



The Concept of Nusyuz in Husband Wife Relations From an Islamic Legal Perspective (Case Study in Banabungi Village, South Buton District)

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ABSTRACT

This research is an Islamic Law Review of the Concept of Nusyuz in Husband and Wife Relations in Banabungi Village, South Buton Regency. The main points of discussion are: a) The concept of Nusyuz in the Islamic Law Perspective in Banabungi Village, South Buton Regency and b) Husband and Wife Relations from the Islamic Law Perspective in Banabungi Village, South Buton Regency. This research uses qualitative research methods, sampling uses non-random sampling/non-probability sampling subjects, the research instrument uses a qualitative approach and the data collection used is observation, interviews and documentation and the data analysis technique used has three stages, namely data reduction, data presentation, and drawing conclusions. The results of this research show that: a) Determining Nusyuz in Banabungi Village is based on the forms of violations committed by the husband/wife during marriage. b) Review of Islamic Law regarding Husband and Wife Relations in Banabungi Village, namely a harmonious family is a family that is balanced and related between husband and wife. And the ideal family according to Islam is the concept of equal partnerships or equal relationships.

Keywords: Nusyuz, Husband and Wife Relations, Islamic Law

1. Introduction

Marriage is the oldest and most obligatory act of worship in Islam. Islam teaches life under the protection of the family, because the family is like a small picture of a stable life, namely fulfilling human desires without eliminating their needs (Subki, 2019). Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 Article 1 concerning marriage explains that: Marriage is an inner and outer union between a man and a woman as husband and wife with the aim of forming a happy and happy family (household). eternal based on the belief in the Almighty God (Law Number 1 of 1974).

Building a household in the concept of marriage means being willing to live together, couples can create home protection, enjoy the shelter of love and care for their children and offspring so that the best generation is born (Jalil, 2021). Every husband and wife want to build a sakinah family.

Abdul Jalil stated that: A sakinah family means a calm, peaceful, peaceful family that does not have many conflicts and is able to solve its problematic problems. A sakinah family is a happy family filled with love and affection (Jalil, 2021). Muslim families are born in peaceful integration, full of love and affection. According to Law of the Republic of Indonesia Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, chapter VI regulates the rights and obligations of husband and wife:

1. Article 31 paragraph (1) the rights and position of the wife are balanced with the rights and position of the husband in domestic life and social life together in society.
2. Article 33 husband and wife are obliged to love each other, respect each other, be loyal and provide physical and spiritual assistance to each other.
3. Article 34 paragraph (1) the husband is obliged to protect his wife and provide all the necessities of household life according to his ability. Paragraph (2) the wife is obliged to manage household affairs as well as possible. Paragraph (3) if the husband or wife neglects their respective obligations, they can file a lawsuit with the Court (Law of the Republic of Indonesia Number 16 of 2019).

Family life in the household must be based on building effective communication relationships through mutual understanding, mutual respect, appreciation and fulfilling each other's needs responsibly. When you neglect your duties and responsibilities, various household problems will inevitably arise, such as misunderstandings, constant arguments (*syiqoq*) and tension, which can damage household harmony (Subhan, 2019). Therefore, each party must maintain each other's attitudes and behavior in the household.

A household will not be harmonious when neither partner takes care of their partner's emotions and thoughts, insults each other's physical condition and destroys everything that belongs to the partner. But apart from that, all happiness in life is closely related to the ability to create a harmonious family atmosphere. Such a family atmosphere creates calm and comfort, and the household will withstand various marriage storms.

Domestic conflicts arise repeatedly, both big and small, complicated, difficult, easy and difficult. Whatever it is, it must still be resolved well, because household problems are common and threaten love relationships. The way we maintain household harmony is by always being open to our partner and building self-awareness of the importance of maintaining the integrity of the household, apart from that we adhere to the fact that we must ensure that every problem has a solution. The emergence of continuous and prolonged conflict in the household ultimately leads to what is called *nusyuz*.

Mughniatul Ilma stated that: *Nusyuz* is disobedience, the wife's disobedience to her husband or vice versa. A wife can be considered *nusyuz* if she does not carry out her obligations or does not fulfill the rights that should be obtained by her husband and vice versa (Ilma, 2019). The causes of *nusyuz* behavior include dissatisfaction with one's partner, excessive demands so one does not obey one's partner's orders or wishes, and husband/wife infidelity. As in the case that occurred in Banabungi Village, South Buton Regency, a wife was involved in *nusyuz* because she had an affair without her husband's knowledge. If we look closely, this phenomenon is classified as a *nusyuz* case because the wife has betrayed her husband who has clearly violated her obligations towards the husband who does not maintain his honor.

2. Methods

The population in this study were husband/wife couples who experienced *nusyuz* conflict in Banabungi village, South Buton Regency. The population studied in connection with the *nusyuz* conflict that occurred in Banabungi Village, South Buton Regency was 6 husband and wife couples. classifying samples using purposive sampling using non-random sampling/non-probability sampling subjects, namely samples that do not provide an equal opportunity to be sampled.

Researchers as human instruments determine the focus of research. Data collection procedures are observation, interviews and documentation. Qualitative analysis by dividing three main components (Lexy, 2017) is:

1. Data reduction is a component of the selection process. Focusing and simplifying. This process continues throughout the research. It even begins before data collection is carried out.
2. Data presentation is an assembly of information organization that allows research to be carried out. This presentation is a collection of sentences that are arranged logically and systematically, so that when read, various things that happen can be understood and allows researchers to make an analysis based on this understanding.
3. Drawing conclusions after data from interviews, observations and documentation, analysis and producing valid data, then the results of observations, interviews and documentation are defined in accordance with the research problem formulation. Such as drawing conclusions regarding the review of Islamic law regarding the concept of nusyuz in husband and wife relations in Banabungi Village, South Buton Regency.

3. Findings and Discussions

The Concept of Nusyuz in the Perspective of Islamic Law in Banabungi Village, South Buton Regency

Nusyuz can be from the wife's side or from the husband's side. In this chapter the author will explain about nusyuz carried out on the wife's side or what is usually called nusyuz of the wife and the relationship between husband and wife from the perspective of Islamic law. Nusyuz wife is a wife's disobedience to her husband. Islam has issued several punishments for a woman who commits Nusyuz. No penalty will be imposed unless it is a violation of a prohibited matter or failure to perform a mandatory act.

Regarding the criteria for a wife's nusyuz, Saleh bin Ganim al-Saldani explains in detail several criteria for a wife's actions, which according to scholars are included in the law of nusyuz, as follows: First, nusyuz is when she leaves the house without her husband's permission and does not want to serve him without a good reason. ; Second, according to Maliki scholars, a woman is called nusyuz when she disobeys her husband and refuses to associate with him and goes to a place where she knows that her husband will not allow it and ignores her obligations to Allah SWT. Third, nusyuz is when she is disobedient to her husband and does not fulfill religious orders relating to the husband's rights and does not fulfill other religious obligations; Fourth, according to Hambali ulama, a wife is considered nusyuz when the wife commits an act that does not give her husband the rights he is obliged to receive because of marriage (Saldani, 2013).

In this regard, wife nusyuz also occurs in Banabungi Village, South Buton Regency, as stated by several residents of Banabungi Village, namely as follows:

The man with the initials R stated that:

"The marriage that I had had so far had to fail due to the actions and betrayal (cheating) committed by my wife, and the peak of our disputes and quarrels occurred in April 2014, at that time I was migrating in Malaysia, and found out that there was a "The man who came to the house and wanted to have sex with my wife made me angry and asked for clarification from the man who was none other than my wife's uncle, and in the end I decided to separate beds/separate

residences" (Interview, in Pasir Putih Hamlet, Banabungi Village Kadatua District, South Buton Regency, On February 20 2023).

From the description above, it can be concluded that a wife committing adultery with another man or having an affair is an act of lying or diversion which is strictly prohibited in Islam. As explained in the word of Allah SWT in Q.S. Al-Anfal (8:27)

Translation: "O you who believe, do not betray Allah and the Messenger (Muhammad) and (also) do not betray the mandates entrusted to you, while you know."

The act of nusyuz can be equated with infidelity, namely abandoning the obligations of husband and wife. Nusyuz carried out by the wife is like leaving the house without her husband's permission, while nusyuz carried out by the husband, for example, is being harsh and rude towards the wife; doesn't want to have sex and doesn't want to give up his rights. Allah SWT has said in Q.S. An-Nisa' (4:34)

Translation: "Men (husbands) are protectors of women (wives), because Allah has preferred some of them (men) over others (women), and because they (men) have provided support from their wealth. So pious women are those who obey (Allah) and take care of themselves when (their husbands) are not around, because Allah has taken care of (them). For women who you are worried about nusyuz, you should give them advice, leave them in bed (separate beds), and (if necessary) beat them. But if they obey you, then don't look for reasons to trouble them. Indeed, Allah is Most High, Most Great.

In agreement with the jurists of the school of thought, Ibn Taymiyyah, as quoted from Ibnu Qudamah, stated that the nature of nusyuz is a wife's disobedience when asked to have intimate relations, leaving the house without her husband's permission and other actions that reflect the wife's disobedience to her husband (Qudamah, 2020).

On the other hand, the father with the initials S stated that:

"A wife is Nusyuz if she has left the house without her husband's permission and does not carry out her obligations properly." (Father with the initials S, Interview, in Melai Hamlet, Banabungi Village, Kadatua District, South Buton Regency, on February 20 2023). This is Nusyuz's act because if the wife has left the house without her husband's permission, it means she has violated the etiquette in marriage as a result of which the husband is not happy with the wife's actions.

On the other hand, the father with the initials E also believes that:

"A wife is Nusyuz if she does not serve her husband well, and does not educate the children according to the guidance of the Shari'a." Serving your husband well is the wife's obligation and the husband's right that must be fulfilled because if the wife's service is not good it will have several consequences, one of which is that the husband is not happy and can lead to quarrels.

In this regard, Abdul Jalil also stated that:

"The nature of a wife's nusyuz towards her husband is a wife who refuses to accept the husband's invitation, a wife leaves the house without the husband's permission, a wife goes to a place that has been forbidden by the husband, a wife abandons her religious obligations, and a wife does not look as desired by the husband (Jalil, 2021). Therefore, from the description above, it can be concluded that the results of the researcher's observations prove that wife nusyuz still often

occurs within the household, especially in Banabungi Village, Kadatua District, where this case is caused by unawareness of the importance of maintaining trust, honor and mutual understanding in order to achieve the goals of marriage (*household*) according to the pleasure of Allah SWT.

Husband and Wife Relations from an Islamic Legal Perspective in Banabungi Village, South Buton Regency

The household in Islam has a very important role because in it the regenerating rabbani individuals will be born who will become caliphs on this earth. The main aim of the Islamic religion is to uphold truth and justice without looking at race or form, only devotion is what distinguishes human existence in the eyes of Allah SWT, so the comparison of the renewal of Islamic law will be closely related to the issue of interpretation of the texts of the Qur'an and in understanding a text, a person cannot be separated from the influence of the social environment that surrounds him (Ma'ruf, 2015).

The family relationship pattern according to the principle of marriage states that the husband and wife relationship is a partnership relationship, built on a sense of mutual assistance and helping each other. As a partnered couple, husband and wife are the subjects of life in the household, not one subject while the other is the object, not a pattern of one being in a superior position while the other is in an inferior position (Ma'ruf, 2015).

Regarding husband and wife relations, the following can be described in the samples obtained in the data collection process for this research, namely as follows:

Mr. Rahmat's understanding regarding husband and wife relations from the perspective of Islamic law, he stated that:

"Developing the relationship between husband and wife from the perspective of Islamic law, namely carrying out their roles well and correctly in accordance with religious law, that a husband's obligation is to provide for himself physically and mentally, and a wife's obligation is to carry out her role in the house well, namely doing homework" (Mr. Rahmat, Interview, in Melai Hamlet, Banabungi Village, Kadatua District, South Buton Regency, on February 20 2023).

Regarding the wife's obligations, it can be seen from the argument of one housewife in Banabungi Village, South Buton Regency named Yusmira, she said that:

"The wife realizes that when carrying out her duties as an obligation, especially in household matters, she must carry them out well, because if she does not carry out her duties well then the wife herself will feel very embarrassed. The wife realizes that her entire economic life is borne by the husband." (Mrs. Yusmira, Interview, in Melai Hamlet, Banabungi Village, Kadatua District, South Buton Regency, On February 20 2023)

On the other hand, regarding the fulfillment of rights and obligations within the family, Mr. Syahrul also believes that:

"The rights and obligations of a husband and wife are that a husband has a good understanding of religion and tries to practice that religious understanding. Likewise, the rights and obligations of a wife are that a mother who is in charge of managing the household is able to carry out her duties in accordance with religious teachings. As long as the rights and obligations of husband and wife run properly, the concept of *sakinah* in the family is already present in it" (Mr. Syahrul, Interview, in Melai Hamlet, Banabungi Village, Kadatua District, South Buton Regency, On

February 20 2023). Meanwhile, the wife is of the opinion that: "the rights and obligations of a wife are to take care of household life and take care of the children well" (Mrs. Rahma, Interview, in Melai Hamlet, Banabungi Village, Kadatua District, South Buton Regency, On February 20 2023).

On the other hand, regarding the division of household assets between his wife, Mr. Rahmat is of the opinion that:

"In terms of giving assets, it is adjusted to daily household needs, so that financial management must be managed well and correctly, this aims to save family finances so that they are not wasted in vain" (Mr. Rahmat, Interview, in Melai Hamlet, Banabungi Village Kadatua District, on February 20 2023).

From the explanation above, it can be concluded that building a harmonious family can be achieved if the life of husband and wife has a balanced relationship, husband and wife are able to fulfill their respective rights and obligations well. Basically, the concept of the ideal relationship between husband and wife according to Islam is the concept of equal partnership or equal relationship.

The relationship between husband and wife must be built on the basis of equality, meaning that there is no distinction between each other's position, each party has rights and obligations that must be carried out according to their duties and roles. If both of them understand each other's duties and roles, it will be easier to carry out them. In carrying out these duties and roles, both of them must instill a sincere spirit and to gain the blessing of Allah SWT.

4. Conclusion

The conclusions from this research are: 1) Nusyuz is disobedience to the commands of Allah SWT which is practiced in daily life while being a married couple. abandoning obligations as commanded by Allah SWT, so that nusyuz is haram because it violates and violates something that has been established by religion through the Al-Qur'an and the hadith of the Prophet Muhammad saw. From the results of this research, there are still many nusyuz that occur in Banabungi Village, namely nusyuz carried out by the wife or what is usually called wife's nusyuz, where the wife commits betrayal (cheating) on her husband, leaves the house without the husband's permission, does not serve her husband well, and not maintaining his honor; dan 2) In reviewing Islamic law, husband and wife relations that occur in Banabungi Village, according to the opinion of several married couples in Banabungi Village, South Buton Regency, husband and wife relations must be carried out based on the rules of Allah SWT and the Sunnah in order to create a harmonious family and of course approved by Allah. SWT, if a husband and wife can do this well, a balanced relationship will be created, so that the husband and wife will be able to fulfill their respective rights and obligations well.

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