

**THE MEANING OF *NUSHŪZ* IN AL-QUR'AN ACCORDING TO  
ISLAMIC SCHOLAR IN NGALIYAN SEMARANG**



**Submitted to Ushuluddin Faculty in Partial Fulfilment  
Of the Requirement of S-1 Degree of Islamic Theology  
On Tafsir and Hadith Department**

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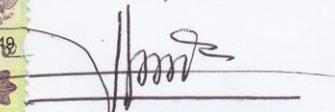
## THESIS STATEMENT

I certify that this thesis is definitely my own work. I am completely responsible for any contents of this thesis. Other writer's opinion or findings written in this thesis are quoted or cited in accordance with the ethic and academic standards.

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## MOTTO

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ  
مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿١٥﴾

And among His Signs is this, that He created for you mates from among yourselves, that ye may dwell In tranquillity with them, and He has put love and Mercy between your (hearts): Verily In that are Signs for those who reflect.

يَتَأْتِيهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ  
أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَنَكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ﴿١٦﴾

. O mankind! we created you from a single (pair) of a male and a female, and made you into nations and Tribes, that ye may know Each other (Not that ye may despise (each other). Verily the Most honoured of you In the sight of Allah is (He who is) the Most righteous of you. and Allah has full knowledge and is well acquainted (with all things).

## TRANSLITERATION

**Transliteration Table: Consonants, Vowels and Diphthongs\***

Arabic	Roman	Arabic	Roman
ب	B	ط	ṭ
ت	T	ظ	ẓ
ث	Th	ع	‘
ج	J	غ	Gh
ح	ḥ	ف	F
خ	Kh	ق	Q
د	D	ك	K
ذ	Dh	ل	L
ر	R	م	M
ز	Z	ن	N
س	S	ه	H
ش	Sh	و	W
ص	ṣ	ء	’
ض	ḍ	ي	Y
َ	A	آ، آي	An
ُ	U	ؤ	Un
ِ	I	يِ	In
َا، اِ، اِي	Ā	وَا	Aw
وُ	Ū	يَا	Ay

\*Quoted from Pedoman Penulisan Skripsi Fakultas Ushuluddin IAIN Walisongo, p. 142-144, from [http://rotas.iium.edu.my/?Table\\_of\\_Transliteration](http://rotas.iium.edu.my/?Table_of_Transliteration)

## ACKNOWLEDGEMENT

First of all, praise and thanks due to Almighty Allah SWT. Blessing and peace also be upon the prophet Muhammad, the Mesengger of Allah.

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Finally, for people in my Future, my love estuary and my dream family. I don’t know who you are, I don’t know you’ll be, but you are deep in my heart, in

my mind. You are the only reason why I have to keep fighting, reach our dream and I do struggle for our future.

Semarang, June 15 2015

The Writer

NOOR JANNAH

## TABLE OF CONTENT

TITLE .....	i
ADVISOR APPROVAL .....	ii
RATIFICATION.....	iii
THESIS STATEMENT.....	iv
MOTTO .....	v
TRANSLITERATION .....	vi
ACKNOWLEDGMENT .....	vii
TABLE OF CONTENT .....	ix
ABSTRACT .....	xi

### CHAPTER I: INTRODUCTION

A. Background .....	1
B. Research Question .....	3
C. Aim and Significance of research .....	3
D. Prior Research .....	4
E. Theoretical framework .....	6
F. Methode of Research.....	7
G. Writing Systematic .....	10

### CHAPTER II: *NUSHŪZ* AND ITS CONCEPTION IN ISLAMIC RELIGION

A. Understanding <i>Nushūz</i> .....	12
B. Legal Ground of <i>Nushūz</i> According to Holy Koran.....	14
C. The Variety of <i>Nushūz</i> .....	25
1. <i>Nushūz</i> that Comes from Wife's Side .....	25
2. Criteria of <i>Nushūz</i> .....	27
3. <i>Nushūz</i> that Come from Husband's Side.....	28

### CHAPTER III : *NUSHŪZ* AND ITS SOLUTIONS IN AL-QUR'AN ACCORDING TO ISLAMIC SCHOLAR IN NGALIYAN SEMARANG

A. Demography of Ngaliyan .....	31
1. Geographic Location.....	31



## ABSTRACT

Islamic scholar play an important role in the delivery of the message of the Qur'an as *hudan* or instructions for humans. Understanding of the verses in the Qur'an from one to the other scholar is likely not the same, and of course there are many factors that can affect about it

This research will find about What is the meaning of *nushūz* verses according to Islamic scholars in Ngaliyan. Not only *nushūz* concept but also about how are the strategies to solve *nushūz* according to Islamic scholar in Ngaliyan?

To achieve a goal, Based on the purpose of this research the type of research is field or empirical research, which focused on the study of the problem identification. This study uses a qualitative descriptive approach for the implementation of the research contained in the natural setting or in the context of a whole (entity).

*Nushūz* is interpreted as an act of insubordination, deny, immoral, against his or her spouse in marriage. *Nushūz* concept in Islam is balanced, meaning *nushūz* can be done by the husband or wife, An action can be called *nusyuz* when standard of living of the relationship of husband and wife is understood by each of them. The strategies to solve *nushūz* in Al-Qur'an there are three act, the first is advises, the second is separate bed and the third is beaten. The islamic scholar in Ngaliyan also agreed that this solution in the form of phases with the principle of *nusyuz* solution its must be good ways.

## CHAPTER I INTRODUCTION

### A. Background

Wedding is like a sea ark that will always meet trials, barriers, obstacles and interference in its journey. Disputes and disagreements between husband and wife are a natural thing, but the most important is how husbands and wives response those all by their commitment to save and sustain the household based on affection between them.

Disputes arising in the household often create a gap between husband and wife, even very possible to lead to a divorce. Islamic teachings also contribute to tackling domestic dispute by giving the constraints the couple should obey.

Perhaps the discord between the two often do not find a solution, but before the divorce, Islam gives a good range of solutions to the husband and wife to still be able to maintain the integrity of the household. Divorce is a last resort after all efforts were unsuccessful and truly between husband and wife cannot be united again.

One of the causes of household is disobedience committed by a wife to her husband. The defiance in Islam is termed *nushūz*, even matter of *nushūz* is described in detail, including the steps that must be performed on *nushūz* wife, as Allah says in Surat an-Nisa verse 34:

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

كَبِيرًا (34)

Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband's absence what Allah orders them to guard (e.g. their chastity, their husband's property, etc.). As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful), but if they return to obedience, seek not against them means (of annoyance). Surely, Allah is Ever Most High, Most Great.<sup>1</sup>

From the verse mentioned above, there are several steps in resolving the dispute:

- a. Wife is advised a wide range of negative and positive possibilities of her actions, especially in the possibility of divorce.
- b. If the first attempt is not successful for the provision of advice, the second step is to separate the bed of husband and wife, even in the house. That is intended to be contemplation about the pros and cons with all the consequences of his actions.
- c. If these steps do not bring results, then the third step is to give a lesson, or in the language of the Koran is to hit.<sup>2</sup>

The step is wise enough to resolve the problem of *nushūz* that occurred in the household. However, on the other hand, there is element of legalizing for a husband (man) to perform beating (violence) against wife (women).

The fundamental question of the verse is in what category of dissent and disobedience the verse referred to, which raised any term *nushūz*, even to be allowed to hit (although as a last resort).

Other verse also slightly touches the issue *nushūz*, which is surah an-Nisa' verse 128:

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<sup>1</sup>Depag, Al-Qur'an dan Terjemahnya, Bandung: J-ART, 2005, hlm 85

<sup>2</sup> Ahmad Rafiq, *Hukum Islam di Indonesia*, Jakarta: Rajawali Pers, 1998, hlm. 270

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا 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 from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best. And present in [human] souls is stinginess. But if you do good and fear Allah - then indeed Allah is ever, with what you do, Acquainted.

Islamic scholar play an important role in the delivery of the message of the Qur'an as *hudan* or instructions for humans. Understanding of the verses of the Qur'an from one to the other religious leaders is likely not the same, and of course there are many factors that can affect about it. It also happens in Ngaliyan Semarang where society is heterogeneous society. In this area, there are a lot of the migrant and of course, each of them brings different cultures and ideologies that affect their way of thinking.

Problems associated with household *nushūz* more particularly on the issue of Islamic religious leaders should be more careful because as has been noted above that in the last stage of completion *nushūz* contain elements pembolehan husband beating the wife, thus affecting the occurrence of domestic violence. This is where that becomes an important value in this study, the meaning of *nushūz* In Al- Qur'an according to Islamic scholar in Ngaliyan Semarang.

## B. Research Question

1. What is the meaning of *nushūz* verses according to Islamic scholars in Ngaliyan?
2. How are the strategies to solve *nushūz* according to Islamic scholar in Ngaliyan?

## C. Aim and Significance of Research

1. Aim of Research
  - a. To describe and analyze the meaning of *nushūz* verses according to Islamic scholars in Ngaliyan.

- b. To describe and analyze the strategies to solve *nushūz* according to Islamic scholar in Ngaliyan.

## 2. Significance of Research

- a. Theoretical significance: The research is expected to be useful for the development of science and technology as inspiration digger for better functions and duties of Islamic scholar particularly in case of KUA<sup>3</sup> clerics or scholars. This study is also expected to be useful for further research related to the role, functions and duties of KUA in terms of marriage.
- b. Practical significance: Practically, KUA officers and Islamic scholar can utilize this research and be more cautious and more professionals to use of effective strategies or ways in carrying out its functions and duties to minimize and avoid domestic violence<sup>4</sup> that often occur in the community.

## D. Prior Research

In his endeavor, *“Ikhtiar mengatasi Kekerasan dalam Rumah Tangga: Belajar Dari Kehidupan Rasulullah SAW”*, Farha Ciciek prescribe procedures for tackling domestic violence in a way to reflect and learn from the life of Rasulullah, as a guide to build a harmonious family.<sup>5</sup> There are also many ways to get an education about Rasulullah deeds in the field of marriage to get a happy family.

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<sup>3</sup>Religious Affairs Office ( KUA ) is an office which carry out some tasks Indonesian Ministry of Religious Affairs in the counties and municipalities in the field of Islamic affairs in the districts . In this context KUA function is as executor wedding recording , reference , manage and build mosques , zakat , waqf , Baitul Maal and social worship , population and development of harmonious family in accordance with the policy determined by the Director General of Islamic Guidance is based on legislation in force . See [http://id.wikipedia.org/wiki/Kantor\\_Urusan\\_Agama](http://id.wikipedia.org/wiki/Kantor_Urusan_Agama) accessed on June 2, 2015

<sup>4</sup>Domestic violence ( KDRT ) is an act done in the household either by the husband , wife , and children adversely affect the integrity of the physical, psychological , and harmonious relationship corresponding set forth in article 1 of Law No. 23 of 2004 on the Elimination of Violence Domestic ( UU PKDRT ) . See [http://id.wikipedia.org/wiki/Kekerasan\\_dalam\\_rumah\\_tangga](http://id.wikipedia.org/wiki/Kekerasan_dalam_rumah_tangga) accessed on June 2, 2015 .

<sup>5</sup>Farha Ciciek, *Ikhtiar Mengatasi Kekerasan Dalam Rumah Tangga: Belajar Dari Kehidupan Rasulullah SAW*, Jakarta : Lembaga Kajian Agama dan Gender, 1999

”*Nushūz Dalam Pandangan Amina Wadud dan Relasinya Dengan Upaya Penghapusan Kekerasan Terhadap Istri.*”<sup>6</sup> The thesis discusses violence against women and efforts to reduction. With the understanding of religion and submissive following to the teachings of the Qur’an that emphasizes peace and not violence, there will be the realization of domestic harmony. The reduction of domestic violence is a very hard assortment and difficult things to do.

Siti Musdah Mulia in his book, “*Islam Menggugat Poligami*”, also explains the principles of marriage in Islam. With the principle, family or household in the community is be able to get happiness.<sup>7</sup> The public does not know this, so the problems in the household often occur and even can be fatal. Thus, the perpetrators (those who were married) are given education of household, so they get more knowledge to avoid the fatal problems of households.

”*Pandangan Petugas Penghulu KUA Kecamatan Mundu Kabupaten Cirebon Terhadap UU No.23 Th. 2003 Tentang Penghapusan Kekerasan Dalam Rumah Tangga*”. The study concludes that domestic violence is strictly prohibited as incompatible with the concept of *mu'asyaroh bil ma'ruf* and local KUA views that the teachings of Islam in surah An-Nisa verse 34 is a form of solution (solution) and *tarbiyah* (teaching) of the *nushūz* wife, not as a legalizing existence of domestic violence.

Based on the literature review mentioned above, the authors have not found studies that discuss *nushūz* verses in the Qur'an especially about the meaning of nushus verses according to Islamic scholar in Ngaliyan Semarang.

## E. Theoretical Framework

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<sup>6</sup> Sa’adah, “*Nushūz Dalam Pandangan Amina Wadud dan Relasinya Dengan Upaya Penghapusan Kekerasan Terhadap Istri*”, skripsi tidak diterbitkan, Fakultas Syari’ah: UIN Sunan Kalijaga, 2002

<sup>7</sup> Siti Musdah Mulia, *Islam Menggugat Poligami*, Jakarta: Gramedia Pustaka, 2004

A *riwayah* stated that a woman complained to the Prophet of having been slapped by her husband. Rasullullah SAW said: "He must be punished (*qishash*)".<sup>8</sup> Therefore, the verse came down (4:34) as a provision to educate errant wife. After hearing the explanation of the verse, she returned without implementing the *qishash*. Going home of the wife without implementing *qishash* is the answer that there are elements in the teaching of these verses to be received by a woman who did *nushūz*.

Etymologically, *nushūz* is from Arabic language: نشز ينشز نشوزا ( المرأة ) (زوجها). In Indonesia language, it has meaning "the wife kicking over the traces of her husband".<sup>9</sup> This women is like a high landmark from the place.<sup>10</sup> There is also explaining from *an ulama tafsir* in his book "*Rawai' al-Bayan*", he said:

وأصل النشز المكان المرتفع ومنه تل ناشز أي مرتفع<sup>11</sup>

"The original meaning of *Nushūz* is high place, for example "*tallun naasyizun*" (a high hill)."

*Nushūz* application itself round into rebellious (al-*isyan*) or disobedient as antonym of *qunut* (obediently)<sup>12</sup>

Terminologically, *Nushūz* have a meaning the measure of wife what is can call resistant the will of her husband by motive what cannot achieved for *syara'*.<sup>13</sup>

Domestic violence is a form of maltreatment (abuse) by the husband against the wife or vice versa, both physically (broken bones, bruises, cuts the skin) and emotionally / psychologically (anxiety, depression and feelings of low self-esteem). In another formulation, domestic violence is defined every act

<sup>8</sup> KH. Qamaruddin Shaleh dkk, *Asbabun Nuzul, Latar Belakang Historis Turunnya Al-Qur'an*, Bandung: CV. Diponegoro, 1984, hal. 130

<sup>9</sup> Idrus H Al-Kaff, *Kamus pelik-pelik Al-Qur'an*, Bandung: Pustaka, 1993, hlm. 401

<sup>10</sup> Husin al Habsy, *Kamus Al Kausar*, Bengil : yayasan pesantren islam, t.th, hlm 482

<sup>11</sup> M. Ali As-Shabuni, *Rawa'i Al-Bayan*, Makkah al Mukarramah, t.th, hlm. 331

<sup>12</sup> Abdul Aziz Dahlan, *Ensiklopedia Hukum Islam*, Jakarta: Ichtar baru Van Hoeve, 1997, hlm 1353

<sup>13</sup> Mochtar Effendi, *Ensiklopedi Agama dan filsafat*, Widya dara, 2001, hlm. 285

committed by a person either alone or jointly against a woman or other subordinated parties in the domestic sphere, which results physical misery, sexual, economic, psychology threats including arbitrary freedom deprivation.<sup>14</sup>

The violence can be classified into four types.<sup>15</sup> The first is direct violence: violence that refers to the act that attack physical or psychological side of someone directly. The second is indirect violence: actions that are not directly harmful to human, sometimes even up to the threat of death, but do not involve a direct relationship between the victim and the (person, community, or institution) that is responsible for the violence. The third is repressive: violence that is associated with the revocation of the right to survive and to be protected from pain and suffering. It includes human rights violations such as freedom stricting, killing human dignity, and removing equal rights for every human being. The fourth is alienative violence which refers to the revocation of higher individual rights, such as the right of mental growth (emotion), cultural or intellectual growth). One of the cruelest forms of alienative violence is the so-called ethnic cleansing (ethnocide), the policies or actions that really change the social or material conditions to be under a certain identity of the dominant cultural group.

## **F. Methodology of Research**

To achieve a goal, method is a main way used to test a series of hypotheses by using certain tools, in conducting research on issues that have been described previously, author uses following methods:

### 1. Type of research

Based on the purpose of the research with the title "The Meaning of *Nushūz* In Al-Qur'an According to Islamic scholar in Ngaliyan Semarang", then the type of research is field or empirical research, which focused on the study of the

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<sup>14</sup> Ridwan, M.Ag, *Kekerasan Berbasis Gender*, Purwokerto: PSG STAIN Purwokerto + Fajar Pustaka, 2006, hal: 3-4

<sup>15</sup> Ibid, hal: 58-62

problem identification.<sup>16</sup> Thus, the researcher will identify how understanding of Islamic scholar in Ngaliyan on *nushūz* verses in the Qur'an.

## 2. Research approach

This study uses a qualitative descriptive approach<sup>17</sup> for the implementation of the research contained in the natural setting or in the context of a whole (entity)<sup>18</sup>. In addition, research with a qualitative approach is performed through interviews or face to face with the subject of research, which in this case are the Islamic religious leaders authorized to issue guidance to the community through religious language. In the study using a qualitative approach<sup>19</sup>, the researcher is data collection tool. Yet, only human as a tool can be associated with the respondent and can understand the realities on the ground.

## 3. Source of Data

The data source is a subject in which the data can be obtained. The main source of data in qualitative research is that the words and actions, the rest is additional data such as documents.

- a. Primary data: Data is collected and processed by the researcher directly from the respondents. The primary data source in the preparation of this thesis is the understanding of the verses *nushūz* of Islamic scholar drawn

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<sup>16</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum* (Cet. 3; Jakarta: UI-Press, 2007), 51

<sup>17</sup> qualitative descriptive is a research study which included qualitative research. The aim of this study is to reveal the facts, circumstances, phenomena, variables and circumstances that occurred while running the research and presenting what it is. Interpret qualitative descriptive study and said the data is concerned with the current situation, attitude and outlook that occur in society, contention 2 state / more, the relationship between the variables, the difference between fact, influence on a condition, and others. See <http://www.informasi-pendidikan.com/2013/08/penelitian-deskriptif-kualitatif.html> accessed on June 2, 2015

<sup>18</sup> Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktik* (Cet. 13; Jakarta: PT Rineka Cipta, 2006), 129.

<sup>19</sup> Qualitative research is a method of inquiry employed in many different academic disciplines, traditionally in the social sciences, but also in market research by the business sector and further contexts including research and service demonstrations by the non-profit sectors. Qualitative researchers are involved in studies of almost any imaginable phenomenon, and their studies often require institutional human subjects approvals "in the field". The most common method is the qualitative research interview, but forms of the data collected can also include group discussions, observation and reflection field notes, various texts, pictures, and other materials. Very popular among qualitative researchers are the studies of photographs, public and official documents, personal documents, and historical items in addition to images in the media and literature fields. See [http://en.wikipedia.org/wiki/Qualitative\\_research](http://en.wikipedia.org/wiki/Qualitative_research) accessed on June 2, 2015

researchers through semi structural interviews<sup>20</sup> and observations of the four samples of Islamic Scholar in Ngaliyan that has been specific,

The criteria of sample are :

- a. They are staying in Ngaliyan Semarang more than ten year.
- b. They are academic prominent figure in Ngaliyan, it's mean that they are lecturer
- c. They are active in the social organization.

So, the responden of this research are: Dr. Zuhad M.Ag as a lecturer in Ushuluddin Faculty and stay in Tanjungsari, Ngaliyan. Dra. Ummul Baroroh, M.Ag as a lecturer in Dakwah Faculty an stay in Tanjungsri Ngaliyan. Dr. Abu Hapsin, M.A as a lecturer in syari'ah faculty and life in perum Depag tambak aji Ngaliyan. Dra. Fatimah Usman, M.Si as a lecturer in Ushuluddin faculty and stay in perum BPI Ngaliyan. also Mr. Usman as head of KUA Ngaliyan and Ms. Sari as Extension Islam Ngaliyan. Sampling using purposive sampling method is the method of sampling is carefully selected so that the research is relevant to the structure, where the sampling by taking those chosen by the authors according to specific traits and characteristics.

- b. Secondary data, the written data sources obtained from book records, archives, and other related counseling and debriefing for the prospective bride and groom.

#### 4. Data collection techniques

Method of data collection is how researchers can obtain data and the ways to arrange the kit (instrument) in a systematic and precise manner.<sup>21</sup>

- a. Interview is a form of verbal communication aimed at obtaining information.<sup>22</sup> Thus, researchers conducted interviews with religious

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<sup>20</sup>In the semi- structural interview , usually some list of questions to help conduct interviews . This method is used when our time is limited and focus on a specific object . It also allows speakers to freely express opinions and to follow the flow of conversation

<sup>21</sup> Suharsimi Arikunto, *Op. Cit.*, 222.

<sup>22</sup> S. Nasution, *Metode Research (Penelitian Ilmiah)* (Cet. 9; Jakarta: Bumi Aksara,2007), 113.

leaders of Islam. Through these interviews, the researcher looks for information on matters related to the understanding of the verses *nushūz* and completion *nushūz*.

- b. Observation is aimed to obtain information about human behavior as it occurs in reality without any attempt to influence, regulate, or even.<sup>23</sup> In this case, the researchers went to the site directly to see and observe the process of comprehension by the religious leaders of the verses *nushūz*.
- c. Documentation is looking for data about things or variables in the form of notes, transcripts, books, newspapers, photographs, magazines, and so on.<sup>24</sup> In this case, researchers need archives of Islamic religious leaders and the District Office of Religious Affairs Ngaliyan all of which are closely related to the subject matter covered.

#### 5. Data analysis

The process of data analysis is begun by examining all of the data available from various sources, both primary and secondary. Having been studied and analyzed, the next step is to reduce the data writer by way of summarizing the problems that the researcher researched. In analyzing the data, researcher uses descriptive analysis approach, qualitatively analyzed and resolved. Then sums and uses to address the existing problems.

### G. Writing Systematic

To make this research systematic in standard of research writing, the researcher classifies this research into five chapters, with systematic writing as follows:

Chapter I is introduction that includes the background of the problem, formulation of the problem, the purpose of the study, the benefits of research, theoretical framework, research methods and systematic research.

Chapter II is *Nushūz* concept in the Qur'an . This chapter contains *nushūz* understanding, interpretation of *nushūz* verses. This chapter talk about the

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<sup>23</sup> Ibid., 106.

<sup>24</sup> Suharsimi Arikunto, *Op. Cit.*, 231

meaning of *nushūz*, explain about *nushūz* verses and *nushūz* according to Islamic scholars.

Chapter III In this chapter discusses the District Demographics Ngaliyan . Understanding Islamic scholar of *nushūz* verses. Understanding of Islamic Sholar in Ngaliyan about resolution *nushūz*

Chapter IV is Analysis on understanding the meaning of *nushūz* verses by Islamic scholar in Ngaliyan . In this chapter the author will analyze the concept of *nushūz* in the Qur'an by islamic scholar in Ngaliyan, analyzing the occurrence *nushūz* settlement solution , then spirit is in paragraph contextualized to the situation now .

Chapter V is the concluding chapter that contains conclusions and recommendations of the authors of the study in question.

## Chapter II

### *Nushūz* and its conception in Islamic Religion

#### A. Understanding *Nushūz*

*Nushūz*, comes from arabic language ( المرأة بزوجه ) it means woman who disobeys her husband<sup>1</sup>. *Nushūz* is disobeying or insubordinate. It means if the wife or husband have left their responsibility of each other.<sup>2</sup> *Nushūz* is insubordinate from the wife to her husband or in contrary.<sup>3</sup> This woman who does *nushūz* looks like the land that sticks out from its ground.<sup>4</sup> This is being explained in book named “*Rawai al-Bayan*” :

وأصل النشز المكان المرتفع ومنه تل ناشز أي مرتفع<sup>5</sup>

meaning: “the original meaning of *an-nashzu* is the high place, and the example for it is the word *tallun nāsyizun* that means the high hill”

In its usage, *nushūz* was being developed to the term al-‘isyan (seditious) or disobedience as the antonym of *Qunut* (always be obedient).<sup>6</sup>

Whereas *nushūz* in its terminology means the wife’s deed which can be meant as disobeying her husband without any acceptable reason according to the *syara*.<sup>7</sup>

*Nushūz* has some meanings according to Hanafiyah scholars, like what has defined by Saleh Ganim by unpleasant feeling between husband and wife. Maliki scholars has other opinion, it is both husband and wife who mistreat each other. Syafi’iah scholars define *nushūz* by quarrel between husband and wife. Whereas

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<sup>1</sup> Prof. Dr. H. Mahmud Yunus, *Kamus Arab-Indonesia*, Jakarta: PT. Hidakarya Agung, 1972, hlm. 452

<sup>2</sup> Drs. Ahsin W Al-Hafidz, M.A, *Kamus Ilmu Al-Qur’an*, Jakarta: AMZAH, 2006, hlm. 227

<sup>3</sup> Prof. Dr. M. Quraisy Shihab, MA, dkk, *Ensiklopedia Al-Qur’an: Kajian Kosa kata*, Jakarta: Lentera Hati, 2007, hlm. 740

<sup>4</sup> Husein Alhabsy, kamus al kausar, Bengil: Yayasan Pesantren Islam, t th. Hlm. 482

<sup>5</sup> M. Ali As-Shabuni, *Rawa’i Al-Bayan*, Makkah al Mukarramah, t.th, hlm. 331

<sup>6</sup> Abdul Aziz Dahlan, *Ensiklopedi Hukum Islam*, Jakarta : Ichtiar baru Van Hoeve, 1997, hlm.1353

<sup>7</sup> Mochtar Effendy, *Ensiklopedi Agama dan Filsafat*, Widya Dara, 2001, hlm.285

Hambaliyah scholars define it by unpleasant feeling from wife or husband with their unharmonic relationship.<sup>8</sup> In the domesticity, *nushūz* is often understood as wife's disobedience toward her husband, this becomes clearer by the compilation of Islamic law which make *nushūz* into woman who treat her husband disobediently and not the contrary. The negative effect of this understanding is if the wife does *nushūz*, husband's duty toward his wife falls both material duty and non material one (article 80 subsection (7) and article 84 KHI )<sup>9</sup>

The meaning of *nushūz* as what has Wahbah Al-Zuhaili described in his book named *al-Fiqhul Islam wa Adillatuh*, he said that *nushūz* is wife who disavows (in violation of husband's law) her obligation toward her husband, and also causes some cases that make one of them annoyed and leave out the house without husband's agreement and not for asking justice from the court.<sup>10</sup>

According to Sayyid Sabiq in his book named *Fiqh Sunnah*, *Nushūz* is defined by wife's rebellious toward her husband, being disobedient to him, or refusing to his bed call, or leaving out the house without her husband's agreement.<sup>11</sup>

Whereas Syeikh Muhammad Amin al-Kurdi said in his book called *Tanwir al-Qulub fi mu'amalati 'allamil Ghuyub* that *nushūz* is wife who does not carry out her duties toward husband, such as indifference or does not care after being good to him, turning face, or leaving out the house without any excuses, except going out for some public importance or religion one.<sup>12</sup>

From those various meaning of *nushūz* above, the thing must be underlined is that *nushūz* is insubordination form, one side disobedience of husband and wife of their duties toward each other.<sup>13</sup> That insubordination form can be various

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<sup>8</sup> Saleh bin Ganim al-Saldani, *Nusyuz*, alih bahasa A. Syaiuqi Qadri, Jakarta: Gema Insani Press, 2004, h. 25-26.

<sup>9</sup> <http://puanamalhayati.or.id/archives/category/wawancara>

<sup>10</sup> Wahbah al-Zuhaili, *al-Fiqhu Islam wa Adillatuh*, juz 7, Beirut: Dar al-Fikr, t th, hlm. 338

<sup>11</sup> Sayyid Sabiq, *Fiqh Sunnah*, jld II, Madinah:al-Fatkh Li l'laamil Araby, 1990, hlm. 314

<sup>12</sup> M. Amin al-Kurdi, *Tanwir al-Qulub fi Mu'amalati 'Allam al Ghuyub*, Beirut: Dar al Kutub al-'Ilmiah, t t, hlm.387

<sup>13</sup> Nusyuz sebenarnya tidak hanya bisa dilakukan oleh istri , tapi juga bisa dilakukan oleh

actions, such as in disregard of his duties toward wife and children, refuse to give basic necessities neither material nor non material, having another woman without wife's knowledge, mistreating his wife and in those contraries.

## B. Legal Ground of *Nushūz* According to Holy Koran

It has been written in the holy Koran in *surah* An-Nisa verses 34 and 128:

The interpretation of *nushūz* in An-Nisa 34

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ  
فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَاللَّاتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ  
وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا  
كَبِيرًا (34)

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.(An-Nisa: 34)<sup>14</sup>

This verse is revealed for the case that relates to Sa'id bin Rabi'ah who slapped his wife, Habibah binti Zaid bin Abi Hurairah, because she did *nusyūz* (disobeying). This case is informed by her father and her self to the prophet Muhammad Saw. Her father said: "my daughter Habibah has prepared bed for her husband to sleep in, but he slapped her unexpectedly." The prophet Saw answered: "she may take revenge from him". Habibah and her father leave for

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suami bilamana ia melalaikan kewajibannya terhadap istri (4:128) Lihat M. Abdul Mujib et.al, *Kamus Istilah Fiqh*, Jakarta: Pustaka Firdaus, 1994, hlm. 252

<sup>14</sup> Depag, Al-Qur'an dan Terjemahnya, Bandung: J-ART, 2005, hlm 85

taking revenge to her husband, but just a moment before they have gone so far, the prophet called them again because Jibril came and delivered *surah* an-Nisa' this verses 34. Rasulullah saw said (which means), "I wish for one thing, while Allah wishes for another. And Allah's wishes are always be better." And right after that, the command for paying revenge is canceled.<sup>15</sup>

The question appears, why does this verses use word "*khouf*" (fear) and not directly "*wallati yansyuzna*" (who are arrogance). The word that is used by Allah has many wisdoms. Allah likes the harmonic relationship between husband and wife, which is full of peace, , Allah does not refer *nushūz* as woman's deed only for preventing negative impression that *nushūz* often comes from woman's side.<sup>16</sup>

From the reason of revelation of this verse, we can see that this verse is imposed to men and is revealed to be a warning for men in order to have protective tendence toward women. Men are warned for not misusing their physical advantages to humiliate and to take full control of women's bodies and souls. This verse gives warning to men to treat their women well.<sup>17</sup>

In the classic interpretation books, there are same meanings for this sentence *الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ* that men either in domestic case or social one are distinated to be leader for women. That is caused by natural difference between the two of them and not purely because of social process. Thabari also quote another opinion that *qawwamun* means *umara* (authority). That means men are also women's authority, but this does not representate Thabari's own thought because he just quoted from other's.<sup>18</sup>

Imam Ali Ash-Shabuni said that men have the authority to give command or prohibition which must be obeyed by women (their wives) and have obligation to

<sup>15</sup> Wahbah Zuhaili, *Tafsir al-Munîr*, juz V, hlm. 53-54.

<sup>16</sup> M. Rasyid Ridha, *Nida' li al jinsi al Latif*, Terj. A. Rivai Usman, "Perempuan sebagai kekasih", Jakarta: Hikmah, 2004, hlm. 80

<sup>17</sup> Siti Ruhaini Dzuhayatin, "Agama dan Budaya Perempuan: Mempertanyakan Posisi Perempuan dalam Islam", dalam Irwan Abdullah (ed.), *sangkan paran gender*, Yogyakarta: Pustaka Pelajar, 1997, hlm. 64

<sup>18</sup> Asghar ali Engineer, *The Qur'an Women and Modern Society*, ed. Terjemah Agus Nuryatno, *Pembebasan Perempuan*, Yogyakarta: LkiS, 2003, hlm 69

give money for necessities (living) and advices just like authority's obligation to his nation and people.<sup>19</sup>

According to Imam Al-Qurthubi, men are leader for women because of their advantages in giving dowry and money for living, because they are also given excess sence and more ability in organizing so that they have right to be leader for women, and also because they have advantages in strength of soul and character. This *surah* An-Nisa' verse 34 also shows men's obligation in educating women.<sup>20</sup>

About the relation of verses, Quraish Shihab said that the previous verse, it is verse 32, there are prohibitions of daydreaming and envying toward people's own advantages either personal or social or gender. That features are related to duties and purposes that must be done in accordance with their own potentials and tendencies. In the verse 33 Allah explained fixing part which relates to heritage that are different between man and woman, likewise its function and obligation of each gender along with its difference background that has been explained in this verse.<sup>21</sup>

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ

At first, Quraish Shihab in Tafsir Misbah book said that this verse is revealed in home domestic case, by defining word *Al-Rajul* as husband, based on its suitability with next verse which talk about living required for husband. But then, he tend to agree with Thahir Ibn 'Asyur's opinion who declare that the word *al-Rijal* in both arabic language and Koran language, is not meant as husband. It is different with word *al-Nisa'* or *Imroah* which is meant as wife. If this verse is meant as men is leader for women, so it does not figure all meaning required yet, alltough it has leadership aspect. Because the word has meaning that if the duty is done as perfectly as possible and with continuous. In other word, in leadership meaning covers fulfillment needed, attention, care, defense and construction.

<sup>19</sup> 'Ali ash-Ash-Shabuni, *Shafwah at-Tafasir*, hlm. 273.

<sup>20</sup> <http://rahmatyudistiawan.wordpress.com/>

<sup>21</sup> M, Quraish Shihab, *Tafsir al-Misbah*, Jakarta: Lentera Hati, 2000, hlm 402

بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ

Quraish Shihab tend to interpret this verse that each man and woman has their own speciality. From this interpretation, it can be seen that there is a chance for woman to become a leader if they have speciality. This speciality is for sure what has relation with leadership requirement.

وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ

This verse uses past tense form, which shows that giving money for living is an prevalence for men for the past till now days. Because of its habitual so the verse use past tense form which shows some habitudes and still continue till now.

فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ

This part of verse is characteristic of *shalehah* woman, they are: first, *Qanitat*: being obedient to Allah and her husband. Second, *Hafidhat Li Al-Ghoibi*: take care of all things that Allah has given from husband's rights, and take care of her self and also husband's mandate when he is not around till he comes back.

According to Al-Zamakhsyari, first, *qānītat*, like we know that its meaning is "obedient". Zamakhsyari described it with "obedient toward husband" and if they do not obey their husband, they must and can be punished. For the consequence of this interpretation, men are leader for women, because of these reasons; first, men's advantages of women, second, men pay dowry and give living for family. Zamakhsyari interpret that good women (*fa aṣ-ṣālihat*) in the sequel of this verse as obedient women (*qānītat*) who carries out her duties to her husband, who takes care of herself, her family, her household and also her husband's property when he is not around (*ḥafidzat lil-ghaib*), and also keep his secrets. In other word, Zamakhsyari describes word *qanitat* as obedient women toward their husbands without mentioning about being obedient to Allah SWT.

For supporting his argument, Zamakhsyari quotes *hadits* from Ibn Jarir and Baihaqi from Abu Hurairah RA, he said, Rasulallah SAW said:

الدُّنْيَا مَتَاعٌ وَخَيْرُ مَتَاعِهَا الْمَرْأَةُ الصَّالِحَةُ، إِذَا نَظَرْتَ إِلَيْهَا سَرَّتْكَ، وَإِذَا أَمَرْتَهَا أَطَاعَتْكَ، وَإِذَا  
غَبَّتْ عَنْهَا حَفِظْتَكَ فِي نَفْسِهَا وَمَالِكَ

mean: “This world is pleasure, and the best pleasure is good woman. If you see her she cheers you up. If you command her, she obeys you. And if you leave her out, she takes care of her self and your property.”

وَاللَّائِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ

If a woman does *nushūz* or being disobedient toward husband’s order, there are solution for that, they are, first giving her advices, if he does not get any good responses from his wife, he can do second way, it is forsake her in bed, and if she persist, he should do third way, it is strike her. But this strike must be done with no any scars leave, or physical injury such as fracture or spray or any scars caused by that strike.

According to Thobari, the original meaning of *Nushūz* is *irtifa’* (go up). Because of that, a high place on the earth is called “*nasyzun*” or “*nasyazun*.” The interpretation expert group said that the meaning of “*khauf*” in this verse is antonym of word “*raja*” (hope). They said that meaning is: if you see some of them (the wives) whom you fear arrogance toward you, because they see somethings they should not see, and they come in and out, and you are in doubt of their issues, advice them and leave them. Some of who has this opinion is Abdullah bin ka’b.<sup>22</sup>

*Nushūz* in this verse means disobedient or seditious. There for, the purpose of this verse is, if the husband is in doubt of whether wife’s seditious and her arrogance or obey Allah’s order which is obeying their husbands.<sup>23</sup>

<sup>22</sup> At Thobari, jami’ al-Bayan fi Tafsir al-Qur’an, Beirut: Dar al-Fikr, 1995 M

<sup>23</sup> Abu Adillah bin Muhammad. Al-Qurthubi, *Jami’ ahkami Qur’an*, Jilid 5. Bairut: Dar Al-Fikr, t.th, h.170

Sayyid Muhammad Rasyid Ridho explained *nushūz* in the first time means arrogance or boast. Woman who deviates from husband's rights, she sure is arrogance toward her husband and tries to make her husband under her control. Even she elevates her character till she violates the natural requirement in association. There for she is like something high which sticks out from its ground.<sup>24</sup>

In the book named *Tafsir al-Bahrul al-Muhith* has been explained about wife's *nushūz* by interpreting word *nushūzahunna*, with coloboration from some scholars. Syaikh Atha' said that wife's *nushūz* is not wearing parfume (in this case is dress up), unwilling in service (sexual intercourse) her husband, and change her attitude from good to bad. Abu Mansur said wife's *nushūz* is her unpleasant toward her husbnad. Someone said that wife's *nushūz* is her unwilling to stay together with her husband in his home, and choose to stay where her husband dislike. Other said her *nushūz* is her avoiding in husband's call for bed or sexual intercourse. Some those opinions are *nushūz* form from wife's side which complete each meanings.<sup>25</sup>

Muhammad Ali Shabuni in book *Safwah Al Tafasir* gives some solutions for household's goodness by some ways, they are: first , giving good advice for wife. By reminding her that her action is disliked by Allah and she would get His' punishment. Second, forsake her for bed and avoid to talk with her and also not being near with her, it means being in one bed but avoiding her. And the third is strike her with no harm strike, it means without any scar on face or other part of her body.<sup>26</sup>

فَإِنْ أَطَعْتُمْكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلاً إِنَّ اللَّهَ كَانَ عَلِيماً كَبِيراً

<sup>24</sup> Sayyid Imam Muhammad Rasyid Ridha, *Tafsir al-Qur'an al-Hakim*, Jilid V, Bairut: Dar Al-Fikr, h. 58

<sup>25</sup> Muhammad bin Yusuf asy-Syahid bi Abi Hayyan al-Andalusi, *Tafsir al-Bahru al-Muhith*, Juz III, Bairut: Dar Al-Fikr, t.th h. 251

<sup>26</sup> Muhamad Ali Sabuni, *Safwah Al Tafasir*, Beirut, Dar Al Qalam, 1986, h.274

Then if they (women) obey you, from your first advice, or after your avoiding for bed or after your strike, you do not look for any ways to burden her by mentioning and declaiming her past disobedience again. Allah is the greatest and the highest, so low yourself by being obedient to Allah's command.

In book *Tafsir At-Tabari* is explained that word "*nushūzahunna*" means wife's winning of husband, it is wife's going up from her ground by doing immoral, changing what they should do which is obeying their husband with being hate to him and turn him over.

About this verse "*wahjuruuhunna fil madlaaji'i*". Abu ja'far said that interpretation expert has different opinions about its meaning. Some said that advice them about their *nushūz* (for the husbands), because the most correct way for truth examination is in that advice, and it is your duty to do, and leave them and forsake them for bed. Abu ja'far said there is no meaning for word "hajara" in arabic language but 3 meanings, they are: the first example is a man who reject other's talk and his story. It means rejecting and leaving. Other meaning is a lot of talk with repeating his talk like someone who mock other. The example is "*fulan* teases his talk with mocking". The third is "binding camel". If the owner binds it with "hijar" (rope), it is rope that is bond on its waist and its ankle.

The wife whom you fear *nushūz*, so actually her husband is commanded to give her advice in order to arise a loyalty in her so she can carry out her duties toward her husband, including serving her husband in bed. So that advice is not permitted till the wife is obedient to Allah and her husband, then because of that the husband is commanded to advice her with harshness. There for, the opinion which said that meaning of *wahjuruuhunna fil madlaaji'i* is forsake them for bed, or means "mock their talk (wives) because they leave your bed" was canceled. It was not understandable because Allah has explained through the prophet Muhammad saw that:" it is not permitted for a moslem to leave his brother more than three days." If leaving a brother is permitted, so it is not understandable. So that, if wife turn from obeying her husband, it is her pleasure to not make a talk with her husband, to not look at her and she (wife) does not look at him. If the

case is like this, what should husband do? So it is a command for husband to strike his wife in order to block her obeying to her husband when he call her for bed and another husband's order.

If the meaning is like that, the interpretation of this verse is: the wives whom you afraid arrogance or *nushūz*, advice them, if they follow your advice, you have to stop. If they redo *nushūz*, find the certainty by binding them on bed, it is in their home where you and your wife lie down.

About the word *wadribuuhunna*. Abu ja'far said: advice them (wives), you husband, about their *nushūz*, if they persist, strength their bonding in their home and strike them in order to reinvite them to be obedient to Allah and carry out their obligation toward husband's rights. The interpretation expert said: the strike which is permitted by Allah is to wife who does *nushūz* and with no harm.

This opinion is supported by Hasbi Ashidiqiy's opinion that in solving *nushūz*, there are three ways (at least): first, advice them in order to encourage them to fear to Allah and repent that thier mistakes they have done would be punished by Allah in the end; second, avoid them, such as by not sleeping in the same bed with them, and third, strike them with no harm. Those are may be done in crucial time, such as when they (wives) do not listened to any advices and do not repent it.<sup>27</sup> And also to not doing it in front of children, because it may caused more negative effect for them. Moreover not avoiding them (wives) by moving to another in order to humiliate them and disregard their honor. Because all that just will causes more conflicts. The reason of this avoiding is to solve thier *nushūz*, not to humiliate wives and damage children's happiness. The strike is not to humiliate and harm them, also with no harsh to control them under the life they dislike. This strike must be in order to educate them, with affection, like what a father does to his children or a teacher to his students. Those ways are forbidden to do when both of husband and wife in such a harmonic condition. That is the main purpose of this problem solving.

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<sup>27</sup> Hasbi Ashidiqiy, Tafsir Al Qur'anul Majid An Nuur, Juz V, Semarang, Pustaka Rizki Putra, 2000, h.844

The legal ground of husband's *nushūz* is an-Nisa ayat 128:

وَإِنِ 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

﴿١٢٨﴾

Meaning: “And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best. And present in [human] souls is stinginess. But if you do good and fear Allah - then indeed Allah is ever, with what you do, Acquainted.”

From the reason of this verse revelation said, in some stories said that Saudah binti Zam'ah was advantages in years and appear in her heart a doubt and fear to be divorced by the prophet Rasulullah Saw, she said “hai prophet, I give my turn to Aisyah”. About that, Allah reveal verse 128 as firmness, that wife may give her turn to another wife, as what Saudah binti Zam'ah the wife of Rasulullah Saw did. (H.R Abu Dawud and Hakim from Aisyah. Imam Tirmidzi told from Ibnu Abbas).<sup>28</sup>

In the beginning of verse 128 revelation, a woman came to her husband and said: “I am agree sincerely to get material living from you, without any internal living, but with condition without divorce. I also allow you to remarried again with other woman if you need” In conection with this, Allah Swt reveal this verse to its end, which surely said that the wife may give her turn to other woman or allow her husband to remarried again when she is not able to service him in sexual intercourse by proposing not to be divorced. As the husband should grant his wife's proposal and not divorce her. (H.R. Ibnu Jarir dari Sa'id bin Jubair).<sup>29</sup>

The beginning of this verse is demand if a woman fears *nushūz*. It tells every moslem both male and female to face and try to solve the problem when the sign appears and before becoming bigger problem and difficult to solve.

<sup>28</sup> KH. Qamaruddin Shaleh, dkk, *Asbabun Nuzul: latar belakang historis turunnya ayat-ayat al-Qur'an*, Cet 4, Bandung: cv Diponegoro, 1984, hlm 164

<sup>29</sup> A. Mudjab Mahali, *asbabun Nuzul: Studi Pendalaman Al-Qur'an*, Cet 1, Jakarta: Pt RajaGrafindo Persada, 2002, hlm. 280

The term لا حنأ / *it is not a problem* usually is used in things that all is forbidden. From that, scholars claim that there is no prohibition for wife to sacrifice some of her rights and to give her husband some returns. *Lā junāha* also shows that this is suggestion not an obligation, so that the feeling of sacrificing wife's rights which can cause any religion violation can be avoided.

The word شح / *stingy* in the beginning is used for wealth, but in this verse it contains for whoever being stingy which make someone does not want to give away some of his rights. Stingy in this case is human's characteristic whose soul is not decorated with religion value. In this case, this characteristic is in both man and woman.

Al-Imam Ath-Thabari said that wife who fears her husband's *nushūz* or turn her over, so it is permitted for her to take reconciliation with him, by willing to not get turn on her day or she sacrifice her rights which in order to look for his sympathy and pity, also in order to keep their marriage without divorce. Same opinion is also said by Ibnu Qudamah rahimahullah. He said: "It is not problem if she (wife) will give some of her rights in order to find her husband's willing and everytime the wife reconcile with her husband by giving up her rights or her living or both, it is permitted."<sup>30</sup>

While Imam Al-Qurthubi said that all reconciliation form is permitted, it is where husbnad gives some of his wealth with condition that his wife has to be patient, or the wife gives her wealth and her husband should give priority to her in return, or this reconciliation takes place with patience and giving priority without anything in return.<sup>31</sup>

In compilation of Islamic law<sup>32</sup>, *nushūz* is also properly arranged. Some articles clarify household rights and obligations for husband and wife.

<sup>30</sup> <http://fadhlihsan.wordpress.com/2010/08/05/mengobati-istrisuami-yang-berbuat-nusyuz/>

<sup>31</sup> Imam Al-Qurthubi, *Tafsir Al-Qurthubi bagian 5 (Terjemah Al-Jami' Li Ahkami Al-Quran karya Imam Al-Qurthubi)*, cet 1, Jakarta: Pustaka Azzam, 2008, h. 959.

<sup>32</sup> According to Abdurrahman, the definition is as follows KHI "Compilation of Islamic Law in Indonesia is a summary of the various books written by scholars of fiqh which is used as a reference to the Religious Courts to be processed and developed and compiled into one set." KHI first announced by Minister RI religion Munawir Sjadzali the period 1983-1993. See

Article 80 subsection:

1. Husband is wife's guidance and her household, but important issues of household is discussed together, both husband and wife.
2. Husband must protect his wife and give all household necessity as well as he can.
3. Husband must give his wife education about religion and give her chances to learn many benefit knowledges for religion and nation.
4. Agree with his income, husband guarantees:
  - a. Living, clothes, place for her living;
  - b. Household expense, nursing and medicinal treatment fee for wife and children;
  - c. Education fee for children.

Article 83 subsection:

1. The main obligation of wife is devoting to husband external and internal under limitation which is justiciable according to islamic law.
2. Wife organizes and arranges household necessity as well as she can.

Article 84:

1. Wife is considered as *nushūz* if she does not carry out her obligation as what is written on article 83 subsection (1) except with legal reason.
2. During wife's *nushūz*, husband's obligation toward his wife is written on article 80 subsection (4) a and b is not valid except for children's sake.
3. Husband's obligation written on subsection (2) is valid again after she does not do *nushūz*.
4. Rule about existence of *nushūz* or its unexistence from wife must based on valid proof.<sup>33</sup>

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<https://masalahukum.wordpress.com/2013/08/24/kompilasi-hukum-islam/> accessed on June 2, 2015

<sup>33</sup>Sayuti Thalib, *Hukum Kekeluargaan Indonesia*, UI Press, Jakarta: t.th, h. 95.

## C. The Variety of *Nushūz*

*Nushūz* takes place if husband or wife do not do one's duties to another. *Nushūz* has characteristics and situations that have been explained by God in His holy Koran, that it comes from both husband and wife, not just the one of them.

### 1. *Nushūz* that Comes from Wife's Side

*Nushūz* comes from one side that can cause unharmonious relationship even disturbance of domestic peace when it is not handled immediately. *Nushūz* that comes from wife's side, has been written in Q.S.an-Nisa':34.

Imam Muhammad Razi Fakhruddin has a notion that *nushūz* from wife's side can be various actions, such as utterance form, it is like she does not respond to her husband's call or allurements and does not use soft tone when talking to her husband. Or in behavior form, such as she does not stand up to welcome her husband from his work, and being late to do her husband's order and does not rush about her husband's bed call.<sup>34</sup>

Syamsuddin Muhammad bin Abi Abbas described *nushūz* which utterance form is when she answers her husband's question rudely and with high tone, giving a gloomy face, and turning away from her husband.<sup>35</sup>

Counted as *nushūz* if she goes out of their house without her husband's agreement, but Syafi'iyah and Hambaliah have another opinion about it. That is her leaving out is for her husband's needed, it can't be counted as *nushūz*, but if it is not, that can be counted as *nushūz*.<sup>36</sup> It also applies to wife who refuses to have sexual intercourse with her husband. It is like what Muhammad Sarbini al-Katib said that women is considered as doing *nushūz* when she is unwilling to have sexual intercourse with her husband.

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<sup>34</sup> Imam Muhammad Razi Fakhruddin, *Tafsiri al-Fakhru al-Razi*, Juz V Berirut: Darul Kutb, t.th, hlm. 92

<sup>35</sup> Syamsuddin Muhammad bin Abi Abbas, *Nihayat al-muhtaj ila Syarh al-Minhaj*, hlm. 390

<sup>36</sup> Taqiyuddin Abi Bakr Muhammad al-Husaini ad-Dimaski, *Kifayat al-Akhyar*, Juz II, Berirut: Darul Kutb, t.th, hlm. 148

With those deeds from wife's side, it can be classified that some causes of *nushūz* that comes from wife's side are:

1. Wife who refuses to apply her face's make up and dress up in front of her husband, while he want and advice her to do it.
2. Refusing bed call. Where fulfilling husband's desire is one wife's obligation and one of husband's right.
3. Not admitting husband's goodness. One of *nushūz* action that has been done by wife is by not admitting husband's goodness, while her husband is one of people who always give her many goodness. Moreover, when the wife is just a house wife without any work outside the house, she should set on higher value on her husband's goodness, because in that case, the wife is passive. Alltough she also has job, she should not look at her husband lowly and she should not refuse to admit what goodness that her husband gives.<sup>37</sup>
4. Feeling uncomfortable or cannot bear to be in house. Such as leaving out the house without any agreement from her husband. Because when she becomes a wife, she should ask her husband for permission before going to any where. Allah S.W.T said in His Holy Koran Q.S. al-Ahzab: 33. If woman goes out the house without husband's agreement, she is accursed by angel till she comes back to her husband or till she repents. And wife who is free to go out without husband's agreement, she can endanger her household, because it can cause infidelity and adultery. Husband's agreement is very important for wife, because it is also for wife's favour and dignity.
5. Tearing husband's clothes. One of wife's duty is keeping husband's properties. If something is not under wife's pleasure, she should ask or discuss it with her husband inspite of breaking his properties directly.

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<sup>37</sup> Ahmad Fudhaili, *Perempuan Di Lembaran Suci Kritik Atas Hadits-Hadits Shahih*, Yogyakarta: Pilar Religi, 2005, hlm. 150

6. Pulling his beard to humiliate him. Like what was written above, it is wife's obligation to respect her husband because he is the chief of household. Doing something that humiliates him is part of unrespectful toward him.
7. Saying not proper word toward her husband, even calling him down and using bad language to him.
8. Refusing to create good relationship with husband's big families. Beside, keeping good relationship is ordered by Allah, moreover when it is with her husband's brotherhood who has become hers to.<sup>38</sup>
9. Leaving religious obligation, like prayers, fasting, and all religious order.<sup>39</sup>
10. Being egoistic, does not want to be headed by her husband, instead she wants to be his leader, or in an other word, she wants her husband under her dominance.
11. Wife who becomes greedy. She wants to take over all matters in her husband's home. Even she dares to steal his money whenever she can.
12. Wife who is not calm. She does not have faith in her husband. So that she always look for any information about what her husband's doing.<sup>40</sup>

## 2. Criteria of *Nushūz*

Saleh bin Ganim al-Saldani (2004 : 27-28), explained specifically about criteria of wife's behaviour which can be considered as *nushūz* according to scholars, they are:

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<sup>38</sup> Sinta Nuriyah Abdurrahman Wahid, *Wajah Baru Relasi Suami Istri*, Yogyakarta : Lkis, 2001, hlm. 26

<sup>39</sup> Muhammad Utsman Al-Khasyt, *Sulitnya Berumah Tangga*, Jakarta: Gema Insani Press, 1994, hlm. 76

<sup>40</sup> Abdul Aziz, *Rumah Tangga Bahagia Sejahtera*, Semarang : CV wicaksana, 1991, hlm. 188

1. According to Hanafiah : if the wife goes out home without husband's permission and she does not want to serve her husband without any right reason.
2. According to Malikiyah scholars : a wife is considered as *nushūz* if she is disobedient toward her husband and she refuses to have sexual intercourse, and also goes to some places she knows that her husband dislike, even she disregards her obligation toward Allah SWT, such as she does not take a bath for *janabah*, and does not do fasting in Ramadhan.
3. According to Syafi'i, a wife is called *nushūz* if she is disobedient her husband and does not carry out religious obligations which is related to husband's rights and other religious orders.
4. Whereas Hanbali said that a wife is called *nushūz* if she does anythings that means does not give her husband's rights that should he get from their marriage.

From those explanation above, criteria of *nushūz* according to scholars, are:

1. Wife who refuse to have sexual intercourse without any reason according to religious law.
2. Leaving out house without any right reason and even going to places that her husband forbides.
3. Does not carry out religious obligation.
4. Does not want to apply on her face make up and dress up like what her husband wants.

#### **D. Nushūz that come from husband side**

Where families can be called prosperous when met all their needs that includes , food , clothing, housing and all the harmonious relationship between the family , there is a definite financial resources for day-to - day maintenance of the health of family members, educated children , personal development and religious terbinanya in a family environment and so forth . Economics plays an important role in every human life . As a cause of domestic disturbance , economics is a common factor and easily identified . The nushūz

behavior that comes from the husband's obligations such as not running .  
Among *nushūz* of the husband , there are :

a. Husband is less concerned about living

Living here include food, clothing and shelter . If these three displaced household has become a mess. Income households can be categorized two groups:

1. A living material, such as clothing, food and shelter
2. Spiritual Livelihoods , such as affection husband to his wife and his children , and to all his family members

b. Inattentive husband

Husband attitude like this , it could cause never felt mendapatkesejukan wife of her husband's heart . So he tried to vent the longing for affection to other men who are considered able to give affection as expected from her husband.

c. Do not treat his wife well

Islam recommends that do good husband to his wife , because the wife is the mandate that must be maintained properly and treated properly . If that is done the husband is the opposite . Then the husband has done a deviation that could damage the integrity of the family.

d. Not screwed properly wife

Along well , it means making the house into a social atmosphere is wonderful and always tinged excitement arising from heart to heart . If such an atmosphere can not be created in domestic life . Especially the husband , it can be ascertained that there was no coolness that can bring happiness to the family.

e. Scolding wife without cause

If a wife does something wrong , do not need to scold . Better if advised in advance and at the same time to deliberate properly

f. Husband does not look good in front of his wife

Compulsory husband look good and attractive to his wife . If the husband was happy to see the wife of a matching appearance in accordance with his

wishes. Then istri pun wants her husband to look good , then it becomes an obligation for a husband.<sup>41</sup>

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<sup>41</sup> Majdi As-Sayyid Ibrahim, *Lima Puluh Wasiat Rasulullah SAW Bagi Wanita*, Jakarta Timur: terjemah Kathur Suhardi, 1994, h. 178

**CHAPTER III**  
***NUSHŪZ* AND ITS SOLUTIONS IN AL-QUR'AN ACCORDING TO**  
**ISLAMIC SCHOLAR IN NGALIYAN**

**A. Demography of Ngaliyan**

1. Geographic Location

Sub-district Ngaliyan is one of 16 districts in city of Semarang. It is in located 48 m above sea level with maximum and minimum temperatures ranging between 33 C and 18 C from the plains to the hills. The boundaries of sub-district Ngaliyan are:

- a. North: Sub-district Tugu
- b. East: Sub-district Semarang
- c. South: Sub-district Mijen
- d. West: District Kendal

Sub-district Ngaliyan is 4,140 ha. The area consists of 324 ha. of rice field, 1,397 ha. of dry land, 23 ha. of public facilities land, 706 ha. of forest land and 2 ha. of plantation land. Sub-district Ngaliyan administrative territorial division consists of 10 wards. The global data from each village is the following:<sup>1</sup>

1. Gondoriyo
2. Podorejo
3. Beringin
4. Purwoyoso
5. Kalipancur
6. Banban Kerep
7. Ngaliyan
8. Tambak Aji
9. Wonosari
10. Wates

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<sup>1</sup> Data from Monografi of sub-district Ngaliyan, 6<sup>th</sup> of Desember, 2005

## 2. Population

In terms of population, in particular to determine the classification of the population who live in the District Ngaliyan, the author will present the demographic data in the form of classes, so it will be easy to understand. As for the total population by sex (citizen) are as follows:

- a. Total male population is 61 157 people
- b. Total female population is 61 363 people

while the total population of 35 people with details WNA male and 4 female 31.<sup>2</sup>

Total population based on believed religion:<sup>3</sup>

1. Islam : 108,905
2. Kristen Katolik : 5,866
3. Kristen Protestan : 6,077
4. Budha : 824
5. Hindu : 787
6. Lainnya : 96

Total : 122,555

### **B. Islamic Scholars Understanding of *Nushūz* Verses**

According to Zuhad's opinion, *nushūz* is from *nashaza-yanshuzu* word which means rebellious and immoral. In the Qur'an, there are verses that use the word in the context of household, in surah an-Nisa verse 34 that is the discussion related to *nushūz* of woman, while the verse 128 at the same surah that is the discussion of men doing *nusyūz*. Therefore, *nushūz* is from both sides of the man and woman.

There are several factors causing the occurrence of *nushūz*. The first, *nushūz* is a reaction to the attitude of her partner. In regard to paragraph 34 wherein the

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<sup>2</sup> <http://semarangkota.bps.go.id/ebook/sda2014/index.html>

<sup>3</sup> Kota Semarang Dalam Angka 2013

initial paragraph describes the leadership, according to Zuhad, it can be interpreted negative action of husband to wife, making his wife do *nushūz*. The second, *nushūz* can occur due to a wife who has not a good character and behavior. *Nushūz* of wife can be caused by her dissatisfaction in the household, so that she does *nushūz* that leads to divorce. It also can be caused by depression in households where the wife's role does not seem that she demands it by doing *nushūz*. That is, the attitude of *nushūz* happens by influence of certain factors which the case with other cases has different cause and solution.

According to Zuhad, *nushūz* actions can happen in various ways:

- 1) The wife has a tendency to prefer another man because of her dissatisfaction with her husband.
- 2) The wife cheats because she is left by her husband for work for years.
- 3) The husband is having an affair because his wife left to work in distant places.
- 4) The wife works in the public domain that made her forget the duties and obligations at home.
- 5) The husband neglects his duty, obligation and responsibility toward his family.

According to Ummul Baroroh, *nushūz* is defiance or disobedience in the sense without any reason which such behavior is born by selfish conscience, so that action can not be justified in any reason, and are not allowed in religion context. *Nushūz* in terms of the insubordination attitude, is obeying the rules, a straight rule, then in language *nushūz* is something that is elevated and higher than the surrounding areas such as mountains, meaning in the context of one's household *nushūz* is disobedience or insubordination and turning action. *Nushūz* in this context is disobeying rules that are used in household.

For example, a wife usually cooks and prays together with her husband. Then she suddenly strikes does not will to do those habits. She even goes out of the house without the consent of her partner. It is regarded *nushūz*. *Nushūz* is

defined as disobedience in textual understanding. However, most of people understand it as any action that is not according to or not obedient to husband. Thus, the attitude leads to the right of beating without considering anything else. It should not be as simple as this *nushūz* understanding. It should be in deep understanding as it relates to advice or treatments in the context of its settlement. *Nushūz* is not neglecting or ignoring acts to husband that just happens one time that was not intentional or due to an emergency, but rather the attitude that is preceded by intention of its actor. If the wife only occasionally does not cook because of an emergency or a sudden event that makes her do not cook at home, it will be alright and can not be said as *nushūz*. It is just simply communicated by each other. Katika understands *nushūz* only textually. If the wife who does not obey her husband is regarded *nushūz*, there will be many domestic violence.

Related to *asbābun nuzul* of surah an-Nisa verse 34, Ummul explains that Habibah case, wife of Zaid, who has been slapped by her husband, is not known in what context she is slapped, then she complains to her father then to Rasul. According to Mrs. Ummul, Rasul at that time was very fond of women and very egalitarian, so Rasul replied to do qishos. Habibah's father was told to do qishos on Habibah's husband. According to Ummul, Habibah was doing something not wrong, then Habibah was brave to complain to Rasul. Maybe, if she made a fatal mistake, she would not dare to complain. However, when Habibah had not reach her yard yet, this verse came down, and they were called by Rasul and given an explanation of the verse that the man is a leader for women and responsible for giving a living, so the qishosh should not be done to husband. In Arab context of that time, such concept is very appropriate, where at the situation woman was just to stay in house and did not have any power. She never came out and her husband had very big right to the wife, because right of wife is only at home even to breastfeed her child, she must get anyone else to do it.

The burden of the duties and responsibilities of husband is heavier than wife. The wife is very exceptional. She only receives income easily with all the needs satisfied. It results when the wife made a mistake and is slapped by the

husband, the wife is not allowed to reply. It is in line with the verse because man is the leader in home and has to give her a living. Thus, if at that time *qishos* is really done, Islam can experience the chaos, because the current culture puts the obligation of the husband in very high place, so it is unfair if the husband received recompense for what he had done to his wife, and could dissatisfaction of egalitarian attitude of Rasul. However, if it is contextualized in contemporary times, it will be different because the culture is not the same. The husband still has an obligation, but not the obligation of the Arab culture. In the Indonesian context, husband gives a living in the form of money, while his wife goes to market on her own, doing her own homework, and meaning that it should be different *nushūz* degrees. When the wife does not cook or being out of the house, it can not be said *nushūz* because the wife can work and usually does other work. It is different with Arab context, when wife is out of the house without her husband's permission for a while, it can be said *nushūz*. Thus, the understanding is based on context.

Various *nushūz* actions according to Ummul:

1. The wife leaves her duties and obligations without reason and without any communication with her husband.<sup>4</sup>
2. The wife has an affair with other man.
3. The wife meets her old friends who ever have a story together with her without any communication with her husband.
4. The husband has an affair with other woman.
5. The husband leaves the obligation toward his family.

According to Abu Hapsin, *nushūz* is the concept of a wife's defiance toward the husband, a wife who defies her husband, a wife who does not obey and does not want to show loyalty, including her frigidity, or do not want to serve her husband without any reason. In the Javanese, it is called *purik* or *elik*. *Nushūz* can

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<sup>4</sup> Duties and obligations of husband and wife in a family where the action takes place in everyday life and is an agreement between the two sides without coercion, the example of husband and wife used to eat together, pray together, the wife cooks for her family, her husband worked for the family.

occur in women and in men. Term of *nushūz* in *fiqh* that is given only to women actually reflects inequities in households, that it shows wife is subordination of men, whereas in marriage between husband and wife must be in equality because God has created man in similar circumstances.

*Nushūz* actions include:

- 1) The wife does not obey what has been agreed with husband.
- 2) The wife does not show loyalty in household, including the wife is not pleased to have sexual relationship with her husband for no reason.
- 3) The husband who does not pay close attention and is not responsible for his family.
- 4) A husband who ignores his wife.
- 5) The husband or wife who has an affair.

Fatima Usman explains, among muslimat NU nusyūz has been almost uniformly agreed that it can be done by men and by women because of principle that men and women are equally burdened by God with *taqrif* and have the same opportunity to become the most the glorious in Allah's sight through *taqwa*.<sup>5</sup> *Nushūz* can also be interpreted defiant or *mbalelo* in Javanese. If it is only called renegeing, it just seems less fit in Indonesian, because we refer too as breaking a promise. If it is interpreted renegeing of a promise, *nushūz* will mean people who is unfaithful to promise to keep, but in reality either because of his lustful impulse or because inducement devil then he/she reneges. Then in this case related to whether *nushūz* is interpreted defiant or *mbalelo* and renegeing on promises, it can happen to men and women.

According to Fatimah, *nushūz* actions may include:

- 1) The attitude changing of a good wife to be worse.

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<sup>5</sup> Al-Hujurat ayat 13

- 2) The wife does not comply with the agreement in the household without reason.
- 3) The wife deliberately neglects her duties toward her husband.
- 4) The wife was has an affair with another man.
- 5) The husband leaves obligations to his wife and children.
- 6) The husband has an affair with other woman.

According to the head of KUA, Usman and Sari as the extension of Islam from KUA sub-district Ngaliyan, *nusyūz* has been discussed in the Compilation of Islamic Law which says that *nusyūz* is defined as an attitude when the wife does not want to implement their obligations, namely: primary obligation, devotion *lahir batin* to her husband and other liabilities to conduct and regulate domestic needs everyday as well as possible.

In Islamic Law Compilation (KHI), rules on the issue of *nusyūz* is narrowed only on defiance of wives as well as legal its consequences. Initiating discussion on the issue of *nusyūz*, KHI departs from the obligations of wives, namely that the main obligation of domestic life for a wife is inwardly and outwardly devotion to the husband within the limits justified by Islamic law. The wife is considered *nusyūz* when she does not want to implement the obligations that are mentioned by KHI. Although the issue of determining the presence or absence of the wife's *nusyūz*, according to KHI, it should be based upon valid evidence.<sup>6</sup>

### C. Islam Scholars Understanding of *Nushūz* Solving

Based on Zuhad's opinion, completion of *nushūz* must involve both parties, if the disputing parties are easy to talk, the completion is taken by a personal approach, because open attitude enables the discussion to find the cause of the issues why women are away from her husband, or vice versa. Open attitude will make each of the parties mutually expresses what is unrest among them, so they can find solutions together to forgive each other. Thus, it would be very easy

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<sup>6</sup> KHI, Article 83 Verse 1 and Article 84 verse (1) and (4)

settlement when open attitude is owned by every couple, because a problem in family usually is about promoting the emotional attitude or prioritizing the winning attitude. If such attitude happens, the case will be increasingly difficult to solve and will deal with the law and ends up in KUA when there is not guarantee to solve the problem.

In understanding of surah an-Nisa verse 34 of female *nushūz*, contextualization theory is needed, that is to understand its *asbābun nuzul*, Arab social context at the time, husband and wife relationship. Therefore, when *nushūz* that is mostly done by women occurs, it is understood in its current context at that time. Then, it has different context at this time with the theory of *al-ibrah bi khususi sabab*, because *asbabun nuzul* has actors, events and time, when the time is different, the event changes, a different place also can lead to different events.

The solution provided by the Qur'an is that when wife does *nushūz*, she must be "advised, separated from the bed and then hit". By Zuhad, the solution is in the form of a warning, which can be subtle warning by sign language, the second with a rather loud warning, this warning can be straightforward manner with little angry, and the third with a stern warning, so the meaning of "wadribuhunna" which means to be beaten should not be interpreted a real beat, but it can be interpreted as a stern warning.

Capacity of *nushūz* is progressive, so that when the wife does *nushūz*, husband's actions strongly influence the wife next attitude. Human actions tend to be a response from the other, so that they do not merely emerge without cause. Settlement offered by the Qur'an with three stages that is connected by the letter "waw" has the meaning "*littartib*". That is a solution that is taken when the wife does *nushūz* with appropriate levels of development and its capacity of such action.

Hit will be allowed if it is considered the best way to restore the situation to normal, because the typology of women as a wife varies. Perhaps there is a typology of women who should be beaten because his character is hard, that in a subtle way they can not stop the rebellion action. On the other hand, there is also a

mild-mannered that is only with words, they are already aware because they are accustomed to educate in a subtle way, so then the hit is very unnecessary. If this verse is interpreted by theory of Shahrur, limit theory, *wadribuhunna* is maximum legal, maximum action after their *akhlaq* reaches the top of ugliness. The Qur'an mentions that before step of *wadribuhunna* there are previous steps. Thus, *wadribuhunna* is the last option.

According Ummul, completion of *nushūz* conducted by wives in the Qur'an is clear in surah an-Nisa verse 34 that the first step is advice by *mauidhoh* "*faidhuhunna*", *mauidhoh hasanah* here is understood as a process of communication between the two sides. Then, the second is separated from bed "*wahjuruhunna fil madhoji'i*" then "*wadribuhunna*", meaning beat. In the context of the beating, there are some commentators who argue in various opinion. Some views hitting as the beating that does not hurt, as not to be hit in the face, in sensitive places. Some interpretes beating only with a handkerchief. Even some says beating is done directly by sexual relationships.

An-Nisa 34 is a verse that explains wife's rebellion, while An-Nisa verse 128 talks about husband's *nusyūz* with its solution (*ishlah*). Completion between *nusyūz* of men and women is different because in the Arab culture marital relationship is not parallel, very lame. Regarding asbabun nuzul of the verse 34, the verse was revealed which does not allow replying, because in the context of the Arab culture, husband has very large power against her wife. The relation of husband and wife at that time put wife's move only in the house with all the needs satisfied and ensured by the husband, so that when any husband made mistake by slapping his wife, reply was not allowed for him.

Prophet Muhammad had egalitarian motives in his statement to do *qishos* husband who had slapped his wife, but God does not allow for the social conditions of society and Arab culture at the time was not conducive, probably when *qishosh* is implemented, it will impact negative thing. *Sahabah* or men will protest on the Prophet egalitarian attitude that might bring a lot of women who dared to oppose him. Woman is not allowed to leave the house to perform

*jama'ah* prayer, so the arab cultural context does not permit that kind. Those all are different to the household context here. Exemplified in the Java community, husband and wife go into the fields. The husband hoes and the wife plants rice, while in Arab women only dress in the house, gave birth to have a child and the husband ensures all needs, so the husband power is bigger than the wife.

At verse 128 of An-Nisa in which a solution for the actions of her husband *nushūz* is reconciliation for his wife. The text is in accordance with the current conditions in which there is the husband's dominant power. Thus, a wife who asks for a divorce because of her husband's *nushūz* will be confused with the future of children and herself. To avoid that, the wife let her husband married again. The relation of husband and wife have been amended, so adjustments must be made in the existing context. *Washāhilul bil amri* is by consensus or by communication. If communication exists then mauidhoh hasanah stages are not needed. There is no need to hit because of the communication and good relationship.

According to Ummul, it is good that verse 34 and 35 are used and formulated for making the best solution, when advice can not give solution, husband to invite those who is feared or respected by his wife to give advice<sup>7</sup>. Therefore, word "*faidhuhunna*" is not necessarily understood advice from husband, but he could borrow other people who are considered good at advising. Relation between the husband and the wife are "*hunna libasul lahun*", they are complementary to each other like cloth. When all is done, that such complicated events will not happen.

According to Abu Hapsin, a wife who does *nushūz* in verse 34 surah An-Nisa may been hit. The hit is not a painful hit, but hit for the sake of giving *ta'dhim* and lessons to make wife straight, accordance with the purpose of marriage, *mawaddah warrahmah*. That is textual meaning, but wife must not be beaten. A different context and meaning of *wadribuhunna* is to make wife be straight, that she are not necessary to beat. She can be given a warning talk with gentle words, so that she became a partner in accordance with what is desired by

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<sup>7</sup> An-Nisa verse 35

Al –Qur’an. Thus, *wadribuhuna* is not to hit or beat by slapping because it is out of date. The wife also has rights, self-esteem, dignity and husband is not always true, so the wife also has the right to say no to her husband when he is not in line with the principle. Therefore, when the wife does *nushūz*, she must be observed and investigated why she should do that. That is the most appropriate action rather than a beat. Husband should also introspect whether he has an error or not, before he reminds the wife to do so. When the husband is already in line with the right principle, while his wife does not serve him, the husband has the right and indeed the duty to remind his wife in good ways. *Wadribuhunna* means to correct the wife’s behavior, that is not merely to beat the wife in modern meaning.

According to Abu Hapsin, *nushūz* can happen to wife and also to husband. In the daily life, many husbands who do not heed and pay attention to his wife. When that happens, the wife has rights that can be done to remind her husband, because in the family, husband is not forever right. By the time the husband makes a mistake, the wife is entitled to remind her husband to return to the principles the Qur’an desires. Thus, *nushūz* is not be interpreted only action that occurs in women, because men can do so.

To make peace as the solution of husband’s *nushūz* as implied by the verse 128 is also applied to wife’s *nushūz*, so there is balance between both. If *nushūz* happens to both of them, the husband and the wife have their own right. The husband can divorce the wife, while the wife has right of *rafak* or *khuluq*, with note there is not possibility of any agreement to unite them two. The wife has the right to break the bonds of marriage when there is not accordance with the husband. It is unfair if they must be reconciled but the husband no longer wants to fulfill his obligations, so all suffering is burdened only on his wife. *Wassulhu khoir* must be suitable with its context, and reconciliation must come from both of them, not only come from the wife alone, not only the wife who sacrifices. If that happens, it is as the same as to let women in affliction. There must be balance in household life.

According to Fatimah Usman, verse 34 implies three sanctions in dealing with *nushūz* of wife; advice, separating bed and beating, though for me *wadribuhun* does not always means beating. According to Fatimah, the verse is interpreted as anticipatory verse. It is like anti-diarrhea, cough, flu and headache medicine in a house. At any time one of four medicines is needed, it is easy to take. However, if those drugs are expired and there is no coughing, no more dizziness at home, then with a very happy and delighted feeling those drugs are trashed. The verse is like God's treatment to cure *nushūz*. It does not mean if there is no *nushūz*, those drugs are useless, but it means those are solutions provided by Allah.

This verse can not be used as a benchmark that the wife should be beaten or that the husband's duty is only to advise. The wife is suddenly separated from bed when she does not obey. There should be no continuous advice. Continuous advice will be boring rather than *Lisanul Khal*, because it is more effective than *Lisanul maqol* that is dine with role model or example. The husband is leader in family, but a leader must be exemple and role models in behavior, attitudes and words.

*Ishlah* is conducted when the husband does *nusyūz* as implied in verse 128 without any stages such as in verse 34. According to Fatima Usman, it is indeed better, but the verse must be also applied for women, for example, when a woman does *nushūz*, to make peace through *rembug*, *ngudo roso* is necessary. The solution can also to invite *Hakam* (*hakama min ahlihi*).

Islamic Law Compilation (KHI) explains that the obligations of the husband in the form of giving a living, providing a residence, household expenses, cost of care and treatment for his wife is applied since there perfect *tamkin* of his wife. These obligations become void if the wife does *nushūz*.<sup>8</sup>

The subsequent article explains that during in state of *nushūz*, obligation of the husband is erased except for their child's need. When the wife is no longer in

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<sup>8</sup> KHI, Article 80 Verse (4), (5) and (7)

state of *nushūz*, the obligation must be fulfilled again by the husband as the time before.<sup>9</sup>

A meeting point may be taken from the description above that those Islamic religious leaders or scholars in sub-district Ngaliyan agree that *nushūz* can occur from both wife and husband, even though the Islamic Law Compilation only discusses *nushūz* of wife. Both men and women Ulama admit that.

Zuhad and Ummul Baroroh, has opinion:

1. *Nushūz* of wife can be understood as action and reaction.
  - a. Examples of action
    - 1) Wife tends to like other man because she wants to find more satisfaction.
    - 2) Wife leaves her duties and obligations without reason and without any communication with her husband.<sup>10</sup>
    - 3) Wife meets her old friends who ever have a story together with her without any communication with her husband.
    - 4) Wife works too late<sup>11</sup> till ignoring duty in the family
  - b. Examples of reaction
    - 1) Wife feels lack of role in the family for bad leadership of her husband.
    - 2) Wife who abandons her husband and her children because her husband has no attention to her.
    - 3) Wife who leaves home without permission because of her husband's bad treatment.

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<sup>9</sup> Ibid., Article 84 Verse (2), (3) And (4)

<sup>10</sup> Duties and obligations of husband and wife in a family where the action takes place in everyday life and is an agreement between the two sides without coercion, the example of husband and wife used to eat together, pray together, the wife cooks for her family, her husband worked for the family.

<sup>11</sup> Works that go beyond reasonable limits and outside the agreement between husband and wife.

- 4) Wife behaves badly, says rude or ignore her husband because her desire is not met by the husband without an acceptable reason.

Abu Hapsin and Fatimah Usman, has opinion:

1. There are factors that cause *nushūz* actions, both of wife and husband. Man and woman could potentially make a mistake, as well as in the context of domesticity.
2. Wife does not obey her husband because of her bad nature behavior, or she wants to against the will of her husband.
3. *Nushūz* can be words and deeds
4. The rude words of a wife or husband that is not usually used to say in everyday life is a sign of disharmony between them.
5. An action is considered *nushūz* if the action violates the agreement, reneges on agreements that already exist in the relationship of husband and wife.

KHI regards *nushūz* of wife when the wife does not run obligations as in Article 83:

1. The primary obligation of a wife is inwardly and outwardly (*lahir batin*) devoted to her husband within the limits justified by Islamic law.
2. Wife organizes and regulates domestic affairs as well as possible.

Although the subsequent Article explains that the wife may be considered *nushūz* if she does not implement her obligation as Article 83 verse (1) intended except with valid reasons.

## CHAPTER IV

### UNDERSTANDING VERSES ABOUT *NUSHŪZ* ACCORDING TO NGALIYAN RELIGION SCHOLARS

#### A. The Meaning of *Nushūz* Verses According to Islamic Scholar in Ngaliyan

On previous cluster, it has been explained by Zuhad that *nushūz* comes from word *nasyaza-yansyuzu* which means disobedient, immoral. This understanding is appropriate with opinion of Wahbah Zuhaili, Ali as-Shobuni and other classic scholars who explained *nushūz* as a gesture of disobedient or iniquity against the couple. It is just different context between *nushūz* which comes from wife and which comes from husband. So basically *nushūz* may occur from both sides, both man and woman. This is suitable with Zuhad's statement that: "*Nushūz, nasyaza* means disobedient, immoral. Verse about it, there is what related to husband's and wife's. So *Nushūz* comes from both male and female side."

From *nushūz* meaning, we can see the multiple diverse of its form. Like what Syekh Muhammad Amin al-Kurdi said on previous chapter that *nushūz* is wife who does not carry out her duties toward her husband, such as turn over after being good, turn her face over, leave out their home without any acceptable reason according *syara'*. How can she does that thing? Zuhad explained its factors, first, *nushūz* is reaction of couple's deed. It is suitable with Imam Al-Qurthubi's opinion that *Surah An-Nisa'* verse 34 shown that it is husband's duty to educate his wife and also give some warning to husband to treat their women well. There for, if he treat her badly and educate her with negative way, his wife may give him bad reaction which is seen as unrespecting toward him, even considered as rebelling toward husband's order.

Back respons of *nushūz* also give influence to *nushūz* its self, it may calm or make it worse than before. Zuhad said:

"Human being act depends on what he get from other action, not from him self without any background reason, so is *nushūz*. When there is *nushūz* there is reason behind it. If it calms down, surely there is good solving behind it. It is not only *nushūz*, every problem of human being, if it become calm down, you

will find there is good solving behind it. If it become worse, you will find any unsatisfied thing there.”

Second factor, *nushūz* occurs because the wife who has bad attitude. *Nushūz* is done by wife who has plan in her self to do that, for example, a wife who is not satisfied in home, she might does *nushūz* and divorce after that, or a wife who feel depressed at home, she might pretent to her right by doing *nushūz*. In this case, we can say that *nushūz* is the way to deliver some purposes and aims that they want.

The development of *nushūz* form, will be seen from its indication. It can be seen from dayli habits that suddenly changes, not as usual. From this indication, the couple should face it wisely in order to prevent it from being bigger problem. Zuhad explained:

“*nushūz* always begin with indication, we can see from its symptom, such as from bad talk, or does not response when we talk to her, or she does not want to eat with us, or she suddenly does not cook while cooking is her hobby, those are the symptom of *nushūz*, if the husband does not face it wisely, it might become bigger problem, like she might leave out our home when we are in this country, Indonesia”

Zuhad explained farther that *nushūz* can be avoided if the couple is being open with each other, when there is problem, they talk it together even it is small thing:

“our society is a good one. It is known that couple in household needs each other, as in Koran concept that they need to be open to each other, when they find some uncomfortable things, they should talk, or if any unsatisfied thing is found, they should say that to each other. Each of them must take intropection of their own selves. If this is done by them, it might minimize the factor of *nushūz*. Because *nushūz* often occur because of unsatisfied feeling that piled up day after day and not be spoken. There for, the wife, who often becomes victim, should talk it with her husband, and husband must listen and understand it.”

It is not different with previous scholars and Zuhad’s opinion, Ummul Baroroh explained *nushūz* as rebellion, disobedience, unrespectful action without legal reason even it is refused by the subject’s heart. According to her, *nushūz* is unjusticiable deed with any reason and it is forbade by religion.

Sayyid Sabiq defined *nushūz* as wife's disobedience toward husband, refuse his bed call, leaves out the house without any permission. It is different with Ummul's opinion who defined *nushūz* concept is an attitude which does not act up to rule. The rule has straight characteristic, so it is suitable with meaning of *nushūz* which is thing that stick out from its ground like mountain, that in household case, a human being does some disobedient deed by acting not up to rule or turn from its natural. Once more, *nushūz* in this understanding is disobedience toward usual household rule.

For example, wife who usually cook or pray together suddenly stop from doing all that, even she leave out the house *without* any permission from her husband, it is called *nushūz*. This action is not irresponsible act toward couple which occur once and intuitively or in emergency time, *nushūz* is more than that. It is about some acts with intention from subject. If it occurs just once, such as when she does not cook because of emergency thing, it is not called *nushūz*. Ummul's view is contextual understanding which look at its condition where *nushūz* take place, so understanding *nushūz* textually is not enough according to her.

Ummul also related *nushūz* meaning to reason of revelation of *surah* An-Nisa verse 34<sup>1</sup>, where according to her, Habibah did not do wrong thing, if she did it and she was aware that she was wrong, she did need to inform it to Prophet Muhammad SAW and was worth the slap, but with her accusation shown that she did not do wrong thing and got slap from her husband. Then, about Prophet's act who answered her accusation by ordering her to get revenge shown that Prophet has equal action, but social condition at that time does not approve equal action, yet. There for Allah revealed verse 34 of *surah* An-Nisa. This is seen on Prophet

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<sup>1</sup>This verse is revealed for the case that relates to Sa'id bin Rabi'ah who slapped his wife, Habibah binti Zaid bin Abi Hurairah, because she did *nusyūz* (disobeying). This case is informed by her father and her self to the prophet Muhammad Saw. Her father said: "my daughter Habibah has prepared bed for her husband to sleep in, but he slapped her unexpectedly." The prophet Saw answered: "she may take revenge from him". Habibah and her father leave for taking revenge to her husband, but just a moment before they have gone so far, the prophet called them again because Jibril came and delivered *surah* an-Nisa' this verses 34. Rasulullah saw said (which means), "I wish for one thing, while Allah wishes for another. And Allah's wishes are always be better." And right after that, the order for paying revenge is canceled.

said “I wished for one thing, while Allah wishes for another. What Allah’s wish is always better.”

In this explanation, Zuhad and Ummul have opinions, those are :

1. Wife who refuses to make over and dress up in front of her husband, while he wants it and advice her to do it. This case can not be judged as *nushūz* directly. Because she might has own reason to not do it, or she is sick and can not do it. This can not be considered as *nushūz*.
2. Reject his bed call. While fulfill husband’s desire is wife’s duty and his right. This case is same with first case, it based on her reason. If she is in good condition and no acceptable reason to reject that call, it is *nushūz*. But if she is tired of working, or sick or other acceptable reason, that rejection is not *nushūz*.
3. Not admitting husband’s goodness. one of *nushūz* form is not admitting husband’s goodness toward her while husband is the one who gives her goodness. Moreover, when the wife is just a house wife without any work outside the house, she should set on higher value on her husband’s goodness, because in that case, the wife is passive. Alltough she also has job, she should not look at her husband lowly and she should not refuse to admit what goodness that her husband gives.<sup>2</sup> This action is surely *nushūz*.
4. Wife who becomes greedy. She wants to take over all matters in her husband’s home. Even she dares to steal his money whenever she can. This is also wrong deed with any reason. And it is called as *nushūz*.
5. Wife who is not calm. She does not have faith in her husband. So that she always look for any information about what her husband is doing.<sup>3</sup> On this case, it can be judged as *nushūz* directly, but we have to look into its motive. If husband ever did wrong thing which makes his wife does not

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<sup>2</sup> Ahmad Fudhaili, *Perempuan Di Lembaran Suci Kritik Atas Hadits-Hadits Shahih*, Yogyakarta: Pilar Religi, 2005, hlm. 150

<sup>3</sup> Abdul Aziz, *Rumah Tangga Bahagia Sejahtera*, Semarang : CV wicaksana, 1991, hlm.

trust him any more, this action can be considered as anticipation from his mistake again, and it is not *nushūz*.

Abu Hapsin explains the concept of *nushūz* like the statement of the aforementioned scholars previously mentioned; the concept of wife's defiance of her husband, a wife who does not follow along her husband, who does not want to show her loyalty, who is not obey the husband, including does not want to have sexual intercourse, does not want to serve the husband without clear reason, in the Javanese language called as *purik* or *elik*. In line with Zuhad and Ummul Baroroh, Abu Hapsin argues that *nushūz* may happen to female as well as male. The term of *nushūz* in *fiqh* which is attributed only to woman reflects an injustice in the household where shows that she is a sub-ordinate of man, whereas in the marriage there must be an equality level between husband and wife for God created human being in equality.

The concept on *nushūz* according to Fatimah Usman is the same with Wahbah Zuhaili and Ummul Baroroh's that is defiance or called *mbalelo* in Javanese, breaking the promise. Breaking the promise means *nushūz* happen to someone who promised to be loyal, promised to cheer him/her up, taking care of him/her, but then in its process he/she breaks the promise for the desire drive or satanic persuasion, so that in the case relates to *nushūz* either it means deviance of breaking the promise, it can happen in man or woman. Man and woman are the same Allah's creature who has chance to be the most lofty beside Allah by being pious.<sup>4</sup>

According to the chief of religious affairs office (KUA), Usman and Sari as religious mentor from religious affairs office (KUA) in Ngaliyan sub-district, in the relation between husband and wife it has been regulated in the Islamic Laws Compilation which mentioned that *nushūz* is defined as an attitude when a wife does not want to execute her duties toward her husband, such as the main duty of obeying the husband and other duties like arranging the daily household needs.

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<sup>4</sup> Al-Hujurat ayat 13

This kind of understanding is in line with the *fiqh* scholar's concept which attributes *nushūz* only to woman.

In Islamic Laws Compilation (KHI) discussed that in the household life the main duty of wife is obeying the husband -outward and inward- in the limitation which is justiciable by Islamic Law. And wife is recognized as *nushūz* if she does not want to execute her duties as mentioned before. In the case of determining whether the existence of *nushūz* is there or not, it must be based on valid evidence.<sup>5</sup>

#### **A. The Strategies to Solve *nushūz* According to Islamic Scholar in Ngaliyan**

The guidance about the steps of facing *nushūz* woman is available in Qur'an chapter al-Nisa' verse 34, it provides way out steps to solve the problem of *nushūz*. It can be elaborated as follow: giving her an advice, ignoring her in bed, and taking out of her, or in Qur'an's wording is slapping. The Qur'an commentators interpret the slap as uninjured slap; it was not done intentionally to hurt woman in any parts of her body, but it's intended to educate her.<sup>6</sup>

*Nushūz* is a developed act; it may increase and decrease accord with the accepted response. So that the solution will vary correspond to its development. Zuhad is agree with Quraish Shihab that two sides –man and woman– must be engage in the settlement of *nushūz*. Both husband and wife strive for creating the communication to extend anything relates to the problem, so that they are able to discuss for seeking the cause of the problem and its solution. Such kind of condition will be created if both husband and wife are open and having a will to accept advice from his or her spouse.

Zuhad interprets the settlement recommended by the Holy Qur'an in *surah* al-Nisa' verse 34 as warning; the first kind of it is a soft warning, such as warning by sign language. The second type is a semi-hard warning; this kind of warning is

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<sup>5</sup> KHI, Pasal 83 Ayat 1 dan Pasal 84 Ayat (1) dan (4)

<sup>6</sup> Ahmad Rofiq, *Hukum Islam di Indonesia*, Jakarta: Raja Grafindo Persada, Cet III, 1998, hlm. 27

like frankness attitude by showing a little bit of anger. The third type is hard warning.

By such kind of interpretation, it can be said that when *nushūz* is in low level, which mean both sides are able to communicate well with each other, so that the problem will be very easy to solve by the good communication. But when wife can't be persuaded to communicate well, it means that the communication between both sides has been disturbed, and then husband can use his right to give her an advice which formed as soft warning that is intended to wife for changing her bad act (*nushūz*). If a soft warning gives no effect and no result, so that husband can give semi-hard warning, and then if this kind of warning still gives no change to the wife, he can do the last way by giving her a hard warning.

The interpretation of “*wadribuhunna*” which means “hit them” should not always be meant as a real hit (physical action), yet it can be understood as a hard warning. Because it is miserable is a husband oversteps his limitation in abusing his wife using his power and brutality. He is not shy to hurt her in the daylight and then copulate with her in the night. The Prophet suggested people to avoid such kind of action by saying:

عن عبد الله بن زمعة عن النبي صلى الله عليه وسلم قال : لا يجلد احدكم امرأته جلدا لعبد ثم يجامعها في اخر اليوم . رواه البخاري<sup>7</sup>

It means: *Narrated Abdillah bin Zam'ah, the Apostle of Allah said: "Let everyone of you not whipping his wife like the whiplash for the slave, and then copulate her in the night."* HR. Bukhari

Hiiting is allowed as long as it is considered as the best way to bring back the condition as former condition, because of the typology of women as wife is vary. It is possible that there is a typology of a woman that she should be hit because of her hard characteristic, so that a soft action can't stop her *nushūz*. But it must be underlined that the hit which is meant here is the last choice after other

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<sup>7</sup> Abdullah Muhammad bin Ismail al-Bukhari, *Shahih Bukhari*, Juz. III, Semarang : Al-Munawwar, t. th, hlm. 262

efforts has been done and give no result. The scholars agreed that the hit in this case is intended to educate, not abusing.

It must be remembered and must be considered that there is no tradition which mentioned that the Prophet ever hit or snap at one of his wives. The Prophet Rasullullah determined the requirements in allowing the hit action, those are:

1. It may not meant to force something
2. It may not intend to humiliate wife.
3. It is not done by a disruptive motivation or meant as revenge.<sup>8</sup>

According to Ummul, the word “*fa'idhuhunna*” or “*advise her*” is by *mauidhoh hasanah*. *Mauidhoh hasanah* is an inter-communication type between husband and wife, and the sentence “*wahjaruuhunna fil madhoji'i*” or “*separate her from bed*” is meant by staying to sleep in one bed but each other facing opposite back or showing unusual attitude. In line with Muhammad Rashid Rida who said the same thing, and choosing to sleep in separate room or separate bed will only worsening the relationship between husband and wife. By sleeping in the same bed with the wife, it will give a positive effect that it will not occur if they sleep in separated bed. Being in one bed will re-arouse the feeling of both husband and wife as spouse, so that the faced problem can be molten. Sleeping with wife in a cold manner –unusual– is proposed to open her eyes to her mistake. By this method, it is hoped that the wife will not underestimate her husband and it makes her be like originally she was.<sup>9</sup>

The word “*Wadribuhunna*” or “*hit her*” is in the context of hitting for educating, not for abusing or wreaking the emotion or anger. According to Ummul, the form of this settlement can also be understood as that if the husband has given good advice to the wife, but it gives no good result, and then the

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<sup>8</sup> M. Usman al Khasyt, *al Masyakil al Zaujiyah Wahululuha fi dhau al Kitab wa al Sunnah wa al Ma'arif al Hadisah*, Translated by A. Aziz Salim Basyarahil, “ Sulitnya Berumah Tangga: Upaya Mengatasinya menurut Qur'an, Hadis dan Ilmu Pengetahuan”, Jakarta: Gema Insani, 1994, p. 81

<sup>9</sup> M. Rasyid Ridha, *Nida' Li al Jinsi al Latif*, Translated by. A. Rivai Usman, “Perempuan Sebagai Kekasih” Jakarta: Hikmah, 2004, p. 82

presence of judge (*hakam*) or somebody who is respected by each other is needed to give another type of advice,<sup>10</sup> so that the word “*fa'idhuuhunna*” means that the advice is not always must be from the husband, but it can also from other person who is regarded as helpful. So the best solution which will be used is the one that accord to the context and the characteristic of the household life.

In *surah* Al-Nisa' verse 128 talks about *nushūz* of husband, and the solution of it is by *islah* or settlement of a dispute. Ummul said that this thing is nothing the matter when it is applied at the time. Although the settlement is different, still it can be accepted by the situation and condition. The role of man in the family is very dominant, while the role of woman almost nothing except her duties inside the house, even those home works are done by the slave. Then, when a problem occur in the relation of husband and wife, husband has more rightful authority in facing it, while wife can only be patient and given away.

The Prophet Muhammad has egalitarian motive, yet the context of Arab culture at that time was not allowing it. The Apostle of Allah said: “I dispose a thing, while Allah disposes another thing. Allah’s will is better”, it signs that the Prophet wants justice for women and he gives the highest assessment for husbands who have good character to the wife.<sup>11</sup> He said:

عن ابي هريرة قال : قال رسول الله صلي الله عليه وسلم : أكمل المؤمنين  
ايماننا أحسنهم خلقا وخياركم خياركم لنسائهم خلقا [ رواه الترمذي ]<sup>12</sup>

It means : *Narrated Abu Hurayra, The Apostle of Allah said: “ the best faith of a believer is he who has good moral, and the best among you is he who has the best character to his wife” \*HR. Tirmidzi\**

The given meaning of “*fa'idhuuhunna*” and “*wahjaruuhunna fil madhoji'i*” by Abu Hapsin is the same with the aforementioned explanation, there is only a difference on the interpretation of the word “*wadhribuhunna*”. According to Abu

<sup>10</sup> An-Nisa ayat 35

<sup>11</sup> Nur Janah Ismail, *Perempuan dalam pasangan: Bias Laki-laki dalam Penafsiran*, Yogyakarta: LKiS, 2003, p. 278

<sup>12</sup> Abi Isa M. bin Isa bin Baurah, *Sunan Tirmidzi*, Juz III, Beirut : Dar Al-Kutub al-Ilmiah, t.t., hlm 466

Hapsin, a wife who is *nushūz* in the verse 34 *surah Al-Nisa'* is permitted to be hit. According to Al-Qur'an, the permission of hitting is not the painful hit, and what meant here is that it's given in order to give *ta'dhim*, which means giving wife an education so that wife obeys her husband up to the purpose of a marriage that is *mawaddah warrahmah*. The literal meaning of *hit her* does not mean by hitting like slapping on the face or ears, since it is not the day of slapping around. So it needs to set the context of this case. The word *wadhribuhunna* means to straighten, to right the behavior of wife if it was deviate, to straighten the problem by seeking the best solution in order to be the spouse which accord to the will of Al-Qur'an.

The wife has her right, self-esteem, prestige and the husband is not always being true. This means that the problem which occurred inside the household is not always occur from or started by the wife, so that she has her right to reject the allurements from husband if it is not in line with the principle. Husband should also warn himself to look into his side, means introspection either he has made mistakes or no.

In line with the aforementioned opinion, Abu Hapsin argues that *nushūz* may happen both on wife and husband. In the daily life, if husband does not pay attention to his wife, or does not take care of her, and then wife has some rights she may use to remind her husband to return back to the principles mentioned in Al-Qur'an.

In the verse 128 when *nushūz* happen on husband, the solution for it is by arranging reconciliation and it's valid for both husband and wife, it means that if *nushūz* happen on wife such kind of solution can be applied, so that the relationship becomes balance. If *nushūz* happen on both husband and wife and it runs continuously, and then wife has a right to *rafak* or *khuluq* and for husband he may divorce her if both of them could not be united anymore. The wife has right to leave the marriage bonding if there is no more conformity with husband's duties. It's not fair if both must be reconciled, but husband does not want to perform his duties as husband that makes wife suffers.

*Waṣṣulhu khoir* is in line with the context and *islah* must be arranged from both husband and wife, it can't come only from wife's side, not only wife who should made a martyr, if she did so and be patient allowing her rights insatiable while husband does not want to perform his duties again, it means leaving women alone in suffer. By this, then the principles of justice and libration must be presented in the household.

According to Fatimah, *surah* Al-Nisa' verse 34 functions as anticipatory, the availability of solution when *nushūz* occurs. It means that giving advice or warning is not always become a duty of husband, and when *nushūz* not happen so those actions are not needed. Although it is interpreted that way, it does not mean that the verse is useless; there are many benefit of it since it is anticipatory. If one day *nushūz* happen, so no need to be conduse of seeking the solution since it has clearly mentioned in al-Qur'an.

Verse 128 explains that if husband commits *nushūz*, he is directly ordered to reconcile without any steps mention in the verse 34, according to Fatimah Usman, this act is better but the verse also applies to woman, for sample if a woman commits *nushūz* then she is asked to reconcile via discussion or effusive, if needed a judge can be presented.

In Islamic Laws Compilation (KHI) has been explained that the obligations or duties of husband like giving basic necessities, setting aside a home for his wife, funds for household expense, funds for daily treatment and medication valid since there is perfect *tamkin* from his wife. And those duties will be vanished if wife commits *nushūz*.<sup>13</sup>

In the next section explained that as long as wife is in *nushūz* condition, all duties of husband as mentioned before are vanished, except those relate to the necessities of the child. And those vanished duties will be valid again when the wife is not *nushūz* anymore.<sup>14</sup>

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<sup>13</sup> KHI, Pasal 80 Ayat (4), (5) dan (7)

<sup>14</sup> Ibid., Pasal 84 Ayat (2), (3) dan (4)

## CHAPTER V

### CLOSING

#### A. Conclusion

1. The meaning of *nushūz* verses in Al-Qur'an according to Islamic scholar in Ngalian is interpreted as an act of insubordination, deny, immoral, against his or her spouse in marriage. The Islamic scholars agreed that the *Nushūz* concept in Islam is balanced, meaning *nushūz* can be done by the husband or wife, because the Qur'an itself as a principal source of Islamic law has mentioned it. The *nushūz* that comes from the wife is asserted in the Qur'an surah an-Nisa verses 34, while *nushūz* which comes from the husband is affirmed in the Qur'an surah Al-Nisa verse 128. However, society regards *nushūz* mostly comes the wife, besides dispute that occur within a family is not always caused by the *nushūz* behavior of a wife but it is also often caused by the *dholim* behavior of husband to wife.

The islamic scholars in Ngaliyan who become responden in this research have no fundamental difference in understanding the meaning of *nushūz* in the Qur'an. In interpreting surah An-Nisa 34 and 128, they tend to use contextual interpretation, because al-Qur'an is *shahih li kulli zaman wa makan*. An action can be called *nushūz* when standard of living of the relationship of husband and wife is understood by each of them. The standard is different among couples. It is as wife saying harshly for one married couple is an act *nushūz* because their life habit of gentle word, while for the other couples it may not be act of *nushūz* because everyday the couple communicate using rude words.

2. The strategies to solve *nushūz* in Al-Qur'an there are three act, the first is advises, the second is separate bed and the third is beaten, While the settlement *nushūz* coming from the husband is to make peace. Islamic scholar in Ngaliyan agreed that *nushūz* solutions on coming from wife side is to take advice, but in the process of advising the firstly they must built good

communication to unravel the problems and find the cause why his wife doing the act. When the advice is not fruitless then separated beds or not talk , if she have not changed and then beaten . The islamic scholar in Ngaliyan also agreed that this solution in the form of phases with the principle of *nushūz* solution its must be good ways.

## **B. Suggestions**

After the researcher has examined the meaning of *nushūz* in the Qur'an, relating to the understanding of religious leaders in the sub-district Ngaliyan, wider view of Islamic concern for domestic issues is open to the researcher. Based on the description above, the researcher has some suggestions:

1. The religious leaders are expected to educate public that the dispute in the household is not only from *nushūz* attitude coming from the wife, but it could be *nushūz* attitude that comes from the husband and its solution must involve both.
2. The religious leaders are expected to explain the purpose and content of surah an-Nisa verse 34 and verse 128 contextually and being accepted by the condition and social situation of our society today.
3. The religious leaders are expected to perform *ijtihad* in order to clarify the balance of *nushūz* concept in Islam, so the discussion *nushūz* in fiqh is not only attached to the wife and the position of the husband and wife in domestic life is equal.
4. Implementing the Qur'an surah an-Nisa verse 19 "And associate them /wives in *ma'ruf* way/appropriate." In other purpose, do not resolve any family problems by using force.
5. The government is expected to carry out explicitly and professionally article and paragraph in Ordinance No. 23 Th. 2004 on the elimination of domestic violence and Ordinance No. 1 Th. 1974 about marriage and other Ordinances for the protection of dignity of citizens, especially a woman as a wife.

### **C. Closing**

Praise to God, the researcher sends up, because only with is *taufiq, Inayah* and guidance the researcher can finish this thesis. The researcher does not forget to express his gratitude to the parties that have participated in the process of arrangement of this thesis.

The researcher has tried as much as possible, but this thesis is not certainly infallible. Due to limitations of the researcher as a weak creature, hence the researcher really expects suggestions and constructive criticism for the perfection of this thesis.

The researcher hopes this very simple thesis can be useful for the researcher in particular and for readers in general. *Amin ya rabb al-'alamin*

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