

GENDER EQUALITY ON *NUSYŪZ* TREATMENT

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ABSTRACT

The *nusyūz* (spouse disobedience) treatment between husband and wife in daily marriage life has a significant differences. When it comes from the wife side, the treatment tends to provide a gap of violence through the stages of advice, separation of bed, and finally beatings/physical discipline which often became the reason of domestic violence. As for the husband, the treatment tends to be certain advices and even wife is encouraged to make peace by reducing a number of rights that need to be fulfilled by her husband. This inequality of *nusyūz* treatment on both sides seems to be biased and very detrimental to women. Perhaps this paper could offer a gender-based concept of *nusyūz* which could be an alternative in terms of the *nusyūz* treatment that occurs in both husband and wife. This library research uses the gender approach with descriptive analysis method. Finally, the result shows that (1) the classic *nusyūz* concept more focuses on the wife's disobedience rather than husband, (2) The understanding of *nusyūz* were changed with the changing social conditions starting from a) pre-Islamic Arab times, women did not have many rights and *nusyūz* had not become an intense topic, b) the arrival of Islam, women have a several rights and *nusyūz* were started to become a topic with a concept that tends to be patriarchal, and in modern era the concept of *nusyūz* is still in its old meaning, and even tends to only be attached to wife. (3) the *nusyūz* settlement steps based on an-Nisa (4): 34 could also be applied by the wife when her husband performs *nusyūz*.

Keyword: *Nusyūz*; Gender; Treatment

INTISARI

Penanganan sikap *nusyūz* antara pihak suami dan istri memiliki perbedaan yang cukup signifikan, dimana ketika *nusyūz* datang dari istri penanganannya cenderung meluapkan celah kekerasan melalui tahapan nasehat, pisah ranjang, dan yang terakhir pemukulan yang kerap kali menjadi alasan terjadinya KDRT dalam rumah tangga. Sedangkan untuk suami, penanganannya hanya dengan nasehat dan bahkan istri dianjurkan untuk mengadakan perdamaian dengan pengurangan sejumlah hak yang perlu ditunaikan suami. Jelasnya ketimpangan yang ada dalam hal penanganan *nusyūz* yang terkesan berat sebelah menjadikan kaum perempuan dirugikan, kiranya mungkin tulisan ini berusaha menawarkan konsep *nusyūz* berbasis gender yang bisa menjadi alternatif dalam hal tindak lanjut *nusyūz* yang terjadi pada suami dan istri. Penelitian ini merupakan penelitian kepustakaan (*library research*) dengan pendekatan gender. Hasil penelitian menunjukkan bahwa (1) konsep *Nusyūz* klasik lebih menitik beratkan pada kedurhakaan istri terhadap suami, (2) Pemahaman *nusyūz* berubah bersamaan dengan berubahnya kondisi sosial dimulai dari a) masa Arab pra Islam, perempuan tidak memiliki banyak hak dan *nusyūz* belum

menjadi sebuah perbincangan yang intens, b) kedatangan Islam, perempuan memiliki sejumlah hak dan *nusyūz* mulai menjadi sebuah perbincangan dengan konsep yang cenderung masih patriarki, dan masa modern yang konsep *nusyūz* masih saja dalam pemaknaan lama, bahkan cenderung hanya disematkan pada pihak istri dan (3) Dengan adanya konsep tindak lanjut *nusyūz* berbasis gender salah satu yang *nusyūz* berhak ditegur oleh pasangannya. Selanjutnya, tidak menutup kemungkinan bahwa langkah-langkah penyelesaian *nusyūz* yang tertera dalam Surat an-Nisa (4) ayat 34 juga dapat diaplikasikan oleh istri ketika suaminya melakukan *nusyūz*.

Kata Kunci : *nusyūz*, gender, pembaharuan Islam

A. Introduction

The changes that brought by Islam are nothing but to straighten out the deviant habits to return to the straight path and be blessed by Allah. Among the bad precedents inherent in pre-Islamic Arabia is the condition and position of women who are underestimated, they even considered as a half human in rights. Although several female tribal chiefs were found in Mecca, Medina, Yemen and so on, their numbers were very minor. In their society, women are worthless and no more valuable than merchandise in the market. Some opinions are even more vulgar stating that they are nothing but animal, women are considered as a things and cattle that have no rights.¹

Men at that time had high power in their relationship between men and women, women received the discriminatory treatment and even considered as a culprits of poverty and symbols of humiliation (embodiment of sin). In the Jahilia legal system, women don't get the inheritance rights, they are even considered as a tirkah (the object of inheritance). In short, according to Haifaa's terms, women are treated as a thing and not as a person.² Women almost had no rights under the legal status of pre-Islamic Arab society, and when sharia came for renewal in all aspects of people's lives on that era, women finally had a number of rights. Many things have changed regarding women's rights including the right to get a dowry, inheritance rights, marriage restrictions, and so on.

During the Jahilia period, the concept of *nusyūz* was not discussed too much, considering that *nusyūz* was (generally) the disobedience of the husband's orders by the wife. In pre-Islamic Arab era, women did not have any courage to disobey their husband's orders, because the large number of wives they married made them compete to seek the attention of their husbands for their survival. It was very easy for a husband at that time to divorce his wife even if it was just because boredom factor, this condition did not even reach the level of *nusyūz* at all.

Islamic reform can be categorized into three models, they are: (1) total overhaul, (2) renewal, and (3) the maintenance of old traditions that is considered good by the Sharia (*al-muhafadzah 'ala al-qadim al-shalih*). Meanwhile, there are two deconstruction methods that is used, they are: first, overhauling the whole directly during the da'wah of the prophet Muhammad and second, gradually reforming. Family law issues are considered as the second

¹Yuangga Kurnia Yahya, "Pengaruh Penyebaran Islam di Timur Tengah dan Afrika Utara: Studi Geobudaya dan Geopolitik", *Jurnal Ats-Tsaqafa: Jurnal Peradaban Islam*, Vol. 16 No.1 (Juni 2019), hlm. 46

²Abd. Rahim Amin, "Hukum Islam dan Transformasi Sosial Masyarakat Jahiliyyah: (Studi Historis Tentang Karakter Egaliter Hukum Islam)" *Jurnal Hukum Diktum*, Volume 10, Nomor 1 (Januari 2012), hlm. 4

model of deconstruction methods. Furthermore, it does not rule out the possibility that the meaning of *nusyūz* could be developed gradually along the times so that the meaning is not considered only as the disobedience of a wife but even wider.

They are several research that discuss *nusyūz* issue, some of them are: Ida Zahara Adibah, in her research, it was explained *nusyūz* discourse and gender violence in Islam and what factors cause *nusyūz* and gender violence among Muslims in Indonesia.³ This research also wants to reveal the efforts to overcome the discourse of gender violence among Muslims in Indonesia. Saoki, on discussing : first, the limitations of the husband's rights in treating a *nusyūz* wife. Second, the provision of criminal sanctions for husbands who exceed the limits of their rights.⁴ Furthermore, Sri Wahyuni on reinterpretation the concept of *nusyūz* and beatings as an effort to minimize acts of domestic violence.⁵

This research aims to offer the concept of *nusyūz* treatment on husband and wife based on gender equality as a form of Islamic reform in the family sector, which is expected to be possible to be implemented in Indonesia.

B. Research Method

This research is a kind of library or literature research. This research uses a gender approach, statue approach and conceptual approach as the research approach. This approach is able to provide a more holistic view of legal phenomena in the community, the research used primary legal materials and secondary legal materials as the data sources. Furthermore, the data processing methods that is used in this research are data check, classification, verification, analysis, and conclusion. This research uses descriptive analysis method with the gender equality as the tool of analysis.

C. Results and Discussion

1. Overview of the *Nusyūz* Concept

a. The definition of *nusyūz*

The word *nusyūz* comes from the word (نَشَرَ-يَنْشُرُ) which means (ارتَفَعَ-يَرْتَفِعُ) "lifted". If this term is combined with words that mean husband and wife, then *nusyūz* is interpreted as (نَشَرَتِ الْمَرْأَةُ بِزَوْجِهَا: استعصت عليه واغضت) or a wife's hatred and disobedience to her husband.⁶ According to al-Munawwir's dictionary *nusyūz* (نشوز) means disobedience, the wife's opposition to her husband.⁷

Mufassir define *nusyūz* as an attemptation to show violence in words, actions, or both, which is implemented by husband and wife because of hatred for their life partner.⁸ According to Wahbah al-Zuhaili definition, *nusyūz* is considered as disobedience of one partner to what should be obeyed and / or hatred towards his

³Ida Zahara Adibah, "*Nusyuz dan Disharmoni Rumah Tangga (Kekerasan Gender dalam Perspektif Pendidikan Islam)*", *Jurnal Inspirasi*, Vol. 1, No. 3 (Januari-Juni 2018), hlm. 237-256

⁴Saoki, "Batas Hak Suami dalam Memperlakukan Istri Saat *Nusyūz* dan Sanksi Pidananya", *Jurnal Al-Hukama*, Vol. 6, No. 2 (Desember 2016), hlm. 251-274

⁵Sri Wahyun, "Konsep *Nusyuz* dan Kekerasan Terhadap Isteri (Perbandingan Hukum Positif Dan Fiqh)", *Jurnal Al-Ahwal*, Vol. 1, No. 1(2008), hlm. 17-30

⁶ Louis Ma'luf, *al-Munjid fi al-Lughah wa al-A'lam*, (Beirut: Darul Masyriq, 1986), hlm. 809

⁷ A.W. Munawwir, *Kamus al-Munawwir*, (Surabaya: Pustaka Progressif, 1984), hlm. 1517

⁸ Suheri Sidik Ismail, *Ketentraman Suami Istri*, (Surabaya: Pustaka Ilmu, 1999), hlm. 107

partner.⁹ Another redaction stated that *nusyūz* means the disobedience of a husband or wife to their partner illegally or for insufficient reasons. Generally, *nusyūz* includes every denial, both with regard to the rights of the husband and Allah.¹⁰ Sudarsono states that *nusyūz* is a situation where a husband or wife leaves their obligations, causing tension, rift, and turbidity for their domestic relations. Furthermore, according to him, *nusyūz* is the attitude of disobeying both of wife and husband.¹¹

The Compilation of Islamic Law (KHI) article 84 paragraph (1) explains that "The wife can be considered *nusyūz* if she does not want to carry out the obligations as referred to in article 83 paragraph (1) except for valid reasons". Meanwhile, it can be seen that the husband's *nusyūz* is not mentioned in the KHI on next paragraph and only explain about *nusyūz* act that comes from wife side. This inequality definition of *nusyūz* on both sides seems to be very biased and very detrimental to women.

From the explanation above, it is clear that in terms of language, *nusyūz* means the attitude and actions of a wife who oppose or disobey her husband without a valid and correct reason by Islam. However, the above definitions are only refers to *nusyūz* on the wife's side, while actually *nusyūz* applies to the husband either. If the *nusyūz* attached to the wife is a disobedience to the husband's orders, it is no exaggeration then to say that the husband's kind of *nusyūz* is defined as the husband's carelessness on providing maintenance and ignoring his wife in carrying out her obligations and responsibilities as mandated by Allah without good reason, or even doing an act that cause problems for the wife's body and soul.

Nusyūz arises because of problems that occur in the husband and wife's household whether it is dissatisfied with the attitudes and behavior of others, so that this obstacle causes a change in the attitude of one of them. *Nusyūz* started from one side, husband or wife, not on both side at the same time. If this attitude occurs on both sides at the same time, it is not categorized as a *nusyūz* but categorized as *syiqāq*.

The essence of *Nusyūz* is a moral disobedience and social values, if wife commits the disobedience, husband supposed to advise his wife with gentle words to remind her of her rights and obligations as a wife who has been ordered by Allah which is the part of social problems, if that method doesn't mean anything to her, the second way is to separate the bed, and yet it doesn't mean anything to her, it is permissible to beat the wife on conditions that have been agreed upon by the scholars with no painful blow and/or does not leave any scars to her body.

On the other hand, for a husband's *nusyūz*, wife must deal her husband by advising him about the advantages for a responsible husband. Furthermore, the wife commits "no conversation" way for no more than three days with the intention aware

⁹ Wahbah al-Zuhaili, *al-Fiqh al-Islam wa Adillatuhu*, (Beirut: Dar al Fiqr, 1989), hlm 353

¹⁰ Suheri Sidik Ismail, *Ketentraman Suami Istri*, hlm, 108

¹¹ Sudarsono, *Pokok-pokok Hukum Islam*, (Jakarta: Renika Cipta, 1992), hlm 248

him. Then the wife makes peace, in the sense that the wife reduces the rights that the husband needs to fulfill in order to clarify their relationship and restore domestic peace.

If these two methods doesn't mean anything to the attitude of the husband's *nusyūz*, then the wife should leave that matter to those who can solve the problem, including the family or the court if necessary so that they can take wise action for both.

b. *Nusyūz* Legal Basis

There are several verses in the Qur'an that explain *nusyūz*. The legal basis for *nusyūz* from wife side is explained in an-Nisā' (4): 34:

وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ
وَاضْرِبُوهُنَّ ۗ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا
كَبِيرًا

“The men are the maintainers (and protectors) of the women because Allah has made some of them to excel the others and because they spend out of their property (for the women as bridal-money and livelihood). Therefore the improved women (the women who do the soul's cleansing) are devoutly obedient, and as Allah has guarded (their property and chastity) they (too) guard in the unseen (in their husband's absence themselves as well as their husband's property and honor). As for those (women) from whom you fear disobedience (opposition) advise them (first) and remain them apart in beds (then) and (if they go on disobeying) hit them; then if they obey you, do not seek a way against them; surely, Allah is Most Exalted, the Greatest.”¹²

This verse is considered in the context of other verses in the Qur'an understood as underlining the equality of males and females. Down the centuries, jurist have given it much attention, including a view that God has given men a general guardianship or leadership role over women.¹³ If it turns out that in reality there is wifely disobedience by ignoring the obligations that must be fulfilled, then Islam provides steps that can be taken by the husband as a form of solution that can be given.

Furthermore, the basis for husband *nusyūz* towards his wife is stated in Q.S an-Nisā' (4): 128:

¹²an-Nisā' (4): 34

¹³ Lynn Welchman, *Women's Rights and Islamic Law: Perspectives on Reform*, (New York: Zed Book Ltd, 2004), hlm.31

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

“If a woman fears indifference or neglect from her husband, there is no blame on either of them if they seek (fair) settlement, which is best. Humans are ever inclined to selfishness. But if you are gracious and mindful (of Allah), surely Allah is All-Aware of what you do.”¹⁴

From the verse above, It can be inferred that the *nusyuz* treatment for men are very different to women.

2. *Nusyuz* Treatment Based on Gender Equality

Islamic jurists provide practical affirmations to condemn the actions of *nusyuz* almost in all classical fiqh books. However, the act of *nusyuz* is identified as the wife's disobedience towards her husband. The interpretation of the fuqaha tends to lead *nusyuz* into the form of full authority of a husband over his wife.

Regarding *nusyuz*, Fatima Mernissi as quoted by Nasarudin Umar has a different opinion from the majority of fuqaha, she argues that the concept of *nusyuz* is defined more broadly as a form of awareness of women's equality. In the sense that women have the right to have different desires and opinions. The concept of obedience actually does not only belong to women but belongs to a servant to God. A similar opinion was also expressed by Amina Wadud in interpreting Surat an-Nisa verse 34, that the concept of obedience which is described as an obedient woman is often associated with obedience to her husband. Even though the word is used to refer to the characteristics of servants who believe in Allah.¹⁵

So far, *nusyuz* is only considered as wife's disobedience to her husband. The concept of *nusyuz* that is mentioned above should be reviewed, due to changes in the socio-cultural conditions of today's society. Just like a wife who leaves her husband's house is considered a *nusyuz*, nowadays women are more independent and able to go and even work outside their home, so this may not be appropriate anymore.¹⁶

Asghar Ali Engineer also stated that the Qur'an normatively put men in a higher position than women. However, the Qur'an never once stated that the social structure is normative. Social structure is always changing and hasistant, and if women who support

¹⁴ Q.S. An-Nisā' (4): 128

¹⁵ Nasaruddin Umar, *Ketika Fikih Membela Perempuan*, (Jakarta: PT Elex Media Komputindo, 2014), hlm. 103

¹⁶ Sri Wahyuni, “Konsep *Nusyuz* dan Kekerasan Terhadap Isteri (Perbandingan Hukum Positif Dan Fiqh)”, *Jurnal Al-Ahwal*, Vol. 1, No. 1(2008), hlm. 27

their families, or work with men are considered as a normal thing in a society, women must be equal or even superior to men and play a more dominant role in their families.¹⁷

There are several things that need to be considered regarding the concept of *nusyūzif* we want to know what kind of concept is most appropriate for our "era", they are; First, in pre-Islamic times, especially during the jahilia Arab era, most women did not have any rights. They cannot be the heirs of their husbands or parents. Men are also free to marry any woman regardless of the number, while women are not. A wife whose husband died becomes *tirkah* itself. It is very different from the husband position after marriage who is in a ruler position.

It can be inferred that because of marriage had no limit in terms of marrying women at that time, the issue of "disobedience" to husbands could be a matter of life and death with their powerlessness towards men. Many rivals of wives in the household make them compete to win the attention of their husbands to stay alive and not be divorced. Husbands did not need a strong reason if they wanted to divorce them, boredom was more than enough for that so the word *nusyūz* did not appear on the surface of married life at that time.

Second, when Islam came reform all aspects of people's lives, women who initially did not have many rights got a number of rights. Many things have changed regarding women's rights including the right to get a dowry, inheritance rights, marriage restrictions, and so on. The restriction of marriage to four wives and the emergence of a number of rights slightly raised women's courage in acting and arguing so that *nusyūz* began to surface, regardless of whether it was from the wife or husband.

Third, the equal rights phenomenon between men and women in various aspects of life today has created a bilateral or parental society. This equality changes the social system of society where everyone has the freedom to act and argue in the corridor of human rights, including women, such as working, leading a forum, and so on. With this equality, the meaning of *nusyūz* which was originally only pinned on the wifely disobedience changed to both of them.

With modern social conditions and society's mindset, the meaning of *nusyūz* should be changed which is originally only pinned on a wife's disobedience to her husband. In principle, *nusyūz* is a betrayal of a partner, but in Islam, what is stated by the majority of scholars tends to refer to this as "disobedience". The potential for betrayal or disobedience can not only happen to the wife, but also to the husband. Thus, *nusyūz* can also be carried by both. The consequence is that if one partner is unfaithful or disobedient, then the partner has the right to be reprimanded.¹⁸

Based on surah an-Nisā' (4): 34 and 128, the differences in the *nusyūz* treatment for man and women are as follows:

¹⁷Asghar Ali Engineer, *Islam dan Teologi Pembebasan*, terj. Agung Prihantoro (Yogyakarta: Pustaka Pelajar, 1999), hlm. 237

¹⁸Khoiruddin Nasution, "Islam Membangun Masyarakat Bilateral dan Implikasinya terhadap Hukum Keluarga Islam Indonesia" *Jurnal Al-Mawarid*, Vol. 17, No. 3 (2007), hlm. 95

1. advice, bed separation, and beating as *nusyūz* treatment for wife
2. Shulh (peace or fair settlement), ihsan (good manner), and taqwa (fear of God) as *nusyūz* treatment for husband

The *nusyūz* treatment between husband and wife in daily marriage life has a significant differences. When it comes from the wife side the treatment tends to provide a gap of violence through the stages of advice, separation of bed, and finally physical punishment which are often became the reason for domestic violence. As for the husband, the treatment tends to be certain advices and even the wife is encouraged to make peace by reducing a number of rights that need to be fulfilled by the husband. This inequality of *nusyūz* treatment on both sides seems to be biased and very detrimental to women.

This inequality is also found in the Compilation of Islamic Law (KHI) article 84 paragraph (2) that The husband's obligations towards his wife as regulated in Article 80 paragraph (4) are no longer obliged to be given to the wife if she commits *nusyūz*, but if the husband acts *nusyūz* towards his wife there is no provision on whether the husband still has the right to be obeyed by the wife or not.

In treating *nusyūz* acts, it is necessary to consider two main things, they are: justice and the principle of *mu'āsyarah bil ma'rūf*. It means that when their wives acts *nusyūz*, they must be understood not only in term of their disobedience, but must be comprehensive, such as how is the husband's *mu'āmalah* is toward his wife, whether the wife's rights have been fulfilled, and so on. Furthermore, the principle of *mu'āsyarah bil ma'rūf* that is required to still in good relation at treatment,¹⁹

Since the Qur'anic text refers to both husbandly and wifely *nusyūz*, progressive and reformist scholars argue that they should not be treated in isolation from each other, as they were in the pre-colonial period. Rather, husbandly and wifely *nusyūz* should be understood in light of each other. If *nusyūz* is an undesirable spousal quality that both husband and wife can exhibit, then it must have shared meaning that can be applied to both spouses. This rules out any interpretation *nusyūz* that is hierarchal, including the disobedience.

Progressive and reformist scholars are often use Q.S ar-Rūm (30): 21 as the framing text for interpreting Q.S an-Nisā' (4): 34. This verse describes spouses as the signs of God and portrays an ideal marriage relationship as one that is pinned with love and mercy.

ومن ءاٰیٰتِهٖٓ اَنْ خَلَقَ لَكُمْ مِنْ اَنْفُسِكُمْ اَزْوَاجًا لِتَسْكُنُوْا اِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَّوَدَّةَ
وَرَحْمَةً ۗ اِنَّ فِيْ ذٰلِكَ لَاٰیٰتٍ لِّقَوْمٍ يَّتَفَكَّرُوْنَ

¹⁹Ida Zahara Adibah, "Nusyuz dan Disharmoni Rumah Tangga (Kekerasan Gender dalam Perspektif Pendidikan Islam)", *Jurnal Inspirasi*, Vol. 1, No. 3 (Januari-Juni 2018), hlm. 244

“And among His Signs is this, that he created for you mates from among yourselves, that ye may dwell in tranquility with them, and He has put love and mercy between your (hearts); verily in that are Signs for those who reflect.”²⁰

Both of them point out that this verse establishes the base for an ideal relationship, and as such, it poses a challenge to the acceptability of the physical disciplining of wives. How can the egalitarian and reciprocal relationship that is described in Q.S ar-Rūm (30): 21, based on love and mercy, allow one spouse to treat other through physical violence?. If Q.S an-Nisā’ (4): 34 is interpreted to permit the physical treatment on wife, then it stands in contradiction to the spirit of ideal spouse relationship in Q.S ar-Rūm (30): 21.²¹

One of the most interesting exponents of *nusyūz* treatment based on gender equality is Faqihuddin Abdul Kodir. Abdul Kodir states in his *mubādalah* method on surah an-Nisā’ (4): 34 and 128 that literally, an-Nisā’ verse 34 speaks to husband about his wife who disobeys the marital commitments of loving and serving one another. But reciprocally, this verse can also speak to women as subjects and *nusyūz* on husband side. It can be inferred that, both wife and husband could convey to the perpetrators of *nusyūz*: *mau'izhah al-hasanah*, which is intended as the best friendly advice so that it can be understood well restore clear consciousness and improve relations. Furthermore, the separation of beds that is mentioned is not solely due to anger because the best advice that is given has not produced the tangible results, but the separation is an opportunity and a process to reflect and think. This advice and separation of beds is a stage and process for peace (*shulh*) which is mentioned in verse 128.²²

According to his *mubādalah* method, the beating that is mentioned as the last alternative on *nusyūz* treatment is not recommended for solving the problems of a married couple. Instead of being able to improve the relationship between husband and wife, beatings will only caused two things, accidents by heavy beating and hatred if it is soft beating.²³ Beating is no longer to be the solution for solving husband-wife relationship problems because this is contrary to the purpose of marriage to create a happy and loving relationship. Beating is also very contrary to the spirit of love that has been exemplified by the Prophet Muhammad.

Through this verse, what is meant by the *sulh* is Allah suggesting both of them to make peace in order to return to their mutual commitment as a couple who love and strengthen each other. *Ihsan* meant that both of them were asked to increase *mu'āsarah bi al-ma'rūf* in each partner. Furthermore, the intended *taqwa* is that both of them are asked to stop and fortify themselves from all bad attitudes, statements, and actions to

²⁰Translation by Abdullah Yusuf Ali, *The Meaning of the Holy Qur'an*, (Beltsville: Amana Publications, 1997) on ar-Rūm (30): 21

²¹ Ayesha S. Chaudhry, *Domestic Violence and the Islamic Tradition Ethics, Law, and the Muslim Discourse on Gender*, (United Kingdom: Oxford University Press, 2013), hlm. 202

²²Faqihuddin Abdul kodir, *Qirā'ah Mubādalah*, (Yogyakarta: IRCiSoD, 2019), hlm. 413

²³*Ibid*, hlm. 414

their partners. So, when *nusyūz* occurs, the solutions offered by the Qur'an are sulh, ihsan, and taqwa.²⁴

According to *nusyūz* treatment based on gender equality, the couple who performs *nusyūz* has the right to be reprimanded by their partner. Furthermore, it is possible that the steps for *nusyūz* treatment that is stated in Q.San-Nisā' (4) : 34 also be applied by wife when her husband performs *nusyūz*. Thus, the wife also has the right to give advice, bed separation, and do physical discipline such as slapping, and in fact it is women who are more entitled in terms of warning in a physical form like this because the subject is a man who was created to be resilient and strong, not the other way around. After all, what kind of impact can a woman's slap have on an irresponsible and overbearing man.

D. Conclusion

After the discussion above, the conclusions of this research are as follows:

1. The classic *nusyūz* concept focuses more on the wife's disobedience rather than husband. If the definition of *nusyūz* that is pinned to wife is a disobedience to husband's orders, it is no exaggeration to say that the husband's *nusyūz* is defined as the husband's negligence in providing maintenance and ignoring his wife in carrying out her obligations and responsibilities as mandated by God for no good reason.
2. The understanding of *nusyūz* were changed with the changing of social conditions started from a) pre-Islamic Arab era, when women did not have many rights and *nusyūz* had not become an intense topic, b) the arrival of Islam, when women have a several rights and *nusyūz* were started to become a topic with a concept that tends to be patriarchal, and in modern era where the concept of *nusyūz* still in its old meaning, and even tends to only be attached to wife.
3. *Nusyūz* treatment based on an-Nisā' (4): 34 could also be applied by wife when her husband performs *nusyūz*.

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²⁴*Ibid*, hlm. 412

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