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The Concept of Adequate Sustenance for The People with Social Welfare Problems (PMKS) (Study at Sukoharjo Urban Village Klojen Sub-District Malang City)

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Abstract :

Every person has the right to carry out a marriage. The consequence of marriage is the emergence of rights and obligations between each other, one of which is the obligation to provide a sustenance. The obligation to provide a sustenance sometimes can be carried out by some people but it can also be an obstacle for those who have limited financial needs for instance the spouse with social welfare problems (PMKS). A lasting marriage with low economic conditions becomes interesting to study about how PMKS attempts to provide for family sustenance and how the concept of adequacy in the view of PMKS. This thesis uses a type of empirical research and a case study approach that focuses on a particular case to be observed and analyzed appropriately. The results of the study indicate that the efforts of People with Social Welfare Problems (PMKS) in fulfilling family sustenance are by working according to their respective abilities. Very few amounts of income is managed and intended for primary needs only, that is to afford daily food. While for clothing, residence, and conjugal sustenance, each PMKS has different ways to fulfilling it. The PMKS interpret adequacy is not feeling shortcome for anything. In low economic conditions, the majority of them are always grateful, so that they can feel enough even though they live in conditions of shortage.

Keyword: adequate; people with social welfare problems; sustenance.

Introduction

Marriage is the right of every human being. The right to carry out this marriage is included in human rights, because it is a natural right that is needed by humans to pair with each other. Guarantees for family rights are contained in the

1945 Constitution of the Republic of Indonesia Article 28B paragraph (1). The 1945 Constitution of the Republic of Indonesia states that "Every person has the right to make a family and to continue the descent through a legal marriage".¹

The consequence of tying a man with a woman in a marriage is the emergence of rights and obligations. One of the most important obligations in marriage is a sustenance or livelihood. It becomes a something important in marriage because it is requires for continuity in the provision of sustenance. As long as someone is marriage, it will be an obligation for the husband to give sustenance for his wife. Unlike the case of dowry, it is just required only at the beginning of the marriage. The function is exchange for the permissibility of intercourse of husband and wife. The obligation of sustenance will only be lost if a wife does *nusyuz* to her husband or a wife forgiving for her husband's inability to give her a sustenance.

The obligation to provide sustenance to the wife has been mentioned in the verses of Al-Qur'an, namely in Q.S. al-Talaq (65): 7:

لِيُنْفِقَ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَن قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا
آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا

"Let the man who is able to give a sustenance according to his ability. And the man whose are restricted in their sustenance shall giving a sustenance from the treasure which Allah has given him. Allah does not impose a burden upon a person except what Allah has given him. After a difficulty, Allah will soon grant relief." (Q.S. al-Talaq (65): 7)

However, in reality there were several efforts to provide a sustenance that were quite difficult to implement. This difficulty often arises from the lower classes of society or less economic communities. The less economic conditions actually do not come from rural communities, but the people of big cities in Indonesia, one of which is Malang City. Malang City itself has a certain area which is a gathering place for people with socio-economic problems, namely in the Sukoharjo Urban Village.

The Sukoharjo Urban Village is a densely populated urban area. Density is filled by various types of people both from the elite group, government employees, priajjis, traders, employees, students, to the community with socio-economic problems or often referred to as the People with Social Welfare Problems (PMKS). Something interested in this research is the discovery of

¹Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

married couples who not only come from communities with good socio-economic conditions but also by some people with social welfare problems (PMKS).

Based on data presented by the Malang City Social Service in the span of 2016-2018, PMKS found in Malang show a number of 104 for the category of street children, 120 scavengers, 71 beggars, and 919 socio-economic prone women. And the category with the highest number is abandoned elderly as many as 2179 people. From this number, some people with social welfare problems choose Sukoharjo as a place to rest or live. Some of those who claimed to have a partner were in the category of abandoned scavengers, beggars, elderly people, and the poor.²

In addition to seeing that the majority of people with social welfare problems are from low economic groups, it should be underlined that building a household or married life is the right of all people without discriminating social status. Both those who are classified as less economic conditions and people who do not have adequate housing and those who have sufficient financial capacity. However, in addition to having rights, someone must be faced with an obligation that must be fulfilled. In a marriage, the obligation to provide a sustenance can sometimes be carried out by some people but it can also be an obstacle for others. No exception to people who have limitations in financial ability.

Sustenance in a deprivation condition, fulfilling life's needs that are very difficult it makes a problem for PMKS to build and maintain a family. Whereas, in creating a family that is tranquility, mercy, and love, a foundation that is not only about love but also financial needs is needed. The need for finance is often a sword for the condition of one's household, because it can save economic conditions that have an impact on happiness. And, it can also lead to things that hurt the family's trust. This financial need is closely related to what is called a sustenance obligation in marriage. With the condition of shortages, but they still choose to pair up, makes the author is interested to conveying the concept of adequate sustenance for the PMKS in Sukoharjo Village, Klojen District, Malang City.

The aim of this research is to explain the efforts of PMKS in fulfilling their sustenance obligations and the concept of adequate sustenance for PMKS in Sukoharjo Urban Village, Klojen Sub-District, Malang City. To avoid plagiarism in the scientific work, the author includes two previous researches that have

² Badan Pusat Statistik, <https://malangkota.bps.go.id/statictable/2017/07/24/606/jumlah-penyandang-masalah-kesejahteraan-sosial-pmks-menurut-jenis-kelamin-di-kota-malang-tahun-2016.html>

similarities in the discussion of the concept of sustenance fulfilment in the people with social welfare problems, as follows.

The first study, Thesis "*Islamic Law Assessment of the Fulfillment of Husband's Sustenance to Wives in Old Marriage in Ampel Surabaya Urban Village*" by M. Lukman from the Islamic Family Law Department of the Sharia and Law Faculty of the Islamic state University of Sunan Ampel of Surabaya in 2015. The subject of this thesis is how the Islamic law reviews the fulfillment of the husband's sustenance to his wife in an elder marriage in Ampel Urban Village. The results that is obtained from the study is the elderly spouse choose to carry out an unregistered marriages to avoid adultery. However, in the implementation of material sustenance and imaterial sustenance can not be fulfilled by the husband due to health issue and unproductive age.³

The second research is Thesis "*Fulfillment of the Conjugal Needs of Prisoners' Wives and Its Implications for Family Harmony (Case Study of Female Prisons, Sukun, Malang)*". This thesis is written by Lukman Hakim from the Al-Ahwal Al Syakhsiyyah Department of the Sharia Faculty in Islamic state University of Maulana Malik Ibrahim of Malang in 2012. The focus of this research is how the wife's conjugal needs of the prisoners in Lapas Malang and how it affects the family harmony. From the research that has been carried out, it is concluded that the form of fulfilling the conjugal needs of the prisoners' wives through telecommunication (phone calling) is 71.7%, the sexuality is 1.7%, and the other option is face to face meeting. In addition, respondents stated that the conjugal needs was very influential on family harmony.⁴

Legal Research Method

The type used in this research is field research.⁵ This research used a case study approach (case study).⁶ Location of this research is in the Sukoharjo Urban Village, Klojen Sub-District, Malang City, precisely in the area around Pasar Besar Malang. The reason the researchers chose this place as a research location, since the area is the center of the Malang City but there are still a bunch of people with social welfare problems (PMKS) who claimed to have had families. The primary data sources in this research are as follow:

³M. Lukman, *Tinjauan Hukum Islam Terhadap Pemenuhan Nafkah Suami kepada Istri dalam Perkawinan Usia Lanjut di Kelurahan Ampel Surabaya*, Skripsi (Surabaya: Universitas Islam Negeri Sunan Ampel, 2015).

⁴Lukman Hakim, *Pemenuhan Nafkah Batin Istri Yang Terpidana Dan Implikasinya Bagi Keharmonisan Keluarga (Studi Kasus Lapas Wanita, Sukun, Malang)*, Skripsi (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2012).

⁵ Kartini Kartono, *Pengantar Metodologi Riset Sosial*, (Bandung: Mandar Maju, 1990), 32.

⁶ Mudjia Rahardjo, *Studi Kasus dalam Penelitian Kualitatif: Konsep dan Prosedurnya*, Jurnal (Malang: Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2017).

Table 1. List of informants

No	Name	Age	Type of PMKS	Basecamp
1	Jumiati	60 years old	Elderly, Scavenger, Homeless	Around Jl. Sutan Syahrir
2	Andik Rodian	47 years old	Poor families & Homeless	Around Jl. K.H. Ahmad Dahlan and Comboran Market's parking area
3	Samsiyah and Suwarno	25 years old and 60 years old	Poor families & Homeless	A front of Indomaret at Jl. Kiai Tamin
4	Agus	74 years old	Poor families & Homeless	Around Jl. Syarif Al- Qodri
5	Suwarno	70 years old	Poor families & Homeless	Around Jl. Sersan Harun

Secondary data was obtained from the results of literature studies that came from jurnal and thesis which supported this research. And also from the Act of Marriage, Compilation of Islamic Law, and *munakahat* books. The methods used in this study is guided independent interview method and documentation.

The Result of Research and Discussion

The Efforts of People with Social Welfare Problems (PMKS) in Fulfilling Their Sustenance Obligations

This method of fulfillment and adequate concepts in sustenance also has a big contribution to the harmony and longevity of relation. It cannot be denied that each couple has their own way of fulfilling their life needs. The ways of People with Social Welfare Problems (PMKS) in Sukoharjo Urban Village, Klojen Sub-District, Malang City, in fulfilling a sustenance in their family are: (1) Drive a pedicab; (2) Trade used clothes; (3) Drive a bus.

The majority of the informants in this research chose to be pedicab drivers to fulfill their obligations. The income from to be a pedicab drivers was very various even though they have same profession. This profession was cultivated by Mr. Suwanto, Samsiyah's husband, Pak Agus, and Pak Suwanto.

Mr. Suwarno's and Mrs. Samsiyah's conditions was more lacking from the previous families. Every day Mr. Suwarno pedals a pedicab and 15 thousand to 50

thousand rupiahs and sometimes even get nothing. Mrs. Samsiyah helped even though she was only a beggar at the Jami Mosque. In addition to providing a clothes sustenance and place sustenance that Mr. Suwarno cannot get enough, he also does not give his conjugal income to his wife. The conditions of sustenance in the storefront are the second obstacles to carrying out obligations as well as the need for intercourse.⁷

If we view from the positive law's point, regulations and fiqh *munakahat*, the inability of husband and wife to make intercourse can be the reason to divorce between them. however, because of the unavoidable *udzur* and sincerity of husband and wife, the absence of this conjugal income can be analogous to giving forgiveness for a sustenance which can not be fulfilled.

The other informant who get income from driving a pedicab is Mr. Agus. He provides a sustenance every 2 weeks or one month because of the distance between his wife's house and the place where he is looking for livelihood. Besides sustenance of food, the clothes sustenance in Mr. Agus's family do not become a problem that damages the harmony of their relationship. Mr. Agus's acknowledgment of his wife who never asked to buy clothes was a form of forgiveness or the release of the husband's obligation to pay for his wife.⁸ So when a wife has freed the obligation to make a sustenance, a husband is not obliged to buy it continuously 2 times a year or at least to cover his body when cold and hot as Imam Shafi'i's opinion.

The economic situation is quite difficult to make them stay in the chicken coop as his residence at the beginning of the marriage. However, Mr. Agus's efforts never subsided to provide a more decent livelihood for his family. Until finally Mr. Agus could give his residence to his wife in Wonorejo. But, he became a homeless (person who did not have a place to live) in Malang without inviting anyone from his family members. This is because he believes that if a wife / woman is outside the house will be badly impressed.

It is contrast to the fate of Mr. Agus who also works as a pedicab driver. Mr. Suwarno's income is higher than him and he has never been a day without income. However, if we look at it from the UMR in Malang, it reaches Rp. 2,600,000/ month, Mr. Suwarno's income is far from enough. However, Mr. Suwarno added that if it was crowded then the daily income could reach IDR 50,000.00. With an income of Rp. 200,000.00/ week. Then, in a month the estimated income is

⁷ Suwarno, *interview* (Malang, 9 April 2019).

⁸ Agus, *interview* (Malang, 11 April 2019).

around Rp. 800,000.00 or more depending on the intensity of the passenger he delivers.⁹

The calculation of Mr. Suwarno's (Mrs. Samsiyah's husband) income in terms of the minimum limit of food which is the opinion of the Shafi'i imam is one mudd every day is very unlikely to be fulfilled by Mr. Suwarno. Salaries of 15 thousand divided by 3 family members, so each person only gets 5 thousand rupiah per day to eat. So did Pak Agus and Pak Suwarno who work as pedicab drivers, even though Pak Suwarno had a higher income compared to PMKS with his profession, but the difference was not too significant.

In the other hand, there are no basic provisions regarding the maximum limits of a husband in providing his income to his wife, because this has been explained in the Qur'an as something good. While the minimum limit of providing income is distinguished according to the economic conditions of each husband. Husbands with sufficient economies will be burdened more in terms of living. For the economy, it is still less obligatory for the law to provide a living even though his wife has a rich person, but the level is lower. As with the husband who has been given an apology or released by his wife, then the husband is not obliged to provide for his wife again. This shows that God does not burden His servants beyond their capabilities.¹

Providing for his wife by trading used clothes has been chosen by Mr. Rodian to fulfill his family's needs. Mr. Rodian who works as a second-hand clothing merchant who earns approximately Rp. 1,500,000.00 and having three children does not make their family a beggar. In this family, Mr. Rodian's wife served as treasurer and financial management center in the family. The money that is generated from Mr. Rodian is managed by her and distributed for household needs. While Mr. Rodian became the foundation for the family economy.

The provision of material sustenance which includes food, clothing, and family housing, Mr. Rodian is included in the family of disadvantages and poor. With an income of Rp. 1.500.000.00 per month divided by five family members. It is divided again to each member, and the income is only ten thousand rupiah for each family members. This is very far from enough because the needs in the family is just not a food case. Imam Shafi'i which requires 1 mudd for a day or equivalent to $\frac{3}{4}$ kg of rice and is measured by rice prices currently, is not

⁹ Suwarno, *interview*, (Malang, 11 April 2019).

¹ Imam Syafi'i, *Ringkasan Kitab⁹ul-Umm*, Terj. Muhammad Yasir, Jilid 2, Cet. 3 (Jakarta: Pustaka Azzam, 2007), 433.

sufficient.¹ Not to mention the sustenance expenses that must be given to the husband by his wife and residence. However, Mr. Rodian's family feels sufficient and is able to manage very little income for family needs. Although in terms of income, he entrusted his wife and child to his father and mother in-laws' house because he have not a house and choose to sleep in front of a shop for himself. The intensity to take care of each other is very slight, it is because he and his wife live separately, making him also rarely give a conjugal needs to his wife. But, it is not a problem in their family because the base of what they think is circulated by only God.¹

2

Mrs. Jumiati was the wife of a bus driver before she decided to become a scavenger in the Sukoharjo Urban Village. She was given his husband for Rp. 15.000 with a comparison of the price of rice at that time Rp. 5,000.00 / kg. When compared with the current price, the income provided is around 30-35 thousand rupiah per day. The money obtained is used for daily needs and saving. The income were obtained from the work of her husband who was a bus driver. If we see before the occurrence of violence to Mrs. Jumiati, the livelihood of a place or residence has been given even though it is not their own home. The house that is occupied is the loan house of his grandmother which is occupied by 4 families. Its members consist of Ms. Jumiati's family, 2 neighbor families who are both poor, and the grandmother of Ms. Jumiati's husband. Efforts to fulfill the conjugal life of Ms. Jumiati's husband are not periodic or continue. Her husband only gave when he remembered, where the gift was made sometimes one month twice sometimes less than that.¹

3

According to Law No. 1 of 1974 concerning Marriage and other positive laws in Indonesia say that the wife's departure from home cannot be categorized as divorce. Divorce must be decided by the court, so that the marital status becomes clear and deviated as when registering a marriage. If viewed from *shighat taklik talak*, hurting a husband against the physical body of a wife can be the reason for a wife filing a claim and paying *iwadh* of Rp. 10,000.00 to the husband and fell one divorce to her. However, the divorce cannot immediately fall without a wife's lawsuit and a court decision. This is because unapproval without a wife's claim does not have any impact on the law in Indonesia. Therefore, both marriages are still considered valid by law.

On the other hand, if seen from the books of *munakahat* and the book of *fiqh*, the act of the discharge of the wife from the house without the permission of

¹ Abu Syuja bin Ahmad al-Ashfahani, *Fiqh Sunnah Imam Syafi'I*, terj. Rizki Fauzan, (Jakarta: Fathan Media Prima), 246.

¹ Andik Rodian, *interview* (Malang, 7 April 2019).

¹ Jumiati, *interview* (Malang, 4 April 2019).

the husband is called *nusyuz* (defect).¹ The consequence of *nusyuz* is the end of the husband's obligation. Therefore it can be said that the husband of Jumiati's mother is no longer obliged to provide both food, clothing, shelter, and conjugal income.

In his book *Fiqh Sunnah*, Sayyid Sabiq explains the term sustenance is the requirement of husbands to fulfill the needs of husbands in providing food, shelter, clothes, servants, and medicines if their husband is wealthy.¹ Then it can be known, that all PMKS have been approved. Some needs such as medicines and servants are not enough for everyone because the price is not cheap. A maid or household assistant is an additional income that is intended for a husband with excessive income and his wife is indeed asking for that responsibility.

Likewise Imam Syafi'i said that Allah SWT has determined that men (husbands) fulfill all their obligations in an acceptable way. The proper definition is to give to the owner the right of necessity, fulfill it without coercion, and not show an attitude of displeasure. Mr. Rodian, Mr. Suwarno, Mr. Agus, Mr. Suwarno has shown that attitude in every rupiah he gives to his wife and his analysis because if one of these traits is abandoned, then they are deemed valid for leaving or delaying the rights of others, while he demand from his rights. As for giving husband's sustenance to his wife, the characteristics of decency must be present.

Different things happened in the marriage conditions of Ms. Jumiati. In the Islamic view, the attitude of the husband of Jumiati's mother who was very rude and fond of being drunk was considered as the husband's depravity towards his wife. Affection and tranquility which is one form of inner living is not given to his wife.

The Concept of Adequate Sustenance for PMKS

The efforts that have been made by PMKS in fulfilling family sustenance are not much different from each other. They work according to their abilities. However, the income they get is quite varied. From the income they get in their efforts to provide a sustenance, they have their own concept of adequacy. They explained it as follows: (1) Surrender to God; (2) Acceptance, (3) Does not feel lacking for anything, (4) Can eat.

Secure the belief to always surrender to God in conceptualizing enough in life, is the concept of adequacy according to Mr. Rodian. His family is a Syar'i family that is very familiar with religion. From that religion, he and his family

¹ Al-Ashfahani, *Fiqh Sunnah Imam Syafi'I*, 247.

¹ Sayyid Sabiq, *Fiqh Sunnah Juz⁵II*, (Beirut: Darul Fikri, 2006), 539.

knew enough/adequacy. Anything related to this life is always associated with God's destiny. Besides Mr. Rodian has tried to sufficient the needs of his family according to his abilities, he also always remembers Allah in every result that was obtained.¹

6

The acceptance is implicitly mentioned as a meaning of adequacy according to Mr. Suwarno (Mrs. Samsiyah's husband). The concept of adequacy for him is when he can provide a decent livelihood to his wife, but to provide the clothes, resident, and the conjugal sustenance that for the past 6 months their marriage has not been given on their family. The income that was earned is not a problem for Mr. Suwarno's life. This is because easy-to-accept character of Mr. Suwarno's wife became a special happiness for Mr. Suwarno, even though he lived in a shortage.¹

7

Doesn't feel lacking for anything is the the concept of adequacy according to Mr. Agus and Mr. Suwarno. Pak Agus has a wife who did not worry about her husband's economic condition. Besides the character of Mr. Agus's wife who likes to worship and tends to be quiet and doesn't demand much from her husband.¹ Meanwhile, Mr. Suwarno had felt enough with what was obtained. Adequacy in his family is added by the existence of a wife who always accepts what he gives.¹

Mrs. Jumiati is very simple in interpreting a word of enough. To be able to eat it has become enough for her. She does not need for luxury that is abundant to feel sufficiency/ adequacy. A very difficult condition at her old age being aware of herself that there is nothing to regret, life must be continue.²

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From the opinions that was expressed by several People with Social Welfare Problems (PMKS) with different categories, it turns out that their perspective on the concept of adequacy is not much different. The foundation of religion, mutual acceptance, not much targeting something materialistic becomes the key to feel enough. Gratitude for what is already owned and not looking at the least income as a problem becomes a milestone in the harmonious relationship between families of People with Social Welfare Problems (PMKS).

Al-Qur'an has guaranteed to enable poor people who want to guard themselves from adultery with marriage, namely as follows:

¹ Andik Rodian, *interview* (Malang, 7 April 2019).

¹ Suwarno, *interview* (Malang, 9 April 2019).

¹ Agus, *interview* (Malang, 11 April 2019).

¹ Suwarno, *interview* (Malang, 1 April 2019).

² Jumiati, *interview* (Malang, 4 April 2019).

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ

"And love those who are alone among you, and the worthy (wives) of your bondservants the men and women of your maids. If they are poor God will enable them with His grace. And Allah is All-Wise, All-Knowing. "(Q.S. Al-Nur (24):32).

God's gift to enable them in this case is not always interpreted in the form of luxury of wealth. Adequacy, peace of mind, and harmony, is one form of God's gift given to some people with social welfare problems (PMKS) in Malang. It is precisely from this simplicity that happiness is felt to be essential because it comes from the heart.

Conclusion

The efforts to fulfill the sustenance of the PMKS are by working on their respective abilities. The income that is obtained are only used for primary needs. The primary need in sustenance that can be fulfilled by all PMKS is food. Meanwhile, differences in the fulfillment of sustenance are in the clothing, residence and conjugal needs depends on the ability and income that was earned by each PMKS.

The concept of adequacy in perspective of the majority of PMKS is not feeling lacking for anything. Although in their lives they cannot fulfill all their primary needs, moreover secondary and tertiary, they can still feel sufficient for what has been obtained. The concept of adequacy is based on understanding the religion and character possessed by PMKS and their partners. A few of them are stated that what was obtained was not sufficient or lacking, but they still tried to continue their lives without regretting it.

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