

# RE-INTERPRETATION OF LEADERSHIP AND *NUSYŪZ* IN THE QURAN TO PREVENT DOMESTIC VIOLENCE IN BENGKULU

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**Abstract:** This study aims to reinterpret and redefine the community's understanding of leadership and *nusyŭz* to prevent acts of domestic violence in Bengkulu. Considering the changing pattern of people's life values, efforts to reinterpret the meaning of surah al-Nisâ' verse 34 on leadership and *nusyŭz* are necessary to prevent acts of violence in the household. This study is a descriptive field study. Data collection techniques were interviews and literature search, while the analysis technique used is Miles and Huberman's analytical procedure. The findings from this study are in the form of interpretation or meaning of a centralized understanding of the verse on leadership in the family, where leadership in the family should focus on the strengths and weaknesses between husband and wife by emphasizing deliberation, the husband's broad chest relieves some of the wife's obligations, and treating the wife commendably. Furthermore, leadership is closely connected with the adequacy of providing for the family.

**Keywords:** domestic violence; leadership; *nusyŭz*; surah al-Nisâ' verse 34

**Abstrak:** Penelitian ini bertujuan untuk memaknai dan meredefinisi pemahaman masyarakat tentang kepemimpinan dan *nusyŭz* untuk mencegah tindak kekerasan dalam rumah tangga di Bengkulu. Perubahan pola nilai kehidupan masyarakat, diperlukan upaya pemaknaan kembali makna surah al-Nisâ' verse 34 tentang kepemimpinan dan *nusyŭz* untuk mencegah terjadinya tindak kekerasan dalam rumah tangga. Penelitian ini merupakan penelitian lapangan yang bersifat deskriptif. Teknik pengumpulan data yang digunakan adalah wawancara dan pencarian literatur yang relevan, sedangkan teknik analisis datanya adalah teknik analisis ala Miles dan Huberman. Temuan dari penelitian ini berupa interpretasi atau pemaknaan pemahaman yang terpusat pada ayat tentang kepemimpinan dalam keluarga, dimana kepemimpinan dalam keluarga harus fokus pada kelebihan dan kekurangan antara suami dan istri dengan menekankan musyawarah, kelapangan dada suami meringankan sebagian kewajiban istri, dan memperlakukan istri secara terpuji. Lebih jauh lagi, kepemimpinan berkaitan erat dengan kecukupan menafkahi keluarga.

**Kata kunci:** kekerasan dalam rumah tangga; kepemimpinan; surah al-Nisâ' ayat 34

## Introduction

In the era of ignorance, before Muhammad was made a prophet, the reality faced by women was so deplorable. His birth is considered a disaster and disgrace, which must be removed by throwing (buried) alive. At that time, women were not taken into account at all, except only as a means of satisfying men's lust. That is why, the tradition of concubinage and mistresses as well as illegal polygamy became a common sight in the ignorant society.

According to Musyrifah, there are six forms of marriage in the Arab ignorance custom,

namely *maqti* marriage,<sup>1</sup> *mut'ah* marriage,<sup>2</sup> *syighar* marriage,<sup>3</sup> *istibdha* marriage,<sup>4</sup> *akhdan*

<sup>1</sup> The eldest son marries his deceased father's widow if he is interested. If he is not interested, he marries her to someone who dies and he takes her dowry or he prevents her from marrying until he can redeem himself with wealth.

<sup>2</sup> Someone marries a woman for a certain period of time

<sup>3</sup> *Syighar* in the sense of language is empty. In the meaning of the term *syighar* is that a man marries his daughter or sister or slave girl to someone and that person also marries him to his daughter or sister or slave girl and there is no dowry from both of them.

<sup>4</sup> A man said to his wife after she was clean from her menstruation: "Go to so and so and ask for a dowry from her. Then she left him until she became pregnant with the new man.

marriage,<sup>5</sup> and *baghya* marriage.<sup>6</sup>

Eliminating blasphemy against women, as practiced by the Arab Jahiliyyah, is one of the missions of Islam to exist in the world. This mission is realized with the encouragement of Islam so that its adherents live a household life. The household is an important holder of power in community life. Household according to Islam, can only be obtained through marriage. Marriage is a birth bond between two people (male and female) to live together in a household, so marriage is noble and noble which in the terms of the Quran is known as the words "*mitsaqan ghaliza*" (a strong bond).<sup>7</sup> Islam prescribes marriage with the aim of realizing a *sakinah*, *mawaddah* and *rahmah* household life.

Meanwhile, violence in Indonesia has shown a worrying phenomenon. The results of Women Crisis Center research showed that there were 98 cases of violence against women of various types, either in the form of physical, emotional or psychological pressure, sexual, or even multiple. It was found that victims of violence did not always have legal treatment (reported to the police). Only 15.3% of victims of domestic violence reported this to law enforcement, while 67.3% chose to remain silent. While data for 1999 violence against women increased by 23.2%. Then there were 39.1% (cases the victim experienced a form of violence); 43.5% (cases the victim experienced a combination of two forms of violence at once) and the remaining 6.5% experienced three forms of violence.

Usually domestic violence will be carried out by those who have full power.<sup>8</sup> In the reality of

everyday life, it is men who rule. Thus the position of the wife and/or children both in domestic life and outside the family is indeed very weak. Domestic violence whether committed by a wife, husband or child is basically an act against human rights.<sup>9</sup>

From the PPA Symphony data accessed until September 2022 domestic violence has increased, it is known that there were 156 cases of violence in Bengkulu province. Dominated by 152 women and 20 men. The household is the highest incidence of violence, namely 107 cases. The age range of victims of violence was 36 cases aged 25-44 years, 17 cases aged 18-24 years, and 3 cases aged 45-59 years.<sup>10</sup>

At the micro level of life, domestic violence is a reflection of the worthlessness of family members. On a macro level, domestic violence is a reflection of humiliation of human dignity, whose human rights must be guaranteed.<sup>11</sup> This phenomenon is interesting, because domestic violence is usually perpetrated by husbands or sons, even though as is well known, the family has so far been regarded as a pillar for protection and a place to obtain a sense of security and peace, but more than that, the family is believed to be a component the smallest for society and as the spearhead for the realization of civil society. This study aims to reinterpret and redefine the concept of community understanding of leadership and nuysuz to prevent acts of domestic violence.

## Method

This research is a descriptive field research. Data collection techniques used are interviews and documentation. The data analysis technique used is Miles and Huberman by way of *data reduction*,

<sup>5</sup> More than ten men fucked one woman. When she is pregnant, the woman calls them and she gives the baby to the man she likes. The man can refuse the attribution to him.

<sup>6</sup> Women put flags on their doors to let men who want to have sex with them know them. When the women gave birth, the men who had intercourse with the women called the *qa'if* to match the baby with one of them. If *qa'if* attributes to someone then he must admit it.

<sup>7</sup> Siti Mupida, "Husband and Wife Relations in the Nusyuz Education Conflict According to the Nash Al-Qur'an and Hadith," *Millah*, vol. 18, no. 2 (2019), pp. 265-88, <https://doi.org/10.20885/millah.vol18.iss2.art4>.

<sup>8</sup> Chaliddin and Nazaruddin, "Domestic Violence Sociological Impact on Children Maqasid Syar'iyah Review," *Syariah Journal*, vol. 11, no. 1 (2022), pp. 71-89.

<sup>9</sup> Syaifuddin Zuhdi et al., "Domestic Violence as a Consequence of Nusyuz under the Islamic Law and Legislation of Indonesia," *Humanities and Social Sciences Reviews*, vol. 7, no. 2 (2019), pp. 340-48, <https://doi.org/10.18510/hssr.2019.7240>.

<sup>10</sup> Data from the Bengkulu PPA Website access (4/10)

<sup>11</sup> Mahmud and Rizanizarli, "Domestic Violence against Women in Indonesia: The Recent Domestic Violence Elimination Law Analysis," *Fiat Justisia: Journal of Legal Studies*, vol. 15, no. 4 (2021), pp.385-98, <https://doi.org/10.25041/fiatjustisia.v15no4.2276>.

data presentation, withdrawal conclusion.<sup>12</sup> The subjects in this study were husbands who had jobs as clerics/ preachers in the city of Bengkulu.

## Results and Discussion

### Male Leadership in the Household

The word “qawwâmûna” in the verse means the male leader woman; situation of women’s dependency in the economic and security fields.<sup>13</sup> Men have power over women if they meet the requirements stated and if not, it means that women can replace that position. The loss of dependency causes the position of qawâm to be negotiable.

The term qiwâmah then becomes a topic that becomes an academic discussion for Muslim scientists related to the understanding of the verses of the Quran surah al-Nisâ’ verse 34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالْصَّالِحَاتُ قَنَاطُتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

“Men are leaders for women, because Allah has made some of them (men) superior to others (women), and because they (men) have spent part of their wealth. Therefore, a pious woman is one who obeys Allah and takes care of herself when her husband is not around, because Allah has taken care of (them). the women you are worried about her nusyuz, So advise them and separate them in their beds, and beat them. then if they obey you, then do not look for ways to trouble them. Verily, Allah is Most High, Most Great.” (al-Nisâ’: 34)

In the Asbabun Nuzul book, the history of the revelation of the verse above surah al-Nisâ’ verse 34 is mentioned, in one history it is stated that

there was a the woman who complained to the Messenger of Allah because she was slapped by her husband.<sup>14</sup> Rasulullah SAW said: “he must be qishash (answered)”. But then down surah al-Nisâ’ verse 34 as a provision in educating cheating wife. After hearing the verse (al-Nisâ’ verse 34 [4]; 34), the woman came home and did not carry out qishash.<sup>15</sup>

In surah al-Nisâ’ verse 128, Allah SWT explains about nusyûz which done by husband:

وَإِنِ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

If a woman is worried about her husband’s nusyûz or indifference, then it’s okay for both of them to make real peace, and peace is better (for them) even though humans are by nature miserly. And if you get along well with your wife and take care of yourself (from nusyûz and indifference), then surely Allah is All-Knowing of what you do.

Surah al-Nisâ’ verse 128, in one history it is stated that when Sauda bint Zam’ah (the wife of Rasulullah SAW) was old and was afraid of being divorced by Rasulullah saw, she said; “The day of my turn I gift it to Aisyah”. Then came down surah al-Nisâ’ verse 128 which allows actions like what Saudah did. In another tradition it is said that the wife of Rafi’ bin Khadij, namely the daughter of Muhammad bin Muslimah, was not loved by her husband, because she was old or something else, so she was worried that she would be divorced. The wife said; “Do not divorce me, and you may come.

### Explanation of al-Nisâ’ Verses 34 and 128

This verse begins with the statement that men are leader for women. Muhammad Ali al-Shabuni

<sup>12</sup> Bambang Mudjiyanto, “Types of Communication Explorative Research,” *Journal of Communication and Media Studies*, vol. 22, no. 1 (2018), p. 65, <https://doi.org/10.31445/jskm.2018.220105>.

<sup>13</sup> Syarial Dedi, “Household Leaders in the Interpretation of Reviewing Feminist Opinions with the Ta’wil Method”, *Al-Ahwal Journal*, vol. 11, no. 2, Year 2018 M/1439 H, p. 103.

<sup>14</sup> Siti Robikah, “Reinterpretation of Q.S. An-Nisa [4]: 34 In the Perspective of Maqasidi Interpretation,” *Al-Dhikra: Journal of Quran and Hadith Studies*, vol. 4, no. 1 (2022), pp. 49–66.

<sup>15</sup> Khairuddin, Nusyuz Concept According to Al-Qur’An and Hadith (Study of Husband-Wife Rights and Obligations in the Household) *journal El-Usrah: Journal of Family Law*, vol.4, no.1 January-June (2021), p. 184.

explained that Allah gave the right of leadership (*qawwamah*) over men women for two reasons, namely giving (*wahabi*) and effort (*kasabi*).<sup>16</sup> The phrase with *sighat mubalaghah* shows perfection of leadership and power of men over women. They have the right to rule, prohibit, regulate and educate, but also has the perfect responsibility to nurture, guard and nurture.<sup>17</sup>

This responsibility arises because God has given advantages to men in the form of reason, firmness, determination and physical strength, the prophet of men, too leaders large and small, the obligation of jihad, echoing the call to prayer, sermons, being witnesses in cases crime, *qishas*, excess in inheritance, being a marriage guardian and lineage relationship.<sup>18</sup>

As the results of the interview conveyed by Syakroni as follows: *"Leadership traits appear to be more dominant in men than women, in Bengkulu society itself women can earn a living, but what they strive for in their own right and is not required share in the needs of the family."*<sup>19</sup>

Based on this great responsibility, men are given the right to do everything that is deemed necessary and appropriate to maintain harmonious marital relations, peace, and happiness in the household.<sup>20</sup> However, because the husband and wife relationship does not always run smoothly, because there are lumps that get in the way, even because of external influences that affect the behavior of one partner, both husband, and wife, so that *nusyûz* acts occur,<sup>21</sup> it is necessary to

provide solutions for handling them according to the level of the situation they are facing.<sup>22</sup>

The word "*thakhâfûn*" in this verse means you suspect/predict, you believe, you know,<sup>23</sup> because worry will not appear unless based on signs that make a person able to predict, believe or know that his wife has committed *nusyûz* acts. If *nusyûz* is actually done by the wife, according to the Quran there are three levels of handling, namely<sup>24</sup>:

### 1. Teaching and Advising

Teaching or advising a *nusyûz* wife is by scaring her with the punishment and curse of Allah for her disobedience because Allah obliges the wife to obey as the husband's right and forbids disobeying her.<sup>25</sup> Rasulullah even said: *If I were allowed to order people to prostrate to other people, I would order wives to prostrate to their husbands because Allah has determined the rights over them.*<sup>26</sup>

Advise and teach your wife wisely and teach well (*ma'izhah hasanah*), don't be bored but don't be sarcastic, because maintaining the integrity and peace of the household, including educating your wife, takes a long time.<sup>27</sup>

According to Abu Bakr ibn al-Arabi, advising a wife is to remind her of Allah, by giving motivation that there is a reward from Allah, but also to frighten her because Allah also has punishment or punishment, and to introduce her to good manners in beautiful association,

<sup>16</sup> Fauzan Mas'ar, Zulkarnain Zulkarnain, and Irwansyah Irwansyah, "Nusyuz Analysis in the Household (Comparative Study of Islamic Law An Uu Pkdr No. 23 of 2004)," *Al-Mashlahah Journal of Islamic Law and Social Institutions*, vol. 10, no. 01 (2022), p. 197, <https://doi.org/10.30868/am.v10i01.2442>.

<sup>17</sup> Makmur Jaya, "Interpretation of Letter An-Nisa' Article 34 About Leadership in the Quran," *At-Tanzir: Scientific Journal of Islamic Broadcasting Communication Study Program*, January 2 (2021), 248, <https://doi.org/10.47498/tanzir.v1i1.407>.

<sup>18</sup> Hamka, Tafsir al-Azhar, (Singapore: National Library, 2003), p. 1198.

<sup>19</sup> Interview with mr. syakroni

<sup>20</sup> Mardiah, "NUSYZZ IN LETTER AN NISA ARTICLE 34 (Gender Justice Analysis Review)," *Al Qalam: Journal of Religion and Society Science*, vol. 16, no. 3 (2022), pp. 896–914, <https://doi.org/10.35931/aq.v16i3.964> NUSYÛZ.

<sup>21</sup> Soraya Devy and Muhammad Firdaus, "Cera! Thalaq Di Kalangan Isteri Karier (Studi Kasus Di Mahkamah Syariah

Banda Aceh)," *Samarah*, vol. 3, no. 2 (2019), pp. 378–99, <https://doi.org/10.22373/sjrhk.v3i2.4401>.

<sup>22</sup> Interpretation of Al-Kasysyaf by Az-Zamakhasyari, "The Nusyuz Concept of Household Harmony Perspective of Al-Kasysyaf's Interpretation by Az-Zamakhasyari," *JURNAL AL-WAJID*, vol. 3, no. 2 (2022), pp. 3–10.

<sup>23</sup> Abu Bakr Muhammad ibn Abdillâh Ibn al-Arabi hereinafter abbreviated as Ibn al-Arabi,, *Ahkam al-Qur'an*, Beirut: Dar al-Fikri, 1988, p. 532

<sup>24</sup> Maimunah, "Epistemology of Nusyuz in The Context of Fiqh," *PAI Genealogy: Journal of Islamic Religious Education*, vol. 7, no. 01 (2020), pp. 33–39, <https://doi.org/https://doi.org/10.32678/genealogipai.v7i1.2538>.

<sup>25</sup> Abu Bakr al-Jashshos, *Ahkam al-Qur'an*, (Beirut : Dar al-Fikri, 1993), p. 268

<sup>26</sup> Ibn Katsir, Tafsir al-Qur'an al-"Azhim, (Riyadh : Dar Thayyibah), juz. V, p. 170

<sup>27</sup> Hamka, Tafsir al-Azhar..., p. 1198.

perfecting the bond of friendship, upholding the obligation to obey the husband, and recognizing the degree that the husband has over his wife.<sup>28</sup> The various statements above basically teach that in educating and teaching a wife who has the potential to become *nusyûz*,<sup>29</sup> she has adequate religious knowledge, especially about the rights and obligations of husband and wife, to be able to set an example of how to a noble character in front of the family, so that whatever he says to his wife weights authority, not belittled or laughed at. If the husband has played a role according to his position, obligations, and role, but the wife still shows symptoms of *nusyûz*, then the second method is applied.

## 2. Split bed

The *mufassir* have different opinions regarding the meaning of *wahjuruhunna fi al-madhaji'*, which are divided into four opinions:

- a) According to Ibn Abbas, don't have intercourse, don't sleep near her or turn your back to your wife on the bed.
- b) According to Ikrimah and Abu al-Dhuha, don't be talked to and don't be reprimanded even if you are still interfering.
- c) According to Ibrahim, al-Sya'bi, Qatadah and al-Hasan, do not gather with him and the husband sleeps in his own bed until the wife returns to what the husband wants.
- d) According to Sufyan, they still talk to him and keep making out with him but with loud, harsh and elevating words.<sup>30</sup>

The various models of separate beds above, the ideal model is essentially separate beds and bedrooms, not talking to each other (shut up gesture) and not getting along even though the husband doesn't leave the living space together. This silent attitude of the wife

is very effective at knocking on the door of the wife's consciousness so that she immediately realizes her mistake and returns to obeying her husband's orders. Because after all, the wife in the household needs her husband to exchange ideas, vent, and deliberations to solve household problems.<sup>31</sup> With a husband being silent and away, it will make the wife confused, lose calm and feel lonely. However, because there are indeed female models who are difficult to manage, given advice they fight back, the more they are kept silent the more it gets worse, and the treatment is of course tougher.

## 3. Hit

Hitting includes acts of physical violence against someone.<sup>32</sup> In many cases hitting people is strictly prohibited by Islam, it is even considered an act that can be considered as *qishos*. The problem of hitting includes domestic problems that can damage the intimate relationship between husband and wife, but sometimes it becomes a necessity, where a new wife stops her *nusyûz* when she has been hit.<sup>33</sup> Therefore hitting is the last solution if the process of communication and separation fails.

According to Al-Alusi, a husband may beat his wife of course with several conditions, including:

- 1) Left preening while husband wanted it.
- 2) Not fulfilling husband's call to bed.
- 3) Lazy to pray and bathe
- 4) Leaving the house without the husband's permission, unless there is a *shar'i* reason.<sup>34</sup>

<sup>28</sup> Soraya Devy and Muhammad Firdaus, "Thalaq Divorce Among Career Wives (Case Study at the Banda Aceh Syar'iyah Court)," *Samarah*, vol. 3, no. 2 (2019), pp. 378–99, <https://doi.org/10.22373/sjhk.v3i2.4401>.

<sup>29</sup> Mahmud and Rizanizarli, "Domestic Violence against Women in Indonesia: The Recent Domestic Violence Elimination Law Analysis."

<sup>30</sup> Ibn Katsir, *Tafsir al-Qur'an al-Azhim*, (Riyadh: Dar Thayyibah), juz V. p. 17 1

<sup>31</sup> Eka Susylawati, "The Acceptability of Active Judge Principle in Divorce Talak Cases of Religious Courts at Madura to Assure the Wife's Rights," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, vol. 14, no. 2 (2019), pp. 267–82, <https://doi.org/10.19105/al-lhkam.v14i2.2435>.

<sup>32</sup> Lynnmarie Sardinha et al., "Global, Regional, and National Prevalence Estimates of Physical or Sexual, or Both, Intimate Partner Violence against Women in 2018," 2022, [https://doi.org/10.1016/S0140-6736\(21\)02664-7](https://doi.org/10.1016/S0140-6736(21)02664-7).

<sup>33</sup> Eka Susylawati, "The Acceptability of Active Judge Principle in Divorce Talak Cases of Religious Courts at Madura to Assure the Wife's Rights," *Al-Ihkam: Journal of Law and Social Institutions*, vol. 14, no. 2 (2019), pp. 267–82, <https://doi.org/10.19105/al-lhkam.v14i2.2435>.

<sup>34</sup> Syihab al-Din Mahmud ibn Abdllah al-Husaini al-Alusi, *Ruh al-Ma'ani fi Tafsir al-Qur'an al-Azhim wa Sab'u al-Matsani...*, chapter 34, juz.IV, p. 44.

Ibn Abbas emphasized the conditions for hitting this, namely not to cause the wife to suffer, and hit her with a toothbrush (*siwak* wood). The scholars also stipulate that hitting should not injure, not break bones, leave no marks and avoid hitting the face, Hit in separate places so that it is not too painful, and do not use a whip or stick.<sup>35</sup>

Even though hitting the wife is permissible as a last resort in dealing with *nusyûz* cases, the Prophet also warned not to have sexual intercourse (*jima'*) with the wife immediately after hitting her. Al-Sya'rani stated, if a man hits his wife, he should not hasten to have intercourse with his wife after hitting it. This prohibition is physiological to allow the wife to heal her wounds and her heart is sad after being hit, or so that the relationship between husband and wife is intimate again so that it does not appear that the husband is doing whatever he wants regardless of his wife's feelings, even if he is beaten for *nusyûz* reasons.<sup>36</sup>

As previously explained, *nusyûz* for a husband is like being harsh/rude to his wife, not wanting to have intercourse with her, and not wanting to provide a living<sup>37</sup>. If these signs are present, then the wife may submit an offer of peace to reduce all or part of her rights to her husband not to be fulfilled so that there will be no divorce or the destruction of the household ark.<sup>38</sup>

When a comparison is made between the two verses regarding *nusyûz*, it seems that there are different patterns of resolution, both of which put the wife in a weak position and are seen as a mere source of error.<sup>39</sup> On the other hand, if

the husband is *nusyûz*, then the wife is allowed or encouraged to submit an offer of peace by relinquishing some or all of her rights from the husband.<sup>40</sup> With absolute *thalak* rights<sup>41</sup> in the hands of the husband, on the one hand it will not give peace to the wife because at any time she can become a widow without the right to maintain the integrity of the household.<sup>42</sup> Especially when he is old, unproductive, does not appeal to his husband's lust, when he needs protection to spend his old age, precisely at that time he is in an insecure position, threatened with divorce, and reduced rights, this is of course not in line to form a *sakinah*, *mawaddah* wa *rohmah* household as emphasized by Allah in the Quran surah al-Rûm verse 21:

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

And among the signs of His power is that He has created for you wives of your kind, so that you are inclined to and feel at ease with him, and He made them between you with love and affection. Indeed, in that there are signs for people who think.

But on the other hand, it is also not wise to contradict these verses because they have one source, namely Allah SWT. It is also not wise to act a priori on the verses that explain the handling of the *nusyûz* case.<sup>43</sup> The most appropriate thing to do is to seek wisdom why Allah gave the complete instructions as described above.

Buya Hamka in the book of interpretations of al-Azhar gives an excellent description in language that touches feelings, that if a woman feels afraid and anxious to see a change in her husband's attitude or turns his heart to another,

<sup>35</sup> Mas'ar, Zulkarnain, and Irwansyah, "Nusyuz Analysis in the Household (Comparative Study of Islamic Law An Uu Pkdr No. 23 of 2004)."

<sup>36</sup> Alfitri Alfitri, "Protecting Women from Domestic Violence: Socio-Legal Approach to CEDAW Bill in Indonesia," *Studia Islamika*, vol. 27, no. 2 (August 3, 2020), <https://doi.org/10.36712/sdi.v27i2.9408>.

<sup>37</sup> Rizqa Febry Ayu and Rizki Pangestu, "Nusyuz Modernity; Between Rights and Obligations," *YUDISIA: Journal of Legal Thoughts and Islamic Law*, vol. 12, no. 1 (2021), p. 73, <https://doi.org/10.21043/yudisia.v12i1.8711>.

<sup>38</sup> Rohmadi, Julir Nenani, and Al Arkom, "Study of Islamic Law and Positive Law About Nusyuz Husband," *Mu'asyarah: Journal of Islamic Family Law Studies*, vol.1, no. 1 (2022), pp. 33–50.

<sup>39</sup> Misran and Maya Sari, "Pengabaian Kewajiban Istri Karena Nusyuz Suami (Studi Penafsiran Imam Al-Thabari Terhadap QS Al-Nisa: 128)," *Samarah*, vol. 2, no. 2 (2018), pp.

353–83, <https://doi.org/10.22373/sjkh.v2i2.4742>.

<sup>40</sup> Zuhdi et al.

<sup>41</sup> Devy and Firdaus, "Thalaq Divorce Among Career Wives (Case Study at the Banda Aceh Syar'iyah Court)."

<sup>42</sup> Hijriani Nur and Faishol Imam, "Nusyuz Wife Against Husband (Case Study of One Family in RT.10 Salok Api Darat Kutai)," *Wasathiyah: Journal of Islamic Studies*, vol. 3, no. 2 (2022).

<sup>43</sup> Misran and Sari, "Pengabaian Kewajiban Istri Karena Nusyuz Suami (Studi Penafsiran Imam Al-Thabari Terhadap Q.S Al-Nisa: 128)."

then according to his considerations this condition should not be allowed to drag on because it can threaten the integrity of the household, then it is permissible for her to take a stand and it is not forbidden to take the initiative to find a solution by contacting her husband as best she can so that she can walk peacefully.<sup>44</sup> It is possible to have a one-on-one meeting or involve the family to find causes and solutions for the change in attitude,<sup>45</sup> whether it was due to the wife's actions that could still be corrected or due to other reasons that cannot be corrected, such as illness, then reconciliation may be made, as long as it is not divorced the old wife's visit allowance is given to the young wife, or because the husband admits that he is unable to support two wives and intends to divorce one of them,<sup>46</sup> then if the wife releases the husband's obligation to provide for both physically and spiritually there is nothing wrong with that and the husband does not object to continuing the relationship marriage, because this peaceful settlement is better than divorce.<sup>47</sup>

On the other hand, there is also a secret, that when a woman sees a change in her husband's attitude, she should not be based on suspicion and follow her feelings, but look for the root of the problem and consider it carefully. This is because there are some men who, due to their busy work outside, are brought into the household, so the wife does not receive enough attention or lacks spending money because the husband's business is difficult, or the lack of sexual desire is due to stress. By knowing the root of the problem, the wife can offer the right solution.

Many women are in the same situation as the Prophet's wife, who also contributes to her husband and deserves respect, even

though she is no longer able to carry out her obligations to serve her husband in bed. In one history, it was revealed that Sauda's reason was that she wanted to be resurrected in the afterlife, including among wives, for her to be an honorable wife, not to fuss over fighting with her husband's young wife, especially when she already has children, in-laws, and grandchildren. A woman like this is a life partner for her husband, not just a bed partner.

### Re-interpretation of Understanding of Leadership and *Nusyûz* in the Quran

The employment of a masculine lexicon and grammatical structure of language in this verse alludes to the *adam* (men) dominance of family authority. This can be seen in the use of the words *rijal*, *qowwamun*, and the pronoun *hum* which are all masculine. The grammatical structure of language is also intended to explain the primacy (*al-fadhalah*) of *rijal* (masculine word) over *nisa'* (feminine word).

This masculine lexicon and grammatical structure are accompanied by a breadth and looseness of meaning that allows for interpretation from various dimensions so that these words are not seen from a purely biological point of view but rather from their social function.<sup>48</sup> Such a thing refutes the interpretation of this verse as an absolute and permanent ratification of the patriarchal system within the family.<sup>49</sup>

As quoted from the interview conveyed by Ilyas as follows: "*Male leadership in the family is contextual as it relates to the meaning of circumstances, situations, and events and is not like following the norms or rules that apply. Family leadership can change according to changing social contexts. In several incidents, husbands do not have the personal integrity or financial capabilities required by the Quran, they demand a lot from*

<sup>44</sup> Ayu and Pangestu, "Nusyuz Modernity; Between Rights and Obligations."

<sup>45</sup> Sa'dan Saifuddin and Fatimah binti Norizan Hajar, "Prosedur Penetapan Pemutusan Perkara Nusyuz (Analisis Undag-Undang Keluarga Islam Negeri Johor)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, vol. 2, no. 1 (2018).

<sup>46</sup> Cahyati Dewi, "The Wife's Double Role and Its Influence on Nusyuz," *Research Journal of Islamic Family Law*, vol. 2, no. 2 (2022), pp. 111–14, <https://doi.org/10.29313/jrhki.vi.1547>.

<sup>47</sup> Nur and Imam, "Nusyuz Wife Against Husband (Case Study of One Family in RT. 10 Salok Api Darat Kutai)."

<sup>48</sup> Ihyak, "The Nusyuz Concept in the Book of Fatul Qarib Perspective Mubilah," *Journal of Innovation Research and Knowledge*, vol. 2, no. 3 (2022), pp. 867–78, <https://doi.org/https://doi.org/10.53625/jirk.v2i3.3291>.

<sup>49</sup> Jayusman et al., "Maslahah Perspective on Husban Nusyuz in Islamic Law and Positive Law in Indonesia," *Muqaranah*, vol. 6, no. 1 (2022), pp. 69–84, <https://doi.org/https://doi.org/10.19109/muqaranah.v6i1.11164>.

*their partners and this happens a lot in our society, especially Bengkulu*".<sup>50</sup>

To see further the husband's perception of *qiwwamah* and *nusyûz* problems, it is necessary to know the condition of the religiosity of the community, especially in matters of routine worship, and access to information about religion and knowledge about marriage issues. The tendency that the husband is the head of the household can also be seen in the behavior of the husband, with an indication of whether or not it is permissible to beat his wife.<sup>51</sup>

An excerpt from an interview with Mr. Ilham, namely: *"Violence that is consciously or unconsciously carried out by husbands has bad implications for partners, especially the psychological effect on women, namely fear, lack of trust and other feelings of anxiety. This violence is perpetrated by most of our society in Bengkulu because of a lack of understanding of religion, which assumes that being a leader must involve even verbal or physical violence, not knowing how husbands should be responsible for their wives and families."*<sup>52</sup>

The reasons for hitting his wife are because the husband is in the position of an educator who must teach a lesson if the wife violates it, while those who do not allow hitting their wife are because a wife is a human being so she must be humanized, this is the summary when asked in an open question regarding the reasons why it is permissible or not for a husband to beat his wife.<sup>53</sup> Thus it can be concluded that the institutionalization of the family system with the authority of the husband as a leader is cultural, and natural, which is partly supported by religious understanding factors.

Borrowing the analysis of the role concept in sociology, namely the structural-functional tradition which according to the theory fronted by George H. Mead defines that role as a normative cultural

element that confers a certain social status or position.<sup>54</sup> If linked with religious understanding, to what extent a person's religious understanding is related to violent behavior, by linking the perceptions of husband, and wife shows that religious understanding is not the main factor causing violence, this is because people's (husband and wife) understanding of leadership (*Qiwamah*) is more cultural/tradition in nature,<sup>55</sup> moreover the problem of disobedience of wives (*nusyûz*) almost the majority do not know whether it is the language of religion or based on religious texts. Their average understanding is based on experience and something that has grown into a tradition.<sup>56</sup> This is done by husbands who do not want to be religious, especially in cases of physical violence and infidelity.

As for the results of Mudemmar A Rasyidi's research, domestic violence occurs due to a lack of understanding of religion, loss of good morals, and weak communication within the family as well as excessive egoism, lack of understanding of the meaning of marriage, lack of faith and disobedience to Allah (God) the Creator. The Universe does not want to accept destiny and loves the world (*material*) too much. In addition, because humans do not respect each other, as a result, humans lose their guidance and do not know the direction of their lives.<sup>57</sup>

Indeed, there are several cases where religious understanding is very orthodox, but in reality, the orthodoxy system used by a community has derivations (derivatives) of behavior for a husband to carry out his obligations in full,<sup>58</sup> such as earning

<sup>54</sup> Role F. Ivan Nye. *Rule Structure and Family System*, (New York: Tp: 1996), p. 20

<sup>55</sup> Fransiska Novita Eleanora and Edy Supriyanto, "Violence against Women and Patriarchal Culture in Indonesia," *International Journal of Multicultural and Multireligious Understanding*, vol. 7, no. 9 (2020), pp. 44–51, <https://doi.org/http://dx.doi.org/10.18415/ijmmu.v7i9.1912>.

<sup>56</sup> Mahmud and Rizanizarli, "Domestic Violence against Women in Indonesia: The Recent Domestic Violence Elimination Law Analysis."

<sup>57</sup> Mudemmar A Rasyidi, "Domestic Violence As a Result of Lack of Understanding of Religion, Loss of Akhlaqul Karimah and Weak Communication in the Family and Excessive Sense of Egoism," *Journal of Management Partners*, vol. 8, no. 23 (2020), pp. 63–80.

<sup>58</sup> Oom Mukarromah and Asep Ubaidillah, "Criminalization on Husband Wife Relationship towards Nushuz in the

<sup>50</sup> Interview with Mr. Ilyas

<sup>51</sup> Ayu and Pangestu, "Nusyuz Modernity; Between Rights and Obligations."

<sup>52</sup> Interview with Mr. Sakroni

<sup>53</sup> Harkristuti Harkrisnowo, "Domestic Violence (Domestic Violence) in a Criminological and Juridical Perspective Domestic Violence (Domestic Violence) in a Criminological and Juridical Perspective", *Indonesian Journal of International Law*, vol. 1, no. 4 (2021), <https://doi.org/10.17304/ijil.vol1.4.563>.

a living, educating his wife and still giving his wife creative freedom in the living room particular space in the community.

Domestic violence occurs due to a lack of knowledge about the responsibilities of each party in the family, the condition of faith is weak so that anger is out of control, and various other reasons that trigger acts of domestic violence, and the erosion of religious values in humans.<sup>59</sup> Fact in general can perpetuate the process of domestic violence where the husband's position as leader is often used as legitimacy to control the entire lives of the wives. We can read this in the general description of people's perceptions of *qiwwamah* and *nusyûz* as stated above. From the explanation above, outwardly it appears that there is a discriminatory attitude regarding the husband's position towards his wife in the *nusyûz* issue. The community's understanding is influenced by the verse of the Quran in surah al-Nisâ' verse 34 regarding the resolution of a *nusyûz* wife by hitting. This perception then seems to give legitimacy that the husband may beat his wife who is considered *nusyûz* or disobedient. It is difficult to separate the Islamic doctrine that has long developed with this from the life of Muslim society today.<sup>60</sup>

Related to the understanding of male leadership in the family, it is hoped that reinterpretation can be carried out regarding the socio-cultural context. Until now there are still few contextual interpretations related to religious and cultural values in family and community life.<sup>61</sup> Herefore, the need for reinterpretation of leadership in the family will actualize religious values in the household.

Efforts that can be made either by preachers, the community, the government, or the family in minimizing domestic violence include<sup>62</sup>: 1) Preventive measures, to prevent domestic violence from occurring, it is necessary to socialize/habitual family members integrated with indigo planting -religious and cultural values so that no one commits violence and does not become a victim of violence; 2) Educational Actions, for example providing anti-violence education and especially gender-based from an early age to change perceptions of violence; 3) Curative Actions, for example, if there is a case of domestic violence, assisting to make it easier for victims to get protection, providing the information needed to obtain assistance services from the parties involved<sup>63</sup>; 4) Rehabilitative measures, for example helping with mental recovery, strengthening personality and encouraging the growth of the process of socializing with the post-crisis environment.

Meanwhile, Quraish Shihab suggests that the reinterpretation of leadership in the family should focus on the strengths and weaknesses of the husband and wife.<sup>64</sup> Determination of the principle of a man as a leader (*qawwâm*) for women, especially a husband who is the leader of his wife by glorifying his wife and doing good to them; solving a wife's *nusyûz* problem the first time with advice, then the second way is *hajr* in bed; It is not lawful for different reasons and there is justification for injuring one's wife or another.<sup>65</sup>

The husband gets a degree of leadership above the wife by emphasizing deliberation, the husband's broad chest relieves some of the wife's obligations and treats the wife commendably. Thus, the leadership carried out can knit

Perspective of Islamic Law and Criminal Code," *Issues in Social Science*, vol. 4, no. 2 (2016), p. 64, <https://doi.org/10.5296/iss.v4i2.10494>.

<sup>59</sup> Siti Nurul Yaqinah, "Dakwah and the Phenomenon of Domestic Violence," *Tasamuh*, vol.15, no. 2 (2018), pp. 25-44, <https://doi.org/10.20414/tasamuh.v15i2.210>.

<sup>60</sup> Analiansyah and Nurzakia, "Construction of the Meaning of Nusyuz in Acehnese Society and Its Impact on Domestic Violence Behavior (Case Study in Want Jaya District)," *Gender Equality: International Journal of Child and Gender Studies*, vol. 1, no. 2 (2015), pp. 141-60, <https://doi.org/http://dx.doi.org/10.22373/equality.v5i2.5602>.

<sup>61</sup> Eleanora and Supriyanto, "Violence against Women and Patriarchal Culture in Indonesia."

<sup>62</sup> Zuhdi et al., "Domestic Violence as a Consequence of Nusyuz under the Islamic Law and Legislation of Indonesia."

<sup>63</sup> Firman Wahyudi, "Ithbât Thalâq: An Offer of Legal Solutions to Illegal Divorce in Indonesia," *Al-Ahkam*, vol. 32, no. 2 (2022), pp. 211-32, <https://doi.org/10.21580/ahkam.2022.32.2.11720>.

<sup>64</sup> Sri Suhandjati, "Male Leadership: Its Implementation in Javanese Society," *Theologia Journal*, vol. 28, no. 2 (2018), pp. 329-50, <https://doi.org/http://dx.doi.org/10.21580/teo.2017.28.2.1876>.

<sup>65</sup> Robikah, "Reinterpretation of QS. An-Nisa [4]: 34 In the Maqasidi Interpretation Perspective."

togetherness, to form a *sakinah*, *mawaddah*, and *rahmah* family.

## Conclusion

The existence of al-Nisâ' verse 34 explains good leadership based on permissible criteria to strengthen male domination in the household. Incorrect understanding of leadership and *nusyûz* will hurt family harmony, so domestic violence often occurs. This reality shows that leadership practices need to be re-interpreted so that they are by the substance of Islamic teachings regarding the values of life in the household. Reinterpreting leadership and *nusyûz* can be a way for the community to guide instructions on the criteria for leaders in households that are by religious teachings. The reinterpretation of leadership in the family should focus on the strengths and weaknesses between husband and wife. The husband gets a degree of leadership above the wife by emphasizing the adequacy of providing a living for the family, deliberations, and the husband's generosity relieves some of the wife's obligations and treats the wife commendably. Interpretation or meaning above a centralized understanding of the verses of the Quran regarding leadership in the family, so that leadership in the family should focus on the strengths and weaknesses between husband and wife by emphasizing deliberation, the husband's broad chest relieves some of the wife's obligations, treats the wife commendably and leadership is closely connected with sufficiency to provide for the family. Habituation to family members is integrated with the cultivation of religious and cultural values so that no one commits violence and does not become a victim of violence.

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