



## Islamic Family Law's View of the Theory of no Control in the Household, Mubadalah's Perspective

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### Abstract

**Keywords:**

Islamic law;  
Mubjadi;  
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This article examines the view of Islamic family law on the theory of no authority in the household from the mubadalah perspective. From these meanings, the term mubadalah in this book will be developed as a perspective and understanding of a particular relationship between two parties, which contains the values and spirit of partnership, cooperation, mutuality, reciprocity, and the principle of reciprocity. Good relations between humans in general, state and people, employers and workers, parents and children, teachers and students, majority, and minorities. However, in this book the relationship in question is more focused on the relationship between men and women in domestic and public spaces. The focus of the problem in this article is how Islamic family law views the theory of no authority in the household. Second, what is the mubadalah perspective regarding the theory of no authority in the household? This type of research is library research (Library Research), namely research by studying and examining data originating from library sources, in the form of books, papers, magazines, journals and others related to family, marriage and charity. From the results of this research, it can be concluded that there are 5 supporting pillars in household life, namely the first pillar is the main promise or mitsaqan ghalidzan, the second pillar is Zawaj or partner, the third pillar is mu'asyarah bil ma'ruf. Or the attitude of treating each other well, the fourth pillar is deliberation, the last pillar is taradhin or mutual approval

### INTRODUCTION

In general, according to Islamic law, marriage is a sacred act (sacrament, samskara),<sup>1</sup> namely an agreement between two parties in fulfilling the commands and recommendations of God Almighty, so that family and household life and neighbourhood relations run well in accordance with the teachings of their respective religions.<sup>2</sup> So, marriage from a religious perspective is a physical and spiritual bond that brings legal consequences to the religion adopted by the bride and groom and their families. According to the Compilation of Islamic Law Article 2 that marriage according to Islamic law is marriage, which is a very strong contract or mitsaqan gholiidhzan to obey the commands of Allah and carrying it out is an act of worship.<sup>3</sup>

According to Article 1 of Law No. 1/1974 concerning Marriage, what is meant by marriage is the inward and outward bond between a man and a woman as husband and wife with the aim of forming a

<sup>1</sup> Intan Pelangi et al., "The Misyar Marriage and Family Law Reform in Indonesia," *Smart: Journal of Sharia, Tradition and Modernity* 3, no. 1 (2023): 16–27, <http://ejournal.radenintan.ac.id/index.php/smart/article/view/16977/6537>.

<sup>2</sup> Habib Sulthon Asnawi, "Perkawinan Penganut Aliran Penghayat Kepercayaan Di Provinsi Lampung Dan Dampaknya Terhadap Hak Asasi Perempuan Perspektif: Hukum Keluarga Islam Dan Konvensi Internasional" (dalam DISERTASI Program Doktor (S3) Pascasarjana (PPS) Universitas Islam Negeri Raden Intan Lampung, 2023), <http://repository.radenintan.ac.id/22698/>.

<sup>3</sup> M. Anwar Nawawi, *Dinamika Hukum Perkawinan Di Indonesia: Tinjauan Hukum Keluarga Islam Terhadap Legalitas Perkawinan Kepercayaan Penghayat* (Yogyakarta: Bildung, 2022), <https://penerbitbildung.com/product/dinamika-hukum-perkawinan-di-indonesia-tinjauan-hukum-keluarga-islam-terhadap-legalitas-perkawinan-kepercayaan-penghayat/>.

happy and lasting family (household) based on God Almighty. Meanwhile, in the provisions of the articles of the Civil Code, it does not provide a definition of marriage. But states that marriage is an 'engagement' (verbindtenis).<sup>4</sup> So the Civil Code views the question of marriage only in civil relationships.<sup>5</sup>

This means that the law only recognises civil marriages as valid marriages, meaning marriages that fulfil the conditions specified in the Civil Code, while religious requirements and regulations are not considered or overridden.<sup>6</sup>

Every marriage must have certain goals. They can be material, social, or spiritual. However, not everyone is able to describe what these goals are, and then maintain them as a guide for married life.<sup>7</sup> If the purpose of marriage is not clear, it will be difficult to ensure that it exists so that it can be maintained throughout married life. Moreover, if this purpose fades, fades, and is lost, then it is only a matter of time before the marriage bond can be broken in the middle of the road. If a bond is to be traversed without purpose and meaning, then the entire home life will be empty, instead of being tormented. Stress, and depression. In this condition, the household, which is idealised as a place of protection and benefit, turns into a place of violence and all the bad things. For this reason, it is necessary to clarify the goals that are mutually understood by husband and wife as their guide in navigating the household. It is that goal that needs to be cared for, maintained, and preserved.<sup>8</sup>

If we refer to the letter QS. ar-Ruum (30): 21, then humans in general tend to seek and find a mate to obtain peace (sakinah) from it.<sup>9</sup> A man who marries a woman hopes that he will feel at peace with her, comfortable to be in love (mawaddah wa rahmah), and easily achieve happiness in life in the world. The same thing happens, mubadalah, to a woman who marries a man, to gain peace, tranquillity and happiness with her spouse in living this complex life.<sup>10</sup>

In the explanation of a hadith, this goal of tranquility can be related to biological (jamal), economic (mál), social (hasab), family (nasab), and can be moral-spiritual (din). The first four are the common goals of marriage for everyone, but the level of quality and quantity can easily rise and fall.<sup>11</sup> It depends on age, health, opportunity, experience, and sometimes it also depends on fate. A person who initially, at a young age, looks beautiful and handsome, as he gets older, begins to change, especially if he is hit by illness and

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<sup>4</sup> M. Anwar Nawawi Habib Shulton A, Fatul Mu'in, "Hak Perempuan Disabilitas Dalam UU. No. 1 Tahun 1974 Tentang Perkawinan: Perspektif Convention On The Rights Of Persons With Disabilities (CRPD)," *Yurisprudencia: Jurnal Hukum Ekonomi* 6, no. 2 (2020), <http://194.31.53.129/index.php/yurisprudencia/article/view/3098>.

<sup>5</sup> M Ardiansyah and Masayu Nila Juwita, "Reconstruction of Marriage and Divorce Law for Civil Servants," *SMART: Journal of Sharia, Tradition, and Modernity* 3, no. 1 (2023): 55–68, <http://ejournal.radenintan.ac.id/index.php/smart/article/view/16979/6541>.

<sup>6</sup> Wirjono Prodjodikoro, *Hukum Perkawinan Indonesia*. Sumur. Bandung, 1974. hlm. 6.

<sup>7</sup> Habib Sulthon Asnawi, "Politik Hukum Perlindungan Hak-Hak Asasi Manusia Kaum Perempuan Di Indonesia (Studi Tentang Upaya Mewujudkan Keadilan Dan Kesetaraan Gender Kaum Perempuan Di Bidang Kesehatan Era Pemerintahan Susilo Bambang Yudhoyono/SBY)" (Program Magister Hukum Pascasarjana Fakultas Hukum Universitas Islam Indonesia (MH UII) Yogyakarta, 2011), <https://dspace.uui.ac.id/handle/123456789/8766>.

<sup>8</sup> Dicky Zaharuddin and Mulki Sharmani, "State Attorney Law Enforcement in Marriage Annulment and Its Contribution to the Development of Family Law in Indonesia," *SMART: Journal of Sharia, Tradition, and Modernity* 3, no. 2 (2023): 56–70, <http://ejournal.radenintan.ac.id/index.php/smart/article/view/20510>.

<sup>9</sup> Habib Shulton Asnawi dan M. Anwar Nawawi, *Hegemoni Patriarkhisme Hak Keadilan Perempuan Dalam Undang-Undang Perkawinan Di Indonesia* (Yogyakarta: The Journal Publishing, 2022), <http://thejournalish.com/ojs/index.php/books/article/view/358>.

<sup>10</sup> Rifqi Qiwiyyul Iman, Reza Baihaki, and Ibnu Farhan, "Ijtihad Mubadalah of Judges on Women's Rights after Divorce and Its Contribution to Family Law Reform in Indonesia," *SMART: Journal of Sharia, Tradition, and Modernity* 3, no. 1 (2023): 1–15, <http://ejournal.radenintan.ac.id/index.php/smart/article/view/16981/6536>.

<sup>11</sup> Habib Shulton Asnawi, "Membongkar Patriarkhisme Islam Sebagai Kearifan Budaya Lokal: Sebuah Kritik Terhadap UU. No. 1 Tahun 1974 Tentang Perkawinan," *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin* 13, no. 2 (July 22, 2012): 223, <https://doi.org/10.14421/esensia.v13i2.739>.

accidents. It can also be the opposite, someone who initially looks ordinary, along with the progress of economic conditions, he looks neat, sweet, attractive, beautiful, or handsome. The same applies to possessions and material possessions, social and family standing, which can go up, down, or flat. If the goal of marital tranquility is linked only to these four things, and they are subject to ups and downs, then the marriage bond will be easily shaken if there is a decline and deficiency in these things.

For this reason, a more fundamental reinforcing bond is needed, which is a moral-spiritual commitment (din) that manifests in noble behaviour and morals.<sup>12</sup> This reinforcing bond is expected to strengthen the bonds of marriage and marital commitment so that they remain strong despite the ups and downs of the four things that are often a person's goals and expectations from marriage: biology, wealth, family, and social position (jamál, mal, nasab, and hasab). These four goals are, of course, good and can make it easier for a person to obtain peace and tranquillity in married life. However, if it is not supported by spiritual moral commitment (din), it can be easily fragile, and it is possible that it will backfire in the middle of the journey of domestic life.

There are many studies that look at family harmony from God's perspective. Ngardilatun examines the idea of mubadallah in family life through a case study. The findings of this study are categorised into two groups according to the beliefs of Islamic religious leaders, namely first, that the role of husband and wife is in accordance with the concept of mubindah proposed by Faqihudin Abdul Kodir, which refers to the five pillars of the household.<sup>13</sup> Second, the wife has the obligation to take care of the house and all the property she produces is hers and the husband has no right to it. Sani'atin based her research on the concept of mubadallah and examined how husband and wife can work together to create a harmonious family. Her findings show that husbands and wives have complementary roles. Sani'atin, Any. "The Role of Working Wives in Building a Sakinah Family in Perspective of Abdul Kodir's Qira'ah Mubjadi Theory." *Al Fuadiy: Journal of Islamic Family Law* 5, no. 1 (2023): 55-69.]. In addition, Nuri Siti conducted a case study on migrant worker families in Madura, East Java, and found that most of these families raise their children based on the principle of mubadallah.

Starting from the explanation above, the differences and similarities in these studies can be analyzed. This research has similarities, including regarding the role of husband and wife as family in terms of the mubadalah aspect. However, the previous researchers mentioned above focused their research on the practical stage so that the research method used was case studies. In this study, researchers strengthened the theoretical conception of mubadalah which has been put into practice. Furthermore, this research specifically examines and reveals how the relationship between husband and wife is in the absence of theoretical mastery in the household from a mubadalah perspective.

From the discussion above, the author is interested in writing an article entitled Views of Islamic Family Law on the Theory of No Dominion in the Household, Mubadalah's Perspective.

## RESULTS AND DISCUSSION

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<sup>12</sup> Habib Shulton Asnawi, "Status Hukum Dan Ham Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia," *Istinbath Jurnal Hukum*, no. 12 (2015): 2, <https://e-journal.metrouniv.ac.id/index.php/istinbath/article/view/581>.

<sup>13</sup> Siti Mahmudah et al., "Job Stress, Role Expectation Conflict, Co-Worker Support, and Work-Life Balance among Muslimah Scholars: A Study in the Indonesian Historical Women Political Movement Members," *Islamic Guidance and Counseling Journal* 5, no. 2 (2022): 172-84, <https://doi.org/10.25217/igcj.v5i2.3000>.

The economic impact on gender empowerment in Indonesia is a complex phenomenon and involves many aspects from women's economic participation to the impact of economic policies on gender equality. Several aspects that can be analyzed are related to the economic impact on gender empowerment in Indonesia. *First*, labor market participation; the economic impact can be seen in women's participation in the labor market. Increased employment opportunities, access to education and training, and support for managing work and family responsibilities can increase women's economic participation. *Second*, the wage and income gap, despite improvements, the wage and income gap between women and men is still an issue in many sectors. The impact of company policies and practices on equal pay can influence women's economic empowerment. *Third*, entrepreneurial empowerment, policies that support women's entrepreneurial empowerment, such as access to credit and entrepreneurship training, can have a positive impact on women's participation in the business world.

*Fourth*, access to education and training, investing in access to education and training for women can improve their skills and capacity to participate in diverse economic sectors. *Fifth*, economic decision making, the impact of economics on gender empowerment is also visible in the level of women's involvement in economic decision making, including asset ownership and financial management. *Sixth*, balance between work life and personal life, company policies and culture that support balance between work life and personal life can increase women's empowerment in careers and family responsibilities.

*Seventh*, the impact of macroeconomic policies, macroeconomic policies, such as fiscal and monetary policies, can have different impacts on women and men. Evaluation of the gender impact of these policies can help ensure equality and inclusivity. *Eighth*, protection against harassment and discrimination, legal protection against harassment and discrimination in the workplace has a direct impact on women's economic empowerment, creating a fair and equal work environment. *Ninth*, the impact of the economic crisis, the economic crisis can have different impacts on women and men. The impacts of the crisis, such as job loss or reduced income, may affect women, especially in affected sectors. *Tenth*, Human Resources development, investment in the development of human resources, especially women, can improve their quality and contribution to the economy. By understanding the impact of the economy on gender empowerment, governments, organizations, and civil society can design more effective policies and initiatives to achieve gender equality and sustainable economic development. Continuous support to promote gender equality in various aspects of economic life is essential to achieve inclusive and sustainable development in Indonesia.

## Multiple Linear Regression Analysis

VARIABLE	Fixed Effect	Fixed Effect Robust
	29.00597 (0.001)	29.00597 (0.021)
RAHH	-19.63442 (0.015)	-19.63442 (0.081)
RRLS	2.048137 (0.000)	2.048137 (0.024)
RTPAK	0.5231028 (0.003)	0.5231028 (0.003)
R-Squared	0.2807	0.2807
F-Statistic	21.73	22.58

Source: Processed with STATA 14

### **Test T**

This method is used to find out how RAHH, RRLS, and RTPAK affect the dependent variable, in this case Economic Growth. The calculation results can be used to determine the degrees of freedom (df). In this case, the degrees of freedom are equal to the difference between the number of factors to be estimated (k) and the number sample(n). Specifically for this study, the degrees of freedom are found using the formula  $df = (204 - 4)$ , which produces  $df = 200$ . For these degrees of freedom, the accompanying t-table number is 1.97190.

- a. The estimated t-value for the RAHH variable is -1.80, which means that 1.80 is smaller than the critical t-value of 1.97190. Thus, the null hypothesis (H<sub>0</sub>) is correct, meaning that the RAHH variable has no significant effect on economic growth.
- b. The results show that the RRLS variable has an odds value of 0.024 which is smaller than the 0.05 significance level that has been previously set. So, it can be said that the RRLS variable has a statistically significant effect on economic growth when viewed separately. The RRLS variable has a tcount value of 2.36. This means that the t-count value of 2.36 is higher than the critical t-value of 1.97190 from the t table. Thus, the alternative hypothesis (H<sub>a</sub>) is accepted, and the null hypothesis (H<sub>0</sub>) is rejected. This shows that the RRLS variable affects the economic growth rate in a statistically significant way.
- c. The results showed that the RTPAK variable had an odds value of 0.003 which was smaller than the 0.05 significance level that had been set before the study began. So, it can be said that each RTPAK factor affects economic growth which is statistically significant. The RRLS variable has a tcount value of 3.16. This means that 3.16 is greater than 1.97190, which is the critical t value. Therefore, the alternative hypothesis (H<sub>a</sub>) is chosen over the null hypothesis (H<sub>0</sub>). This means that the RTPAK variable affects the rate of economic growth in a statistically significant manner.

### **Test F**

The F statistical test is used to determine how the variables in the regression model relate to each other and more specifically if all these factors influence the dependent variable. Based on the estimation results,  $(k-1) = (4-1) = 3$  is used to find out the degree of freedom in the numerator (dfn), while  $(n-k) = (204-4) = 200$  is used to find out the degree of freedom in the denominator (dfd). The number of relationships F-table is 2.65. At the 5% (0.05) level of significance, the regression study looking at the effect of RAHH, RRLS, and RTPAK on Economic Growth shows that the F-count is 22.58. When this figure is compared to the important F-table value of 3.16, the estimated F-value of 22.58 is higher than the F-table value. Also, the odds of the F-statistic are found to be 0.0000, which indicates that the independent variables (RAHH, RRLS, and RTPAK) have a very strong relationship with the dependent variable (Economic Growth). The F-statistic is less than the critical limit of 5% (0.05), which was set earlier. This means that the three factors of RAHH, RRLS, and RTPAK have a large effect on overall economic growth.

### **Coefficient of Determination (R<sup>2</sup>)**

The coefficient of determination measures how well the measured data matches the known frequency of the expected value. This study looks at the coefficient of determination to find out how much the RAHH, RRLS, and RTPAK factors help explain how they affect economic growth. The coefficient of determination (R<sup>2</sup>) of the panel data study is 0.2807. The result shows that changes in the

RAHH, RRLS, and RTPAK factors can be attributed to changes in economic growth mainly at the level of 28.07%.

### **The Effect of Female/Male Life Expectancy Ratio on Economic Growth**

AHH does not have a large effect on economic growth because it can be influenced by many other things. Handayani, Nyoman, and Yuliarni<sup>14</sup> said that one of the reasons for this is the small health budget and poorly implemented programmes that make it difficult to improve human capital levels. Given that the health sector does not have much influence and is limited in what it can do, a normalised life expectancy percentage between men and women will not have a major impact on economic growth.

The relationship between AHH scores and economic growth is influenced by how much money is spent on the health industry. Based on the findings of Sajiah and Saputra (2019), 16 regions in Indonesia did not utilise their budget properly to improve access to health services. In addition, none of the 29 regions surveyed had health expenditure per person that was not well utilised by the government. All these problems indicate that the current services and facilities are not able to increase the total income of all households (HHs) and grow the economy.

According to research conducted by Mariaty Padang, Ali, and Ariusni (2019), Life Expectancy (AHH) is detrimental to the economic growth of West Sumatra Province. This data agrees with that finding. If the ratio of women's average hourly wage (AHH) to men's AHH rises without a proportional increase in the amount of development work done by women, it will slow the progress of economic growth. If the lack of labour skills and lack of jobs are not corrected, plus the fact that the population is getting older, it will be difficult to grow as the unemployment rate will increase.

### **The Effect of Female/Male Average Years of Schooling Ratio on Economic Growth**

Klasen and Lamanna (2008) and Obiageli et al. (2022) have shown that female education affects growth. These studies show that educating women is more helpful for economic growth because the return on investment in educating women is better than educating men. This requires more output and participation in the labour force, as well as better knowledge of how to feed children well. It is also an important way to break the cycle of poverty and poor education. Higher education for women has a direct effect on economic growth. The higher a woman's education, the more she adds to the Gross Regional Domestic Product (GRDP) in a favourable way. Research has been done on this.<sup>15</sup>

This study agrees with what Wang Ying (2016) found in his research which shows that education, especially at the tertiary level, is good for economic growth. Based on the findings of Agnes (2016) and Kiki Beki (2020), it can be said that the ratio of girls' average years of study to boys' (RLS) is a key factor in economic growth. Moreover, this study shows that giving women more opportunities to go to school does not hurt men's education but can make it better.

### **The Effect of Female/Male Labour Force Participation Rate Ratio on Economic Growth**

Fatima (2009) says that equal participation of women and men in employment is a great way to help economic growth. This is largely because women contribute more to the economy now that they have more TPAK (knowledge, skills, and abilities), and because the education gap is closing, and health

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<sup>14</sup> Handayani, N. S., Bendesa, I. K. ., & Yuliarni, N. N. (2016). Pengaruh Jumlah Penduduk, Angka Harapan Hidup, Rata-rata lama sekolah dan PDRB Per Kapita terhadap Pertumbuhan Ekonomi di Provinsi Bali. *E-Jurnal Ekonomi Dan Bisnis Universitas Udayana*, 5(10), 3449–3474.

<sup>15</sup> Handayani, N. S., Bendesa, I. K. ., & Yuliarni, N. N. (2016)

standards are improving. Arifin (2018) says that making it easier for women to get jobs can help economic growth. This is because a large increase in the number of jobs available to women can give them more purchasing power, both as wives and as voters. It could also have a big impact on the way women think. Women are more likely to spend in business and non-business projects, which helps future human capital growth. Gender equality in schools can help the economy grow and raise better people for the future.

The results of this study are in line with what Sitorus (2016), Aktaria and Handoko (2012), and Ali and Decker (2015) found in their research. These studies also looked at the effect on economic growth of the difference between male and female labour force participation, as measured by the ratio of female to male TPAK. The results show that this difference between men and women has a large effect on economic growth.

## CONCLUSION

Based on the data analysis, it can be said that the study results show that the ratio of female to male life expectancy as a measure of the health industry has no effect on Indonesia's economic growth. During 2015-2020. On the other hand, the ratio of gross enrolment rate (RRLS) between women and men as a measure of the education sector shows a statistically significant and favourable influence on Indonesia's economic growth in the same time span. This means that an increase in the proportion of female labour force compared to male will lead to greater economic growth. The labour force participation rate ratio (LFPR) between Indonesian women and men from 2015 to 2020 has helped the economy grow very positively. This means that if more women work than men, the economy will grow at the same rate.

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