmed in al-Talāq (65):7, "Let the one who is spacious (his sustenance) provide according to his ability, and he who is deprived of his sustenance should provide for what (property) Allah has bestowed upon him. God does not burden a person but (according to) what God has given him. God will one day grant spaciousness after narrowness." However, simultaneously, he also quoted a fragment of verse 233 of al-Baqarah, which addresses a man's responsibility to provide for a woman who is performing a reproductive function and her child: "Mothers should breastfeed their children for two whole years for those who wish to complete breastfeeding. It is the father's duty to bear their food and clothing properly. A person is not burdened except according to his ability. Let no mother be made to suffer for her child, nor shall a father be made to suffer for her child."

Kodir also references several hadiths that describe women's roles in the family economy. Firstly, there is the hadith of Zainab, who engaged in home industry and assumed responsibility for the family's economy.<sup>30</sup> The second is the hadith about Raithah bint Abdullah who was a working woman and became the backbone of the family.<sup>31</sup> Next is the hadith ontributing to the family,<sup>32</sup> the hadith about the best wealth being money provided to the family,<sup>33</sup> the hadith about providing for the wife being recorded as a merit.<sup>34</sup>

## **Faqihuddin Abdul Kodir's Epistemological Reasoning on Alimony**

Kodir's critique of the traditional concept of alimony is grounded in epistemological reasoning that shapes his mindset, allowing arguments

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<sup>30</sup> Faqihuddin Abdul Kodir, *60 Shahih Hadith: Specifically on Women's Rights in Islam with its interpretation*, (Yogyakarta: Diva Press, 2019). p. 215.

<sup>31</sup> Kodir, 210.

<sup>32</sup> Kodir, *Qirā'ah Mubādalāh: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 375 .

<sup>33</sup> Kodir, 376.

<sup>34</sup> Kodir, 376.

about family support to be directed at both husbands and wives. It is because epistemology examines the relationships and structures of reasoning in forming connections between subjects (those who understand) and objects (that which is understood).<sup>35</sup> Therefore, Kodir's argument reformulating the concept of alimony is the outcome of reasoned epistemology.

### ***Bayāni Reasoning: Revealing and Reformulating the Meaning of Text***

Bayāni reasoning, from an epistemological perspective, represents a cognitive approach where religious texts (Qur'an and Hadith) are considered sources of truth, either directly or indirectly. In the direct context, the text is applied without the need for interpretation, while in the indirect sense, the text requires analysis to uncover the exoteric aspect, sharia.<sup>36</sup> Bayāni reasoning does not directly engage with reality but rather addresses *dilālah al-khiṭāb* (instructions for discourse) or *dilālah an-nās* (instructions for the content of the text). It utilizes linguistic approaches and the origin of events as its tools. In the realm of ushul fiqh, bayāni reasoning takes the form of the bayani method, encompassing four discussions: analyzing the text in terms of the meaning of lafaz (word usage), clarity and vagueness of meaning, and the designation of word to meaning based on the intention of *shāri'*, the grand legislator (God).<sup>37</sup>

Kodir asserts that Islamic civilization is fundamentally centered around textual sources. In this context, texts serve as the primary reference and formulation for shaping the worldview of Islamic thought and civilization.<sup>38</sup> This occurs as a result of people engaging with the text, leading to various interpretations that drive the advancement of knowledge. These interactions encompass negotiations, innovations, resistance, or even periods of stagnation within Islamic civilization.<sup>39</sup>

In the specific context of bayāni reasoning, Kodir's exposition of texts plays a pivotal role. The concept of *mubādalah* appears to have a substantial impact on his interpretation of texts related to alimony. Kodir emphasizes that these texts should be inclusive, addressing both men and women, whether conveyed explicitly (*manṭūq*) or implicitly (*mafḥūm*). For implicit texts, Kodir outlines the importance of scrutinizing them through the principles of *taghlīb*, involving the inclusion of the female gender in the male

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<sup>35</sup> Asmuni, "Crisis Of Fiqh Reasoning (Interpreting The Perspective Of Jabirian And Hamadian Epistemology)," *Millah: Jurnal Studi Agama* 18, no. 2 (2019): 184, <https://doi.org/10.20885/millah.vol18.iss2.art1>.

<sup>36</sup> Ro'uf, *Kritik Nalar Arab Muhammad 'Abid Al-Jabiri*, 87.

<sup>37</sup> Ahmad Mukhlisin, Aan Suhendri, and Muhammad Dimiyati, "Metode Penetapan Hukum Dalam Berfatwa" 3, no. 2 (2018): 168-84, <https://doi.org/http://dx.doi.org/10.29240/jhi.v3i2.444>.

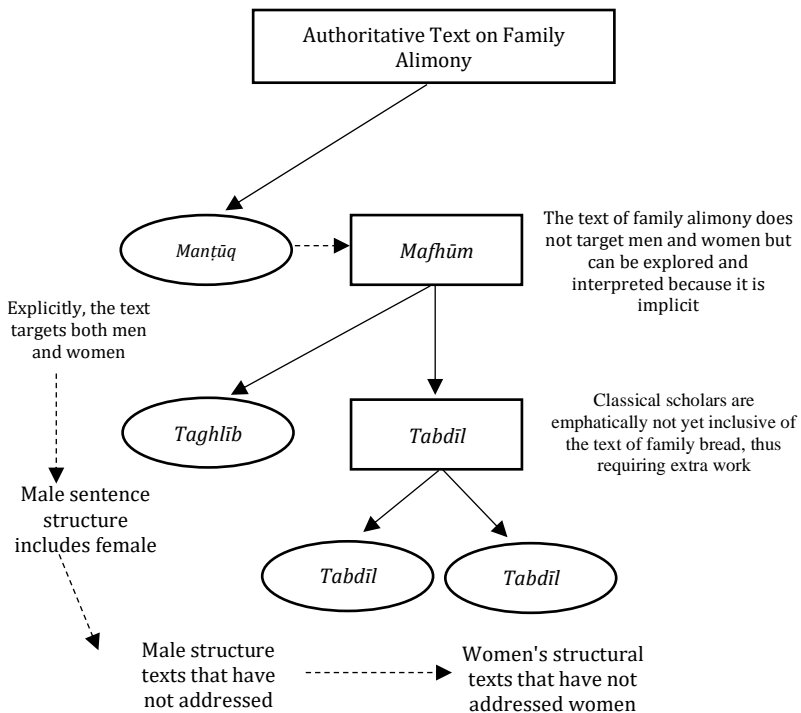
<sup>38</sup> Kodir, *Qirā'ah Mubādalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 135.

<sup>39</sup> Faqihuddin Abdul Kodir, "Metode Interpretasi Teks-Teks Agama Dalam Mazhab Salafi Saudi Mengenai Isu-Isu Gender," *Holistik* 13, no. 2 (2012): 140, <https://doi.org/10.24235/holistik.v13i2.106>.



sentence structure, and *tabdīl*, which entails substituting male subjects into texts with female structures and vice versa. In essence, Kodir's Bayāni framework of reasoning, illustrated in Figure 1, elucidates his approach to interpreting and understanding the concept of family living within the Islamic context. This framework serves as a valuable contribution to the discourse on Islamic family law, incorporating a gender-inclusive perspective and nuanced textual analysis.

Figure 1. The Bayāni Reasoning Framework for Alimony



In the *bayāni* reasoning framework, texts related to livelihood are categorized into explicit (*mantūq*) and implicit (*mafhum*) texts. Specifically, explicit texts can be further classified into three categories.<sup>40</sup> The first category encompasses verses discussing alimony, addressing both men and women while emphasizing their partnership relationship (*taṣrīḥ al-jinsayn wa al-mushārahah*). The second category includes texts explicitly mentioning men and women but without addressing partnership relations (*taṣrīḥ al-jinsayn lā al-mushārahah*). The third category involves texts discussing mutual relations without specifying gender (*taṣrīḥ al-mushārahah lā al-jinsayn*). The verse on alimony found in al-Baqarah (2):

<sup>40</sup> Kodir, 210-211.

233 is explicitly placed in the first category *manṭūq taṣrīḥ al-jinsayn wa al-mushāraka*, signifying explicit mention of both genders and their interplay.<sup>41</sup>

In the meantime, Kodir recognized that *mafhūm* texts were categorized into two methods: *taglīb* and *tabdīl*. The *taglīb* category of texts implicitly addressed both men and women according to classical scholars. Examples include phrases such as *al-mu'min* and *al-mu'minūn* found in various Qur'anic texts or hadiths that encompass both genders, even though linguistically, the structure is male. On the other hand, the *tabdīl* method involves texts that have not implicitly addressed or targeted men and women according to classical scholars, necessitating repositioning to address both. Sometimes, the *tabdīl* process starts with a structure that addresses men and then adapts its meaning to include women (*tabdīl bi al-ināth*). Conversely, the *tabdīl* process begins with a structure that addresses women and then adjusts its meaning to include men (*tabdīl bi al-dhukūr*).<sup>42</sup>

Kodir recognized that texts addressing alimony required the *tabdīl bi al-ināth* method. The objective is to enable the text to encompass women, as seen in verses such as al-Jumu'ah (62): 10, discussing the endeavor to seek sustenance, followed by al-Baqarah (2): 267, and al-Ṭalāq (65): which elaborate on providing sustenance and alms from the yield of labor and property. The *tabdīl* process, in reformulating the concept of alimony, posits that women should be equal participants in working, earning, and providing for themselves. Kodir emphasized that the essence of *tabdīl* or *mubādalah* in the context of alimony is an aspect of studying *dalālāt al-alfādh* in the realm of *bayāni*, examining how a sentence in a text can encompass a meaning not explicitly visible in the literal text.<sup>43</sup>

Similarly, regarding the hadith texts, in addition to validating the narration (*naqd wa takhrīj al-ḥadīth*) and restructuring the theme of the hadith (*tabwīb wa tarjamah al-ḥadīth*), Kodir also reinterpreted the hadith texts related to family support (*syarḥ wa fiqh al-ḥadīth*).<sup>44</sup> In this way, hadith texts on alimony using the structure of the “male” language can apply to anyone who can afford and own property, utilizing the methods of *tabdīl bi ināth* and *tabdīl bi dhukūr*. This is because alimony is a charitable responsibility shared by both husband and wife, and it is considered a form of almsgiving in the path of Allah Almighty, resulting in divine reward.<sup>45</sup>

### ***Burhāni Reasoning: Experience-Based Ijtihad***

Burhāni reasoning constitutes a thought process rooted in human intellectual faculties, encompassing senses, experiments, and logical

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<sup>41</sup> Kodir, 212.

<sup>42</sup> Kodir, 215.

<sup>43</sup> Kodir, 217.

<sup>44</sup> Kodir, *Perempuan (Bukan) Sumber Fitnah; Mengaji Ulang Hadis Dengan Metode Mubadalah*, 24.

<sup>45</sup> Kodir, *Qir'ah Mubadalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 377.

principles. According to Al-Jabiri, this form of reasoning relies on ratios substantiated by both reason and reality, drawing from historical (*tarākhīyyah*), social (*ijtima'īyyah*), natural (*kawniyyah*), and cultural (*thaqāfiyyah*) dimensions.<sup>46</sup> Thus, the role of reason significantly influences the validation of objects. The *burhāni* epistemology aims to enhance cognitive capabilities for exploring truth and deriving answers through logical postulations.<sup>47</sup> Simultaneously, religious postulations (texts) are incorporated when they align with reality (from reality to text). Ro'uf further emphasizes that affirming reason and sensory experience as epistemes of knowledge does not conflict with revelation; instead, it forms the foundation for harmonizing revelation, reason, and experience.<sup>48</sup>

When examined through the *burhāni* epistemology, the articulation of alimony emanates from three fundamental tenets. Firstly, Islam encompasses all segments of society, and consequently, religious texts address both men and women. Secondly, the guiding principle within the family structure is cooperation and partnership, rejecting the notion of dominance or hegemony by one party. Thirdly, Islamic texts exhibit openness to reinterpretation based on the prevailing context.<sup>49</sup> These three premises have implications for reshaping the concept of alimony. These fundamental premises are structured into a syllogism (*qiyās al-jam'ī*) to elucidate insights into alimony. An illustrative syllogism for the reformulation of alimony within the *burhāni* reasoning is presented as follows:

- Premise 1 : Alimony is a shared responsibility.
- Premise 2 : Husband and wife constitute a family unit.
- Conclusion : Husband and wife mutually share the responsibility for alimony.

Burhāni reasoning, evolving from this syllogism and subsequently intertwining with the concept of reciprocity (interconnection), posits that the notion of income is not rigid in framing men's responsibility towards women; instead, it advocates for shared responsibility. This line of reasoning gives rise to the formulation of equal partnership within husband and wife relationships, particularly concerning alimony. This formulation finds support in the textual context of alimony, as expounded by Kodir. Referring to al-Baqarah (2): 233, Kodir contends that husbands bear explicit responsibility for the family's livelihood. However, under similar

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<sup>46</sup> Muhammad Abid Al-Jabiri, *Bunyah Al-'aql Al-'Arabi: Dirasah Tahliiyah Naqdiyyah Li Nuzumi Al-Ma'Rifah Fi Al-Tsaqafah Al-'Arabiyyah*, 3rd ed. (Beirut: al-Markaz al-Thaqafi al-'Arabi, 1993), 384.

<sup>47</sup> Zaedun Na'im, "Epistimologi Islam Dalam Perpsektif M. Abid Al Jabiri," *JURNAL TRANSFORMATIF* 5, no. 2 (2021): 163–76, <https://doi.org/DOI.10.23971/TF.V5I2.2774>.

<sup>48</sup> Ro'uf, *Kritik Nalar Arab Muhammad 'Abid Al-Jabiri*, 184.

<sup>49</sup> Kodir, *Qirā'ah Mubādalāh: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 196.

circumstances, certain inherent factors in women may impede them from actively earning a living.

Biologically, women have the potential for pregnancy, childbirth, and breastfeeding—a substantial and demanding role (*wahn 'ala wahn*). These biological responsibilities impose constraints on women's optimal engagement in work. Due to these reproductive duties, husbands are obligated to ensure and provide financial protection through family support. Nevertheless, if a wife can work to contribute to the family's livelihood while fulfilling her reproductive functions, or if the husband is unable to fulfill this role, the wife is entitled to engage in livelihood activities to provide for the family.<sup>50</sup> Adopting Rajafi's terminology, this paradigm is considered minor but has the potential to become major as it adapts to the evolving times, endorsing equal rights between husband and wife in the provision of livelihood.<sup>51</sup>

In reality, the primary rationale is influenced by the increasing participation of women in the post-industrial revolution 4.0 and globalization. This suggests that societal developments will persist, contributing to the growth and advancement of the economy. Consequently, women engaging in economic activities in public spaces to generate income have a positive impact on both themselves and their families. This line of reasoning finds support in various hadith texts recounting the companions of the Prophet (peace be upon him) who worked and provided for their families. Examples include the hadith about Raithah bint Abdullah and Zainab ath-Thaqafiyah, the wife of Abdullah bin Mas'ud, who engaged in home industry.<sup>52</sup>

Even in the contemporary era, numerous women assume the role of the family's backbone due to various reasons such as their husbands being ill, unwilling to work, elderly, or deceased.<sup>53</sup> Wahyuni, for instance, discovered that a wife serving as the breadwinner could assist and alleviate the husbands responsibilities.<sup>54</sup> Singgalen et al. also underscored the crucial role of women working in the tourism sector in upholding family

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<sup>50</sup> Faqihuddin Abdul Kodir, *Women (Not) Domestic Beings: Reviewing the Hadith of Marriage and Parenting with the Mubādalah Method* (Bandung: Afkaruna, 2022), 37.

<sup>51</sup> Rajafi, "Reinterpretasi Makna Nafkah Dalam Bingkai Islam Nusantara," 115.

<sup>52</sup> Kodir, *Perempuan (Bukan) Makhluk Domestik: Mengkaji Ulang Hadis Pernikahan Dan Pengasuhan Dengan Metode Mubādalah*, 38.

<sup>53</sup> Lukman Budi Santoso, "EKSISTENSI PERAN PEREMPUAN SEBAGAI KEPALA KELUARGA (Telaah Terhadap Counter Legal Draf-Kompilasi Hukum Islam Dan Qira' Ah Mubadalah)" 18, no. 2 (2019): 107–20, <https://doi.org/10.24014/Marwah.v18i2.8703>.

<sup>54</sup> Zulham Wahyudani, "Nafaqat Reformulation Of Family Resilience During The Covid-19 Pandemic," *Al-Masharif: Jurnal Ilmu Ekonomi Dan Keislaman* 9, no. 1 (2021): 31–45, <https://doi.org/https://doi.org/10.24952/masharif.v9i1.4213>.

resilience.<sup>55</sup> Hendratmi also discovered that women who act as primary earners and successfully establish entrepreneurial opportunities for other women play a crucial role in fostering family economic growth, enabling strategic planning for survival.<sup>56</sup> This reality affirms that women can fulfill a pivotal role in both micro and macroeconomic domains.

Certain studies also state that women have now ventured into the realm of politics.<sup>57</sup> In contemporary times, women have gained the capability to manage businesses and exert a significant influence on the national economy.<sup>58</sup> Kodir acknowledges that in the present, numerous women hold public positions and bear the responsibility of supporting their families. This reality allows for role exchanges and collaborative involvement. Various instances demonstrate that women also serve as breadwinners when their husbands are unable to work. Consequently, such a phenomenon demands a fresh interpretation and paradigm to comprehend this reality. Therefore, a reciprocal model is constructed to adapt to the contextual needs of the times and their current requirements.<sup>59</sup>

### ***Irfāni Reasoning: Involving Universal Values***

When comprehending the Qur'an, *irfāni* reasoning delves into both the explicit (*manthūq*) and implicit (*mafhūm*) domains, revealing two layers of meaning: the literal meaning, representing the apparent aspect of the Qur'an, and the symbolic-metaphorical meaning, reflecting its inner aspect. This procedure is intended to expand the depth of meaning within the Qur'an. *Irfāni* reasoning strives to uncover the universal essence inherent in the literal meaning of the text. As a result, the verification of truth in reasoning is deemed intersubjective, indicating that truth can be substantiated through existential experiences or symbolic interpretations.<sup>60</sup>

The application of *irfāni* reasoning by Kodir in comprehending the broader text is evident in his interpretation of the text as a project for the establishment of divine law based on *rahmatan li al-'ālamīn*. This approach is employed to actualize benefits. Kodir highlighted that the guiding principles of spousal relationships concerning alimony should be connected

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<sup>55</sup> Yerik Afrianto Singgalen, Astuti Kusumawicitra, and Manuel Brito, "Gender, Livelihood, and Ecotourism during Covid-19 Epidemic in North Halmahera of Indonesia," *MUWAZAH: Jurnal Kajian Gender* 13, no. 1 (2021): 1–20, <https://doi.org/10.28918/muwazah.v13i1.3475>.

<sup>56</sup> Achsanía Hendratmi et al., "Heliyon Livelihood Strategies of Women Entrepreneurs in Indonesia," *Heliyon* 8, no. July (2022): 1–13, <https://doi.org/10.1016/j.heliyon.2022.e10520>.

<sup>57</sup> Nazia Hussein, "Women's Studies International Forum Asian Muslim Women's Struggle to Gain Value: The Labour behind Performative Visibility as Everyday Politics in Britain," *Women's Studies International Forum* 100, no. January (2023): 102802, <https://doi.org/10.1016/j.wsif.2023.102802>.

<sup>58</sup> Susan Ingalls Lewis, *To Her Credit: Women, Finance, and the Law in Eighteenth-Century New England Cities* (Baltimore: Johns Hopkins University Press, 2021), 312.

<sup>59</sup> Santoso, "EKSISTENSI PERAN PEREMPUAN SEBAGAI KEPALA KELUARGA (Telaah Terhadap Counter Legal Draft-Kompilasi Hukum Islam Dan Qira'ah Mubadalah)," 114.

<sup>60</sup> Ro'uf, *Kritik Nalar Arab Muhammad 'Abid Al-Jabiri*, 115.

to the broader Islamic mission of *rahmatan lil 'ālamīn*. Its specific mission is to foster a household characterized by *sakīnah* (tranquility), *mawaddah* (happiness), and *rahmah* (affection).<sup>61</sup> Hence, alimony is adaptable and constitutes the shared responsibility of both the husband and the wife. The overarching message conveyed in al-Baqarah (2): 233 and al-Ṭalāq (65): 7 is the pursuit of justice within the family to foster harmony.

### Implications of Alimony Reformulation

The reformulation of alimony influenced by the aforementioned epistemology will significantly impact the discourse within the realm of Islamic family law studies. This assertion is evident in the introductory section of Kodir's seminal work, "*Qirā'ah Mubādalah*." Kodir alluded to the notion that reconsidering alimony through the lens of *mubādalah* would pave the way for a more inclusive conversation within the framework of family law, challenging the pre-existing dominance of traditional Islamic thought.<sup>62</sup>

Upon closer examination, the redefinition of alimony proposed by Kodir carries significant implications in both methodological and practical dimensions. In the methodological aspect, the visible implication is the renewal of Islamic family law methodology. In terms of methodology, a conspicuous implication is the revitalization of the Islamic family law approach. Within this context, the reconstruction of family law, particularly in the domain of sustenance, is occasionally moving away from a strict reliance on textual sources. It indicates that the understanding of alimony is not exclusively dictated by religious texts like the Qur'an and hadith, or the opinions of past scholars based on *qiyās* or *ijmā'*.<sup>63</sup> Additionally, Kodir's epistemological approach in examining livelihood studies demands a context-based methodology. This signifies that the contemporary understanding of livelihood is assessed within its socio-historical context. Undoubtedly, this represents a progressive approach in Islamic family law methodology, particularly in the midst of existing conservatism.<sup>64</sup>

The incorporation of *bayāni*, *burhāni*, and *Irfāni* epistemological reasoning by Kodir underscores the necessity for inclusive and progressive approaches when analyzing livelihood issues. This is aimed at fostering an environment where both men and women can actively contribute to sustaining their livelihoods. As articulated by Nasution, the analysis of family

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<sup>61</sup> Kodir, *Qirā'ah Mubādalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 359.

<sup>62</sup> Kodir, *Perempuan (Bukan) Makhluk Domestik: Mengkaji Ulang Hadis Pernikahan Dan Pengasuhan Dengan Metode Mubādalah*.

<sup>63</sup> Yusdani, *Menuju Fiqh Keluarga Progresif* (Yogyakarta: Kaukaba, 2015). 250.

<sup>64</sup> Yusdani, 250.



law cases requires critical and rational thinking, involving the interplay of thesis and antithesis to generate synthesis.<sup>65</sup>

This epistemological reasoning has significantly contributed to the development of the *qirā'ah mubādalah* methodology. Firstly, Through this approach, the examination of family law becomes adaptable and dynamic, guided by the principle of *mu'āsharah bi al-ma'rūf*. Kodir advocates the study of family law issues such as alimony, engagement, marriage contracts, guardianship, wedding feasts, conjugal relations, custody, divorce, and other employing the *mubādalah* method. The primary purpose is to ensure that men and women are afforded fair and equal opportunities. This progressive methodology challenges conventional interpretations and promotes a more inclusive understanding of family dynamics in contemporary contexts.<sup>66</sup>

Secondly, the practical implication is to actualize the concept of a harmonious and peaceful family (*sakīnah*). The *mubādalah* paradigm serves as a framework that conveys the message that ar-Rūm (30): 21 addresses both men and women. This suggests that men find tranquility through their wives, and women find peace through their husbands.<sup>67</sup> Hence, the interconnectedness principle guides families to complement each other and take joint responsibility for family livelihood matters.

Overcoming the challenge of sustaining a living is pivotal for achieving a harmonious (*sakīnah*) family life. Nastangin's research findings indicate that adopting the *mubādalah* principle can effectively address economic challenges within families. By embracing interdependence, the family's financial well-being is enhanced. Additionally, women who contribute to the family income demonstrate independence, showcasing that wives need not solely rely on their husbands.<sup>68</sup>

The redefinition of alimony through the *mubādalah* paradigm signifies an acknowledgment of societal evolution, shifting away from a patrilineal model to a bilateral one. This transformation is rooted in the idea of cooperation between husband and wife in shaping the dynamics of the family economy.<sup>69</sup> In this scenario, women play a significant role in contributing to both the macro and micro aspects of the family economy.

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<sup>65</sup> Khoiruddin Nasution, "Berpikir Rasional-Ilmiah Dan Pendekatan Inter-Disipliner Dan Multidisipliner Dalam Studi Hukum," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 10, no. 1 (2007): 14, <https://doi.org/https://doi.org/10.14421/ahwal.2017.10102>.

<sup>66</sup> Kodir, *Qirā'ah Mubādalah: Tafsir Progresif Untuk Keadilan Gender Dalam Islam*, 331.

<sup>67</sup> Kodir, 335.

<sup>68</sup> Nastangin and Muhammad Chairul Huda, "The Role of Career Women in Creating a Sakīnah Family: From Mubādalah (Mutuality Perspective)," *AL-'ADALAH* 1, no. 2022 (19AD): 123-40, <https://doi.org/https://doi.org/10.24042/al-'adalah.v19i1.11579>.

<sup>69</sup> Fathul Mu'in et al., "Reinterpretation Of Livelihoods In Marriage Law And Its Implications On Family Resistance In The Time And Post Covid-19.," *SMART: Journal of Sharia, Tradition, and Modernity* 1, no. 2 (2021): 113-27, <https://doi.org/http://dx.doi.org/10.24042/smart.v1i2.10965>.

This collaborative effort ensures the family's economic resilience and maintains harmony even in the face of challenges or crises.<sup>70</sup>

## Conclusion

Faqihuddin Abdul Kodir redefined the concept of alimony in the modern era, taking into account contemporary dynamics. The notion of proportionality and interdependence (*mubādalah*) emerged as a foundational framework for livelihood, addressing the needs of both men and women. Kodir's perspectives on contemporary family living are rooted in an episteme constructed through *bāyani*, *burhāni*, and *irfāni* reasoning. *Bayāni* reasoning, serving as a knowledge source, is demonstrated through the reinterpretation of Kodir's alimony text. This reinterpretation employs a linguistic approach (*lughawiyyah*) and incorporates *manṭûq* and *mafḥûm* theories, integrating concepts such as *taghlīb* and *tabdīl*. *Burhāni* reasoning, as an episteme, is substantiated by logical reasoning, including major-minor reasoning and logical premises grounded in the reality of women engaging in public functions. *Irfāni* reasoning, as a source for the reformulation of alimony, seeks to symbolically reveal the essence of the alimony text based on the vision of divine law (*al-aḥkām al-ilāhiyyah*) rooted in the values of love and affection (*raḥmatan li al-'ālamīn*). This perspective views the comprehensive nature of the text as an endeavor to cultivate a law aligned with *maslahah* and an effort to establish a family characterized by *sakinah*, *mawaddah*, and *rahmah*.

In this position, researchers identified a circulative pattern in Faqihuddin Abdul Kodir's alimony epistemology, where each approach is interconnected and related. It underscores the importance of exploring the text both textually and contextually, considering the message of Islamic universality in *raḥmatan li al-'ālamīn*. Additionally, researchers recognized methodological and practical implications within the epistemology of alimony.

Authors acknowledge the need for improvement in this study, recognizing its limitation to analyzing Kodir's epistemology for reconstructing and reformulating the concept of family support in Islam. Therefore, the authors express the hope for future research to adopt a more comprehensive perspective, ensuring that the exploration of alimony remains an engaging subject for study and discussion.

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<sup>70</sup> Andrea S Aldrich and Nicholas J Lotito, "Pandemic Performance: Women Leaders in the COVID-19 Crisis," *Politics and Gender* 16, no. 4 (2020): 960-67, <https://doi.org/10.1017/S1743923X20000549>.

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