

THE CONCEPT OF HUSBAND AND WIFE GENDER RELATIONS IN TAFSIR AL-MISBAH AND FATHUL QADHIR ON SURAH AN-NISA VERSE 34

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Abstract

This study aims to analyze the concept of gender relations between husband and wife in the interpretation of *Al-Misbah* and *Fathul Qadhir* on Surah An-Nisa verse 34. This study departs from classical to contemporary debates about the role and responsibilities of husband and wife in Muslim families. This study uses a qualitative method with a *library research approach* and descriptive-comparative analysis techniques. Primary data were obtained from the text of the tafsir of *Al-Misbah* by Quraish Shihab and the tafsir of *Fathul Qadhir* by Ash-Syaukani. The results show that *Al-Misbah* interprets the verse contextually by emphasizing the principles of justice and reciprocity in gender relations, while *Fathul Qadhir* emphasizes a textual approach that reflects the patriarchal social norms of classical Arab society. Despite their different approaches, both agree that the husband plays the role of leader and breadwinner, while the wife plays a role in maintaining honor and obedience in the household. These findings suggest that contextual approaches such as those used in *Al-Misbah* are more relevant in addressing the dynamics of gender relations in the modern family without ignoring the principles of Islamic law.

Keywords: *Gender Relations; Husband and Wife; Tafsir Al-Misbah; Tafsir Fathul Qadhir*

Abstrak

Penelitian ini bertujuan untuk menganalisis konsep relasi gender antara suami dan istri dalam tafsir *Al-Misbah* dan *Fathul Qadhir* terhadap Surah An-Nisa ayat 34. Kajian ini berangkat dari perdebatan klasik hingga kontemporer mengenai peran dan tanggung jawab suami istri dalam keluarga muslim. Penelitian ini menggunakan metode kualitatif dengan pendekatan *library research* dan teknik analisis deskriptif-

komparatif. Data primer diperoleh dari teks tafsir *Al-Misbah* karya Quraish Shihab dan tafsir *Fathul Qadhir* karya Asy-Syaukani. Hasil penelitian menunjukkan bahwa *Al-Misbah* menafsirkan ayat tersebut secara kontekstual dengan menekankan prinsip keadilan dan kesalingan dalam relasi gender, sedangkan *Fathul Qadhir* lebih menekankan pendekatan tekstual yang mencerminkan norma sosial patriarkal masyarakat Arab klasik. Meskipun berbeda pendekatan, keduanya sepakat bahwa suami berperan sebagai pemimpin dan pencari nafkah, sedangkan istri berperan dalam menjaga kehormatan dan ketaatan dalam rumah tangga. Temuan ini menunjukkan bahwa pendekatan kontekstual seperti yang digunakan dalam *Al-Misbah* lebih relevan dalam menjawab dinamika relasi gender dalam keluarga modern tanpa mengabaikan prinsip-prinsip syariat Islam.

Kata Kunci: Relasi Gender; Suami Istri; Tafsir Al-Misbah; Tafsir Fathul Qadhir

Introduction

The Qur'an as the main source of Islamic teachings is a guideline that regulates various aspects of individual and social life, including family relationships.¹ One of the important verses that discusses the rights and obligations of husband and wife is found in Surah An-Nisa verse 34, which explains the role of the husband as *a qawwam* or leader and caretaker of the family and regulates the obligations of both in running the household. However, interpretations and understandings of this verse vary, especially related to gender roles and family dynamics in modern times.

Historically, Islamic society has been heavily influenced by a patriarchal culture that places men as the primary authority and women in subordinate positions, which is often reinforced by literal or selective interpretations of religious texts.² This social structure has given rise to practices that diminish women's rights and sometimes justify domestic violence under the pretext of religion.³ This condition raises the urgent need for the reinterpretation of classical texts to be in harmony with the principles of justice and human dignity that are at the core of Islamic teachings.⁴

In this context, the approach of mufasir in interpreting the Qur'an is very decisive. Tafsir al-Misbah by Muhammad Quraish Shihab presents a thematic and contextual approach that places the verse in a socio-cultural framework and prioritizes

¹ Abid Nurhuda, "Islamic Education in the Family: Concept, Role, Relationship, and Parenting Style," *Journal Corner of Education, Linguistics, and Literature* 2, no. 4 (March 14, 2023): 359–368, <http://journal.jcopublishing.com/index.php/jcell/article/view/153>.

² Saskia Glas, Niels Spierings, and Peer Scheepers, "Re-Understanding Religion and Support for Gender Equality in Arab Countries," *Gender & Society* 32, no. 5 (October 13, 2018): 686–712, <https://journals.sagepub.com/doi/10.1177/0891243218783670>.

³ Saltanat Childress et al., "The Role of Culture in the Justification and Perpetuation of Domestic Violence: The Perspectives of Service Providers in Kyrgyzstan," *Violence Against Women* 30, no. 5 (April 24, 2024): 1198–1225, <https://journals.sagepub.com/doi/10.1177/10778012231186814>.

⁴ Ezieddin Elmahjub, "Artificial Intelligence (AI) in Islamic Ethics: Towards Pluralist Ethical Benchmarking for AI," *Philosophy & Technology* 36, no. 4 (December 1, 2023): 73, <https://link.springer.com/10.1007/s13347-023-00668-x>.

the ethical dimensions of justice and shared responsibility in the marital relationship.⁵ This interpretation rejects rigid patriarchal domination and affirms the flexibility of gender roles based on context, with the aim of realizing equitable domestic harmony. This approach is in line with the study of modern Islamic feminism which affirms that Islamic values support gender equality and reject oppression.⁶

On the other hand, the Tafsir of Fathul Qadhir compiled by Imam Muhammad bin Ali al-Shawkani is a classical interpretation that tends to be literal and maintains the patriarchal norms that prevailed at the time of the descent of the verse. This interpretation affirms the husband's leadership as a divine mandate based on physical and social superiority and emphasizes the wife's obedience as the main obligation.⁷ This approach is less responsive to social change and tends to maintain the gender hierarchy at issue in modern studies.⁸

These differences of view show the dynamics of hermeneutics in Islam, where the method of interpretation influences how sacred texts are applied in people's lives.⁹ Given the growing global discourse on women's rights and family equality, an understanding of these interpretations has become critical to supporting an interpretation that is fair and relevant to the needs of today's Muslim society.

Therefore, this study aims to conduct a comparative analysis between Tafsir al-Misbah and Tafsir Fathul Qadhir related to the verse of Surah An-Nisa 34 which discusses the rights and obligations of husband and wife. By understanding the approach and its implications, it is hoped that this research can contribute to the discourse of gender justice in Islamic family law as well as become a reference for academics, scholars, and the Muslim community who want to build harmonious households based on authentic and contextual religious understanding.

Research Methods

This study uses a qualitative approach based on library research with a descriptive-comparative method, aiming to analyze and compare the interpretation of Surah An-Nisa verse 34 in *Tafsir al-Misbah* by M. Quraish Shihab and *Tafsir Fathul*

⁵ Yusuf Budiana and Sayiid Nurlie Gandara, "Kekhasan Manhaj Tafsir Al-Mishbah Karya M. Quraish Shihab," *Jurnal Iman dan Spiritualitas* 1, no. 1 (2021): 85–91, <https://journal.uinsgd.ac.id/index.php/jis/article/view/11497>.

⁶ Tasbih Tasbih et al., "Islamic Feminists' Rejection of the Textual Understanding of Misogynistic Hadiths for the Advancement of Gender Justice in Makassar, Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 1 (February 7, 2024): 196, <https://jurnal.ar-raniry.ac.id/index.php/samarah/article/view/19856>.

⁷ Nurhabibah Sormin, Fitri Kartika, and Habibah Lutfiah, "Manhaj Penafsiran Imam As-Syaukani Dalam Kitab Tafsir Fathul Qodir," *Jurnal Pendidikan Tambusai* 9 (2025): 6807–6812.

⁸ Soleh Hasan Wahid, "KONTEKSTUALISASI KONSEP NAFKAH RAMAH GENDER PERSPEKTIF MURTAHDHĀ MUṬHAHHARI DAN FAQIHUDDIN ABDUL KODIR," *Al-Syakhsiyyah: Journal of Law & Family Studies* 1, no. 2 (December 27, 2019): 255–279, <http://jurnal.iainponorogo.ac.id/index.php/syakhsiyyah/article/view/2030>.

⁹ Alonso Felipe-Ruiz, "Lexical, Sentiment and Correlation Analysis of Sacred Writings. A Tale of Cultural Influxes and Different Ways to Interpret Reality," *Natural Language Processing Journal* 9 (December 2024): 100121, <https://linkinghub.elsevier.com/retrieve/pii/S2949719124000694>.

Qadhir by Imam al-Shawkani. This approach was chosen because of the nature of the research that focuses on the in-depth and critical study of Islamic texts.

The primary sources in this study are the two books of tafsir which are the main objects of analysis. These sources are obtained in both print and digital versions, by ensuring the authenticity of the text through verified editions from the official publisher. Secondary sources include supporting literature such as scientific journals, articles, reference books of interpretation, Islamic law, as well as contemporary studies on gender and the family in Islam. Secondary literature is selected based on thematic relevance, author's reputation, and year of publication (preferably the last 10 years). The criteria for selecting sources are: 1) Presenting a direct study of Surah An-Nisa verse 34; 2) Explain the methodological approach of interpretation (both classical and contemporary); 3) Have clarity of perspective (literalist, contextual, or *maqāsidī*).

The data was analyzed using a content analysis technique based on a hermeneutic approach. The author identifies key terms in the verses and commentaries, such as *qawwam*, *faḍḍala*, and *wadribūhunna*, and then examines the interpretation of each mufasir based on the structure of the text, the historical context, and the accompanying socio-cultural arguments. To ensure the validity of the analysis, theoretical triangulation is carried out by referring to several interpretational approaches (thematic, *maqāsid*, sociological), as well as comparing the interpretation of the two interpretations with the views of scholars or other relevant researchers. The researcher also maintains objectivity by avoiding generalizations, and acknowledges the differences in the historical and epistemological contexts of the two works of interpretation.

Tafsir al-Misbah's Approach to Surah An-Nisa Verse 34

Surah An-Nisa verse 34 is one of the verses that is most often used as a reference in the discourse on gender relations in Islam.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنَاطٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ﴿٣٤﴾

This verse states: "*Ar-rijālu qawwāmūna 'ala an-nisā' bimā faḍḍala Allāhu ba'dahum 'ala ba'din wa bimā anfaqū min amwālihīm...*" which is generally understood as an affirmation of male leadership over women. However, the literal meaning of the term *qawwāmūn* often leads to justification for hierarchical relations and even domestic violence.¹⁰

¹⁰ Muhamad Rozaimi Ramle and Miftachul Huda, "Between Text and Context: Understanding Ḥadīth through Asbab Al Wurud," *Religions* 13, no. 2 (January 19, 2022): 92, <https://www.mdpi.com/2077-1444/13/2/92>.

First, etymologically, *qawwām* comes from the root word *qāma – yaqūmu – qiyāman* which means "to uphold". Shihab interprets this word not as male power, but as a functional role that can be reviewed according to social development.¹¹ In this view, leadership is not absolute superiority, but a role that can be divided based on the agreement and conditions of the couple, in line with the principle of *deliberation* in QS. Ash-Shura [42]:38.

Second, al-Misbah's tafsir does not ignore the historical dimension of the verse, but criticizes the generalization of the past context to the modern situation. This approach reinforces the principles of *maqāṣid al-syarī'ah* such as *ḥifẓ al-naḥs* (protection of the soul) and *ḥifẓ al-'ird* (protection of honor), stating that domestic harmony is more important than maintaining a hierarchical structure.¹²

Third, in interpreting the phrase *waḍribūhunna*, Shihab rejects a literal approach that legitimizes violence. He refers to the example of the Prophet PBUH who never hit his wife, as well as the views of scholars such as al-Razi and al-Shan'ani who call *ḍarb* symbolic or even metaphorical.¹³ This is an articulation of the progressive Islamic gender approach, which interprets the verses of the Qur'an in a spirit of compassion and nonviolence.

Fourth, Shihab's approach also uses a framework of social contextualization, namely by acknowledging changes in the structure of society, especially the increasing participation of women in education and the economy as a basis for rereading the role of husband and wife.¹⁴ He stated that the verse does not regulate superiority, but the distribution of roles that can change with the times.

Fifth, the methodological approach used by Shihab is a synthesis between classical heritage and contemporary reading. He did not reject the authority of the earlier scholars, but integrated it with modern linguistic approaches, sociological analysis, and *maqāṣid syarī'ah*. The principles of *ḥifẓ al-naḥs* (protection of the soul), *ḥifẓ al-'ird* (protection of honor), and *ḥifẓ al-usrah* (protection of the family) provide a strong basis for interpreting this verse as a defense of the values of harmonious and non-violent family life.¹⁵

¹¹ Falakul Hidayah, Desi Erawati, and Nor Faridatunnisa, "The Meaning of Qawwam: (Analysis of Q.S An-Nisa [4]: 34 with Hudud Theory Muhammad Shahrur," *Al-Insyiroh: Jurnal Studi Keislaman* 10, no. 1 (March 28, 2024): 1–26, <http://ejournal.kopertais4.or.id/madura/index.php/alinsyiroh/article/view/7137>.

¹² Yuyun Affandi et al., "The Humanisation of Women in the Tafsir Faḥḥ Ar-Rahmān by Kiai Saleh Darat," *HTS Teologiese Studies / Theological Studies* 79, no. 1 (July 25, 2023), <http://www.hts.org.za/index.php/HTS/article/view/8732>.

¹³ M Anwar Nawawi et al., "Legal Verses About Women's Dignity and Actualization of Gender Equality in the Family," *Jurnal Mahkamah: Kajian Ilmu Hukum dan Hukum Islam* 8, no. 1 (June 30, 2023): 85–96, <https://journal.iaimnumetrolampung.ac.id/index.php/jm/article/view/3647>.

¹⁴ Dwi Novita et al., "Family Conflict Disclosure on Social Media in Islamic Law: Islah as a Reconciliation Mechanism," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (May 1, 2025): 443–458, <https://journal.iaincurup.ac.id/index.php/alistinbath/article/view/12658>.

¹⁵ Necmeddin Güney, "Maqāṣid Al-Sharī'a in Islamic Finance: A Critical Analysis of Modern Discourses," *Religions* 15, no. 1 (January 16, 2024): 114, <https://www.mdpi.com/2077-1444/15/1/114>.

Thus, the tafsir al-Misbah offers a new interpretive paradigm of Surah An-Nisa [4]:34. This verse is no longer seen as patriarchal legitimacy, but as an invitation to build family relationships based on shared responsibility, justice, compassion, and adaptability. The husband's leadership is not absolute power, but a form of service and ethical commitment to the integrity and welfare of the family. This interpretation places the verse in the horizon of Islamic universal values that prioritize human dignity and the balance of social relations.

Fathul Qadhir's Tafsir Approach to Surah An-Nisa Verse 34

The Tafsir *Fath al-Qadīr* by Imam Muhammad bin Ali al-Shawkani (d. 1250 AH) is one of the comprehensive interpretations of the postclassical era that unites the approach of riwayat and dirayah. In interpreting Surah An-Nisa [4]:34, al-Shawkani puts forward a textual-literal approach with a legal pattern, in which the text of the Qur'an is read in its attachment to the hadith, the opinions of the companions, and the views of salaf scholars without much revisiting the contemporary social context. This reflects the normative-prescriptive nature of fiqhī (law-oriented) interpretation, in which patriarchal social structures are accepted as a basis and not a variable that can be reviewed.¹⁶

Al-Shawkani interprets the word qawwāmūn as a form of leadership that contains the meaning of male authority over women. According to him, this position is based on two things: the advantages of men given by God and the responsibility of family maintenance. This approach reflects the textual-literal interpretation method, which prioritizes the external meaning of the text and leans on the classical fiqh tradition. Within the framework of classical hermeneutics, historical context is not critically considered, so patriarchal social structures tend to be maintained. In the perspective of Islamic gender theory, such an approach is often questioned because it does not allow space for the dynamics of contemporary social relations that demand reciprocity, not domination. Scholars such as Amina Wadud emphasized the need for a re-reading of such texts by considering the maqāṣid of justice and the principle of deliberation as the foundation of Islamic family relations.

Al-Shawkani affirms that such excess is not merely a social gift, but an unquestionable divine decision (*divine taqdir*), as affirmed in Surah Al-Baqarah [2]:228: "*walir-rijālī 'alayhinna darajah*", which is articulated as the level of leadership of men over women. In the tafsir of *Fath al-Qadīr*, the leadership structure contains legal implications, namely that the husband has the right to enforce domestic order through three stages: *al-maw'izhah* (advice), *al-hajr fī al-maḍāji'* (separation of beds), and *al-ḍarb* (blows) — all of which are considered shari'i valid if they are done within the corridor of adab and do not cause damage (*dharar*).¹⁷

¹⁶ Muhammad Sofyan et al., "Analisis Metode Khusus Dan Sumber Penafsiran Pada Surat Al-Jumu'ah Dalam Tafsir Fathul Qodir," *Jurnal Penelitian Ilmu Ushuluddin* 5, no. 1 (n.d.): 170–189.

¹⁷ Muhammad Zawil Kiram, "Gendered Division of Domestic Labour: Indonesian Muslim Men's Perceptions, Participation and Experiences in Housework and Childcare," *Journal of Gender Studies* (March 3, 2025): 1–18, <https://www.tandfonline.com/doi/full/10.1080/09589236.2025.2473923>; Pilar

However, al-Shawkani's literal approach to physical acts does not necessarily open up the space of justification for unlimited domestic violence. He still limits *ḍarb* in the frame of prudence, quoting the hadith of the Prophet PBUH: "*lā yaḍrib ḥadukum imra'atahu ḍarb al-'abd*" (HR. Bukhari and Muslim), who strongly reject brutal violence against wives. However, this approach still legitimizes such actions as a "last resort", not something that is absolutely prohibited.

In addition, *Fath al-Qadīr* also emphasizes a fixed and inflexible gender role structure. Al-Shawkani is of the view that women are obliged to obey their husbands as a form of obedience to Allah, as affirmed in the verse "*fāṣ-ṣāliḥātu qānitāt ḥāfiẓāt lil-ghayb bimā ḥafiẓa Allāh*". This obedience is the main requirement for the running of a harmonious Islamic household system according to this classical interpretation. Women who "nusyūz" or commit disobedience, in the tafsir of al-Shawkani, are violations of the divine system that must be dealt with gradually so as not to damage the family order.¹⁸

On the one hand, *Fath al-Qadīr* still recognizes women's rights in marriage, including the right to protection, fulfillment of maintenance, and good treatment, as mentioned in Surah An-Nisa [4]:19: "*wa 'āshirūhunna bil-ma'rūf*". However, these rights are normative and are still placed in a vertical power relations system that places the husband as the "regulating" party and the wife as the "regulated" party.¹⁹

This interpretation reflects the tension between the purity of the text and social dynamics. For al-Shawkani, the text of the Qur'an is the final truth that must be followed without excessive adjustment to the times. Therefore, she does not touch on issues such as gender equality in the modern sense, women's economic participation, or the restructuring of domestic roles that are now the dominant discourse in contemporary gender studies.²⁰

However, the position of the tafsir of *Fath al-Qadīr* remains of important significance in the study of the interpretation of the Qur'an because it illustrates how classical fiqh scholars understood and framed the social structure based on the prevailing sharia values of their time. This interpretation is also historical evidence that

Gonalons-Pons and Markus Gangl, "Marriage and Masculinity: Male-Breadwinner Culture, Unemployment, and Separation Risk in 29 Countries," *American Sociological Review* 86, no. 3 (June 26, 2021): 465–502, <https://journals.sagepub.com/doi/10.1177/00031224211012442>; Nasima M. H. Carrim, "'New' Men and 'New' Women: Cultural Identity Work of Husbands and Wives Related to Housework and Childcare," *Asian Social Science* 13, no. 11 (October 30, 2017): 1, <http://www.ccsenet.org/journal/index.php/ass/article/view/70295>.

¹⁸ Nurul Hidayah et al., "Islamic Leadership Concepts and Theories," *FIKROTUNA: Jurnal Pendidikan dan Manajemen Islam* 16, no. 02 (January 4, 2023): 306–322, <https://jurnalalkhairat.org/ojs/index.php/fikrotuna/article/view/499>.

¹⁹ Muhammad Iqbal Ali, "Rights and Obligations of Husband and Wife According to Islamic Law in Constructing Sakina Family," *Al Mashaadir: Jurnal Ilmu Syariah* 3, no. 2 (January 3, 2023): 130–142, <http://jurnal.stisummulayman.ac.id/index.php/almashaadir/article/view/94>.

²⁰ Abdul Syukur et al., "Empowering Islamic Community In Understanding Democracy and Shura Through The Wasathiyah Da'wa Movement In Indonesia," *JOURNAL OF INDONESIAN ISLAM* 18, no. 1 (June 9, 2024): 98, <https://jiis.uinsby.ac.id/index.php/JIIs/article/view/30585>.

Islam, in its classical frame, built a family model based on stability, hierarchy, and clear responsibilities, which was contextually relevant in its time as a form of social control that prioritized order and protection.²¹

However, in a contemporary social context characterized by demands for equality, gender collaboration, and rejection of gender-based violence, this kind of literal approach requires a recontextualization that does not negate the basic values of sharia, but still opens up an inclusive, fair, and relevant *ijtihad* space. Tafsir *Fath al-Qadīr* provides a strong foundation for the construction of classical family jurisprudence, but it is also a challenge for modern mufassir and jurists to dialogue the intellectual heritage of Islam with the principles of justice today.

Comparative Analysis and Socio-Legal Implications

A comparative analysis between Tafsir al-Misbah and Tafsir Fathul Qadhir reveals fundamental differences in the approach and conception of the rights and obligations of husband and wife in Surah An-Nisa verse 34, which have significant implications for the understanding and application of contemporary Islamic family law.

First, both interpretations recognize the husband as *a qawwam* who plays the role of leader and the main responsible person in the family, especially in terms of providing maintenance and protection. However, tafsir al-Misbah interprets the term *qawwam* comprehensively, not only as authority, but as a full responsibility that prioritizes justice and compassion, taking into account the ever-evolving socio-cultural context.²² This interpretation presents a vision of the husband's role that is dynamic and adaptive to the changing times, allowing for flexibility in the division of roles that do not ignore the values of gender justice.²³

On the other hand, Tafsir Fathul Qadhir emphasizes more literal and historical meaning, viewing the role of the husband as a fixed and essential authority based on nature and sharia, without much consideration of contemporary social developments.²⁴ This approach tends to reinforce patriarchal structures that place men in a dominant position and women as the obligatory parties to obey and take care of the household. This interpretation also recognizes the wife's obligation to obey her husband, which if ignored can have implications for sanctions according to the provisions of the Shari'a, an aspect that in the modern context can cause controversy and have the potential to be abused.

This difference in interpretation is not just a matter of textual meaning, but has a major impact on social and family law aspects. Contextual tafsir al-Misbah opens up

²¹ Tasbih et al., "Islamic Feminists' Rejection of the Textual Understanding of Misogynistic Hadiths for the Advancement of Gender Justice in Makassar, Indonesia."

²² Budiana and Gandara, "Kekhasan Manhaj Tafsir Al-Mishbah Karya M. Quraish Shihab."

²³ Heejung Chung and Tanja van der Lippe, "Flexible Working, Work-Life Balance, and Gender Equality: Introduction," *Social Indicators Research* 151, no. 2 (September 26, 2020): 365–381, <http://link.springer.com/10.1007/s11205-018-2025-x>.

²⁴ Sormin, Kartika, and Lutfiah, "Manhaj Penafsiran Imam As-Syaukani Dalam Kitab Tafsir Fathul Qodir."

space for dialogue and reconstruction of gender roles, which can encourage Islamic family law reform to be more inclusive and responsive to social change, including greater recognition of women's rights and protection against domestic violence.²⁵ This approach supports the creation of a harmonious and just family, in accordance with the sharia maqasid that prioritizes benefits and justice.

On the other hand, Tafsir Fathul Qahir's literal approach reinforces conservatism in family law practice, which in some cases can hinder efforts to reform and protect women's rights.²⁶ However, this interpretation also maintains the continuity of the Islamic legal tradition which has been used as a reference and provides legal certainty, so that it has its own relevance in a society that still prioritizes classical norms.²⁷

Systematically, the tafsir al-Misbah allows the integration of the principle of gender justice into the practice of Islamic family law, by providing space for the reinterpretation of sharia relevant to the local and global socio-cultural context. This approach can accommodate modern challenges such as increasing awareness of women's rights, changing social roles, and the need to prevent domestic violence. In contrast, Fathul Qadhir's tafsir represents a traditional authority that emphasizes obedience and hierarchical structures, which, although containing the risk of stagnation, remain an important foothold in the authenticity of classical Islamic law.

The socio-legal implications of these differences are vital in the context of Indonesia and other Muslim countries that are seeking harmonization between Islamic law and human rights norms. Tafsir al-Misbah provides a strong theological and philosophical foundation for a more progressive and inclusive reform of family law, while Tafsir Fathul Qadhir reminds of the importance of maintaining the continuity of tradition and social stability.

Thus, the future development of Islamic family law should ideally integrate these two perspectives critically and selectively, in order to achieve a balance between sharia principles and contemporary social needs. Such an approach not only strengthens the legitimacy of Islamic law but also enriches its contribution to the construction of a just and harmonious society.

The Relevance of Interpretation to the Contemporary Family Law Context

The interpretation of Surah An-Nisa verse 34 is not only a normative theological discourse in Islamic treasures, but also plays a crucial role in the formation of family law norms in various Muslim countries, including Indonesia. In a modern Muslim society that faces highly complex social, economic, and cultural dynamics, the

²⁵ Lisa Hajjar et al., "Cultures of Resistance: The Struggle Against Domestic Violence in Arab Societies," in *Handbook of Healthcare in the Arab World* (Cham: Springer International Publishing, 2021), 281–313, https://link.springer.com/10.1007/978-3-030-36811-1_201.

²⁶ Arina Haque et al., "THE DOMESTIC RIGHTS OF THE WIFE (Viewed from KH. Husein Muhammad's Thoughts)," *EGALITA* 17, no. 1 (June 4, 2022), <https://ejournal.uin-malang.ac.id/index.php/egalita/article/view/15934>.

²⁷ Sormin, Kartika, and Lutfiah, "Manhaj Penafsiran Imam As-Syaukani Dalam Kitab Tafsir Fathul Qodir."

existence of relevant, fair, and contextual interpretations is an urgent need. Therefore, the reading of classical commentaries such as *Fathul Qadhir* and contemporary commentaries such as *al-Misbah* must be reviewed within a hermeneutic framework that considers *maqāṣid al-syarī'ah*, the principle of substantive justice, as well as the protection of the rights of individuals, especially women in the family.²⁸

The contemporary context of family law shows a paradigm shift from a completely patriarchal system to a more just and inclusive system. In this regard, *al-Misbah's* tafsir makes a significant contribution due to his dialogical approach to text and reality. For example, the meaning of the word *qawwām* is no longer framed as the absolute superiority of men over women, but as a collective responsibility that demands the principles of fairness, responsibility, and deliberation. This interpretation is in line with the spirit of the Indonesian constitution which recognizes equality between men and women as stated in the 1945 Constitution Article 28B paragraph (2) and Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT).

In contrast, *Fathul Qadhi's* interpretation of the literal approach has the potential to reinforce rigid patriarchal structures, in which women's positions are often subordinated in household structures. This not only has an impact on the general public's understanding of this verse, but can also have implications for legal practices and family policies that do not accommodate the principles of justice and protection of women's rights. In some cases, the literal meaning of the phrase *wadribūhunna* is used to justify the practice of violence against the wife which is contrary to the principle of *rahmah* (affection) which is the basis of marriage in Islam, as mentioned in Surah Ar-Rum verse 21.²⁹

The relevance of tafsir in the framework of family law cannot be separated from the discourse on *maqāṣid al-syarī'ah*, which is the main purpose of Islamic law which includes the protection of religion, soul, intellect, descent, and property. Tafsir *al-Misbah* clearly accommodates this *maqāṣid*, in particular *ḥifẓ al-nafs* (protection of the soul) and *ḥifẓ al-'ird* (protection of honor), emphasizing that the relationship between husband and wife should be based on mutual respect, without violence and coercion. In this context, male leadership (*qawwamah*) is not a legitimacy to commit violence or domination, but rather a moral and spiritual responsibility to create justice and peace.

The development of family law in Indonesia and several other Muslim countries also shows an effort to reinterpret the verses of the law that were previously

²⁸ Jujun Junaedi, "Tarekat Da'wah through the Islamic Educational Institutions at Pesantren Suryalaya," *Ilmu Dakwah: Academic Journal for Homiletic Studies* 14, no. 2 (2020): 363–388; Sormin, Kartika, and Lutfiah, "Manhaj Penafsiran Imam As-Syaukani Dalam Kitab Tafsir Fathul Qodir"; Budiana and Gandara, "Kekhasan Manhaj Tafsir Al-Mishbah Karya M. Quraish Shihab."

²⁹ Ridwan Ridwan et al., "Surat Ar-Ruum Ayat 21 Petunjuk Tuhan Untuk Menjalankan Nilai-Nilai Pendidikan Dalam Keluarga," *USRAH: Jurnal Hukum Keluarga Islam* 3, no. 2 (2023): 143–160.

understood rigidly.³⁰ For example, in the Compilation of Islamic Law (KHI) in Indonesia, the articles on the rights and obligations of husband and wife have led to the principle of equality and deliberation. Article 31 paragraph (1) states that "The rights and position of the wife are balanced with the rights and position of the husband in domestic life and social life in society." This statement reflects the spirit of tafsir *al-Misbah* which emphasizes substantive justice over biological or social superiority.

Furthermore, the progressive interpretation of this verse is in line with various international conventions that have been ratified by Indonesia, such as CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), which emphasizes the elimination of all forms of discrimination against women, including in domestic life. Interpretations that emphasize the dominance of one party over another in the household are no longer relevant within the framework of modern human rights treaties.

However, it is important to note that reinterpretation of the text of the Qur'an should not be done haphazardly or outside the framework of valid Islamic scholarship. This is where *al-Misbah's* tafsir has a strategic position as it maintains the roots of Islamic scholarly traditions, but by opening up a new reading space that is responsive to the context. This is in line with the views of scholars such as Fazlur Rahman and Amina Wadud, who suggest the need for an ethical reading of the Qur'an so that its moral message remains alive and not reduced by narrow textual interpretations.

Strengthening the role of contextual interpretation is also relevant in preventing religious-based violence that often arises due to errors in understanding certain verses. Many cases of domestic violence are justified on the basis of a "literal interpretation" of Surah An-Nisa verse 34, even though the verse when read in the context of maqāṣid never justifies physical violence. Rather, as explained in *al-Misbah*, the *wadribūhunna* command is a symbolic form and a last resort after all peace mechanisms have failed, and must be carried out without harm.

In the global context, this thinking has also been strengthened by world Islamic organizations such as *Musawah* and *Sisters in Islam* which encourage the reform of family law based on gender justice within the framework of maqāṣid. In academia, international journals also encourage interdisciplinary approaches to interpretation, including sociological, feminist, and comparative law approaches, all of which open up space for contextual interpretations such as *al-Misbah*.

Therefore, in the context of contemporary family law, the meaning of Surah An-Nisa verse 34 cannot be separated from the socio-political dynamics that surround it. Literal interpretations such as *Fathul Qadhir* retain historical and authoritative value in the Islamic tradition, but they need to be reinterpreted so as not to become legitimacy for oppressive practices that are contrary to Islamic values themselves. Tafsir *al-*

³⁰ Jihad Khufaya, Muhammad Kholil, and Nurrohman Syarif, "Fenomena Hukum Islam Di Masa Modern; Upaya Harmonisasi Antara Eksistensi Dan Relevansi," *Mutawasith: Jurnal Hukum Islam* 4, no. 2 (December 27, 2021): 128–147, <http://jurnal.iailm.ac.id/index.php/mutawasith/article/view/366>.

Misbah, which is contextual, ethical, and maqāṣid oriented, offers a new paradigm in building an Islamic family that upholds justice, reciprocity, and compassion.

By incorporating a contextual interpretation approach into family education, the fiqh munakahat curriculum, and state policies related to family law, Islamic values will appear as a liberating, not shackling, force. Today's Muslim family needs a scientific framework that is not only textually valid, but also socially just. Therefore, the role of tafsir such as *al-Misbah* is not just as an alternative reading, but as a foundation for a more inclusive and solutive Islamic social reconstruction in the midst of the challenges of the times.

Conclusion

This study concludes that Tafsir al-Misbah and Tafsir Fathul Qadhir both recognize the rights and obligations of husband and wife as stated in Surah An-Nisa verse 34, especially the role of the husband as a leader and provider of sustenance and the role of the wife in maintaining family harmony and obeying the husband. However, Tafsir al-Misbah offers a more contextual and flexible approach, adapting gender roles to modern socio-cultural dynamics and emphasizing the principles of justice and compassion. In contrast, Tafsir Fathul Qadhir maintains a literal and traditional approach rooted in the patriarchal norms of early Islamic society. Thus, a contextual approach such as al-Misbah's one is more relevant to address the challenges and needs of contemporary Muslim families without ignoring the principles of Islamic law. This research encourages the development of interpretations that are responsive to the development of the times in order to realize a fair and harmonious Islamic family law.

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