

## An Analysis of the Deli Serdang MUI's Opinion on the Support of a Husband of a Singer Who Dresses as a Woman

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### Abstract

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This research aims to find out the facts and reasons/factors for providing support by husbands who work as singers who resemble women. Also to find out the Deli Serdang MUI's view of the legal status of alimony provided by husbands who work as singers in Patumbak District. In the context of income for family support, a Muslim needs to choose a job or business that does not conflict with religious principles. However, some husbands choose to do work that is involved in things that Allah hates. For one reason of economic livelihood, some men choose to imitate the appearance of women in the world of entertainment because they believe this will increase their appeal to audiences, especially in entertainment genres that emphasize visual appearance. Thus, it is important to know the legal status of the income generated from this work. The method used is empirical legal research with a qualitative approach. The primary data source is from an in-depth interview (Deep Interview) with the Indonesian Ulema Council (MUI Deli Serdang Regency) and her husband who works as a singer dressed as a woman to earn a living in Patumbak sub-district, Deli Serdang district. Research findings show that the factors that cause husbands to choose to work as singers who dress like women are economic reasons and the lack of work with sufficient salary to meet the family's needs. Legal Status: The livelihood provided by the process of obtaining it violates the law, so the results are haram. His work is haram and the results are haram, so the legal status of the income he provides to his family is haram, just like we give shopping to our parents' children and wives in an unlawful way.

### 1. Introduction

The obligation of a husband is to provide for the family with the principle that various household needs categorized as food, clothing, shelter, to the fulfillment of social and economic education in the family can be classified as nafkah. This concept is part of the overall obligation of the husband as the leader of the family in Islam, which also includes protection, love, and respect for the role of the wife.<sup>1</sup> Nafkah is the right of children and wives to get all living expenses in terms of clothing, food, shelter. Maintenance is the husband's obligation even if the wife is a rich woman<sup>2</sup>. The legal basis for the obligation of nafkah as a wife's right to her husband, in QS. At-Thalaq (65) verse 7:

لِيُنْفِقُ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يَكْفُلُ اللَّهُ نَفْسًا إِلَّا مِمَّا آتَاهَا سَيِّجَعُلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا

The verse explains that maintenance is given according to the husband's ability. Even those whose fortune is constricted are also obliged to provide maintenance from the wealth that Allah gives. The end of the verse explains that Allah will provide relief after hardship.<sup>3</sup>

<sup>1</sup> Anita Lusia, *Kewajiban Memberikan Nafkah Terhadap Keluarga Bagi Suami Yang Sakit Keras Menurut Imam Syafi'i* (Fakultas Syariah dan Hukum UIN SUSKA, 2023). Hal.12

<sup>2</sup> Abdurrahman, *Perkawinan Dalam Syari'at Islam* (Rineka Cipta, 1992). Hal. 121

<sup>3</sup> *Qur'an Dan Terjemahan* (Yayasan Penyelenggara Penterjemah/Pentafsir Al-Qur'an, 1971).

Providing for the wife is the responsibility of the husband, if he does not carry out the obligation to provide for his wife is a reprehensible act and will be sinful. If he does not work to fulfill the needs of the household and only relies on his wife, it is also a sin.<sup>4</sup> However, if the husband earns a living in a way that is prohibited in Islamic teachings, as happened in Patumbak Village, a husband earns a living by becoming a singer who resembles a woman both in appearance and behavior. As we know men who resemble women or vice versa are acts that are cursed by Allah. As in the hadith H.R Ahmad no. 3151:

لَعَنَ اللَّهُ الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ ، وَ الْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ<sup>5</sup>

Hadith Ahmad Number 3151 above explains the activities of men who resemble women or vice versa women who resemble men, then it is cursed by Allah swt. Actions that originally had no law in the text can be done by ushul fiqh to issue the law through qiyas, istishab, and other methods of extracting the law. Various points of view determine the law of a case unless there is already a legal argument or explanation of the legal argument. Thus, ushul fiqh has two uses, first that the methods of ushul fiqh have been formulated by previous scholars if there is a new problem that develops and no legal answer is found in the previous book then extracting the law with the use of rules resulting from previous scholars. Second, the problem of fiqh law that has been described in the book of fiqh but in its application found difficulties and wanted to formulate the law according to the development of the circumstances of the problem that occurred, then the efforts made by formulating new rules by fiqh scholars.<sup>6</sup>

So, in terms of the law of nafkah of the husband of a singer who resembles a woman, it is necessary to have a clear argument or explanation related to the law of nafkah given to his family, which in this case the author takes from the opinion and views of MUI Deli Serdang. The statement that not all work is in accordance with religious law, even though the results are used for nafkah, illustrates the importance of understanding that in Islam, certain principles govern both how to get income and how to use the results in Islam, there is the concept of halal and haram which is very relevant in the context of economics and income. A halal job or business is permissible and in accordance with Islamic teachings, which does not involve things such as haram food or drink, dishonest trade, or activities that harm society or the environment. For example, in the context of income for family support, a Muslim needs to choose a job or business that does not contradict religious principles. This means ensuring that how the income is earned is in accordance with Islamic moral and ethical values. One example is work that involves engaging in things that are hated and cursed by Allah, which is often the case in some societies, such as earning a living by singing men who resemble women.

The article that discusses the provision of alimony for the husband of a singer who dresses like a woman has not been widely discussed or the results of his research published on the website. The interesting thing about the article written by the author in the discussion is that the author explores how MUI's opinion on this matter, because certainly MUI's views and opinions greatly affect the mindset of the community, and become a reference for the

<sup>4</sup> Madiha Dzakiyyah Chairunnisa and Dkk, 'Tanggungannya Nafkah Suami Yang Digantikan Istri Menurut Ulama Pedesaan', *Istimbath*, 6.1 (2021), p. 6.

<sup>5</sup> Abi Dawud Sulaiman Ibn al Ash'ab Ibn Ishaq Ibn Bashir Ibn Sadad Ibn Umar, *Sunan Abi Dawud* (Dar al Kutub al Ilmiyyah, 1996), Hal. 60

<sup>6</sup> Sudirman Suparmin, *Ushul Fiqh, Metode Penetapan Hukum Islam*, I (Cipta Pusaka, 2014). Hal.8

community in doing things that can and cannot be done in Islam. Besides that, the interesting thing in this research is that the research place which is done by the writer is in Patumbak, a sub-district in Deli Serdang Regency, North Sumatera, in which there is not only one or two family heads, but more who do the profession of a man to be a singer who dresses like a woman. Based on the results of the author's interviews, this is done by them because they need to fulfill their daily needs. Based on the background of the problem above, several problem formulations are used as a discussion, namely how the terminology of nafkah and biduan in Islam, how the husband's position and nafkah in Islam, and the analysis of MUI Deli Serdang's opinion on the nafkah of the husband of a singer who dresses like a woman. In this case, the author will pour it into research entitled "A Study of the Opinion of MUI Deli Serdang Towards the Maintenance of the Husband of a Songstress Who Dresses Like a Woman".

## 2. Methods

This research uses qualitative research, which is research with data narrated into words from objects observed in the field.<sup>7</sup> This research, is in the form of observations of husbands who work as a singer who wears clothes resembling a woman to provide for the family. This research is descriptive qualitative in which the author examines the law of nafkah given from the biduan's work through the presentation of the facts and data needed. This research uses an empirical approach, namely field observations. The research location is in the village of Patumbak kampung, Patumbak District, Deli Serdang Regency, and the Indonesian Ulema Council of Deli Serdang Regency. The primary data sources come from interviews with the husbands of songstresses who dress like women in meeting the needs of family maintenance, and in-depth interviews with Ulama at the Indonesian Ulema Council of Deli Serdang Regency. Secondary data sources come from books and articles related to the law of livelihood for the husband of a singer who dresses like a woman.

## 3. Results and Discussion

### 3.1. Terminology of Maintenance in Islam

In Fiqh, in general, nafkah is a cost that is the responsibility of the husband and must be issued in the form of the cost of clothing, shelter, clothing and other needs such as household appliances. Or the fulfillment of nafkah is specialized in primary financing only 3 basic aspects, namely clothing (malbas), food (math'am) and shelter (maskan). More specifically, only food (math'am).<sup>8</sup> In Arabic, nafkah comes from anfaqa-yunfiqu-infaaqaan which means spending.<sup>9</sup> In the Encyclopedia of Islamic Law, nafkah is spending on something good or spending on those who are responsible for it.<sup>10</sup> The scholars agreed to explain that nafkah is a necessity that includes nine basic necessities, clothing, housing. Apart from this it is still a discussion among scholars.<sup>11</sup> Thus, Islam pays a lot of attention to maintenance and makes maintenance an

<sup>7</sup> Adhi Kusumastuti and Ahmad Mustamil Khoirun, *Metode Penelitian* (Lembaga Pendidikan Sukarno Pressindo, 2019). Hal. 3

<sup>8</sup> Subaidi and Ahmad Mustamil Khoirun, 'Konsep Nafkah Menurut Hukum Perkawinan Islam', *ISTI'DAL; Jurnal Studi Hukum Islam*, 1.2 (2014), doi:<https://doi.org/10.34001/istidal.v1i2>. Hal. 158

<sup>9</sup> Muhamad Bisri Mustofa, 'Hukum Nafkah Terhadap Keluarga Pada Gerakan Dakwah Jama'ah Tabligh', *Nizham: Jurnal Studi Keislaman*, 7.1 (2019). Hal.60

<sup>10</sup> Abdul Azis Dahlan, *Ensiklopedia Hukum Islam* (Ichtiar Baru Van Hoeve, 1996). Hal. 1774

<sup>11</sup> Amir Syarifuddin, *Hukum Perkawinan Islam Di Indonesia : Antara Fiqh Munakahat Dan Undang-Undang Perkawinan*, 1 (Kencana, 2009). Hal.11

obligation of the husband as long as he is in a legal marriage. The word of Allah in the Quran surah al-Baqarah verse 233:

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ بِالْمَعْرُوفِ لَا تَكْلَفُ نَفْسٌ إِلَّا وُسْعَهَا

The verse provides an explanation of the father's obligation to provide maintenance in a ma'ruf manner in providing food and clothing to the mother according to his ability.<sup>12</sup> Therefore, the provision of clothing and food given to the wife is intended to enable her to carry out her role in caring for children and maintaining the needs of the household. The nafkah given should be sufficient and measured based on the wife's situation, the level of living needs, and the habits of the surrounding community. So that the wife has no difficulty in fulfilling household needs.<sup>13</sup> The marriage contract makes the husband obligated to provide for his wife because of the continuity of sexual intercourse.<sup>14</sup>

The majority of scholars agree on the obligation of maintenance, but they differ on four issues: the timing, the obligation, the amount, the person entitled to receive it, and who is obliged to receive it. The explanation is as follows: first, according to Imam Malik, the amount of maintenance is not restricted by shari'ah, and it depends on the circumstances of the husband and wife. It differs according to different places, times, and conditions, and this opinion was also expressed by Abu Hanifah about the obligation of maintenance. Second, according to Imam Shafi'i, he believes that maintenance may be approximately two muds for the one who has the means, two muds for the one who has the means, one mud and a half for the one who is in difficulty, and maintenance must be given to his wife, family, and relatives according to his ability. Third, according to Imam Shafi'i and Imam Hanafi, the majority of scholars, such as Imam Shafi'i and Imam Hanafi have obliged the maintenance of kinship if the kinship is (semuhrim), even another semuhrim is not required maintenance because Imam Shafi'i and Imam Hanafi took the argument from the words of Allah SWT in surah (Al-Nisa: 36).<sup>15</sup>

### 3.2. The Terminology of Songstresses in Islam

The development of civilization has made jobs in society diverse. One of them is a job that is in accordance with talent, interest, and creativity. For example, someone chooses a job as a singer with a background of interest and a good voice. And this art job requires creativity to attract public sympathy and attention when singing on stage. Singers who are accompanied by music in various events with songs performed through melodic tones are called biduan.<sup>16</sup> In singing, the singer expresses various emotions ranging from expressions of anger, sadness, hatred, pleasure, love, disappointment and other feelings.<sup>17</sup>

In Islam, biduan (singer) is often associated with the ruling on singing and music, which has various views among scholars. In general, biduan refers to an individual, usually a woman, who sings in public. The views on biduans in Islam are very diverse. Some scholars

<sup>12</sup> *Qur'an Dan Terjemahan*. Hal. 57

<sup>13</sup> Ahmad Mustafa Al-Maragi, *Tafsir Al-Maragi Juz 1* (Cv Toha Putra, 1992). Hal. 321

<sup>14</sup> Abdul Azziz, Muhammad Azzam, and Abdul Wahab Sayyed Hawwas, *Fiqh Munakahat Khitbah, Nikah Dan Talak* (sinar grafika, 2009). Hal. 212

<sup>15</sup> Tarmizi M Jakfa and Fakhrurrazi, 'Kewajiban Nafkah Ushul Dan Furu' Menurut Mazhab Syafi'Y, *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 1.2 (2017), pp. 353–71.

<sup>16</sup> Departemen Pendidikan dan Kebudayaan Nasional, *Kamus Besar Bahasa Indonesia*.

<sup>17</sup> Sinaga Theodora, *Dasar-Dasar Teknik Bernyanyi Opera* (Universitas Negeri Medan, 2018).Hal.80

such as Imam Shafi'i and Imam Abu Hanifah consider it forbidden for a woman to sing in front of men, especially if it is done in places that may invite fitnah or lead to immoral behavior. This view is often based on concerns about the negative effects that singing can have, such as causing temptation or distracting from obedience to Allah. However, some scholars give a more moderate view. For example, Sufi scholars and Imam Ghazali allow singing if it is done in a way that does not violate the Shariah. They see singing as an artistic expression that can be used for positive purposes, such as motivating oneself, entertaining without transgressing the boundaries of sharia, or celebrating moments of happiness. In summary, the definition of biduan in Islam is inseparable from the legal context of music and singing, with some restrictions that must be adhered to in accordance with the views of the scholars followed.<sup>18</sup>

### 3.3. Husband's Position and Maintenance in Islam

Nafkah can be in the form of material or non-material obligations of the husband, non-material obligations in the form of sexual and mental needs of the wife. The obligation of nafkah is only carried out by the husband in sharia because the husband fulfills the dominant material needs through work, while the wife is obliged to obey the husband by serving the husband, taking care of children, educating children, and looking after household needs.<sup>19</sup> Nafkah in the book of Fathul Qorib is divided into three conditions, namely the fulfillment of necessities of as much as two mud if the husband is rich, the fulfillment of basic necessities as much as one mud if the husband is poor, and the fulfillment of basic necessities as much as one and a half mud if the husband is in the middle.

The size above is adjusted to the condition of the husband and the condition of the neighborhood. The wife can file for divorce when her maintenance is not fulfilled. However, the household can be harmonious and peaceful if the husband provides maintenance according to his ability.<sup>20</sup> If the husband and wife live in the same house, the husband provides for the maintenance and the wife manages the maintenance for the needs, as long as the husband carries out his obligations, the wife has no right to demand a certain amount of maintenance. However, the wife can demand a certain amount of maintenance if the husband is stingy. The judge can decide the amount of maintenance and the wife can take the husband's property properly even without the husband's knowledge because the maintenance is her right.<sup>21</sup> It is clear that nafkah is addressed to the rightful, provide nafkah according to needs because it is feared wasteful in use. The Prophet PBUH explained that taking maintenance in a good way is not wasteful or miserly.

In fiqh, the obligation to provide maintenance is based on the principle of separation of property between husband and wife. The principle is that the husband is a sustenance seeker

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<sup>18</sup> Fahrul Husni, 'Hukum Mendengarkan Musik (Kajian Terhadap Pendapat Fiqh Syafi'iyah),' *Jurnal Syarah*, 8.2 (2019), pp. 24-48.

<sup>19</sup> Septi Wulan Sari, 'Perbandingan Hukum Keluarga Di Indonesia Dan Aljazair Tentang Nafkah', *Jurnal Hukum Dan Pranata Sosial Islam*, 5.1 (2023), doi:<https://doi.org/10.37680/almanhaj.v5i1.2276>.

<sup>20</sup> Muhammad bin Qasim Al-Ghazi, *Fathul Qarib - Syarah Matan At-Taqrir* (Al-Qowam, 2021). Hal. 280-282

<sup>21</sup> Ibnu Razali, 'Konsep Memberi Nafkah Bagi Keluarga Dalam Islam', *Raden Fatah*, 6.2 (2020).

and the results obtained become rights. Conversely, the wife is the recipient of maintenance.<sup>22</sup> The obligation of maintenance is due to the following reasons:

- a) a) The descent of the father or mother, obliged to provide maintenance to his son and to his grandchildren who no longer have a father.
- b) b) The existence of marriage, the husband is obliged to provide for his obedient wife.

Because of ownership, A person who owns a slave is obliged to provide food and shelter to the slave. And he is obliged to take care of him not to be given more burden than it should be<sup>23</sup>.

### 3.4. An Analysis of the Deli Serdang MUI's Opinion on the Support of a Husband of a Singer Who Dresses as a Woman

In the context of earning income for family maintenance, it is important for a Muslim to choose a job or business that is in accordance with religious principles or halal so that the status of maintenance can also flow better. This includes ensuring that the way of earning income is in accordance with the teachings of Islam or in accordance with Shari'ah. One example is work that is involved in things that are hated and cursed by Allah, which often occurs in some groups of society, such as earning a living by singing men who resemble women. As one of the reasons for economic livelihood, some men choose to imitate the appearance of women in the entertainment world because they believe this will increase their income and attractiveness to the audience.

Imam Shafi'i's view is that it is not forbidden to sing and tends to disfavor it the people, so singing is used to earn a living or as a favorite for joking, then the testimony is rejected, which causes the collapse and does not reach a prohibited thing. Based on the above opinion of Imam Shafi'i, it is permissible to sing for a living unless there are no prohibitions, such as singing that contains lustful elements that can influence people, such as wearing clothes that are not in accordance with Islamic guidance.<sup>24</sup> The Shaafa'is and the majority of Hanafis are of the view that a transvestite, even if he has no desire for women, cannot look at women. In this case, he is still ruled as a normal man.<sup>25</sup> The Hambali school believes that singing is forbidden, whether it is sung by women or by men, if it causes desire in the listener causes mixing between men and women, or is accompanied by intoxicating drinks.<sup>26</sup>

Basically, the behavior of resembling the opposite sex is not all the same. Most of what is found is men who resemble the behavior or appearance of women, while the opposite is found less. According to Imam an-Nawawi (may Allah have mercy on him), mukhannats

<sup>22</sup> Jumni nelli, 'Analisis Tentang Kewajiban Nafkah Keluarga Dalam Pemberlakuan Harta Bersama', *Al-Istinbath*, 2.1 (2020), doi:DOI: <http://dx.doi.org/10.29240/jhi.v2i1.195>.

<sup>23</sup> Tarmizi M Jakfar and Fakhurrazi, 'Kewajiban Nafkah Ushul Dan Furu' Menurut Mazhab Syafi'i', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 1.2 (2017), doi:<http://dx.doi.org/10.22373/sjhc.v1i2.2385>. Hal. 357

<sup>24</sup> Triyani Oktofiyah, Jaedi, and Kurnaengsih, 'Nilai-Nilai Pendidikan Islam Dalam Acara Walimatul 'Ursy Dalam Sebuah Perkawinan Di Desa Kasmaran Kec.Widasari Kabupaten Indramayu', *Journal Islamic Pedagogia*, 2.2 (2022), pp. 72-78, doi:<https://doi.org/10.31943/pedagogia.v2i2.80>.

<sup>25</sup> Widiyanti and Jamil, 'Analisis Hukum Islam Terhadap Waria Sebagai Penata Rias Wanita Di Kota Makassar', *SHAUTUNA: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab*, 5.1 (2024), p. 323.

<sup>26</sup> Mahyudin Munthe, 'Perspektif Hukum Islam Tentang Hiburan Organ Tunggal (Keyboard)', *Jurnal Mediasas : Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah*, 4.2 (2021), pp. 195-214.

(transvestites) fall into two categories: First, the behavior of resembling the opposite sex that comes from childhood and is not intentional or artificial. Naturally, since childhood, a person has looked or behaved like the opposite sex. For example, a man who wears women's clothes, talks like a woman and does women's gestures. This is the fate of Allah and he is unable to change it. This kind of mukhannats is not censured or reviled and there is no sin or punishment for him because he is given an excuse. After all, it does not arise from his intentions. For this reason, the Prophet did not deny the entry of mukhannats to women in the first place, nor did he deny their innate nature. The Prophet's order to expel the mukhannats from his house was because he heard firsthand that the mukhannats had noticed the curves of women and talked about them to others. Secondly, behaving and looking at the opposite sex intentionally and artificially like a man who behaves female or vice versa. These are the despicable mukhannats who are cursed in the saheeh hadiths.<sup>27</sup>

Al-Hafiz Ibn Hajar al-'Asqalani adds that the reason the first group is not blameworthy is because she is unable to give up her feminine mannerisms in walking and speaking after she has tried to cure her disorder and tried to give it up. However, if he can abandon this trait, even if it is gradual. The presence of bencong or transvestites is not only on television, but is also easily found in our daily lives such as in salons, bridal makeup artists at weddings, keyboard singers at invitational parties, and dance teachers in schools. This is very troubling, because this deviant behavior has proven to be a trend for some young people who are influenced by their lifestyle. Behaving like the opposite sex is an immorality that is included in kabâir adz-zunub (major sins). If the bencong are threatened with curses and expelled from their homes, then those who watch their programs either on television or other means support their behavior. This is of course very dangerous, because the person who supports bencong, at least has bersyubahat and conspired in spreading this great sin during society. It is even possible that he is also included in the category of people cursed by the Prophet Muhammad PBUH.

Thus, some heads of households, especially in Patumbak Kampung Village, Patumbak Subdistrict, Deli Serdang Regency, choose to work as a singer who dresses as a woman. Among them are as follows:

1. Fulfillment of livelihood in the family Mr. TB, works as a singer who resembles a woman. Based on the results of interviews with Mr. TB, he said that the motivation to work as a singer who resembles a woman is because there are family dependents. "I started working as a singer because I was laid off as a laborer, and now I have a child and a wife and support my sister and mother, who are widows. To fulfill their livelihood, I took the initiative to sing at weddings because I had a talent for singing since I was a child. At first, I sang with an ordinary appearance but my income could not meet the family's needs because there were few enthusiasts. Then, I made a change in appearance as a creative worker and it attracted a lot of people and earned a pretty decent income my family initially did not approve of it and was against my work until it caused a dispute, but over time they agreed because I provided enough income for them." In carrying out his work, the negative views of the community felt by Mr. TB: "There is already a lot of bad public opinion. Because they

<sup>27</sup> Al-Annawawi, *Shahih Muslim Bi Syarh Al-Nawawi* (Dar Al Kutb Al-Ilmiyah, 2008). H. 162-164

think that if a singer like me is not right, many bad things exist in all of our work. If traced, not all bimbos are like that, they are earning a living for families like mine. But I don't think about what they say, I think about how I can prove that I work as a singer like this, I can support my family adequately."<sup>28</sup>

2. Fulfillment of maintenance in Mr. DA's family. Mr. DA provides for his family by working as a singer who resembles a woman as a husband, of course, earning a living is an obligation for him. But in this day and age, it is difficult to find a job that suits one's interests and talents. As the result of an interview with Mr. DA, a husband who works as a singer, he said: "I work as a singer according to my hobby, I used to sing like an ordinary man but the income from my appearance was small. I took the initiative to change my appearance like a woman it turns out that the community likes it and the income I get is not bad, if I dress like a man, it is difficult to get a lot of money and cannot attract the attention of the community."<sup>29</sup>
3. Fulfillment of Family Provision for Mr. AH. Mr. AH, who works as a lontong trader and his wife works as an administrator at a PT steel factory, said: "I work as a biduan because I have to in order to make ends meet and equalize my salary with my wife. And I took the initiative to find additional income by working in nightclubs as a singer who resembled a biduan and I did not tell my wife. A year later I tried to be honest with my wife but she could not accept it and finally sued me for divorce but I could not refuse because it was this way, I have 2 sons and now they are with my wife. Regarding my work, until now I still work at the nightclub because I think I earn a lot and am not too tired."<sup>30</sup>

According to the results of interviews with these informants, the reason they work as a singer who resembles a woman is because of unstable economic factors and the fear of not being able to provide a proper livelihood. The Hadith of Al-Bukhari No. 5435 explains the curse of Allah for men who dress like women.

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ حَدَّثَنَا غُنْدَرٌ حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ عَنْ عِكْرَمَةَ عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ وَالْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ تَابِعَهُ عَمْرُو أَخْبَرَنَا شُعْبَةُ

The hadith is addressed to men and women to style or look according to their respective natures that have been determined by Allah, meaning that if he is a man, he should be fully male, and vice versa. Common beliefs explain that the characteristics and traits that are suitable for men are masculine, while women are more suited to feminist roles. It is explained in Fath al-Bari that al-Tabari said: "Men should not resemble women in clothing and jewelry that are specific to women, and vice versa Ibn Hajar added also in terms of walking and speech style."<sup>31</sup>

Ibn al-Tin believes that what is meant by cursed is a man who tries to resemble a woman in dress and vice versa. Shaikh Abi Muhammad ibn Abi Zamrah concluded that on

<sup>28</sup> Wawancara Bapak TB, masyarakat di Desa patumbak Kampung kec.Patumbak, Kab. Deli Serdang, 2024.

<sup>29</sup> Wawancara Bapak DA, Masyarakat di Desa Patumbak Kampung Kec. Patumbak Kab. Deli Serdang, 2024.

<sup>30</sup> Wawancara Bapak AH, Masyarakat di Desa Patumbak Kampung Kec. Patumbak Kab. Deli Serdang, 2024.

<sup>31</sup> Ibn Hajar al-Asqalani, *Fath Al-Bārī Jilid 25* (Dar Ibn Hajm). H. 792



the face of it, this Hadīth instructs against imitation in all matters. However, in the light of other similar proofs, it is meant to refer to imitation in terms of sin. He also said that there are two forms of a curse: the first is the curse in the form of prevention, which aims to prevent something that causes something that causes a major sin; the second is the curse that occurs because it does not contain a sin. In *Tuhfat al-Ahwazi*, it is mentioned that men are forbidden to resemble women in clothing and jewelry worn by women, and vice versa, while the dress varies depending on the customs of each region. As for the curse on the one who imitates in speaking or walking, it is specific to the one who does it intentionally.<sup>32</sup> Based on the explanation above, several suggestions or solutions can be offered by the author seeing the conditions and circumstances experienced by the individuals studied by the author. Among them:

1. Individuals must further hone their singing skills to attract the attention and interest of the public. When we are already known to the wider community with a good voice, with whatever appearance we use the community will be happy, in the sense that there is no need to change our appearance to resemble a woman.
2. Build a better positive image of yourself. When we have a positive image that is viewed favorably by society, it will certainly be easier for us to get offers to sing without our true appearance.
3. Change appearance by following the developing trend, nowadays the development of trends continues, and with the development of existing digital media, people will more quickly receive information on existing developments. With that, this can be a good step to attract public attention. You don't just have to change your clothes to attract people's attention.

This solution may be applied by the informant, to stay away from the prohibitions outlined in Islam, but still be able to earn a living to support the family. The Prophet cursed those who imitate in adornment, dress, voice, shape, and style of speech, all of which are prohibited because they change the creation of Allah. Indonesia has many customs and cultures, and Indonesia is one of the developing and densely populated countries. Many men and women are also the foundation of the family. Therefore, the cultural demands of clothing at work require them to appear according to the rules.<sup>33</sup> The obligation of maintenance applies in some ways, including:

1. The husband is obliged to provide for his wife, whether she is rich or poor, as long as she obeys her husband.
2. The Muslim son is obliged to provide for his non-Muslim father if he meets certain conditions.
3. The Furu' (son) is obliged to support the Usul (parent) if the Usul is poor. If the Usul is rich, then maintenance is the Usul's obligation from his wealth.

In addition to the obligation of maintenance, the husband is also obliged not to harm his wife, such as not hitting her in the face. Providing for the family is considered a jihad and is worth alms. The Prophet said that the reward for providing for the family is greater than

<sup>32</sup> Abu Alula Muhammad AMurrahman bin Abdurrahim Al Mubarakfuri, *Tulfatul Ahwazi Bi Syarh Jami' At-Tirmidzi* (Pustaka Azzam, 2008). H. 58

<sup>33</sup> Ahmad Djazuli, *Kaidah-Kaidah Fikih* (Kencana Prenada Media Group, 2006). H. 86

freeing slaves and feeding the poor. If the husband is unable to provide, he can be sued for maintenance in the mediation process in court before the divorce verdict is made. However, in one of the cases, namely, the husband who works as a singer, it violates the Sharia as stipulated in the hadith that Allah curses men who resemble women and women who resemble men: The results of interviews with resource persons from the Indonesian Ulema Council (MUI) Deli Serdang regarding the Nafkah Husband of a singer who dresses like a woman, are as follows:

1. interview result with MUI Deli Serdang Mr. Lukman Hakim as Vice Chairman of the Advisory Board of MUI Deli Serdang about male singers as follows:

“Islamic law views a man who works as a singer as whoever resembles a group then he belongs to that group When resembling a woman then he belongs to that group. Furthermore, in the context of maintenance for a singer who dresses like a woman to provide for his family, it is stated in the hadith of Bukhari and Muslim.”

إِنَّ الْحَلَالَ بَيِّنٌ، وَإِنَّ الْحَرَامَ بَيِّنٌ، وَبَيْنَهُمَا مُشْتَبِهَاتٌ لَا يَعْلَمُهُنَّ كَثِيرٌ مِنَ النَّاسِ

The hadith explains that something that is forbidden has a clear legal status, while some of them are subuhat and most people do not know about them. Mr. Lukman Hakim added that the law is sinful when the husband works dressed as a woman. “Thus, it is no longer permissible to resemble a woman, and it is also no longer permissible to perform even though when he performs, he is carrying out unlawful labor and the term is sinful because he changed his clothes and appearance and voice.” Furthermore, Mr. Lukman Hakim explained the legal status of maintenance given to the family. “So, if the process of getting it violates the law, the result is also haram. The work is haram and the results are also haram, so the legal status of the livelihood that he gives to his family is haram, just like we give shopping to the children, wife, and parents in a way that is not halal. So it means that he is ready to have a stance that we are looking for a halal job, there are many if he can try tawkal it will be obtained but if he looks for an easy job even though it violates the law, that is what gets haram.”<sup>34</sup>

2. Interview with Mr. Arifin Marpaung Vice Chairman of the Advisory Council of MUI Deli Serdang about men who resemble women he said: “The problem of women's clothing that resembles men's clothing is not allowed and vice versa, let alone men who act like women are also not allowed or vice versa because there is a hadith of the apostle that says Allah cursed men resembling women or vice versa.” The law of providing for the family is obligatory according to Surah al baqarah verse 233.

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنِيَمَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

The verse explains the obligation of the mother to breastfeed the child for two full years, the obligation of the father to provide food and clothing in a good way and according to his ability. He also added the ruling on men working in women's clothing “The law that resembles women's clothing is still not permissible, but what is ordered in the obligation to provide for this is from halal results, not from haram ones, so the standard of halal income is of course from the profession, it does not rule out the possibility that the profession has violated Islamic law, in fact it is not allowed unless due to emergency factors. Providing for

<sup>34</sup> Wawancara Bapak Lukman Hakim, tokoh MUI Deli Serdang, 2024.

the family is obligatory but looking like a woman is a different matter. Seeking good results must be done in a good way too. So the law of livelihood produced by husbands who work as a singer is haram because it is done in a way that violates sharia. Something that is produced in the wrong way is not good.”<sup>35</sup> The men at the time of the Prophet Muhammad (pbuh), there was not a single man at the time of him beating the tambourine, or clapping. Clapping was for women and tasbih ('subhanallah') for men. And he cursed women who imitate men and men who imitate women. Since singing and beating with tambourines is a habit of women, the salaf scholars used to name the men who do that transvestites. And they named the men who sing as transvestites. How many of them there are today, and this is what they are known for. The limits and wisdom of emergencies: Firstly, the limits of emergencies that make permissible something that is haraam; indeed, emergencies are only those that are related to the fear of death. This is the saheeh view. The opinion quoted from Imam Ahmad ibn Hanbal is that it is an emergency if a person is certain that his life is in danger if he does not eat something haraam. Some say that it does not have to be. A person who fears a risk to himself can be said to be in a state of emergency. According to Imam Suyuti, “Emergency is the position of a person who is already at the limit. If he does not want to consume something forbidden by religion he could die or almost die, or fear that one of his limbs could be harmed.”<sup>36</sup>

3. The next view by Kyai Amir Panatagama the chairman of MUI Deli Serdang about the behavior of men resembling women as follows: “Islam is not tolerant in this context of conveying that there are men who resemble women and vice versa because of their duties and functions whose roles must be the same as those of us, yes, if the ustad wears a cap and wears a cloth but the roles they play do not violate the rules in religion. Ustad with his role by using his Muslim clothes, peci, and clothes where he does not violate the rules. Whether a man resembles a woman, he is a woman temporarily, he has a family, and his wife is also a woman. If women are like women, it is not right to socialize. Moreover, the household is part of worship, if the worship is wrong then it will be a problem in socializing and mamalah. In this case, some cases violate religious rules in Islam, stating that the word of the apostle”

“مَنْ تَشَبَهَ بِقَوْمٍ فَهُوَ مِنْهُمْ”

Meaning: “Whoever resembles a people, then he is part of them” (HR Ahmad and Abu Daud no. 4031). The law of maintenance from a husband who works as a singer according to Mr. Kyai Amir Panatagama as follows: “If the sequence is wrong, it will cause jariyah which is shuk jariyah or wrong inheritance, so it can be said that the livelihood is the result of wrong actions against religion, so there is no longer any value of worship. Just to satisfy but the value of worship is not there, maybe even in the eyes of God it is a part of worship that is displeased.” He also added that the job of being a male singer who dresses like a woman is not categorized as a condition of compulsion. “As long as it does not exceed the limit in the sense of kufr, violating the aqidah and even reaching hypocrisy, it is permitted.

<sup>35</sup> Wawancara Bapak Arifin Marpaung, tokoh MUI Deli Serdang, 2024.

<sup>36</sup> Nur Asia Hamzah, ‘Darurat Membolehkan Yang Dilarang, Jurnal Pilar: Jurnal Kajian Islam Kontemporer’, *Jurnal Pilar: Jurnal Kajian Islam Kontemporer*, 11.2 (2020), pp. 27–37.

But if this context is hypocrisy, it is not permissible to say that it was forced. Because the word forced means that there is no effort while the world is wide. The word forced is indeed in a minority condition or it can no longer be designed, for example, in the forest we are a minority, which includes the majority in the forest, animals, plants. So in the context of providing for the family with the words "forced", it is not permissible." As for the Mudharat that can occur, it was also stated that: "The Mudharat is great if a man or a family leader works to provide for his family in ways that are prohibited by Allah, one of which will bring down the dignity of the family, will kill the character of future generations of children and will be a mockery for his community. If the benefit is yes, there is not much mudharat."<sup>37</sup>

Based on the results of interviews and research, it can be analyzed that the work as a singer who dresses like a woman is contrary to the values of Islamic law. In the Hadith of Ahmad Number 3151, God cursed the man who resembles a woman, as well as the man who works as a singer who looks like a woman. In the context of Islamic law, such actions not only violate established gender restrictions but also undermine the principle of halalness in earning a living. The speakers from MUI Deli Serdang explained that this behavior is included in the act of resembling people of different sexes, which has been strictly prohibited in the hadith of the Prophet Muhammad. In addition, this activity is also considered to be changing Allah's creation, which is a form of deviation from human nature.

Specifically, in terms of the law of livelihood, the interviewees stated that income earned from work that violates Islamic law is considered haram. This is based on the principle that something obtained through unlawful means cannot bring blessings to the family. Although the obligation to provide for the family is absolute, the proceeds must come from halal sources. The reason for compulsion cannot be justified except in situations of real emergency and meeting very strict criteria as described in Islamic law.

From a social and moral point of view, such work has the potential to cause great harm. In addition, this view also reminds us of the moral responsibility of the head of a family to set a good example for his wife, children, and the environment. When a head of household chooses a job that goes against religious rules, he not only bears personal sin but also risks lowering moral standards in his family. It is feared that this could lead to wider social repercussions, such as the creation of a negative stigma in society and a loss of faith in religious values. Therefore, Muslims need to maintain a balance between economic needs and compliance with Islamic law, by finding solutions that prioritize halal and blessings in every aspect of life.

#### **4. Conclusions**

Based on the above study, the conclusion that can be conveyed by the author is that the nafakah of the husband of a singer who dresses like a woman is divided into 2 things, namely regarding the fact of giving the nafakah of the husband of a singer who dresses like a woman in Patumbak Kampung Village, Patumbak District, Deli Serdang Regency and the legal status of the nafakah of the husband who works as a singer who dresses like a woman. The factors that cause husbands to choose to work as a singer who dresses like women are economic

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<sup>37</sup> Wawancara bapak kyai amir panatagama, Tokoh MUI Deli Serdang, 2024.

reasons and the absence of jobs with sufficient salaries to meet family needs. Support for singing talent which is the potential for Mr. TB, DA, and AH to choose a job as a biduan, and to increase the audience's interest in the action, they use women's clothing so that the salary or income from singing is higher. The legal status of alimony given by husbands who work as a singer who dresses like a woman based on interviews with Mr. Lukman Hakim, Mr. Arifin Marpaung, and Mr. Amir Pantagama that the law that resembles clothing like a woman is still not permissible but what is ordered in the obligation to provide this nafkah from halal results not from haram. if the process of getting it violates the law then the result is also haram. The work is haram and the results are also haram, so the legal status of the alimony he gives to his family is haram, just like we give shopping to the children and wife of parents in a way that is not halal.

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