



The Study of *Nusyuz* Concept on the *Fathul Qarib* Book Based on *Mubadalah* Perspective

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Abstract

Keywords:

Fathul Qarib Book,
Mubadalah,
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The understanding of nusyuzz which is only aimed at women can lead to an attitude of degrading women's dignity and encouraging domestic violence perpetrated by husbands against their wives. Domestic violence is any act against a person, especially a woman, related to physical, sexual, psychological misery or suffering or neglect of the household including threats to commit acts, coercion, or unlawful deprivation of liberty within the household. There are several phenomena that occur in society regarding violence experienced by women in a family. Women occupy the highest rank in cases of domestic violence. Nusyuz should be discussed from two directions, there is the wife's nusyuz to her husband (QS. An-Nisa:34) and there is also the husband's nusyuz to the wife (Q.S An-Nisa:128). In the perspective of muballah, nusyuz is the opposite of obedience. Both, nusyuz and obedient are reciprocal, because husband and wife are required to have a shared commitment to bring all goodness into the household (Jalbu al masholih) and avoid all evil from it (dar'u al mafasid). This research is pure literature or library research, as the primary data source is the main data of the chapter nusyuz in the book of fathul qarib and QS an-Nisa 'verse 34, the method used in this research is descriptive analytical method with a gender perspective interpretation approach and philosophical theological. This study found that one concept of nusyuz in the book of Fathul Qarib only explains the nusyuz of a wife to her husband, there is no discussion of the nusyuz of a husband to his wife. The two concepts of nusyuz in mubadalah theory are all actions, behaviors carried out by one partner or both, which can diminish, weaken, break, and threaten the marriage bond, whatever its form. Thus, nusyuz can happen to anyone (husband or wife), and the solution can be from anyone (husband or wife). The three solutions to solve the problem of nusyuz are mauizatul hasanah, hajrun, shulh, ihsan, and taqwa.

INTRODUCTION

The phenomenon of gender equality issues is very interesting when connected with Islamic discourse, this is one component in various cultural, social and even political changes. Many efforts have been made to develop this issue, starting from deconstruction of Islamic treasures to reconstruction efforts. One of the subjects of his study is the problem of the relationship between men and women, especially in matters of marriage. In the context of these relationships, men are always considered to have a public role and women are perceived to have a domestic role. The differences in the roles of women and men are essentially the result of socio-cultural construction, resulting in different roles and tasks. These differences cause women to always be left behind and neglected in their roles and contributions in family life, society, nation and state. The essence of marriage is the embodiment of the mission of creating humans as caliphs on earth. So, survival in the world requires human existence until this world ends and also demands the existence of descendants among them so that the existence of this earth is not in vain.

The form of marriage in the context of Islamic law is stated in the Al-Qur'an Surah An-Nisa' verse 21 (Q.S.an-Nisa:21).

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِّيثَاقًا غَلِيظًا

*And how could you take it while you have gone in unto each other and they have taken from you a solemn covenant?
(Q.S.an-Nisa:21).*

Marriage really depends on whether the relationship between the husband and wife is close or not based on the implementation of the principles as stated above. However, in navigating married life there are many dynamics. Sometimes when running a household is not always smooth, there are bound to be misunderstandings, mistakes, disagreements and bickering. Sometimes both partners can overcome it so that it becomes a source of harmony and diversity in the household. However, there are quite a few families who cannot cope. In the journal *Modernity*, *Nusyuz* Between rights and obligations states that nusyuz behavior is not only carried out by wives but husbands can also be said to be committing *nusyuz* if the husband does not carry out his obligations well as a husband.

According to classical books such as the book *Fathul Qarib*, it is stated that Islam requires husbands to take three levels to cure their wife's *nusyuz*, first the right to give advice, second the right to separate from sleeping with her, third the right to beat her¹. The beating should not cause injury, this punishment is not intended to hurt but rather to provide a warning and lesson to his wife. However, as social conditions in society change, the concept of nusyuz needs to be reviewed, because a wife who leaves the house without her husband's permission is considered *nusyuz*, which is not appropriate in the current context. Nowadays, the mubjadi theory is developing. This term developed in reverse, and the principle of reciprocity. The term *Mubadallah* was introduced in 2012 by Faqihuddin Abdul Kodir, a cleric and activist who often studies and discusses gender equality issues and then published a book with the title *Qira'ah Mubadallah*². *Qira'ah Mubadalah* which is based on *mubdalah* theory allows Islamic texts to be re-understood with the spirit of monotheism which places men and women in an equal position as full subjects of human life. *Mubadalah* is important to create awareness, both within the family, community and country.

Research on nusyuz from a *Mubadalah* perspective has been carried out by previous researchers. Badarudin used library research in his research on the theme of nusyuz and gender equality from the perspective of *Mubadalah* theory, finding that gender equality allows for husband or wife *nusyuz*, with the concept of accepting obedience (*Jalbu Al-Mashaliib*) and rejecting nusyuz (*Dar'u Al-Mafasiid*)³. Apart from that, Ahmad and Rozihan also conducted library research on the same theme. Based on his research, the results showed that husbands can also be *nusyuz*, such as keeping their wives quiet, having negative thoughts about their wives, not inviting their wives to sleep together, telling their wives to commit immoral acts, not having sex with their wives without hesitation, abusing their wives, and staying away from their wives because of the illness they suffer from. Meanwhile, the impact of *Ma'fhum Mubadalah*'s method on husband's nusyuz is that someone has the potential to turn away, of course because he is more concerned about relationships with many parties, not just marital relationships. So the solution offered by the Qur'an is based on the understanding of mubjadi, namely shulhun (making peace), ihsaanun (doing good), ittiqoo (taking care of oneself)⁴. Furthermore, Putri also conducted research on this theme. The research conducted was a case study in a village in Madura, East Java. The research results show that the forms of husband nusyuz that researchers have found include infidelity, not meeting their needs, physical violence, poor communication and accusations without evidence. The solution is to

¹ Ihyak, Ihyak. "Konsep Nusyuz Dalam Kitab Fathul Qarib Perspektif Mubadalah." *Journal Of Innovation Research And Knowledge* 2, No. 3 (2022): 867-878.

² Putri, Amelya Fauzia. "Nusyuz Suami dan Penyelesaiannya Menurut Perspektif Qira'ah Mubadalah (Studi di Desa Manggar, Tlanakan, Madura)." *Sakina: Journal of Family Studies* 7, no. 4 (2023): 501-513.

³ Badaruddin, Muhammad. "Penyelesaian Nusyuz Dalam Kesenjangan Gender Perspektif Teori Mubadalah." *Al-Ittibad: Jurnal Pemikiran dan Hukum Islam* 9, no. 1 (2023): 1-9.

⁴ Ahmad, Ahmad, and Rozihan Rozihan. "Analisis Metode Ma'fhum Mubadalah Faqihuddin Abdul Kodir Terhadap Masalah Nusyuz Suami." *BudAI: Multidisciplinary journal of islamic studies* 1, no. 1 (2021): 13-23.

reconcile and some divorce their husbands⁵

There are similarities and differences in this research with previous research. The researchers used library research as the type of research method used. However, one previous researcher used a case study. Furthermore, previous researchers focused more on nusyuz carried out by husbands and how to complete them. In terms of findings, the researchers agree that *nusyuz* has the potential to be carried out by husbands and wives. Therefore, this research has similarities in terms of study focus and research methods, however this research further explores the concepts of nusyuz in the book Fathul Qarib and the interpretation of Q.S. An-Nisa:34. So it is hoped that it will be able to provide theoretical solutions for people who face problems regarding *Nusyuz*.

RESULT AND DISCUSSION

Understanding and Forms of Nusyuz Behavior

In domestic life, there is not always harmony, even though it is far from before, when carrying out a marriage it is preached that husband and wife can look after each other in order to create a mawaddah warahmah life between them. However, in reality, conflicts and misunderstandings between them often occur, destroying everything that was hoped for. The emergence of conflict in the household often leads to nusyuz behavior. This can be found in the Al-Qur'an and the Hadith of the Prophet SAW.

Explanation of Nusyuz in the Qur'an

Nusyuz in the Al-Qur'an is explained in surah An-Nisa' verse 34 (Qs An-Nisa':34) as follows:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا آتَقُوا مِنْ أَمْوَالِهِمْ فَالْصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Men are in charge of women by [right of] what Allāh has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allāh would have them guard. But those [wives] from whom you fear arrogance [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them [lightly]. But if they obey you [once more], seek no means against them. Indeed, Allāh is ever Exalted and Grand (Qs An-nisa': 34).

Furthermore, in surah An-Nisa verse 128 (Qs An-Nisa: 128) Allah SWT says the following

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاصًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best. And present in [human] souls is stinginess. But if you do good and fear Allāh - then indeed Allāh is ever, of what you do, Aware (Qs An-Nisa':128).

Explanation of Nusyuz in the Hadith of the Prophet SAW

Hadist form. Abu Dawud, Ibnu Majah, Ahmad and Nasa'i From Muawiyah al-Qusyairiy said: I

⁵ Putri, Amelya Fauzia. "Nusyuz Suami dan Penyelesaiannya Menurut Perspektif Qira'ah Mubadalah (Studi di Desa Manggar, Tlanakan, Madura)." *Sakina: Journal of Family Studies* 7, no. 4 (2023): 501-513.

once asked the Messenger of Allah (HR. Abu Dawud, Ibnu Majah, Ahmad and Nasa'i);

"O Messenger of Allah, what rights do our wives have?" He answered, "feed him if you eat, clothe him if you do. Men (husbands) are protectors of women (wives), because Allah has preferred some of them (men) over others (women), and because they (men) have provided support from their wealth. So pious women are those who are obedient (to Allah) and take care of themselves when (their husbands) are not around, because Allah has taken care of (them). The women you are worried about about nusyuz, you should give them advice, leave them in bed (separate beds), and (if necessary) beat them. But if they obey you, then do not look for reasons to trouble them. Indeed, Allah is Most High, Most Merciful r. (HR. Abu Dawud, Ibnu Majah, Ahmad dan Nasa'i)"

Forms of Nusyuz Behavior Performed by Wives

Many wives' behavior is considered *nusyuz*. The behavior in question will result in two things, namely whether or not the wife's right to earn 'iddah income is lost. Judging from these consequences, there are two types of nusyuz carried out by wives, first: *Nusyuz* which results in loss of income and turn (if the husband is polygamous). Second: *Nusyuz* which does not eliminate the wife's right to obtain 'iddah rights. Actions carried out by wives, which include *nusyuz* behavior, include:

- a. The wife does not want to move with her husband to occupy the house that has been provided according to the husband's capabilities.
- b. If both of them live in the wife's house with the wife's permission, then one day the wife forbids him to enter the house and not because he wants to move to the house provided by the husband.
- c. The wife leaves the house without her husband's permission or travels without a muhrim accompanying her.
- d. The wife is reluctant to be invited to have sexual intercourse by her husband even though she is in a pure state.
- e. A wife's betrayal of her husband is related to her chastity.
- f. Bringing people into the house who the husband doesn't like, either when the husband is at home or when the husband is not at home.
- g. Squandering her husband's wealth and spending it on things that are not good.
- h. Spreading your husband's secrets and revealing something that was hidden.
- i. Accusing the husband with made-up words with the aim of criticizing and hurting the husband so that he will divorce him.

Forms of Nusyuz Behavior Carried Out by Husbands

A husband's nusyuz behavior is when a husband thinks he is the highest and is arrogant in front of his wife as evidenced by the husband turning away from his wife for certain reasons. Nusyuz carried out by a husband has several forms which include prohibiting his wife from obtaining her rights, both related to material things and sexual relations, such as zihar and ila'. Some other examples of husband nusyuz include the following: Tidak memberikan nafkah kepada istrinya.

- a. Doesn't buy decent clothes for his wife.
- b. Did not provide a home for his wife as had been recommended by syara'.
- c. Beating his wife without any reason permitted by Sharia'dan humiliate him.
- d. Away from his wife, being rude, leaving to accompany her, leaving her bed or various other heavy burdens for a wife⁶.

The Meaning and The Law of Mubadallah Basis

The idea of the *Mubadallah* mindset has actually been around for a long time in Islam, and its principles are even mentioned explicitly in the Al-Qur'an and Hadith..

⁶ Sudrajat, Ajat. 2020. *Kesetaraan Gender Dalam Penyelesaian Permasalahan Nusyuz Perspektif Teori Mubadallah*. Skripsi. Jakarta: Program Studi Hukum Keluarga Fakultas Syariah Dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta

a. Alqur'an Surah Al-hujurat 13 (Qs Al-Hujurat: 13)

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَىٰ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Aware (Qs Al-Hujurat: 13).

b. Alqur'an Surah Alma'idah 2 (Qs Al-ma'idah: 2)

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْلُوا شَعَائِرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَائِدَ وَلَا أَمِينَ الْبَيْتِ الْحَرَامِ يَبْتَغُونَ فَضْلًا مِنْ رَبِّهِمْ وَرِضْوَانًا ۚ وَإِذَا حَلَلْتُمْ فَاصْطَادُوا ۚ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ أَنْ صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَنْ تَعْتَدُوا ۚ وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ ۚ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

O you who have believed, do not violate the rites of Allah or [the sanctity of] the sacred month or [neglect the marking of] the sacrificial animals and garlanding [them] or [violate the safety of] those coming to the Sacred House seeking bounty from their Lord and [His] approval. But when you come out of ihram, then [you may] hunt. And do not let the hatred of a people for having obstructed you from al-Masjid al-Haram lead you to transgress. And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in penalty (Qs Al-ma'idah: 2)

The *tauhid* perspective on men and women brought by Islam had serious problems during the advent of Islam because of the entrenched patriarchal system of life in Arab lands. Therefore, the texts of the Qur'an and hadith both reflect this dynamic, namely the tug-of-war between the ideal teachings of Islam and the factual reality of Arab society. The Qur'an and hadith books actually record a long struggle between the value of monotheism and human humanity, including the humanity of women³.

In practice, implementing full equality between men and women as desired by tawhid has serious obstacles due to several reasons. First, primary Islamic texts use Arabic which has a world view based on gender (*muzakar-muannas*) with gender-biased language rules for both. Glory be to Allah from choosing the wrong language. However, knowing how gender is constructed in Arabic is important so that the message of monotheism and women's full humanity is not buried by the character of this language. Second, the dominance of the textual approach over the main Islamic texts as a form of caution. However, the textual approach tends to lead readers to ignore contextual understanding even when this second model of understanding reflects more on women's humanity. Third, the patriarchal system is very strong, especially in Saudi Arabia. Likewise in areas where Islam spread. A textual understanding that better reflects the patriarchal views of Arab society during the presence of Islam is more likely to be applied because it is in accordance with the local value system⁴.

Qira'ah Mubadalah allows Islamic texts to be re-understood with the spirit of monotheism which places men and women in equal positions as full subjects of human life. Primarily, texts that reflect the

³ An-Nawawi, Abu Zakaria Muhyiddin. *Arba'in Nawawi*. Tth. Semarang: Toba Putra

⁴ Kodir, Faqihuddin Abdul. 2019. *Qiraah Mubadalah*. Yogyakarta: Ircisod

gender-biased views and attitudes of Arab society at that time⁵. *Qira'ah Mubadalah* In general, it also helps a negative dichotomous perspective to become a positive synergy regarding other human differences. This is very necessary so that any relations between people at large that were previously unequal can return to being fair and balanced⁶.

Nusyuz In general, it is better known as a wife's disobedience to her husband, something that seems to be in the same direction. It is as if only the wife can disobey commitments and there is no disobedience on the part of the husband. In practice, however, disobedience can occur from both sides, husband and wife. In the book Fathul Qorib (page 43) there is only an explanation regarding the wife's *nusyuz*, there is nothing about the husband's *nusyuz*⁷. It is stated in the book that a wife who does not fulfill her obligations to her husband without reason is considered *nusyuz*. This results in the termination of the husband's obligations to his wife. But there is no discussion regarding the husband's *nusyuz*, if he does not carry out his obligations towards his wife; and whether the husband's *nusyuz* causes the wife's obligations to her husband to fail. Such a discussion of Fathul Qorib shows an imbalance regarding the *nusyuz* matter, so it needs to be re-understood in order to produce a *mubadallah* interpretation. In fact, Islam itself teaches the principle of mutuality (*mubadallah*) in domestic relationships, the evidence for which is found in the Al-Qur'an. (QS. Al- Baqarah: 187) as follows;

أَحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ فَالْآنَ بَاشِرُوهُنَّ وَأَبْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتُوا الصِّيَامَ إِلَى اللَّيْلِ وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَجِدِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرُبُوهَا كَذَلِكَ يُبَيِّنُ اللَّهُ لِّلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ

It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are a clothing for you and you are a clothing for them. Allāh knows that you used to deceive yourselves, so He accepted your repentance and forgave you. So now, have relations with them and seek that which Allāh has decreed for you [i.e., offspring]. And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the night [i.e., sunset]. And do not have relations with them as long as you are staying for worship in the mosques. These are the limits [set by] Allāh, so do not approach them. Thus does Allāh make clear His verses [i.e., ordinances] to the people that they may become righteous (QS. Al- Baqarah: 187).

Therefore, in household relations there must be principles of equality and justice, so that if there are verses or literature that do not literally show mutual conflict, they must be reinterpreted from a *mubadallah* perspective. In the Qur'an *nusyuz* is discussed from two directions. There is a wife's *nusyuz* towards her husband (Q.S. An-nisa: 34) and there is also a husband's *nusyuz* towards his wife (Q.S. An-nisa: 128). In a *mubadallah* perspective, *nusyuz* is the opposite of obedience, namely all negative actions in household relations that weaken the pair bond between husband and wife, so that they become far from the conditions of *sakinah*, *mawaddah* and *rahmah*. Whether it is done by a wife to her husband, or by a husband to his wife⁷.

⁵ Kodir, Faqihuddin Abdul.2021.

⁶ Ma'unatul, Khoeriyah. "Inisiasi Kesetaraan Hubungan Seksual Dalam Al-Baqarah: 223 (Analisis Qira'ah Mubadalah Faqihuddin Abdul Kodir)." Phd Diss., Iain Purwokerto, 2020.

⁷ Widodo, Muhammad. "Studi Analisis Materi Pernikahan Dalam Kitab Fathul Qarib Karya Syekh Muhammad Ibn Qasim Al-Ghazi Dan Kontribusinya Sebagai Pembelajaran Tambahan Dalam Buku Ajar Mapel Fikih Kelas Xi Madrasah Aliyah Edisi 2019." Phd Diss., Iain Ponorogo, 2022.

⁷ Kodir, Faqihuddin Abdul. *Qiraah Mubadalah*. Yogyakarta: Ircisod, 2019.

Wife's Nusyuz to Husband (Q.S.an-Nisa':34)

The process of making peace (*shulh*) is mentioned in (Q.S.An-Nisa': 128). For peaceful purposes, this verse also emphasizes the importance of doing good things simultaneously between husband and wife, and protecting oneself from abuse that could damage the relationship.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا آتَقْتُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them [lightly] But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand. (Q.S.an-Nisa':34).

The verse above is in line with the concept of nusyuz explained in the book Fathul Qorib, which will then be reinterpreted using *Mubadallah* perspective and method. Literally, Q.S. An-Nisa':34 speaks to men about their wives who disobey (*nusyuz*) from the commitment of a marriage bond of mutual love and service. But reciprocally this can also speak to women whose husbands practice nusyuz. If this happens to both the wife and husband, then convey it to the person doing nusyuz as follows: "beat them." In *Mubadallah's* perspective, beatings or any other type of violence is not recommended at all to resolve nusyuz problems in the household. As stated by Ibnu Hajar al-Asqolani, instead of improving the relationship between husband and wife, beatings can give rise to hurt and hatred. Something that is actually contrary to the pillars of marriage, namely couples (*zawaj*) who do good to each other (*mu'asyarah bial-ma'ruf*)⁸. Beating also goes against the spirit of love exemplified by Rasulullah SAW in various hadith texts regarding husband-wife relations, which was then used by various scholars as a basis for interpreting the beating verse (Q.S an-Nisa': 34) more gently. Almost all scholars advise against hitting. The meaning is to communicate with the person doing nusyuz, both on the part of the husband and wife, well, so that he or she can understand, be aware and be able to improve the relationship again. Give him the opportunity to reflect, think and reflect on himself.

Separating beds or sleeping separately, which means being alone so that you can reflect (calm yourself) without being disturbed by your partner, so that you can hopefully come back refreshed and maintain your mutual commitment as before. Advice and separation of beds are stages and violate nobility (*khilaf al-Aula*) or *makruh*. If you have to do it, you have to do it after advice, otherwise you can't hurt it, and you have to do it gently. But currently beatings can no longer be a medium for completing nusyuz. Because in principle this violates the purpose of marriage to build togetherness, happiness and mutuality which is rooted in various verses of the Qur'an and Hadith. Some hadith texts that specifically prohibit beatings, or teach to abandon beatings are as follows: Aisyah R.a said: "The Messenger of Allah SAW never hit anyone at all, not his wife, nor his servant (hambasahaya)." (Saheeh Muslim, no. 6195)

Husband's Nusyuz for His Wife (Q.S an-Nisa':128)

That Rasulullah SAW. said, "Do not (all of you) hit women." Then, Umar faced Rasulullah SAW., and said, "Women disobey their husbands, so allow (us) to hit them." Then (on another day), the women

⁸ Syarah Fathal Qarib Diskursus Munakahah (Fikih Munakahah) Ulasan Lengkap Fathul Qarib. N.P.: Mahad Al-Jamiah Al-Aly Uin Maulana Malik Ibrahim Malang, 2021.

in large numbers (came together) surrounded the family of Rasulullah SAW, and they complained about the behavior of their husbands (who liked to beat). Then, Rasulullah SAW. said, "The women gathered around Muhammad's family, complaining about the behavior of their husbands, such husbands were not good people." (Sunan Abu Dawud, no. 2148)⁹.

From these texts it is clear that Rasulullah SAW did not beat his wife at all. Apart from that, Rasulullah SAW also listened to and supported women in challenging their husbands' rude behavior and labeled those who were rude as people who behaved badly. With the thought that beatings are not a solution for nusyuz. In fact, this can add new, worse problems for married couples. Completing nusyuz behavior must be reconciliatory (*islah*), increase good actions (*ihsan*), and protect oneself from bad behavior.

This verse literally talks about a husband's *nusyuz* towards his wife. *Nusyuz* here can be interpreted as turning away, being reluctant, or no longer paying attention to his wife. It could be because the husband is no longer interested or has started to be interested in other women. If you use the *Mubadallah* method, the substance is about concerns in the household, namely that there are parties who are starting to turn away, whether it is the husband or the wife. Therefore, this verse invites the two of them to make peace and return to their original commitment as a couple who love and care for each other.

Thus, this verse from *Mubadallah's* perspective applies to both parties. *Nusyuz* can occur from anyone, both husband and wife. In this condition, Allah SWT. Then encourage both of them to reconcile (*shulh*) in order to return to their mutual commitment as a couple who love each other and strengthen each other. Then, after *shulh*, Allah SWT asks both of them to As Allah says: increase good deeds towards their partner (*ihsan*). Lastly, after *shulh* and *ihsan*, Allah SWT. Also ask that both of them stop and fortify themselves from all bad attitudes, statements and actions towards their partner (*taqwa*). So, if *nusyuz* occurs, then the solutions offered by the Qur'an are *shulh*, *ihsan*, and *taqwa*¹⁰.

The essence of *nusyuz* management in the Qur'an is how to return to the original relationship of mutual love and affection. So, in household relationships, the thing that must be strengthened is commitment and obedience to all things that are good for the family, and distancing oneself from disobedience to this commitment. Obedience is obeying, and disobedience is *nusyuz*. If *nusyuz* occurs, it is hoped that each of them will move to *shulh*, *ihsan* and piety in order to return to a condition of obedience and obedience for the good of the family.

Steps to Resolve the Husband's *Nusyuz* and Wife's *Nusyuz* Cases from *Mubadallah's* Perspective

In the *nusyuz* problems that usually occur in married life, the Qur'an has provided three solutions. In this case, the Qur'an expresses these three instructive solution terms successively, namely with the pronunciation *fa'izhubunna (almanizhab, advice)*, *wauhjurubunna fi almdlaji (al-hajr, separate beds)*, and *wa idl-ribubunna*¹¹.

Completion of Nusyuz Carried Out by The Wife

There are several stages that a husband can do when his wife performs *nusyuz*, namely:

Husband Gives Advice

A husband has the right to give advice to his wife if signs of the wife's disobedience are visible, the best advice is to return the wife to Allah. A good wife will continue to be educated with good advice

⁹ Kodir, Faqihuddin Abdul. *Qira'ah mubadalah*. Indonesia: IRCiSoD, 2021.

¹⁰ Kodir, Faqihuddin Abdul. *Qira'ah mubadalah*. Indonesia: IRCiSoD, 2021.

¹¹ Moh Subha. Jurnal Al'Adalah Syariah dan Hukum Islam.: Rethinking Konsep Nusyuz Relasi Menciptakan Harmonisasi Dalam Keluarga. Vol 4 No 2 (2019):

from her husband. Remind them of the impacts of nusyuz, including divorce which can result in the breakdown of family existence and abandonment of children. As explained by Moh Subhan in the journal *Rethinking*, the concept of Nusyuz Relations Creating Harmonization in the Family states that the impact of a nusyuz wife is the loss of some of the wife's rights and the loss of some of the husband's obligations to the wife, such as the obligation to provide a living, provide a place to live for the wife, maintenance costs and treatment. Meanwhile, nusyuz husbands have an impact on their wives and children. The wife and children become neglected, the rights of the children and the wife are not fulfilled, it has a negative impact on the psychology of the wife and children, the wife's obligations towards her husband do not apply and the wife can file a divorce suit using the *khulu'* route.

If enough advice is enough for a wife to return as a good wife and carry out her obligations, the problem of nusyuz can only be resolved with advice and should not be continued. However, if a wife after being given advice has not returned to her original condition, then the steps for completing nusyuz are continued to the stage of separating from bed.

Split Bed (Form of Reflection)

Separating from bed means that each husband and wife sleep alone so they can reflect (calm themselves down). So it is hoped that he will return fresh and ready to return to his original commitment. The study determined that the punishment of separating the wife from the bed is a more common thing according to Al-Qur'an law, so it is considered more appropriate in mediating disputes within the family. If by separating the beds the wife is obedient again, then the issue of nusyuz is over and cannot be continued to the next stage.

Giving shock therapy

As God says: "In this way the wife (partner) will introspect so that they can return to a healthy and mutually strengthening marriage bond."

Completion of Nusyuz Carried Out by The Husband

The actions that need to be taken by a wife in dealing with her husband's nusyuz have been stated in the Al-Qur'an, namely by giving advice, making peace, the next step is making a complaint to the judge or suing for divorce. Explanation of the three ways of solving when the husband commits nusyuz, namely:

Advice

Husband and wife have the same rights as each other in inviting them to "and beat them." goodness and preventing evil. The wife has the right to advise her husband to do so. As explained at the beginning, beatings are not a solution to nusyuz problems in the household. Therefore, we do not interpret the above verse in its *manthuq*, but in its understanding. In terms of meaning, the verse above means an order for the husband to beat his wife when she performs nusyuz. But in general, this verse shows the meaning that a husband whose wife commits nusyuz should provide a deterrent effect to his wife (shock therapy). The right deterrent effect here is certainly not beatings, because instead of having a deterrent effect, on the other hand, beatings actually give rise to hatred. Shocktherapy here can be given to couples by showing behavior that is out of the ordinary, for example: if you usually always use the term "darling" to your partner for a while, don't use that term for your partner for a while, usually give more monthly money when you don't. Returning responsibility to the family and reminding him of the punishment that will be received for a husband who neglects his wife and does not carry out his responsibilities to the family. Allah SWT has characterized husbands as leaders for wives and families, which does not mean that wives do not have the right to reprimand husbands who commit nusyuz. A wife needs to carry out their duties as a wife to advise their husband to return to the right path, in the

hope that the advice will make the husband aware so that they can return to carrying out their responsibilities.

Reconciliation (form of reflection)

If a wife feels that her husband doesnot pay enough attention to her for several reasons, such as because he has work to do, he doesnot have time to take care of the household, especially his wife. So if the wife is afraid that something bad will happen because the husband is more concerned with work matters, it is better if the wife makes peace with her husband. Imam Malik in his *madhhab* explains: If a husband behaves nusyuz and treats his wife badly, the wife has the right to convey this to the judge, who is then obliged to advise the husband. If such advice cannot bring the husband to his senses, he can decide to revoke his right to be obeyed by his wife temporarily, while still obliging the husband to provide maintenance¹².

Making a Complaint to The Judge (as shocktherapy)

If all the resolution steps mentioned above cannot change the husband's attitude, then the wife can take alternative steps to make a complaint or submit a lawsuit to the religious court. This is because if it is allowed to drag on, it is likely to make the situation worse. On the other hand, this can also be used as shock therapy for husbands (partners). Because the lawsuit can make the couple think again about what they did wrong and what needs to be corrected. So the possibility of returning to a healthy marriage bond is wider than before. In the Islamic context, the court's wife's lawsuit is known as *hulu'*. Initially, *kehulu'* required compensation to be given by the wife to the husband. But with *nusyuz* from the husband's side, his right to receive compensation is lost.

CONCLUSION

Based on the previous discussion, it can be concluded that the concept of nusyuz in the book Fathul Qorib only explains the nusyuz of a wife towards her husband, there is no discussion regarding the nusyuz of a husband towards his wife. So it needs to be reviewed again, by adding other literature to produce a reliable interpretation. The concept of nusyuz in mubjadi theory is all actions, behavior carried out by one partner or both, which can fade, weaken, break and threaten the marriage bond, whatever its form. Thus *nusyuz* can occur by anyone (husband or wife), and the solution can come from anyone (husband or wife), so that the solution can be done in any way (*manizhatulhasanah, hajrun, dhorbun, islah, ihsan, taqwa*) with the conditions can return to the pillars of marriage (*mistaqan ghalizhan, zawaj, taradin, mu'asyarabbial-ma'ruf*). The best solution to resolve the *nusyuz* problem is through *manizhatulhasanah, hajrun, shulb, Ihsan, and taqwa*. But if it has to be done with dhorbun, then it must really meet the requirements and be conciliatory. If this is not the case, resolving nusyuz problems with dhorbun or other forms of violence is not permitted.

The advice for the community is to open up the widest possible horizons of interpretation and *fiqh*, thereby producing a complete understanding of every problem that occurs, especially understanding the problem of *nusyuz*, which is often interpreted as a wife's disobedience to her husband. This seems to be in the same direction, basically *nusyuz* occurs can be done by husband or wife. When a *nusyuz* problem occurs, one way to resolve the *nusyuz* problem is by using the principle of mutuality (*mubâdalah*) in the household, that it can happen from anyone (husband or wife) and the solution can come from anyone

¹² Rizqa Febry Ayu, Rizki Pangestu. Jurnal Yudisia Pemikiran dan Hukum Islam: Modernitas Nusyuz; Antara Hak dan Kewajiban. Vol 12, No1 (2021).

(husband or wife), and returning the solution This applies to partner relationships so that bonds within the household become strong again.

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