

## **Islamic Law View on Standard Education Expenses as Child Support: Case Study of Migrant Families in Klakah, Lumajang Regency**

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**Abstract:** This study examines the Islamic standard for educational costs as child support for migrant families in Klakah Village, Lumajang Regency. This research approach implemented a qualitative approach with an empirical juridical design. Data were obtained from five informants whose husbands were currently living away from home. Data collection techniques used interviews, observation, and documentation. The results showed that two families were not yet fully aware of their responsibility for providing for their children's education, and three families were still fulfilling their responsibilities to cover their children's education costs. The reason for not meeting educational costs was the family's focus on building a house and paying off debts. Parents recognized the importance of balancing material and religious aspects in child rearing.

**Keywords:** Educational costs, child support, Islamic law.

**Abstrak:** Penelitian ini membahas standar biaya pendidikan sebagai nafkah anak dalam islam pada keluarga perantau di Klakah Kabupaten Lumajang. Pendekatan penelitian ini mengimplementasikan kualitatif dengan desain yuridis empiris. Data diperoleh melalui dari lima informan yang suaminya sedang merantau. Teknik pengumpulan data menggunakan wawancara, observasi dan dokumentasi. Hasil penelitian menyimpulkan standar biaya nafkah pendidikan anak terdapat dua keluarga yang belum sepenuhnya menyadari tanggung jawab pada nafkah pendidikan anak, dan terdapat tiga keluarga yang sedang menjalani tanggung jawab untuk memenuhi biaya pendidikan anak. Penyebab tidak terpenuhinya nafkah pendidikan disebabkan keuangan keluarga yang difokuskan untuk membangun rumah dan membayar hutang. Orang tua menyadari pentingnya keseimbangan antara aspek material dan agama dalam pengasuhan anak.

**Kata Kunci:** Biaya pendidikan, nafkah Anak, hukum Islam

### **Introduction**

According to UNICEF data from 2022, 2.5 million Indonesian children are unable to access further education, including 600,000 elementary school-aged children and 1.9 million junior high school-aged children (Wijana, 2022). The Center for Population and Policy Studies at Gadjah Mada University announced that 47.3 percent of respondents

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reported stopping school attendance due to financial constraints. In comparison, 31 percent said they wanted to help their parents by working (Aswaruddin, 2021).

Providing child support is not expensive, and much of it is earmarked for education. However, in reality, some heads of families or parents with middle- to upper-class financial means prefer to provide for their children's supplementary needs rather than their education (Sula & Utara, 2022). Under Islamic law, there are three obligatory grounds for providing child support: marriage, kinship, and ownership.

Child support falls under the second reason, kinship. The limit on how much maintenance a father must provide to his child depends on the father's ability, as mentioned in Surah Al-Baqarah -233:

وَالْوَالِدُتُ يُرْضِعُنَ أُولَادُهُنَ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُعِيَ الرَّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَ وَكِسْوَتُهُ بِالْمَعْرُوفِ لَا تُكَلِّفُ نَفْسًا إِلَّا مُسْعَهَا

لَا يُصَارَ وَالِدَهُ بِوَلَدِهَا وَلَا مَوْلُودُهُ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ

Mothers should breastfeed their children for two full years, for those who want to perfect breastfeeding. The father's obligation is to provide for their food and clothing appropriately. 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 (Kementrian\_Agama, 2019).

Based on this nuzul verse, as expressed by Wahbah Al-Zuhaili, based on the history of Ibn Abi Hatim from Hasan Al-Bashri, a woman came to the Messenger of Allah and complained about her husband, who had slapped her. Then the Apostle ordered her to avenge her husband's treatment. Then this verse came down, so the Apostle canceled the order to retaliate against the woman's husband (Hakim, 2022).

Even if a divorce occurs, child support must still be provided, and the father remains responsible. As stipulated in Law No. 16 of 2019 concerning child support, Article 41(b) provides that, upon divorce, the father is responsible for all childcare and education costs. The Supreme Court of the Republic of Indonesia, in a decision dated March 23, 2003, No. 608 K/AG/2003, stated that a father's obligation to provide child support is for his children's benefit, not for his own possession (Wahyudi, 2020).

Therefore, a father's negligence in providing child support cannot be sued in the future. Some scholars of various schools of thought explain that there is a limit to providing child support, namely, until the age of puberty. However, in reality, if the

parents are still able to provide support and are deemed to need it and still require it, they may not have the opportunity to work, their income is insufficient to meet their needs, or they are still learning, or they may experience deficiencies that make them unable to work (Khoiriya, 2022).

Several previous studies have found that family circumstances significantly influence a child's educational attainment, particularly in rural areas. For example, the (Eleanora & Siswanto, 2022) study concluded that impaired parental health, such as chronic illness, forces children to take on a greater role in helping with household chores or earning a living, leading them to decide to drop out of school.

In line with the (Ariany & Ningsih, 2023) study, children with poor health tend to feel sorry for their parents due to the burden of medical expenses, leading them to drop out of school to reduce the family's burden. Furthermore, the (Kusumalestari & Amalia, 2023) study showed that low parental education levels make them less aware of the importance of education and less likely to support their children's continued education fully.

Given this existing phenomenon, it is necessary to develop a comprehensive understanding of the standardization of income as the obligation of a head of household, especially for children's education expenses and matters related to the context of the discussion and the problem at hand.

### **Research Method**

This study utilizes qualitative research because it is categorized as a case study (Siddiqua, 2019), conducting in-depth, detailed, and intensive investigations of a specific social unit—an individual, group, organization, or phenomenon—rather than simply statistical data (Williams, 2022). This research aims to uncover the universal essence of the experience from their perspective.

The research subjects consisted of five children who had dropped out of school and lived in Klakah Village, Lumajang Regency, and their five parents. The data collection techniques used were interviews, observation, and documentation (Tosoni & Zuccalà, 2020). Data analysis involved four main stages: data collection, data reduction, data presentation, and conclusion drawing (Damanik & Lubis, 2024). Data validity was ensured using source and technique triangulation. The research instrument consisted of two indicators: internal and external. The internal sub-indicators were interest,

health, and laziness, while the external sub-indicators were parents, community environment, and economics (Rustamana, 2021).

### Research Results and Discussion

#### Standard Education Costs as Child Support in Islam in Farming Families in Klakah Village, Lumajang

Based on the findings of this study, several families have no responsibility for, or are no longer responsible for, their children's education, while some families are currently covering their children's education costs. Mrs. Sumiati and Mrs. Maryati have one toddler, so their husband, who is away from home, has not yet covered their child's education costs. Despite this, Mrs. Maryati has prepared an education plan for her child upon his entering school. As she explained, "My husband and I prioritize religious education for my child when he enters school." (Interview, January 2023)

The situation is different for Mrs. Budi and Mrs. Aidil's families, where they no longer have to cover their children's education costs. Their children are already working and married. In an interview, Mrs. Aidil stated, "My two children are married, and one is still in high school and is still our responsibility. However, my child has dropped out of school because he often drops out following the influence of his friends, even though he is being funded." (Interview, January 2023)

Mrs. Budi echoed this sentiment, "He no longer has any responsibilities. My children are married and working." The families of Mrs. Fitriani, Mrs. Muzammil, Mrs. Ega, and Mrs. Balqis continue to provide for their children's education. The family continues to prioritize the costs of their children's education while their husbands are away from home.

As Mrs. Aini mentioned, her husband left home to cover the costs of their children's education. Another way the Aini family prioritizes their children's education is by sending them to religious schools. As Mrs. Muzammil stated, "My husband requires that the children attend MTs (Islamic Junior High School) so that they can receive religious education." (Interview, January 2023)

Based on the author's findings, all informants receive regular support from their husbands. The amount of support from their husbands ranges from 1.5 million to 4.2 million rupiah per month. The amount depends on the level of need and the husband's ability to provide it. Mrs. Aidil and Mrs. Budi's families receive 2 million rupiah per

month. Mrs. Ega and Mrs. Maryati's families receive 2 million to 3 million rupiah per month. Mrs. Aini receives more than 3 million rupiah per month, while Mrs. Muzammil receives more than 3 million rupiah per month and only gives less than 3 million rupiah during difficult times. In contrast, Mrs. Sumiati receives 1.5 million rupiah per week, but this is to repay debts immediately. Mrs. Balqis receives 4.2 million rupiah per month.

Based on interviews with each informant, the author found that each wife does not set a standard for the amount of support her husband must meet. This is because her husband works hard to meet the family's needs and is responsible for providing a good standard of living while away from home.

Mrs. Aini expressed this, "There is no standard. The important thing is that we have enough to eat and cover our children's school fees. I save the rest. My husband always sends money without me asking. I never complain if it is not enough; that is how much my husband earns." Interview, January 2023)

Mrs. Fitri echoed this sentiment, "There is no standard. What my husband gives me is just enough, and I even save some for our food and school fees. He gives me enough, and I can even save some of the shopping money he gives me."

Unlike other informants, Mrs. Sutisna's family sets a standard for living expenses. Mrs. Sutisna sets a minimum monthly living allowance of 4.2 million rupiah. In her interview, Mrs. Sutisna stated, "My husband sends 4.2 million rupiah every month. It cannot be less because that money is used to pay off the car loan. Our whole family depends on the income from the car sales." Interview, January 2023)

However, Mrs. Sutisna explained that her income from her sales is enough to cover her youngest child's school fees and a small amount of food. In terms of income management, there are similarities in the mutual agreements between husband and wife. Each family builds agreements and trust as they carry out their respective duties. However, each family has different procedures, financial management, and goals.

Therefore, the author found the following patterns of family income in Klakah Village, Lumajang Regency:

Mrs. Aini and her husband have agreed to manage the family's income. Her husband's primary goal is to fund their children's education adequately, and his wife fully supports it. Each month, her husband entrusts his entire income to his wife to

manage for the family's needs. However, she can set aside a portion of this money for urgent future needs.

Mrs. Sumiati and her husband are committed to promptly paying off the debt for the house construction. Her husband regularly sends money each week, allocating the first week's funds to living expenses, and the second, third, and fourth weeks to repaying the debt. Her husband sends money regularly each week to pay off the debt quickly so he can return home and be with his family. Meanwhile, his wife is entrusted with managing the living expenses wisely and repaying the debt directly.

Mrs. Aidil manages her family's daily finances without any specific planning from either party. Her husband does not set specific rules for covering living expenses, while Mrs. Aidil uses the money to meet daily needs without establishing a formal management plan.

Mrs. Balqis and her husband have a unique financial management pattern. The husband hands over his entire income to his wife and entrusts her to manage the funds. Meanwhile, the wife uses all the maintenance money to pay off the loan for the pickup truck she uses to sell coconuts. In this situation, the husband is not directly involved in managing the maintenance, believing he already provides all his monthly income for the family's needs. However, the income from the trading business is only sufficient to cover the children's school fees and daily expenses. When income decreases and living expenses increase, they receive assistance from their eldest child, who already has his own business.

Scholars differ on the obligation to provide maintenance for children: a) First, Imam Abu Hanifah thinks that once a child reaches adulthood and is healthy, the maintenance obligation from the parents is waived. However, the maintenance obligation for a daughter is not waived until she is married. b) Second, Imam Malik thinks that a father is obligated to continue providing maintenance for a married daughter until she has consummated her marriage with her husband. c) Third, Imam al-Shafi'i thinks that the obligation to provide maintenance for a child, whether male or female, is waived when the child reaches adulthood. d) Fourth, Imam Ibn Hanbal thinks that the maintenance of an adult child remains the responsibility of the parents, provided that the child does not have any assets or work (Hajar, 2021).

The Compilation of Islamic Law also regulates child maintenance, specifically in Articles 105 and 156 (D) in the event of divorce. Article 105 states: a) Child maintenance under the age of 12 is the mother's right, b) Child maintenance under the age of 12 is left to the child to choose between the father and the mother as the holder of the right to maintain the child's custody, c) The father bears child maintenance costs. Article 156 (D) states: "All costs of hadhanah (living expenses) and child support are the responsibility of the father according to his ability, at least until the child is mature enough to care for himself about 21 years old (Devy, 2020).

### Conclusion

Based on the analysis of the research findings, the following conclusions can be drawn regarding the standard cost of child education in Klakah Village, Lumajang Regency: Mrs. Aini and her husband entrust their entire income to their wife to manage for the family's needs. However, the wife can set aside a portion of the money for urgent future needs. Mrs. Sumiati and her husband are committed to paying off the debt for the house construction immediately. Mrs. Aini manages her family's daily finances without any specific planning from either party. Her husband does not set specific rules for providing a living. At the same time, Mrs. Aini uses the money to meet daily needs without creating a specific management plan for her children's education. Mrs. Balqis and her husband have a unique financial management pattern. Her husband hands over his entire income to his wife and entrusts her to manage all the funds, especially for their children's education, which amounts to 1.5 million rupiah per child per month.

Regarding parenting, in Klakah Village, Lumajang Regency, child education is a shared responsibility between husband and wife. In the Quran, Surah An-Nisa', verse 34, emphasizes the husband's role as the leader of the family, but this does not diminish the wife's role in childcare. When a husband travels abroad, the wife takes the primary role in daily care. However, the husband remains responsible for supporting and ensuring the children's well-being, even from a distance. Islam emphasizes the importance of balancing material and religious aspects in childcare. Parents must provide a sound religious, moral, and social education.

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