



Reinterpretation of the Meaning of Violence Against Women (Study of Contextual Studies and Women's Protection in Hadith)

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Abstract: Domestic violence, particularly involving wife-beating (*daraba*), has long been a controversial topic in Islamic religious studies and gender issues. A direct understanding of the related hadith is often used as an excuse for committing acts of violence against women within the household. This study aims to re-explore hadiths on domestic violence using a contextual interpretation approach, in order to find a more just meaning, appropriate to the current context, and in line with the principle of protecting women's rights. The method used in this study is qualitative, with a textual and hermeneutic analysis approach to classical hadith sources, contextual interpretations, and literature on human rights and gender issues. The results show that contextual interpretations not only interpret hadiths from the perspective of their literal meanings but also consider the historical context and universal moral values in Islam. The hadith on wife-beating is understood not as a command to commit violence, but as an effort to limit the practice of violence that already existed in patriarchal Arab society at that time. The contextual interpretation approach emphasizes the importance of compassion, deliberation, and justice as the basis for the relationship between husband and wife. Thus, reinterpreting the hadith through contextual interpretation is very important to strengthen protection for women and to build a harmonious household in accordance with the principles of *maqāṣid al-syarī'ah*.

Keywords: Hadith, Domestic Violence, Protection of Women.

Abstrak : Kekerasan dalam rumah tangga, terutama yang melibatkan pemukulan istri (*daraba*), sudah lama menjadi topik yang dipermasalahkan dalam studi agama Islam dan isu gender. Pemahaman langsung terhadap hadis yang berkaitan sering digunakan sebagai alasan untuk melakukan tindakan kekerasan terhadap perempuan di dalam rumah tangga. Penelitian ini bertujuan untuk mengeksplorasi kembali hadis-hadis tentang kekerasan dalam rumah tangga dengan pendekatan tafsir yang kontekstual, agar dapat menemukan makna yang lebih adil, sesuai dengan konteks masa kini, dan selaras dengan prinsip melindungi hak perempuan. Metode yang digunakan dalam penelitian ini adalah kualitatif dengan pendekatan analisis teks dan hermeneutik terhadap sumber-sumber hadis klasik, tafsir kontekstual, serta literatur mengenai hak asasi manusia dan isu gender. Hasil penelitian menunjukkan bahwa tafsir kontekstual tidak hanya menafsirkan hadis dari sudut makna kata, tetapi juga mempertimbangkan konteks sejarah dan nilai-nilai moral universal dalam Islam. Hadis tentang pemukulan istri dipahami bukan sebagai perintah untuk melakukan kekerasan, tetapi sebagai upaya membatasi praktik kekerasan yang sudah ada di masyarakat Arab yang berpatriarki pada masa itu. Pendekatan tafsir kontekstual menekankan pentingnya nilai kasih sayang, musyawarah, dan keadilan sebagai dasar dalam hubungan antara suami dan istri. Dengan demikian, interpretasi ulang hadis melalui tafsir kontekstual sangat penting untuk memperkuat perlindungan terhadap perempuan dan dalam membangun rumah tangga yang harmonis sesuai dengan prinsip *maqāṣid al-syarī'ah*.

Kata kunci: Hadis, Kekerasan dalam Rumah Tangga, Perlindungan Perempuan.

Introduction

Violence is a way of misbehaving towards others. Violence can happen to anyone, both based on age and gender. Currently, the phenomenon of sexual

violence against women still occurs frequently.¹

¹ Laudita Soraya, *Sexual Violence Against Women In The Perspective Of The Quran And Hadith*, 2020, 17.



Domestic violence, as described in Law No. 23 of 2004 concerning the Elimination of Domestic Violence, means any act committed against a person, especially a woman, that causes physical, sexual, psychological, and/or neglect pain or suffering in the household. This also includes threats to commit certain acts, coercion, or unlawful takeover of freedom in the domestic environment.²

The elimination of domestic violence is carried out based on respect for human rights, gender justice and equality, non-discrimination and victim protection. Meanwhile, the goal is to prevent all forms of domestic violence, protect victims of domestic violence, take action against perpetrators of domestic violence, and maintain harmonious and prosperous domestic integrity. Strictly speaking, domestic violence is regulated in Article 5 of the PKDRT Law which states that:

"Everyone is prohibited from committing domestic violence against people within the scope of their household, by: a) physical violence; b) psychological violence; c) sexual violence, or; d) household neglect".³

Domestic violence is an increasingly common problem in many types of families, including Muslim families. Violence can occur between family members, such as between husband and wife, between parents and children, or between family and maids. Physically or emotionally and psychologically abusing anyone is not allowed in Islam, especially if the violence occurs in the household.⁴

² Joko Sriwidodo, *Introduction to Domestic Violence Law* (Yogyakarta: Kepel Press, 2021), 5.

³ "Law No. 23 of 2004 concerning the Elimination of Domestic Violence," Personal Communication.

⁴ *Lajnah Pentashihan Mushaf Al-Qur'an Ministry of Religion of the Republic of Indonesia, Tafsir Maudhu'i (Thematic Tafsir of the Qur'an)* (Jakarta: Lentera Ilmu Makfirat, 2019).

Violence against a wife is a serious social problem, but it often does not receive attention from the public or law enforcement. This happens for several reasons. First, there are no accurate statistics on domestic violence. Second, violence against the wife in the household is very personal, and privacy in the household is considered very important and related to the sanctity and harmony of the family. Third, violence against the wife is considered a natural thing because it is considered the right of the husband as the leader in the household. Fourth, violence against wives in the household occurs in a legal institution called marriage.⁵

The formulation of the problem in this study is focused on two main things, namely: First, what is the meaning of the hadith beating of a wife in a household which is related to being allowed to hit the wife if the wife is nusyuz? Second, what is the contemporary interpretation and protection of women against domestic violence? These two formulations of the problem are very important because they are related to each other in the context of hadith, contemporary interpretations and efforts to protect women from domestic violence.

The purpose of this study is to examine the hadith of beating the wife in more depth, criticize the classical interpretation that tends to allow beating, and compare it with contemporary interpretations that emphasize justice and protection of women. This analysis is expected to enrich knowledge about hadith and interpretation, especially in understanding the contextual meaning of the hadith on the beating of the wife, as well as its relevance to the value of justice and equality between sexes and encouraging the formation of a peaceful and loving family without violence, and aims to prevent and

⁵ Hasbianto ELi, *Domestic Violence* (Jakarta: Mizan Khasanah IlmuI-Ilmu Islam, 1996), 31.



deal with domestic violence. With this research, it can create harmony in the household in the current vulnerable era of marriage.

Problem Statement

1. How can the meaning of the hadith on wife beating be understood contextually so that it does not legitimize domestic violence?
2. How can the contextual interpretation of the hadith be connected to the protection of women in Law No. 23 of 2004 concerning Domestic Violence?

Research Objectives

1. To analyze the meaning of the hadith on wife beating through a contextual approach to produce a fair interpretation that does not legitimize violence.
2. To examine the relevance of the contextual interpretation of the hadith to the mechanisms for protecting women as stipulated in the Domestic Violence Law.

Research Methods

This study uses a normative legal research method with a prescriptive-analytical nature, because the main focus is to examine religious norms in hadith and positive legal norms related to violence against women, then formulate an appropriate interpretation and is oriented towards women's protection. As a prescriptive research, this study not only describes the text of the hadith, but also provides interpretive recommendations based on the principles of *maqāṣid al-syarī'ah*, justice, and the ethics of victim protection as accommodated in Law No. 23 of 2004 concerning the Elimination of Domestic Violence. This normative approach is combined with contextual analysis to understand the relevance of hadith in modern social realities and legal systems.

Data collection is carried out through library research using primary and secondary legal materials. Primary legal materials include hadiths that allow or

prohibit the beating of a wife, classical hadith lectures such as Buwaiti's work, and scholarly interpretations such as Tafsir Al-Mizan. Secondary legal materials include contemporary interpretations (Fazlur Rahman, Quraish Shihab), Islamic gender literature, scientific journals, and national legal tools on domestic violence. Documentation techniques are used to identify, record, and classify themes regarding *daraba*, *nushūz*, and women's protection, so that all data is systematically and transparently arranged to allow for re-verification.

Data analysis was carried out using content analysis on the meaning of hadith, Fazlur Rahman's double movement to read texts from the past context towards universal moral principles, and a normative-holistic approach to test the alignment of hadith with the values of justice and protection of women. This study also uses triangulation of sources by comparing the opinions of classical scholars, contemporary thought, and positive legal norms so that the results are valid and comprehensive. With a juridical-theological reasoning model, this study provides a prescriptive analysis that the meaning of hadith should be directed at the protection of women, rejecting domestic violence, and upholding the universal moral principles of Islam.

Discussion and Research Results

Hadith Analysis About Domestic Violence

The growth of the current era has a low impact on women also occurred in pre-Islamic Arab societies or known in the Jahiliyah period, but this violence has not stopped until now, until now violence against women such as domestic violence and sexual harassment is still rampant.⁶

However, the facts show that many women experience domestic violence perpetrated by their husbands. From the

⁶ Laudita Soraya, "Sexual Violence Against Women in the Perspective of the Qur'an and Hadith", *Nusantara Islamic Law Journal*, Vol. 3, No.1, (2020): 18.



news in print and electronic media, it can be seen that domestic violence is a very surprising issue. The forms of violence committed by husbands against their wives vary, such as physical violence, psychological violence, sexual violence, and violence in economic terms.⁷ The information about domestic violence is not only explained in the Qur'an but also through Hadith. The following researcher will explain the hadith of domestic violence as follows:

1. Hadith is permissible to beat a wife

In the low reality and implementation, where the word "blow" is always interpreted as violence against the wife, which eventually triggers acts of domestic violence. In fact, this attempt at violence is often associated with an apology in the hadith which states that hitting a wife with a certain degree of violence is considered justified in the hadith. The sound of the hadith displayed is:

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Sulayman ibn 'Amr ibn (ترمذي) al-Ahwas said: My father told me that he witnessed the farewell pilgrimage with the Messenger of

Allah (may Allah's peace and blessings be upon him), and he praised Allah, and he remembered and preached, and he mentioned in the hadith a story, and he said, "Do not advise women to do good, for they are your helpers, and you have that nothing from them except they come with a clear indecency, and if they do, then leave them in and beat them beds their".severely

"From Sulaymān ibn 'Amr al-Aḥwas, his father narrated that he witnessed the Hajj wadā' with the Messenger of Allah (peace be upon him), he praised Allah, praised Allah, and said, "Bequeath yourselves to women well, for they are captives with you. You have no right other than that, unless they commit blatant disobedience. If so, then separate them from the bed (unmixed) and hit them without hurting that leaves no mark... (HR. Al-Tirmidhi).

The above hadith is often interpreted directly as proof that a person can hit his wife or woman at will, even in a violent way that can cause injury or trauma. However, if you look deeper, punches can indeed be done, but with certain conditions. This condition is explained in the tafsir of Al-Mizan in surah al-Nisa' verse 19, which is that beating should only be done if the wife commits the act of fahisyah mubayyanah. The word fahisyah in the Qur'an usually refers to the act of adultery, while mubayyanah means proven or real, so the heinous act in question is adultery that has been proven.⁸

In the book *Sharah Sunan Ibn Maajah Al Musamma* written by Muhammad Al Amin Bin Abdullah Bin Yusuf Bin Hasan Al Urmi Al Alawi Al Asyubil Haroril Karil Buwaiti explains as follows:

⁷ La Jamaa, "Domestic Violence from a Fiqh Perspective", *Ahkam Journal*, Vol. Xiii, No. 1, (January 2013): 65.

⁸ *Al-Tabatha'i, Al-Mizan, (Lebanon: Al-'Alami), (n.d.), 254-55.*



women. He said: "Is it proper for one of you to beat his wife as he beats a slave, but at the end of the evening he has to deal with her?" He then gave them advice on the habit of laughing because of farting. Afterwards, he said: "Why does one of you laugh at what he is doing?" [Abu Mu'awiyah] said; It has been narrated to us [Hisham] from [his father] from [Abdullah bin Zam'ah] that the Prophet (peace and blessings of Allaah be upon him) said that the man of Thamud was like Abu Zam'ah, the uncle of Az Zubair bin Al 'Awwam.

c. Saheeh Al-Bukhari No. 4805

عَنْ سُفْيَانَ حَدَّثَنَا يُوسُفُ بْنُ مُحَمَّدٍ تَنَاخَدَ
 عَنْ زَمْعَةَ بْنِ اللَّهِ عَبْدِ عَنْ أَبِيهِ عَنْ هِشَامِ
 بَجَلْدٍ لَا قَالَ وَسَلَّمَ عَلَيْهِ اللَّهُ صَلَّى النَّبِيُّ
 فِي يُجَامِعُهَا ثُمَّ الْعَبْدِ جَلَدَ امْرَأَتَهُ أَحَدَكُمْ
 الْيَوْمَ آخِرُ

He narrated to us [Muhammad ibn Yusuf] that [Sufyan] from [hisham] from [his father] from [Abdullah bin Zam'ah] from the Prophet (peace and blessings of Allaah be upon him), he said: "Do not let one of you beat his wife, as he beats a slave, but when the day enters at dusk, he also associates with her.

Based on the three hadiths above, the researcher concludes that the above hadith about the prohibition of hitting wives is a "satirical text" aimed at husbands who often beat their wives. With this insinuation it is quite sharp because it equates this behavior with the same things. By humbling yourself and associating with your husband's desire in the afternoon to have sex. This is the explanation of the hadith about domestic violence and sexual violence. The hadith can be used as a legal basis in enforcing the prohibition of domestic violence, because the Prophet expressly forbids a husband or man to hit his wife or woman. Furthermore, it is also explained that it is forbidden to hit a wife as if she were hitting a slave or a horse and so on (animals). Some of these hadiths have

been recorded by Ahmad, Bukhari, and Darimi.

Contextual Interpretation of Domestic Violence

The contextual interpretation approach is one of the attempts to understand the hadith not only from the text (*LAFZ*), but also from *asbāb al-wurūd* (because of the emergence of hadith), social conditions, and universal moral values that have content in them. According to Fazlur Rahman, the understanding of hadith must consider two double movements: from the historical context to the universal moral principle, and then again applied to the present context.¹⁰

Contextual and contemporary mufassir are almost the same in determining what *nushūz* is, i.e. the conditions of disharmony in marriage. Both men and women can perform *nushūz*. However, when it comes to how to handle *nushūz* cases involving beatings, there are differences of opinion. Contextual mufassir allows hitting the person who performs *nushūz*, but on the condition that it does not hurt, it is not permissible to humiliate the wife, it is not to use hard objects, and the purpose is to teach the wife.

According to Quraish Shihab, the act of "hitting" in the hadith cannot be interpreted literally because it is contrary to the principle of affection in the household. He emphasized that the hadith should be understood within the framework of *maqāṣid al-syarī'ah*, which is to maintain the honor and dignity of women.¹¹

Amina also agrees with Muhammad Abduh's thought, where "hitting/trouble" means acting decisively against people who commit *nushūz*, both as husband and wife.

¹⁰ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, (Chicago: University of Chicago Press, 1982), 7–8.

¹¹ Quraish Shihab, *Tafsir al-Mishbah, Volume 2, (Jakarta: Lentera Hati, 2002)*, (n.d.), 406.



According to contemporary mufassir, this "decisive action" is considered better in resolving the issue of nushuz without violence and is more relevant to the current discourse on gender equality. The development of hadith must also be understood in the social context of the 7th century, not as a justification for violence today.¹²

The interpretation of the word "*dhāraba*" has also changed its meaning. Classical mufassir understands this word as hitting the body part of the wife who performs nushūz. The beating reflects the social and cultural conditions at the time of the verse's descent. Modern mufassir still allows hitting a wife who performs nushūz, but on the condition that it does not hurt, does not mean to degrade, does not use hard objects, and the purpose is to educate. But until now, the general understanding of this beating still means hitting a part of the wife's body until she is injured or injured. For contemporary mufassir who supports gender equality, the act of beating to deal with nushūz is considered inhumane. Therefore, they reinterpreted the word "*dhāraba*" as "troublesome", which means to act decisively without committing violence. Acting decisively in this case refers to the agreement between husband and wife to maintain harmony in the household. The Prophet ﷺ himself set an example without violence, so that the spirit of the hadith is an effort to prevent domestic violence, not the legitimacy of patriarchal power.¹³

Women's Protection Against Domestic Violence

Islam places women in a noble and equal position before Allah. The principle of

gender equality and justice is affirmed in Q.S. An-Nisa [4]:1 and Q.S. Al-Hujurat [49]:13. The Prophet ﷺ emphasized in his words: "*You are the best of the best to his wife.*" (HR. Tirmidhi). The hadith emphasizes that the treatment of women must be based on affection and respect, not violence.¹⁴

In general, domestic violence (KDRT) used to be often considered a myth or personal problem, but now it has become a reality in daily life. With the existence of Law No. 23 of 2004 concerning the Elimination of Domestic Violence, this case has received more attention. The majority of victims of domestic violence are women, and the perpetrators are usually husbands, although there are also victims who are otherwise or people who are in a weak position in the household. Perpetrators and victims of domestic violence can be related by blood, marriage, sons-in-law, caregivers, guardianships, or even domestic helpers who live in the house. Ironically, domestic violence cases are often disguised because they are related to cultural, religious, and legal structures that are not yet fully understood. In fact, the purpose of the protection provided by the state and society is so that the victim feels safe and the perpetrator can bear the consequences of his actions.¹⁵

The PKDRT Law was born to protect victims of domestic violence, especially women. This is good news for women who are victims because they can file lawsuits and get official protection. In addition, this law also divides the types of protection into two, namely temporary protection and protection with the establishment of courts and special services. These protections and services are provided by institutions and

¹² Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, (Chicago: University of Chicago Press, 1982), 39.

¹³ Muhammad al-Ghazali, *As-Sunnah an-Nabawiyyah Bayna Ahl al-Fiqh Wa Ahl al-Hadith*, (Cairo: Dar as-Syuruq, 1993), 125.

¹⁴ Nasaruddin Umar, *Gender Equality Argument in the Perspective of the Qur'an*, (Jakarta: Paramadina, 2001), 212.

¹⁵ Prayudi Guse, *Various Aspects of Domestic Violence Crimes*, (Yogyakarta: Merkid Press, 2015), 75.



institutions according to their respective duties and functions. That based on Article 10a of the PKDRT Law, victims have the right to protection from their families, police, prosecutor's office, courts, advocates, social institutions, or other parties, either temporarily or based on the government's determination of protection from justice with the following explanation:

1. Protection by the police in the form of temporary protection is provided for a maximum of 7 (seven) days, and within 1 X 24 hours from providing protection, the police are required to request a letter of determination of protection order from the court. This temporary protection by the police can be carried out in collaboration with health workers, social workers, accompanying volunteers and spiritual advisors to accompany the victim. Services for victims of domestic violence must use a special service room at the police station with a system and cooperation mechanism for service programs that are easily accessible to victims. The government and the community need to immediately build safe houses (shelters) to accommodate, serve and isolate victims from domestic violence perpetrators. In line with that, the police in accordance with their duties and authorities can conduct investigations, arrests and detentions with sufficient preliminary evidence and accompanied by a detention order against domestic violence perpetrators. Even the police can make arrests and detention without a warrant for violations of protection orders, meaning that the arrest and detention warrant can be given after 1 X 24 hours.

2. Protection by advocates is provided in the form of legal consultation, mediation and negotiation between parties including the victim's family and the perpetrator's family (mediation) and accompanying the victim at the level of investigation, prosecution and examination in court hearings (litigation) coordinating with fellow law enforcers, accompanying

volunteers, and social workers (cooperation and partnership

3. Protection by court determination is issued in the form of a protection order granted for 1 (one) year and can be extended. The court may detain a domestic violence perpetrator with a detention warrant for 30 (thirty) days if the perpetrator violates the statement he or she signed regarding his or her ability to comply with a protection order from the court. The court may also provide additional protection for consideration of the harm that may arise to the victim.

4. The services of health workers are very important, especially in efforts to sanction domestic violence perpetrators. Health workers according to their profession are required to provide a written report on the results of the medical examination and make a *visum et repertum* at the request of the police investigator or make other medical certificates that have legal force as evidence.

5. Social worker services are provided in the form of counseling to strengthen and provide a sense of security for victims, provide information about victims' rights to protection, and deliver coordination with related institutions and institutions.

6. Volunteer assistance services are provided to the victim regarding the victim's right to get one or more volunteer companions, assist the victim in objectively explaining the acts of domestic violence he or she experienced at the level of investigation, prosecution and court examination, listening and providing psychological and physical reinforcement to the victim.

7. Services by spiritual guides are given to provide explanations about rights, obligations and provide strengthening of faith and piety to the victim.

Juridically, formal has a very important role in the context of formal law, where Law Number 23 of 2004 has provided protection for victims of physical



violence in the domestic environment. However, the problem of violence still continues to occur in the field and not all cases go to court. This is due to the implementation of the regulation in the form of the implementation of policy plans and programs to achieve the goals set in the plan. Therefore, great hopes are aimed at the Law on the Protection and Prevention of Domestic Violence or referred to as the PKDRT Law, in providing protection and prevention against domestic violence. Therefore, it is the government's task to reformulate patterns and strategies in the implementation of protection and services, as well as to socialize the policy effectively in the field.

In essence, it has created a mature legal construction in the effort to eradicate and eliminate domestic violence, legal protection for women victims of domestic violence, and action against perpetrators is an absolute thing. Furthermore, there is a need for a system that is realized by the state that is assisted by the community in creating protection for the rights of women victims of domestic violence.¹⁶

In general, in Indonesia, unequal cultural conditions have led to the law, and the existing legal system (legal materials, legal apparatus, legal culture) is less responsive in protecting the interests of women. The government's efforts to provide protection for women have various aspects, so its realization requires cooperation in the network.¹⁷

Thus, contextual understanding not only improves religious interpretation, but also strengthens the moral and legal basis for women's protection in the modern era.

¹⁶ Lukman santoso Bustanul Arifin, *Protection of Women Victims of Violence from an Islamic Legal Perspective*. *Journal de Jure*, 2016, 2.

¹⁷ Nur Rochaety, "Upholding Human Rights through Legal Protection for Women Victims of Violence in Indonesia," *PALASTREN: Journal of Gender Studies* 7, No. 1, 2014, 23.

Conclusion

Domestic violence (KDRT), one of which is caused by mistakes and superficial understanding of the Qur'an and the hadith of the Prophet. This understanding can be seen from the interpretation of the hadith in a textual, partial, or incomplete way, piecemeal, and the interpretation of half of the entire text. In the hadith, the Prophet PBUH forbade domestic violence committed by a man (husband) against a woman (wife). Hadith about domestic violence cannot be understood textually because it has the potential to cause justification for violent practices. With a contextual interpretation approach, these hadiths can be interpreted in a more humanist way and in accordance with Islamic principles that uphold women's lives.

This contextual meaning is in line with maqāsid al-syarī'ah which emphasizes the protection of the human soul and dignity. To protect women from domestic violence, which has been clear in the context of Indonesian law, namely Law Number 23 of 2004 concerning the Elimination of Domestic Violence, has provided a strong legal basis in protecting women from all forms of violence, whether physical, psychological, sexual, or neglect.

In the Islamic perspective, women are rooted in the principles of compassion, justice, and respect for human dignity. Thus, the reinterpretation of hadith is important in realizing gender justice to strengthen women's protection from domestic violence, both in the context of religion and positive law.

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