

## Nusyuz of Husband and Wife in the Maslahah Perspective

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**Abstract:** *Nusyuz often arises when the relationship between a husband and wife loses its harmony. This can lead to prolonged disputes, known as shiqaq, and may even contribute to situations of domestic violence, where the wife is often the one who suffers the most. This article is intended to examine the maslahah aspects contained in nusyuz, both those carried out by husbands and wives in the household. Through the principle of maslahah, nusyuz can not only be resolved but also anticipated and prevented before it arises. Prevention will be easier to do than handling when nusyuz has occurred. This research is normative by using an Islamic legal approach, namely maslahah. The research data comes from the books of ushul al-fiqh, fiqh, tafsir, and other references such as books and articles related to the research theme. All data will be analyzed using descriptive analytic. The findings reveal that nusyuz is a form of disobedience that can be committed by either the husband against his wife or the wife against her husband. The absence of a firm prohibition from the Koran and hadith against nusyuz, does not make it haram. However, avoiding nusyuz must be done by husband and wife because it is one of the efforts to create benefits. A mutually open attitude between husband and wife through good communication, being able to regulate emotions, carrying out rights and obligations, and avoiding attitudes of superiority, selfishness, authoritarianism and violence towards husband and wife must be carried out so that nusyuz can be avoided and prevented. Making every effort to prevent nusyuz signifies the realization of maslahah, ensuring the well-being and harmony of the marital relationship.*

## Introduction

In Islam, marriage is a sacred bond that not only unites two individuals but also serves as an act of worship to Allah SWT. It contains deep meanings about love, responsibility, and commitment, all of which are arranged within the framework of Islamic law. Marriage is based on a sincere intention to build a family that is *sakinah*, *mawaddah*, and *rahmah*. The marriage process begins with the marriage contract, a sacred agreement spoken in the name of Allah. In this contract, the husband gives a dowry to his wife, as a sign of responsibility and respect. The marriage contract is a profoundly sacred moment, as it marks the transformation of two individuals who were once strangers into a lawful partnership, with the blessing and permission of Allah SWT.

In domestic life, the husband is entrusted with the role of family leader, but his leadership must be guided by a profound sense of responsibility and care. The husband is obliged to guard, protect, and fulfill the needs of his family through the sustenance he provides. The husband must also relate to his wife

well (Hidayatulloh, 2019). Meanwhile, the wife has an equally important role, namely as a loyal companion, household manager, and first educator for children. The wife is also required to maintain her own and her husband's honor and obey her husband in matters that do not violate the *Shari'a* (Fitri, 2019). However, despite their different roles, the husband and wife are regarded as equal partners in the eyes of Allah. Therefore, they must complement and respect one another to maintain harmony in their relationship.

Islam places great importance on maintaining good communication between husband and wife, as it is key to fostering understanding, harmony, and mutual respect in their relationship. Through this good communication, it will give birth to trust and trustworthiness from each husband and wife. Every difference must be resolved in a wise and patient manner (Shobihah & Fathoni, 2022). The Prophet Muhammad SAW is the best example in this regard, because he always treated his wives gently and lovingly. He also taught that the best husband is one who treats his wife well. However, if communication between husband and wife does not go well, it can create disharmony or even trigger conflict. Moreover, issues can arise when one partner feels superior and begins to view the other as a subordinate who must unquestioningly obey their every command.

Conflict is a natural and almost inevitable aspect of married life. It can stem from a variety of sources, ranging from minor misunderstandings to more significant issues within the household. Sometimes, conflict is triggered by daily stress and fatigue, or perhaps by feelings of being unappreciated or a lack of effective communication. Conflict can also arise when one party's expectations are not met, or when there are fundamental differences in values and principles. In addition, conflict can also be triggered by economic problems. This is usually due to the husband's minimal income so that he cannot meet his daily needs. Based on data from the Badan Pusat Statistik (BPS) in 2023 regarding divorce, economic factors are the second most common cause of divorce in Indonesia (Statistik, 2024). Likewise, in 2024, economic factors are suspected to remain in the top 5 causes of divorce. This is as revealed by the Pengadilan Agama Batang and Riau. Conflicts that are based on economic factors can also be one of the causes of domestic violence. When the husband experiences economic pressure from the family and coupled with problems at work, then when the wife's treatment is not in accordance with the husband's wishes when he returns home, violence can occur so that the wife and children become victims. When conflict occurs, emotions often dominate. Sharp words and defensive attitudes can arise, making the situation even more heated. In fact, conflicts between husband and wife are often accompanied by acts of violence, many of which target the physical well-being of one partner. (Mupida, 2019).

According to the understanding of many Muslims, when one party—particularly the wife—denies or opposes the husband, it is often regarded as an act of disobedience. Thus, a wife who does not obey her husband as head of the family is considered to be committing *nusyuz*. The *nusyuz* which is interpreted by scholars as disobedience is suspected of being able to bring a husband and wife into a condition of *shiqaq* in the form of a dispute (Q.S.al-Nisa ' : 35). The

dispute cannot be resolved by the husband and wife. It takes another party (counselor), either from the family or community leaders and authorities to be able to reconcile and resolve the dispute between husband and wife (Salam, 2015; Shihab, 2013). However, if the husband and wife dispute still cannot be resolved by the counselor, then the marriage relationship between husband and wife can be threatened with divorce. This means that divorce should be considered the last resort for resolving disputes between husband and wife within the household.

On the other hand, nusyuz is also believed to be one of the contributing factors to domestic violence. The wife as a woman is often the victim of her husband's arbitrary attitude. The patriarchal bias that is very strong in Muslim culture is the cause of this violence. In addition, according to the understanding of Muslims, if a wife disobeys her husband, it means she has committed nusyuz (Pangestu, 2021). The form of disobedience is in the form of disobedience, where the wife feels that her dignity is higher than her husband, or the wife leaves the house without her husband's permission (Zuhaili, 1997). Based on data obtained from the Catatan Tahunan (CATAHU) of Komnas Perempuan in 2020, the number of violence committed by husbands against their wives was 6,555 (59%) of the total 11,105 cases of domestic violence. Ironically, only a portion of these domestic violence were reported. Most cases of violence against wives were reported to the Unit Pelayanan Perempuan dan Anak (UPPA), totaling 2,307 cases. Meanwhile, 1,700 cases were reported to the Women's Crisis Center (WCC) and other NGOs (Perempuan & Tahunan, 2020).

Nusyuz will continually overshadow the domestic life of a husband and wife when their relationship lacks harmony and mutual understanding. The logical consequence of this nusyuz is disputes and divorce which in Islam are hated even though permissible. Preventing and avoiding opportunities for nusyuz must be done by husband and wife so that domestic life can run well. This action must be taken as an effort to create benefits and prevent harm and damage. This is because nusyuz is not only a problem of behavior, but also a problem of the heart. Behind nusyuz, there are often underlying feelings of dissatisfaction, anger, or deep disappointment experienced by one of the parties in the relationship.

Numerous researchers and scholars have conducted studies on the phenomenon of nusyuz. However, in general, the focus of the study refers to the forms of nusyuz, the factors that cause it, solutions to overcome it, and the relationship between nusyuz and positive law. Research conducted by Rifqatul Husna stated that based on the semantics of Toshihiko Istuzu, there was no difference in meaning between nusyuz carried out by wives and husbands. The only difference was found in the solution to the resolution (Husna & Sholehah, 2021). Fitri Rafianti's research links the issue of nusyuz with acts of domestic violence. In fact, the solution provided by the Qur'an in dealing with nusyuz in wives is not in the form of violence. Accurate knowledge is essential for all parties, especially husbands, in understanding the Quranic verses related to nusyuz (Rafianti & Sinaga, 2023).

On the other hand, research on nusyuz is often focused on wives, despite the fact that husbands can also engage in acts of nusyuz (Alamsyah, 2019;

Fitriyani et al., 2023; Khairuddin et al., 2022; Khairuddin & Salam, 2021). Ihyak's article found that in the Kitab *Fathul Qorib*, it only focuses on the nusyuz of wives, there is no discussion about the nusyuz of husbands to their wives. In fact, verse 128 of the surah al-Nisa' emphasizes the existence of the husband's nusyuz (Ihyak, 2022). Meanwhile, Asnawi's article found that the nusyuz is associated with sexual intercourse. This means that if a wife refuses to fulfill her husband's needs without a valid reason, such as illness, it may be considered an act of nusyuz (Asnawi, 2023).

All of the studies mentioned have yet to explore the concept of *maslahah*, which serves as the central focus of this article. In fact, according to scholars, every activity carried out by humans, especially Muslims, must contain *maslahah*, whether is positive or negative. This may be due to the understanding of *maslahah* which is often interpreted as only attracting and taking goodness and benefits. In fact, the scope of *maslahah* is very large, not only realizing goodness but also avoiding and rejecting damage. This side will be the main focus of this article, so that the polemic of nusyuz is not only in the form of curative efforts when it has occurred, but preventive efforts are also important to do. Prevention efforts are usually lighter and more practical than treatment. As with health, where treating disease will be more difficult and heavy than maintaining health through a healthy lifestyle. Likewise, avoiding nusyuz will be much easier to do than dealing with it because it will take a lot of time, energy and patience. Therefore, a comprehensive understanding of nusyuz is essential to prevent conflicts between husband and wife, ultimately fostering harmony within the household.

## Method

This article constitutes normative research as it focuses on examining the legal norms found in the primary source of Islamic law, namely the Qur'an. By focusing on two verses in the surah al-Nisa', namely verses 34 and 128, the understanding of the verses through the interpretation of the mufasssirs on the text which related to nusyuz can be obtained. Including the implied meaning in it. This study applies an Islamic legal approach by using the *maslahah* theory as its reference. Through the *maslahah* theory in the form of taking goodness or benefits and rejecting evil or damage, the nusyuz conflict between husband and wife can be prevented, avoided or resolved well if it has occurred. Because this research is a literature study, all research data is taken and collected from kitab *fiqh*, and *usul al-fiqh*, kitab *tafsir*, and other references related to the research theme. The references used in this study include Qawâ'id al-Ahkâm fi Masâlih al-Anâm by 'Izzuddin ibn 'Abd al-Salâm, al-Halal wa al-Haram fi al-Islam by Yusuf al-Qaradawi, and al-Jami' li Ahkam al-Qur'an by al-Qurtubi.

All research data were analyzed in depth using descriptive analytical methods. All data that has been collected will be selected, sorted and categorized according to themes. Data related to nusyuz will be described and explained through the scholars' interpretation of QS al-Nisa' verses 34 and 128. The information produced is very useful for understanding the characteristics and solutions in dealing with nusyuz. Likewise, data related to issues will be described and examined in depth, especially when dialogue with Islamic law.

In this case, exploring the implied meaning becomes the main focus in realizing *maslahah*, especially in preventing harm or damage that will be caused by nusyuz. In essence, the *maslahah* theory applied in this research is intended as a preventive measure. The information gathered from these two themes will be synthesized and analyzed from various perspectives, including psychological and social aspects.

## Results and Discussion

### Dialectics of Maslahah and Islamic Law

All scholars agree that *maslahah*, encompassing benefits, goodness, and comfort, represents the ultimate objective of Islamic law. This *maslahah* is solely intended for the good of humans in their lives in this world and the hereafter (Fäsy, 1993). The realization of *maslahah* must refer to the objectives of the *sharia* as stated in the provisions of the Qur'an and hadith as sources of law. In general, a *maslahah* consists of pleasure, comfort, and enjoyment. However, happiness and pleasure are different from the afterlife, where pleasure can be known through consideration of reason and custom even though the provisions of the *sharia* have not been determined. Meanwhile, the pleasure of the afterlife can only be known through the Qur'an and hadith, *qiyäs mu'tabar* and *istidlal* which are valid (Al-Salâm, 1994). This confirms that the value of the welfare desired by the *Shari'a* is not only limited to everything in the pleasure alone, but also includes non-material aspects so that human physical and spiritual needs can be met (Al-Buti, 2000). Related to this, 'Alal al-Fasy added that in fact, welfare is so much that it cannot be limited to its closure. However, a benefit (*maslahah*) will not be accepted if there is a textual evidence that opposes it, if there is a greater benefit that takes precedence, or if there is a harm (*mafsadah*) that is more critical to avoid (Fäsy, 1993).

Some scholars argue that the ultimate measure for determining welfare (*maslahah*) is the Qur'an and hadith, rather than human reasoning. This welfare is called the essential welfare which is very important in maintaining the five main elements for the welfare of human life, namely religion, soul, reason, descendants, and property. Thus, every act that aims to maintain these five elements is called *maslahah*. On the other hand, it will be called *mafsadah* if it is intended to damage or eliminate the five essential elements (Al-Salâm, 1994). Sometimes the benefit is indicated by the text of the *nas* clearly, either one or more. However, on the other hand, there are also many texts of the *nas* that do not explain the benefit explicitly so that it must be studied in depth through various methods, including *qiyäs*. According to scholars, if the benefit is mentioned or clearly seen in the text of the *nas* (*mansusah*), then it is called *maslahah al-mu'tabarah* if a command is found above it. Or it can also be called *maslahah al-mulqah* if there is a prohibition in it. However, if the benefit is not explicitly mentioned in the text of the *nas* (*ghair mansusah*), it is referred to as *maslahah al-mursalah* (Hasballah, n.d.).

David L. Johnston explains that, historically, *maslahah* has been connected to various medieval legal methodologies, including the idea of the Common Good. However, al-Ghazali included it in Islamic law to enrich the theory of *uṣūl al-fiqh* and *fiqh*. Thus, the five basic principles established by al-

Ghazali as important elements of *maslahah*, do not have a legal basis in the text of the Qur'an and hadith. On the other hand, the concept of the common good in the Middle Ages was a rather controversial doctrine in legal jurisprudence. This finally made al-Ghazali careful when applying the theory of *maslahah*. Al-Ghazali's caution is shown by setting the requirement that *maslahah* can be accepted if it is determined by the text of the *nas*. In addition, if the *maslahah* falls under *maslahah al-mursalah*, it must be determined based on the principles of qiyas (analogical reasoning) (Johnston, 2014).

The concept of *maslahah* is not limited to a specific period or era. Over time, it has consistently remained a significant topic of discussion and debate among scholars. Many scholars have devoted their attention to the study of *maslahah*, especially when related to *maqāsid al-shari'ah*. As part of *maqāsid al-shari'ah*, *maslahah* is an alternative in developing *ijtihad* methods. This means that the *maslahah* aspect can be the main focus in understanding the Qur'an and hadith as sources of law. The existence of *maslahah* can provide scholars of Islamic jurisprudence with a framework for dealing with legal issues in life and the environment that are constantly changing. *Maslahah* also legitimizes new legal rules, thus opening up opportunities for scholars to elaborate on issues that are not emphasized by the text of the *nas*. Thus, legal changes through *maslahah* can only be achieved depending on the pattern of legal reasoning with *maslahah* weight applied by scholars (Asmawi, 2014). The application of the concept of *maslahah* is often seen in *muamalah* issues. The construction of school buildings is very beneficial for humans in gaining knowledge. Through good planning, the development of knowledge becomes more systematic and measurable. In addition, in the field of economics, numerous applications and instruments have emerged that aim to benefit humanity, such as mutual funds and e-commerce.

Scholars, including contemporary thinkers, have increasingly focused on understanding the context surrounding the emergence of a text. This action does not mean that they have ignored the text, because in any case they still believe that the text must be the initial foothold. In addition, the study of the context of space and time and other indications included in it (*qarā'in al-aḥwāl*) is also an important discussion when studying the issue of *maslahah*. Another important aspect that is also the focus of study by scholars is the existence of universal values that underlie the determination of a law, such as the values of freedom, justice, equality, humility, and compassion. These values are induced from the instructions of the Qur'an and hadith which must be taken into account in the process of determining the law in order to realize the good of humanity in the world and in the hereafter. Related to this, Akh Minhaji stated that there are two forms of tendencies among scholars in understanding the law based on the text of the Qur'an and hadith. The first is a group that tends more towards the sound of the text as a standard in understanding and determining the law. The generality of the pronunciation contained in the text is used as the main reference in understanding and determining the law (*al-'ibrah bi 'umūm al-lafzi la bi khusūs al-sabab*). The second is a group that directs the orientation of their studies to the causes behind the emergence of the text of the *nas*. They believe that the law can be effectively implemented if

the specific underlying causes are also considered as key references in interpreting the texts of the Qur'an and hadith (Minhaji, 2012).

### Nusyuz

Nusyuz, which refers to neglecting a husband's or wife's responsibilities toward their partner, leading to feelings of resentment and hatred, must be addressed promptly to prevent further harm and damage to the relationship. In two verses in Surah al-Nisa' Allah has provided a way out for dealing with nusyuz carried out by wives and husbands. The solution to the wife's nusyuz is explained in the following surah al-Nisa' verse 34:

...وَأَلَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

*“...and the women whose nusyuz you are worried about, then advise them, and separate them from their beds, and beat them. If they obey you then do not look for ways (to trouble them). Indeed, Allah is Most High, Most Great. (QS al-Nisa': 34)*

Based on the explanation in the verse above, there are three ways that can be done to deal with a nusyuz wife (Devy & Firdaus, 2019).

#### 1. Giving Advice

Al-Qurtubi suggests that if a woman is deemed *nusyuz* (disobedient or neglectful of marital duties), she should be gently reminded of her responsibilities as a wife. This includes fostering a harmonious relationship by respecting and fulfilling her role, while also acknowledging the leadership role traditionally attributed to husbands in the marital dynamic. (Qurtubi, 2006). On the other hand, Yusuf al-Qaradawi added that when a husband senses disobedience from his wife, he must correct it by giving advice with polite and gentle sentences so that the wife becomes aware (Yusuf al-Qaradawi, 1997). Husbands can give this advice on an ongoing basis, because a harmonious family is not created in a short time but requires patience and wisdom from the husband (Hamka, n.d.).

#### 2. Stay Away From Bed

Furthermore, al-Qurtubi stated that the intention of *وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ* was not to leave his wife. However, the husband still sleeps in the same bed with his back to his wife, keeping quiet and not having intercourse with her. This is different from Mujahid who stated that there is a word that is omitted in this verse, namely *اجتنبوا* which means keep away. Al-Qurtubi agrees with Mujahid's opinion because a wife who loves her husband will feel tortured when left to sleep alone. The husband's actions are expected to make the wife aware of her insolence (Qurtubi, 2006). Ali al-Shabuni added a solution by keeping quiet and avoiding the wife. If the first method does not work, then the husband should not talk to her and avoid her physically (Al-Sabuni, 1980). Meanwhile, Hamka stated that staying away from the bed would be very effective for a young wife. Usually when a husband separates himself while sleeping, the wife will feel sad because she knows

her husband is angry and does not like it. However, in long-standing marriages, this approach tends to be less effective, as sleeping separately may already be a common practice and is no longer seen as a significant measure to address marital issues. (Hamka, n.d.).

### 3. Hitting

The third solution involves delivering a light, non-injurious physical reprimand that does not cause harm, wounds, or break any bones. This action is intended solely as a form of discipline or correction, not as an act of violence. This action is based on a *riwayah* which means, *Beat your wife if she disobeys you in a good way with a blow that does not hurt* (Qurtubi, 2006). The scholars stated that the blow given by the husband could be done on one part of the body but avoid the wife's face. This blow also cannot use a stick or wood, except siwak.

Although this verse permits hitting a wife who is deemed *nusyuz*, many scholars strongly advise against it, emphasizing that avoiding such actions aligns better with the principles of compassion and maintaining harmony in the marriage (Al-Sabuni, 1980). During his life, Rasulullah SAW never beat his wife and female slaves in any way. He really hates men and husbands who like to hit women. This attitude can be seen in his following statement, "Why does one of you like to beat his wife like he beats a slave? Even though he might have sex with her at night." Avoiding beatings is better because physical violence will usually cause hatred in the wife's heart (Yusuf al-Qaradawi, 1997). Hamka added that this beating solution is a household secret in overcoming conflicts that occur. Therefore, other people should not interfere. (Hamka, n.d.). Different from the opinions of scholars, Nasaruddin Umar stated that the word *darb* in the verse above is more appropriately interpreted as *gaulilah* or *setubuhilah*. This meaning is considered more appropriate because it is in accordance with the purpose of marriage, namely *sakinah mawaddah wa rahmah*. Muhammad Abduh supports this opinion, on the grounds that the metaphorical meaning of educating and teaching is more appropriately attached to the word *darb* (Umar, 2014). Some scholars of the *mazhab* add other sanctions to wives who are *nusyuz*. Scholars of the Malikiyyah and Hanabilah's *mazhab* state that when a wife is *nusyuz* by rebelling, leaving the house without the husband's permission, and rejecting the husband's invitation to bed (*jima'*), then at that time the husband has the right to decide on maintenance. A wife who is *nusyuz* means she has committed a disobedience so she is not worthy of receiving the right to support. However, this right can be restored if the wife acknowledges her responsibilities and expresses a willingness to fulfill them (Al-Jaziri, 2008).

The solution to overcome husband's *nusyuz* is confirmed by Allah SWT in verse 128 of the following surah al-Nisa':

وَإِنْ أَمْرَةٌ 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



*“And if a woman fears nusyuz or indifference from her husband, then it is no sin for them to make true reconciliation. Reconciliation is better (for them) even though the nature of man is stingy. And if you do good (to your wives) and guard yourselves, then surely Allah is All-Knower of what you do” (QS an-Nisa’: 128)*

Unlike the *nusyuz* of a wife, which can be addressed through three prescribed steps, the solution provided by Allah for resolving a husband's *nusyuz* is singular: seeking reconciliation through mutual understanding and dialogue. However, this reconciliation has not been widely commented on or responded to by scholars. It is possible that scholars consider the *nusyuz* of a husband to be a natural thing considering the legality for a husband to have more than one wife. Hamka stated that the *nusyuz* of a husband is usually done by men who are already polygamous or have fallen in love with other women. When the husband is *nusyuz*, the wife must take the initiative to resolve it by discussing it and finding out the cause. Is it because the wife is old, no longer attractive (not beautiful), or often sick. In this regard, there are two solutions to resolve the husband's *nusyuz*, *first* the wife frees the husband from the obligation to provide physical and spiritual sustenance if the husband has another wife and *secondly* releases the marriage by means of *khulu'* (redemption divorce). Before inviting the husband to consult, the wife must consider this issue carefully so as not to be influenced by lust which can have fatal consequences (Misran & Sari, 2019). Sometimes a husband's indifferent behavior stems from stress caused by various challenges and pressures at work (Hamka, n.d.).

Mutawalli al-Sha'rawi offers a different perspective, suggesting that resolving a husband's *nusyuz* can be achieved through the wife's decision to seek a divorce as a means of attaining peace and addressing the issue. This is because al-Sha'rawi considers that when the husband has cut off the wife's sustenance or does not like her because she is already hooked on another woman, it means that he has *nusyuz* (Al-Sha'rawi, 2002). Thus, when the husband no longer cares or even does not want to provide for his wife, then there is no point in continuing the marriage, so the wife has the right to sue for divorce. Based on this explanation, when a husband is *nusyuz* marked by stopping his wife's maintenance and distancing himself from her, then the wife has a strong reason to sue her husband for divorce (*khulu'*) with the willingness to pay compensation or ransom (*'iwad*). However, apart from this, if we look back at the case that underlies the revelation of the verse of *khulu'*, it will be seen that the reason Tsabit's wife sued her husband for divorce was not due to pressure and violence, but came from the wife's dislike alone. For the sake of the husband, the wife's lawsuit was accepted by the Prophet on the condition that she must pay the ransom (HR. al-Bukhari from Abdullah ibn Abbas). This implies that if a wife has been neglected, left unsupported for an extended period, or subjected to consistent abuse by her husband, it would be reasonable to waive the ransom (*'iwad*) as part of resolving the situation. (Farida, 2007).

### **Maslahah in Nusyuz**

Every marital relationship between a husband and wife is bound to encounter various challenges and difficulties. It's like a ship sailing on the sea, it doesn't always go smoothly because there are ripples and waves that hinder the voyage. Likewise, disputes between husband and wife are normal. Its existence is a test that will strengthen the husband and wife relationship if it can be resolved well. However, conflicts between husband and wife through disobedience committed by one of them can make the goal of forming a Samarah family difficult or impossible to realize. The disobedience or nusyuz committed by a husband or wife must be resolved immediately so as not to lead to more serious conditions. In the two verses stated previously, Allah has provided solutions that can be applied to overcome nusyuz committed by husbands and wives. Regardless of the differences in the solutions provided by the Qur'an for a husband's or wife's *nusyuz*, the key takeaway is that *nusyuz* should be addressed promptly to restore harmony and ensure the well-being of the marriage.

Maslahah is not solely about achieving benefits and goodness. However, *maslahah* can also be realized by rejecting and avoiding evil. This is in line with a rule of *fiqh* that has been established by the ulama which states, *Dar'u al-mafâsid awlâ min jalb al-masâlih* which means rejecting damage is more important than attracting good (Zarqa', 1996). The realization of *maslahah* in matters of nusyuz is not by committing disobedience, either on the part of the husband or the wife. However, *maslahah* can be realized by avoiding, preventing and resolving nusyuz that will appear or have even appeared. In this way, the ideal and harmonious family as desired will be formed. Efforts to reject and prevent the realization of nusyuz are an obligation that must be carried out by husbands and wives, both when the household is in normal conditions and when signs of nusyuz have begun to appear. Therefore, husband and wife must take proactive steps to avoid and prevent *nusyuz*. Some of the efforts that can be undertaken include the following:

#### **1. Strengthening communication**

One of the essential keys to a lasting and harmonious marriage is maintaining clear, open, and effective communication between husband and wife. Through today's sophisticated technology, communication between husband and wife can be done anywhere and anytime. There are no significant barriers to communication, either verbally or non-verbally. When there are obstacles in the household, communication and deliberation must be carried out so that solutions can be produced. Likewise in deciding a family problem. The point is that communication between family members, especially for husband and wife, is a necessity. Although the husband is the head of the family, the decisions taken must be communicated to the wife so that they do not seem authoritarian (Susanti, 2020). Good communication between husband and wife can lead to trust. This means that when communication between husband and wife is built on trust, any challenges or conflicts within the household, including disputes between the couple, can be addressed and resolved effectively (Shobihah & Fathoni, 2022).

A lack of communication between husband and wife can lead to negative consequences, such as misunderstandings that may create tension and

strain the relationship. Another bad effect is that it can be a major factor in divorce. The communication style before marriage that likes to blame others and likes to avoid things can make husband and wife communication negative so that it is prone to conflict. Therefore, husband and wife should build positive communication that is honest, open, and trusting so that a harmonious household can be realized (Musthapar et al., 2020).

2. Able to regulate emotions

Men and women united in marriage are inherently two distinct individuals, each with their own unique nature, personality, and characteristics. Although during the period of engagement until before the marriage contract, it is recommended to get to know each other between the man and woman who are going to get married, the results are not yet optimal. The nature and personality that each of them knows is only on the visible side, not yet to the recognition of character that is usually still covered up.

Marriage is not only a form of worship but also a valuable opportunity for couples to grow and learn together as they navigate the journey of building a household. Among the valuable lessons in marriage are financial and emotional management. Well-managed finances can meet all the needs of family members. Meanwhile, emotional management can make husband and wife more mature in dealing with various conflicts and disputes. Conflict can arise if the emotions of both husband and wife or one of them are not yet mature. As a result, emotions cannot be controlled, they get angry easily, do not want to be responsible and do whatever they want without caring about their partner. Married couples who are able to control their emotions can position themselves well in any situation and condition. They will be patient, forgive their partner's mistakes, and always open themselves up. All of this contributes to fostering satisfaction with their partner, helping to overcome feelings of disappointment and dissatisfaction in the relationship (Fauzia et al., 2023).

3. Reducing authoritarian and selfish attitudes

The role of the husband as the leader of the family is often misunderstood, which can sometimes lead to an authoritarian attitude. Usually this attitude is found in societies with a patriarchal culture that always prioritizes men. In addition, in the Owner Property marriage pattern, where the wife belongs to the husband so that she must always obey the husband's wishes, the authoritarian attitude is very strong so that the wife has no power at all in the household (Zahara, 2017). An authoritarian head of the family usually will not accept input from family members. In addition, through the power he has in the family, he will always try to control and regulate all activities carried out by his family members. This can lead to dissatisfaction and disappointment for the wife and other family members, particularly concerning the husband's decisions and actions.

An authoritarian attitude in the household is not limited to the husband; it can also be exhibited by the wife. Or it could be owned by the husband and wife. The parties who are often victims of this authoritarian attitude are children. Generally they will have problems with personality,

behavior, emotions and academic achievement at school. Children who are raised by authoritarian parents will be easily emotional, quiet, fearful or not dare to express their opinions. They can even oppose their parents because they feel pressured (Siregar et al., 2021). Although this authoritarian parenting style is intended for parents to protect their children, the rigid and restrictive attitude that is carried out will actually destroy the child's self-esteem and their ability to solve problems (Jadon & Tripathi, 2017). On the other hand, this authoritarian and selfish attitude can also cause couples to have affairs that lead to divorce. Husbands and wives who have selfish and authoritarian partners can make them seek an outlet from other parties which ultimately leads to infidelity (Kurnia, 2016). So that all of this does not happen, couples must reduce or even eliminate authoritarian and selfish attitudes. As a result, fostering mutual understanding and avoiding authoritarian behavior can help prevent conflicts and resentment between the husband and wife, ensuring a healthier and more harmonious relationship.

#### 4. Carrying out the obligations of husband and wife

The marriage contract not only legitimizes the relationship between a man and a woman but also establishes the rights and obligations that both parties are expected to fulfill. Each husband and wife have rights and obligations that must be carried out. The fulfillment of rights and obligations must be balanced. Rights can only be obtained after the obligations are carried out properly. Likewise, obligations must be fulfilled first so that rights are properly obtained. Scholars state that the rights and obligations between husband and wife are not the same, but both are interrelated. In other words, the husband's obligations will become the wife's rights and vice versa, the wife's obligations will become the husband's rights. Among the husband's obligations that are the wife's rights is to treat his wife well. Meanwhile, the wife's obligations that are the husband's rights are to guard everything related to the husband's property. Likewise, the husband's obligation to earn a living, along with the wife's obligation to manage domestic affairs, especially in raising and educating children (Nurani, 2021). Therefore, when both the husband and wife fulfill their obligations diligently and sincerely, their respective rights will naturally be upheld and satisfied.

Husbands and wives must respect each other's rights and obligations, fostering mutual appreciation and understanding. They should avoid belittling one another or prioritizing their own rights and obligations over those of their partner. The husband should not consider his obligations as the head of the family who earns a living to be more important than his wife. Likewise, the wife should not consider her role as a mother who raises and educates children and the wife who manages household affairs to be more noble than her husband. Husband and wife are partners who are closely related without subordination, both in fulfilling rights and obligations, as regulated in the Qur'an and hadith. In Surah al-Baqarah verse 187, the husband and wife are described as clothing for their partners so that they need each other and embrace each other in living their household life. By fulfilling their respective rights and obligations, both husband and wife can

experience a sense of satisfaction, which ultimately fosters harmony and contributes to the realization of a peaceful, loving, and compassionate family (Nurani, 2021).

#### 5. Avoiding violence

Tensions arising from conflicts between husband and wife can escalate into intense arguments, which, in some cases, may unfortunately result in acts of violence. This violence not only damages relationships but can also cause psychological trauma for the victim. Domestic violence can be committed by anyone, be it husband, wife, or other family members. However, usually this violence is often committed by the husband as the head of the family because of the imbalance in power relations between men and women which is legalized by positive law and religious beliefs through the interpretation of gender-biased religious texts. This domestic violence is often wrapped in religious pretexts so that the husband as the head of the family has the authority to discipline family members, especially the wife, when they are considered to have disobeyed him. Furthermore, the presence of certain legal frameworks and societal perceptions, often rooted in myths about male superiority, can inadvertently reinforce the legitimacy of such violence, making it more challenging to address and eliminate (Siswadi & Yuliadi, 2023).

Domestic violence can manifest as verbal abuse, including hurtful words and insults, as well as physical actions that directly harm the victim's body. This will certainly have detrimental long-term consequences including severe physical injury, inability to maintain gainful employment, and ongoing health problems (Riley & Yamawaki, 2018). In addition to physical injury, violence can also injure and damage the mental and psychological well-being of the victim (Siswadi & Yuliadi, 2023). On the other hand, domestic violence can also take the neglect by those who have authority in the family towards their members. Violence can even potentially take the victim's life. If violence is often committed in the family, then in addition to being able to cause death, serious or minor injuries, it is also suspected that it can give rise to hatred in the victim's heart which can ultimately potentially be manifested in the attitudes or actions that lead to disobedience (Azahra & Suherman, 2024). To prevent these harmful effects, the individual with authority in the household, whether the husband or wife, must actively avoid all forms of violence. This also means avoiding any behavior or actions that might escalate tensions or create situations that could potentially lead to harmful incidents.

#### 6. Advising, avoiding, or hitting and making peace

*Nusyuz* can significantly disrupt the harmony of the marital relationship, causing tension and imbalance within the household. The husband or wife's displeasure with the treatment and disobedience carried out by their partner often causes prolonged conflict that is difficult to resolve. This condition will certainly create an uncomfortable atmosphere because it is filled with tension and indifference in the household (Mupida, 2019). When the *nusyuz* signal begins to appear on the wife or husband, the partner must immediately resolve it so that it does not drag on. If the

husband sees this signal, it means that he must carry out three solutions as emphasized in the Qur'an, Surah al-Nisa' verse 34, namely advising her, separating from the bed, or hitting her with a blow that does not hurt. Likewise, if the wife sees her husband's nusyuz signal, then she can hold a discussion and make peace so that the husband can realize his mistake so that he returns to his role as a husband who protects his wife and family. These measures can only be taken after one party, whether the husband or the wife, is certain that their partner has engaged in disobedience (*nusyuz*).

However, the implementation of these four solutions for addressing *nusyuz* should ideally involve an impartial and authorized third party to ensure fair and effective outcomes. This means that the handling of the wife's disobedience should not be based on the husband's decision alone, but also based on the considerations of the authorized party or mediator. Through measured considerations and references, the implementation of solutions to the wife's nusyuz, especially in beatings, is not misunderstood and misused by certain husbands. It would be even better if this beating was avoided, because the word *daraba* does not only mean *hitting*, but also *walking on earth or making a parable*. So when the wife is nusyuz, the husband can leave her for a certain time so that the wife can introspect on her mistakes (Trigiyatno, 2010). Likewise, in handling the husband's disobedience in the form of peace, the presence of another party whose job is to mediate the conflict is absolutely necessary. Through mediation, the husband's nusyuz can be resolved properly and produce an agreement that is acceptable to both parties because it is a win-win solution. Neither the wife nor the husband is harmed in this case. However, it would be more effective if the peace agreement were given legal recognition by the court, ensuring that both parties are bound by its terms and cannot deviate from the agreement (Nuraeni & Sururi, 2022).

## Conclusion

*Nusyuz*, from the perspective of Islamic law, is a significant issue as it disrupts the balance of the husband-wife relationship, which should ideally be grounded in mutual understanding, love, and justice. In Surah al-Nisa' verse 34, Allah provides guidelines on how husbands should play a role in maintaining household harmony, while also providing sanctions for wives who are proven to have committed nusyuz. Likewise, if the husband is nusyuz, the solution that can be done is through peace as emphasized in Surah al-Nisa' verse 128. To address the issue of *nusyuz*, deliberation and mediation involving the husband, wife, and third parties such as family members or judges are strongly encouraged. These efforts aim to prevent divorce, which is regarded as a last resort in Islamic law.

*Nusyuz* carries numerous negative consequences that can harm the relationship between husband and wife, while also impacting their social and emotional well-being. Therefore, based on the *maslahah* theory which prioritizes avoiding harm rather than taking benefits, husband and wife must make preventive efforts. It is very important for married couples to communicate effectively and find solutions to overcome problems that arise in their relationship in order to prevent nusyuz and its negative impacts. Each

husband and wife must also be able to regulate their emotions and avoid selfish and authoritarian attitudes because this could potentially give rise to nusyuz. On the other hand, the implementation of obligations and rights must be balanced. A husband or wife should not focus solely on demanding their partner's rights while neglecting their own obligations. Another important thing is to avoid acts of physical and psychological violence in the household, especially for the husband as the party who has a power relationship which is legalized by law and religious pretexts. By doing all these things, the values of love and affection which are the principles of *maslahah* in forming an ideal family can be realized. These efforts can also prevent and avoid opportunities for nusyuz to appear in the household. This research complements the many other studies that have discussed nusyuz problems. Forming an ideal family is the task of all parties. Maximum efforts are needed from parents and the government to carry out massive training for prospective brides and grooms, both before and after marriage. Therefore, the performance of the Badan Penasehat Pembinaan dan Pelestarian Perkawinan (BP4) must be enhanced to address the growing number of divorce cases in Indonesia, including both those officially recorded in court and unregistered cases.

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