

REFRAMING NUSYŪZ IN ISLAMIC FAMILY LAW: A MAQĀŠID-BASED READING OF IBN 'ĀSYŪR ON QUR'AN 4:34 AND 4:128

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ABSTRACT

This article examines the Qur'anic concept of *nusyūz* through Ibn 'Āsyūr's *al Tahrīr wa al Tanwīr* and develops a maqāšid oriented account for addressing marital conflict in contemporary Muslim families. The study adopts a qualitative library based method that closely reads Q 4.34 and Q 4.128 and triangulates classical fiqh writings thematic exegesis and recent scholarship on family law. The analysis shows that *nusyūz* is a relational breach that may be committed by either spouse and that Ibn 'Āsyūr proposes a gradual and ethically constrained sequence that begins with counsel then proceeds to separation of beds and only allows corrective action that must remain symbolic and non violent while prioritizing mediation whenever harm is likely. Reading the two verses together yields a symmetrical framework that protects dignity prevents harm and restores rights by aligning procedural steps with the objectives of justice compassion and public welfare. The article concludes that this maqāšid based synthesis offers a text faithful and context sensitive basis for counseling adjudication and policy in Islamic family law and it recommends empirical evaluation in courts counseling services and community mediation to assess feasibility safeguards and effectiveness.

Keywords: *nusyūz*, Ibn 'Āsyūr, maqāšid al sharī'ah, Qur'anic exegesis, Islamic family law, mediation

ABSTRAK

Artikel ini mengkaji konsep *nusyūz* dalam Al Qur'an melalui *al Tahrīr wa al Tanwīr* karya Ibn 'Āsyūr dan merumuskan pendekatan berbasis maqāšid untuk penanganan konflik rumah tangga Muslim kontemporer. Penelitian menggunakan metode kualitatif studi pustaka dengan pembacaan dekat atas Q 4.34 dan Q 4.128 serta triangulasi terhadap literatur fiqh klasik tafsir tematik dan kajian mutakhir hukum keluarga. Analisis menunjukkan bahwa *nusyūz* merupakan pelanggaran relasional yang dapat dilakukan oleh suami maupun istri dan bahwa Ibn 'Āsyūr mengajukan urutan bertahap yang terikat etika yang dimulai dengan nasihat dilanjutkan pemisahan ranjang dan hanya membolehkan tindakan korektif yang bersifat simbolik dan tidak melukai serta mengedepankan mediasi ketika ada potensi mudarat. Pembacaan terpadu kedua ayat menghasilkan kerangka yang simetris untuk melindungi martabat mencegah mudarat dan memulihkan hak dengan menyelaraskan langkah prosedural pada tujuan keadilan kasih sayang dan kemaslahatan. Artikel menyimpulkan bahwa sintesis berbasis maqāšid ini menyediakan dasar yang setia pada teks dan peka konteks bagi konseling adjudikasi dan kebijakan dalam hukum keluarga Islam serta merekomendasikan evaluasi empiris di pengadilan layanan konseling dan mediasi komunitas untuk menilai kelayakan perlindungan dan efektivitas.

Kata Kunci: *nusyūz*, Ibn 'Āsyūr, maqāšid al sharī'ah, tafsir Al Qur'an, hukum keluarga Islam, mediasi

A. Introduction

Family life is a central institution in Islamic social thought that carries social spiritual and legal dimensions. The Qur'an and Hadith regulate marital relations in ways that aim to secure justice harmony and protection from harm. One persistent challenge within this domain is nusyūz, a disruption of reciprocal obligations between spouses that threatens household stability and well being.¹ Linguistically, nusyūz denotes elevation or rising from a level ground and it is extended metaphorically to acts of defiance within marriage.² In *Lisān al 'Arab*, Ibn Manẓūr reports usages that foreground a wife's disobedience yet also acknowledge a husband who harms neglects or rebels against his wife.³ This double reference indicates that nusyūz is not inherently gender specific and that the term can describe failures on either side of the relationship.

Classical and contemporary juristic writings often treat a wife's nusyūz through a three step sequence of admonition separation of beds and striking, while a husband's failure is directed to reconciliation or mediation.⁴ In the wife's case, admonition refers to structured counsel that reminds obligations and seeks voluntary compliance, separation of beds functions as a de escalation to cool conflict, and striking is positioned in juristic debates with strict limits where many scholars restrict it to non injurious symbolic action and some contemporary scholars argue for its suspension under maqāṣid considerations of harm prevention and dignity protection. In the husband's case, failure is commonly routed to negotiation arbitration and community based mediation that prioritize restoration of rights and cessation of harm rather than punitive measures. This divergent procedural pathway produces different incentive structures inside households and before community adjudicators. Regulatory texts such as the Compilation of Islamic Law describe a wife's nusyūz in explicit terms while parallel consequences for a neglectful husband remain under specified.⁵ For example, provisions articulate that a wife is considered in nusyūz when she neglects mandatory duties, yet the text leaves unclear the concrete liabilities and remedies when a husband fails to provide maintenance violates fairness or engages in emotional or physical harm. The imbalance generates a gray zone in counseling and adjudication where practitioners rely on discretionary reasoning that may reproduce bias. This asymmetry shapes both doctrine and practice and risks reproducing bias in adjudication and counseling.

Recent scholarship has begun to shift the frame from unilateral to relational. Community based studies document varied forms of nusyūz that include persistent refusal unmet needs and communicative breakdowns.⁶ These studies map triggers such as economic stress unmet expectations of maintenance household labor inequities and prolonged

¹ M. Ali Hasan, *Masail Fiqhiyah: Kajian Hukum Islam Kontempore* (Jakarta: Raja Grafindo Persada, 2011), 45; Yusuf Al-Qardhawi, *Fatwa-Fatwa Kontemporer* (Jakarta: Gema Insani, 2007), 73.

² Syafrī Muhammad Noer, *Ketika Istri Berbuat Nusyuz*, (Jakarta: Lentera Islam, 2020), h. 23

³ Ibnu Manẓūr, *Lisān Al-'Arab* (Beirut: Dar al-Kutub al-'Ilmiyyah, 2009), 13:157, <https://shamela.ws/book/1687/2639>.

⁴ Sayyid Sabiq, *Fiqh Sunnah* (Jilid 2), (Madinah: al-Fath lil 'Alami al-Arabiyy), 314.

⁵ Jamilatul Nuril Azizah, Konsep Nusyuz dalam KHI dan Penyelesaiannya Prespektif Mubadalah, *Unes Law Review*, Vol. 6, No. 3, Maret 2024, DOI: <https://doi.org/10.31933/unesrev.v6i3>

⁶ Fitroh Aida Amelia, Nahdliatul Akmalia, and Widodo Hami, "Analisis Nusyuz Istri Terhadap Suami (Studi Kasus Pasangan Suami-Istri Di RT. 14 Winong Kajen)," *Posita: Jurnal Hukum Keluarga Islam* 2, no. 1 (June 2024): 1–15, <https://doi.org/10.52029/pjhki.v2i1.155>.

unresolved conflict and they report consequences that range from silent treatment to escalation into verbal and physical aggression. Thematic readings of Qur'anic materials describe nusyūz as deliberate neglect of duties by either spouse with measurable strain on domestic relations. They emphasize that textual directives must be interpreted alongside objectives of justice compassion and prevention of harm so that remedies are proportionate and restorative.⁷ Feminist oriented tafsīr maps the tendency to tether a wife's case to Q 4.34 and a husband's case to Q 4.128 and shows how the two streams rarely converse. This literature argues that reading the verses in isolation obscures their shared ethical horizon and invites selective enforcement that disadvantages wives in practice.⁸ Legal analyses of nusyūz and siqāq underscore reciprocity as a structural principle that binds both parties.⁹ Approaches such as Mubādalāh translate reciprocity into an ethic of shared responsibility for care prevention of harm and restoration of dignity.¹⁰ Together these strands indicate a pivot from a rule driven sequence that centers on the wife's conduct toward a relationship centered model that evaluates patterns of contribution to harm by both spouses and that benchmarks success by the restoration of rights and well being.

Despite this progress an integrative doctrinal grammar that aligns scriptural directives with contemporary family realities remains insufficiently elaborated. What is missing is a maqāṣid oriented synthesis that reads Q 4.34 and Q 4.128 together and that operationalizes justice mercy and public welfare as decision rules for counseling adjudication and policy. Such a synthesis would specify thresholds for when counsel is sufficient, when separation is appropriate, and when escalation must be replaced by third party mediation, and it would define evidentiary standards for maintenance failure coercion and non physical abuse so that both spouses gain symmetrical protection. Such a synthesis would replace procedural asymmetry with ethical symmetry and would clarify thresholds for intervention benchmarks for mediation and safeguards against harm for both spouses.

Within this agenda the contribution of al Ṭāhir Ibn 'Āsyūr is especially instructive. His al Taḥrīr wa al Tanwīr articulates maqāṣid in ways that anchor legal interpretation to concrete social aims without loosening textual fidelity. Through this lens domestic conflict is addressed by prioritizing restoration of rights prevention of harm and proportionality in remedies while preserving the authority of the text. A maqāṣidī reading therefore invites integrated treatment of nusyūz that is dialogic evidence based and attentive to context. Accordingly, this study reframes nusyūz through Ibn 'Āsyūr's maqāṣid to produce a balanced and context responsive model that protects dignity and rights for both spouses, and it employs a qualitative library based method that conducts close reading of al Taḥrīr wa al Tanwīr on Q 4.34 and Q 4.128 while triangulating classical lexicons contemporary fiqh

⁷ Nor Salam, "Konsep Nusyuz Dalam Perspektif Al-Qur'an (Sebuah Kajian Tafsir Maudhu'i)," *De Jure: Jurnal Hukum Dan Syar'iah* 7, no. 1 (June 2015): 47–56, <https://doi.org/10.18860/j-fsh.v7i1.3511>.

⁸ Azis Abdul Sidik and Ihsan Imaduddin, "Analisis Penafsiran Tokoh Feminis Terhadap Ayat-Ayat Nusyuz Dalam Al-Qur'an," *Jurnal Iman Dan Spiritualitas* 3, no. 1 (February 2023): 1–16, <https://doi.org/10.15575/jis.v3i1.23771>.

⁹ Muh. Rizal Hamdi, "Konsepsi Nusyuz Dan Siqāq Dalam Hukum Perkawinan Islam," *JURNAL DARUSSALAM: Pemikiran Hukum Tata Negara Dan Perbandingan Mazhab* 1, no. 2 (December 2021): 123–32, <https://doi.org/10.59259/jd.v1i2.12>.

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writings and recent thematic studies in order to synthesize an operational framework for guidance counseling and adjudication.

B. Results and Discussion

1. Biography of Ibn 'Āsyūr

Ibn 'Āsyūr (1879–1973 CE / 1296–1393 AH), whose full name was Muḥammad al-Ṭāhir ibn Muḥammad ibn 'Āsyūr, was a prominent scholar and reformer of Islamic thought from Tunisia. He was born in La Marsa into a distinguished family of scholars and received guidance from an early age from his grandfather in various Islamic sciences. He pursued formal education at the University of Zaytunah, where he specialized in Qur'anic exegesis (tafsir), Islamic legal theory (uṣūl al-fiqh), maqāṣid al-sharī'ah (objectives of Islamic law), as well as Arabic linguistics and logic.¹¹

Methodologically, Ibn 'Āsyūr is recognized for a reformist approach marked by his critique of taqlīd, or blind adherence to precedent, and his insistence on contextualizing the Qur'an and Hadith within their moral and social environment rather than relying solely on literal readings. His ideas are comprehensively elaborated in his monumental tafsīr *al-Tahrīr wa al-Tanwīr* and in *Maqāṣid al-Sharī'ah al-Islāmiyyah*, both of which remain foundational for contemporary Islamic legal studies.¹²

In addition to serving as a leading figure at the University of Zaytunah, Ibn 'Āsyūr held positions such as Mufti and Shaykh al-Islām of the Mālikī school. He also participated actively in international scholarly forums, which helped situate Tunisian Islamic scholarship within broader debates of the twentieth century. His intellectual legacy significantly contributed to the reform of Islamic law and to the development of a maqāṣid-based methodology suited for modern contexts.¹³ Ibn 'Āsyūr passed away on August 12, 1973, and is remembered as one of the most influential Muslim scholars of the twentieth century.

2. Nusyūz according to Ibn 'Āsyūr; Interpretation of Surah an-Nisa' verse 34

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

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then

¹¹ Muhammad al-Ṭāhir ibn 'Ashūr, *Maqāṣid Al-Sharī'ah al-Islāmiyyah* (Beirut: Dar al-Kitab al-Lubnani, 2011), 18; M Muawaffaq and Kholid Irfani, "Maqashid Syariah dalam Perspektif Ibnu Asyur," *Attujjar: Jurnal Ekonomi Syariah* 6, no. 1 (2021): 46. Jani Arni, "Tafsir al-Tahrir wa al Tanwir Karya Muhammad Al-Tahrir ibn Asyur," *Jurnal Ushuluddin* 17, no. 1 (2011): 81–85, <http://dx.doi.org/10.24014/jush.v17i1.684>.

¹² Lutfiyatun Nikmah, "Penafsiran Ṭāhir Ibn 'Āsyūr Terhadap Ayat-ayat tentang Demokrasi: Kajian atas Tafsir al-Tahrīr wa al-Tanwīr," *Journal of Islamic Studies and Humanities* 2, no. 1 (June 2017): 83, <https://doi.org/10.21580/jish.21.2517>.

¹³ 'Āsyūr, *Maqāṣid Al-Sharī'ah al-Islāmiyyah*, 82.

*if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.*¹⁴

Ibn 'Āsyūr in his commentary explains that this verse contains religious provisions related to the rights of men, women, and the rights of the family structure. In the context of the discussion of *nusyuz*, the verse highlights the role of a man as a husband to his wife, as reflected in the verse *fragment ar-rijālu qawwāmūna 'ala an-nisā'*, which means "the man is the protector of the woman." This phrase is understood as a general statement that describes differences in roles based on gender in social and family contexts. The term *qawwām* refers to a person who is responsible for managing, supervising, and improving a business. The word has several derivative forms such as *qawwam*, *qiyām*, *qiyūm*, and *qayyim*, all of which are derived from the root word *al-qiyām* (القيام), which metaphorically indicates an active position and responsibility in maintaining something. Thus, this term reflects the representative and protective role of men in family life. The use of the terms "man" and "woman" in this verse is also intended in general, that is, it refers to the biological sex of a human being, not in a specific sense as husband or wife in the context of a direct marital relationship.¹⁵

Ibn 'Āsyūr's explanation above the *perspective of maqāṣid* as an effort to maintain the welfare of the family. The determination of the role of *qiwāmah* for men aims to protect the soul (*ḥifẓ al-nafs*), honor (*ḥifẓ al-'ird*), and property (*ḥifẓ al-māl*) in the household, not as a form of domination, but as a moral and financial responsibility. The choice of terms male and female also reflects the principle of *fitrah*-based justice, in line with the purpose of the *shari'a* to realize justice (*taḥqīq al-'adālah*) and proportionate division of responsibilities (*taswīyah al-mas'ūliyyah*).

This verse discusses the *nusyūz* performed by the wife, reflected in the words of Allah: "wa an-nisā allāti takhāfūna nushūzahunna." *Nusyūz* in this context is the opposite of pious behavior that is also mentioned in the verse. Ibn 'Assyria explained, etymologically, the word "*nusyūz*" comes from the word *taraffu'* which means to rise, and *nuhudh* which means to stand. In Arabic there is the expression *nasyaz al-ardh* which refers to a mound of earth. Furthermore, terminologically, Ibn 'Āsyūr also cites the opinion of the majority of *fuqaha'* (*jumhur*) interpreting *nusyūz* as an immoral act committed by a wife towards her husband, such as arrogance, disobedience, or showing dislike. Therefore, *nusyūz* is understood as a violation or disobedience of the wife to her obligations and indirectly contrary to religious law.¹⁶

Not much different from Ibn 'Āsyūr's explanation, Wahbah al-Zuhaili in his book of *tafsir* explained that there are two types of wives in domestic life, namely an obedient wife and a disobedient wife. The first type, the obedient wife or *shaliḥah*, is a woman who is obedient to Allah and her husband. When her husband is not at home, she is able to maintain her own honor, her husband's property, and her children. When with her husband, she maintains her honor. This is reflected in the term *shaliḥah* in the verse. While the second

¹⁴ Kementerian Agama, *Al-Qur'an Dan Terjemahannya* (Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2019), 113.

¹⁵ 'Āsyūr, *Al-Tahrīr Wa al-Tanwīr*, 5:40.

¹⁶ 'Āsyūr, 5:40.

type is the disobedient wife, namely women who violate the boundaries of the rules in marital life, so that they do not pay attention to the rights and obligations in the marital relationship. This behavior is called nusyūz.¹⁷

In more detail, nusyūz in the context of marriage means the wife's non-compliance with her roles and responsibilities, both in terms of respect, obedience, and the implementation of her duties as a wife. Thus, nusyūz is a form of disobedience in marriage with a broader meaning, not only in physical acts, but also in emotional and psychological aspects.

In his commentary, Ibn 'Āsyūr also explains several factors that cause nusyūz, namely bad behavior from the wife, desire to establish a relationship with others, marital violence, and other factors. The disobedience committed by the wife can be influenced by various factors that come from within the wife herself and from the dynamics of the relationship in the household. In his explanation, Ibn 'Āsyūr mentions several main factors that can cause the occurrence of nusyūz which can be grouped into two categories: internal and external factors. Internal factors include (1) the wife's bad temper, which can be stubborn, irritable, or inability to control emotions. Dissatisfaction or feelings of disrespect in a marital relationship can exacerbate disharmony and encourage disobedience. (2) The desire to enter into a relationship with another person, which reflects infidelity or doubt in marriage. When a wife feels unnoticed or dissatisfied in her marriage, she may seek outside attention or comfort, which leads to nusyūz. (3) Her hard heart, which can be interpreted as an inability to understand her husband's feelings or difficulty compromising in domestic matters.¹⁸

In addition to these internal factors, Ibn 'Āsyūr also identifies external factors that contribute to nusyūz. External factors include pressure from outside the household, such as economic problems, poor communication between husband and wife, and negative influence from in-laws or third parties. All of these factors can create tension in the relationship, which can eventually trigger disobedience from the wife. Thus, the occurrence of nusyūz is not only influenced by internal factors that are personal, but also influenced by broader social and emotional dynamics in marital life.¹⁹

In the context of Ibn 'Āsyūr's commentary, the explanation of the causative factors of nusyūz not only outlines the social and psychological issues in the family, but also emphasizes the importance of defending the goals of sharia (maqashid), especially in the aspects of the protection of offspring, soul, and religious ethics. By understanding these elements, sharia seeks to protect the integrity and welfare of the family as the basis of a balanced society.

Furthermore, in accordance with the message contained in Surah An-Nisa verse 34, Ibn 'Āsyūr explains that this verse discusses the issue of nusyūz and the procedure that must be carried out by a husband in the face of his wife's disobedience, especially when the wife does not carry out her obligations or shows disobedience. As the head of the household, the

¹⁷ Wahbah al-Zuhaili, *Al-Tafsir al-Munir Fī al-Akidah Wa al-Syari'ah Wa al-Manhaj* (Damascus: Dar Al-Fikr, 2003), 3:79–80.

¹⁸ 'Āsyūr, 5:38.

¹⁹ 'Āsyūr, 5: 39.

husband has the responsibility to educate, guide, and protect his wife. Therefore, Allah SWT gives wise guidance in responding to this kind of condition, which is reflected in the use of the word *qawwam*—that is, a person who is responsible for managing and improving the situation in the family.

In his commentary on this verse, Ibn 'Āsyūr emphasizes the importance of following the gradual stages in dealing with *nusyūz* carried out by the wife. The first step that your husband must take is to give advice or guidance wisely. If these efforts do not yield results, then the husband is allowed to separate the bed as a form of expression of disapproval of the wife's behavior. If both approaches are still ineffective, the final step is to deliver a blow. However, this action must be carried out with extreme caution and must not cause physical injury or psychological distress. Ibn 'Āsyūr asserts that this form of rebuke should be understood in a corrective, not aggressive, framework, as was done in the tradition of pre-Islamic Arab societies, where the beating was carried out symbolically as a form of warning, not violence.

The cut of the verse *takhāfūna nushūzahunna*, or the mention of *nusyūz* that begins with the word *khauf*, means that there is potential danger as well as concern about the possibility of further damage. That is, if a husband faces *nusyūz* from his wife, such as anger or disobedience, it is feared that this attitude will continue or even worsen. Anger is actually a natural thing and can be experienced by both men and women, but it can also be lost in both. Therefore, to prevent further damage, the husband is instructed to give advice, separate the beds, and if necessary, perform beatings. In beating the wife, Ibn 'Āsyūr emphasized that if the beating is carried out, it should be done with great care and not cause physical or psychological injury to the wife. That is, Ibn 'Assyria gave clear limits.

Ibn 'Āsyūr's opinion above anticipates the consequences caused by acts such as hitting his wife. This approach reflects efforts to maintain the principles of justice and protection in the marital relationship. The ethical implication or *maqashid* is to maintain honor and avoid violence, thereby minimizing escalation, avoiding arbitrary actions, and protecting human rights in the family.

There is a difference of opinion among scholars regarding the practice of beating a wife who performs *nusyūz*. Among them, At-Ṭabari interprets that *dharaba* can show harsh correction, meaning that it is not necessary to hit physically, but emphasizes correction of the wife's actions.²⁰ Al-Qurṭubī in his commentary focuses on the legal and ethical aspects; Strictly discuss the limits of strokes and the order of completion.²¹ This opinion interprets *dharaba* as the ability to hit physically. Ibn Kathir in his commentary describes the law with a focus on the correction and guidance of the wife.²² This opinion can also be interpreted symbolically. While ar-Razi emphasizes the symbolic and corrective meaning and the importance of wisdom.²³

So, some mufassir allow the act of hitting by referring to the history of permission to the husband under certain conditions. This difference in understanding of the concept of

²⁰ Al-Ṭabarī, Jāmi' al-Bayān 'an Ta'wīl āy al-Qur'ān (Tafsir al-Ṭabarī), Vol. 8, 34-42

²¹ Al-Qurṭubī, Al-Jāmi' li Ahkām al-Qur'ān, Vol. 6, 125-132

²² Ibn Katsīr, Tafsīr al-Qur'ān al-'Aẓīm, Vol. 3, 210-218

²³ Fakhr al-Dīn al-Rāzī, Mafātīḥ al-Ghayb (Tafsir al-Kabīr), Vol. 8, 140-150

beating reflects the complexity of interpreting religious texts, especially when such interpretations have to be adapted to changing social and cultural contexts. In a society at a given time, the act of beating may be considered legitimate and acceptable, but in the context of modern society it is often questioned and considered incompatible with human principles. Therefore, a wise approach is needed in understanding and applying religious teachings, while adhering to basic Islamic values such as justice, compassion, and protection of family welfare. As explained in the Thematic Tafsir compiled by Lajnah Pentashihan Mushaf Al-Qur'an (LPMQ), this approach is curative, i.e. it is only done as a last resort after other attempts have failed and when the wife has actually shown nusyūz behavior.²⁴

Wahbah al-Zuhaili in *Al-Fiqh al-Islami wa Adillatuhu* explains that the husband has the right to provide guidance or correction to his wife when she makes a mistake, with the aim of educating and guiding her back to the right path. This is in line with the command of Allah SWT which sets the stages of settlement—starting with advice, then the separation of the beds, and if it still has not changed, it is permissible to give a symbolic blow as a form of warning, not violence.²⁵

In addition, the important points in the settlement of nusyuz according to Ibn 'Āsyūr are: First: The settlement of nusyuz is closely related to the role of the husband as the head of the household. As the head of the household, the husband is obliged to maintain family harmony and ensure that his wife follows good orders. This principle reflects the view of Islam which does not consider the husband as the party who has absolute power, but as an educator who is in charge of guiding, not oppressing. Thus, the role of the husband in educating his wife should not be seen as an act of domination, but rather as an effort to create balance in the household through effective communication and wise decisions.

Second: the need for a gradual settlement as stated by Ibn 'Āsyūr, reflects an important principle in conflict resolution according to Islam. The existence of stages of settlement (counseling, bed separation, and very limited beatings) shows that Islam does not advocate hasty or arbitrary action. Each step must be carefully considered, and only taken after the previous step has been deemed ineffective. Therefore, this approach is curative, aiming to deal with problems constructively, rather than simply punishing or teaching lessons. This reflects the nature of Islam which is full of grace and compassion in regulating relationships between individuals.

In general, Surah An-Nisa' verse 34 establishes the mechanism of settling nusyūz gradually, beginning with giving advice, then separating the beds, and as a final step, symbolic beating is allowed. This approach emphasizes the need for a measured sequence of actions and not simultaneously carried out. Ibn 'Āsyūr emphasizes the importance of wisdom in carrying out each stage so as not to cause a rift in the marital relationship. Meanwhile, Wasfi 'Āsyūr considers this verse to offer a more humane approach than the previous norm, as well as reflecting an important innovation in the development of Islamic law.²⁶

²⁴ Lajnah Pentashihan Mushaf al-Qur'an, *Tafsir Al-Qur'an Tematik*, 71.

²⁵ Wahbah al-Zuhaili, *Al-Tafsir al-Munir Fī al-Akidah Wa al-Syari'ah Wa al-Manhaj*, 9:306.

²⁶ Wasfi 'Āsyūr Abu Zayd, *Nahwa Al-Tafsir al-Maqashidi Li al-Qur'an al-Karim Ru'yah Ta'sisiyah Li Manhaj al-Jadidfi Tafsir al-Qur'an* (Jakarta Selatan: PT. Qaf Media Kreativa, 2019), 39.

Socially and ethically, this teaching invites us to understand the relationship between husband and wife in the framework of mutual respect and a balance between rights and obligations. Fair and gradual resolution of the issue shows that marriage in Islam is not authoritarian or unilateral. On the contrary, both parties—husband and wife—have an equal responsibility to improve and maintain domestic harmony. Therefore, it is important for every couple to realize that education in marriage should prioritize constructive and supportive communication, not relying on violence or condescending attitudes.

3. Nusyūz according to Ibn 'Āsyūr; Interpretation of Surah an-Nisa' verse 128

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

If a woman is worried that her husband will nusyūz or be indifferent, the two can make true peace. Peace is better (for them), even if man is by nature miserly. If you do good and protect yourselves (from nusyūz and indifference), surely Allah is Thorough in what you do.²⁷

In contrast to the previous verse (verse 34) which discusses nusyūz performed by the wife, in this verse 128, the focus of the discussion is the nusyūz performed by the husband, which is called the term al-ba'l (بغل). Nusyūz or disobedience, has a wide variety of different forms, with some of which can be categorized as severe acts, while others are milder in their impact and consequences.²⁸

The scholars have set clear limits regarding the behavior of nusyūz on the part of the husband. These restrictions include the following:

- 1) Not providing proper maintenance. One of the basic obligations of the husband in marriage is to provide for his wife adequately and properly. According to Imam Hanafi (d. 767 AD), if the husband fails to provide maintenance without a justified reason, even to the point of not giving at all, then his act is classified as nusyūz because he has ignored the wife's rights.²⁹
- 2) Emotional and physical neglect. Nusyūz can also occur when the husband does not meet the emotional and physical needs of his wife, such as lack of attention, not having marital relations without sharia reasons, or ignoring other basic needs. Imam Maliki (d. 795 AD) considered that this kind of treatment was a violation of the wife's right to be treated well.³⁰
- 3) Leaving wife without justified reason. If the husband leaves his wife without a valid reason or does not carry out household responsibilities, it also includes nusyūz. According to Imam Hambali (d. 855 AD), such acts as leaving without notice or neglecting the obligation to provide for themselves fall into this category.³¹

²⁷ Kementerian Agama, *Al-Qur'an Dan Terjemahannya*, 132–33.

²⁸ 'Āsyūr, *Al-Tahrīr Wa al-Tanwīr*, 5:214–15.

²⁹ Abu Bakr Muhammad ibn Abi Sahl Al-Kasani, *Badai' al-Sana'i'*, Jilid 2, hal. 83-85.

³⁰ Abdullah ibn Ahmad Ibn Qudamah, *al-Mughni* (Beirut: Dar al-Haya, 1997), Jilid 7, hal. 79-80.

³¹ Muhammad ibn Ahmad Al-Mardawi, *al-Insaf* (Beirut: Dar al-Maktabah al-Ilmiyah, 2000), Jilid 5, hal. 374

- 4) Being rude or violent. Violence, both physical and verbal, is a form of nusyūz from the husband. Imam Shafi'i (d. 820 AD) stated that a husband who acts violently towards his wife has violated the rights of marriage and can be sanctioned.³²
- 5) Not maintaining the integrity of the household. In addition to financial and emotional obligations, the husband is also responsible for the harmony of the household. Imam Hanafi is of the opinion that if the husband is not fair or negligent in maintaining domestic harmony, then he has committed nusyūz.³³

The two verses that discuss the word nusyūz above reveal that nusyūz can be done by both wives and husbands. Acts that fall under the category of nusyūz according to Ibn 'Āsyūr, are disobedience or iniquity that can be seen in various attitudes such as anger, hatred, or disobedience. Nusyūz can be understood as any action taken by a husband or wife that leads to iniquity or immorality, which results in neglect of each other's obligations in the husband-wife relationship. The forms of nusyūz actions can vary, for example in the form of anger, hatred, indifference, and so on. In the explanation of Surah an-Nisa' verse 128, Ibn 'Āsyūr no longer describes in detail the forms of nusyūz but only mentions that nusyūz can be heavy or light.

Etymologically, nusyūz means an act of disobedience, rejection, or hatred. Meanwhile, in terms, nusyūz refers to the behavior of a wife who opposes her husband, is reluctant to carry out his orders, turns away from him, and makes the husband angry. In domestic life, the relationship between husband and wife does not always run well and harmoniously. Disputes often occur due to various factors, both from within the household and outside the household. The inability of one party to carry out its role can give rise to behavior that is prohibited in Islam, known as nusyūz.³⁴

Alya in her article entitled "The Concept of Nusyuzsuami According to the View of Faqihuddin Abdul Kodir Tafsir Qs. An Nisa Verses 34 and 128" by quoting a textual opinion, this verse talks about nusyuz carried out by the husband towards his wife. Nusyuz in this context refers to the attitude of the husband who begins to distance himself or pay less attention to his wife, often because of the presence of other women. This shows how outside influences, such as attraction to others, can cause one spouse—both husband and wife—to oppose or deviate from the relationship. In general, this verse is more often associated with men, since they are usually more active outside the home, so they are more susceptible to being affected by the surrounding environment.³⁵

The phenomenon of nusyūz is complex and often reflects symptoms of deeper problems in the marital relationship. Dissatisfaction in the relationship can be caused by internal factors, such as character or psychological issues, or external factors, such as financial problems, pressure from extended family, or infidelity. According to Ibn 'Āsyūr, the causative factors of nusyūz should be seen in a broader context, not only as individual

³² Yahya ibn Sharaf Al-Nawawi, *al-Majmu' Sharh al-Muhadhdhab* (Beirut: Dar al-Ma'arif, 1997), Jilid 16, hal. 420-421.

³³ Al-Kasani, Jilid 2, hal. 87

³⁴ T Dahlan Purna Yudha, "Sanksi Pelaku Nusyuz (Studi Pandangan Mazhab Syafi'i & Amina Wadud)," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan dan Ekonomi Islam* 9, no. 2 (2017): 4.

³⁵ Alya, 62

problems, but also as questions related to the dynamics of relationships and communication between husband and wife. This understanding is very important so that the solutions taken can solve the problem at the root of the problem, not just overcome the impact.

In addition to explaining the forms of nusyūz Ibn 'Āsyūr also described the factors that can cause nusyūz such as the wife's bad morals, the desire to establish relationships with others, the hardness of the partner's heart, and other factors. These causes are divided into internal and external factors. Internal factors include the morality and hardness of the spouse (especially the wife), which shows the importance of choosing a partner who has good morals, especially in terms of religious behavior. Meanwhile, external factors include relationships with other people that lead to cheating. Therefore, in domestic life, it is important to anticipate such external factors by minimizing interactions that can lead to unauthorized actions, so that nusyūz can be avoided.

In Surah an-Nisa' verse 128, Ibn 'Āsyūr clearly explains that this verse discusses Islamic rules related to the disharmony of relations between husband and wife, including nusyūz carried out by the husband or indifference on the part of the husband. Nusyūz according to the definition quoted from the majority of scholars, is a form of disobedience committed against a partner. From the explanation of nusyūz carried out by the wife, it can be understood that the husband's nusyūz occurs when the husband does not respect his wife and does not carry out his role as a leader, protector, and protector, as in the case of domestic violence. This verse highlights that if the husband performs nusyūz then the act of peace (shulh) between husband and wife is permissible. Ibn 'Āsyūr explained that this peace aims to restore a healthy relationship between the two. In addition, nusyūz and disobedience have various forms, both large and small, and their impact can vary depending on the conditions that occur.³⁶

Therefore, one of the solutions offered in resolving domestic conflicts is to present a third party as a mediator or mediator. In the household structure, the husband is often positioned as the dominant or superior party, so it is not uncommon to be authoritarian. When conflicts arise due to the behavior of the husband and wife unable to resolve them on their own, the role of a third party—usually from the family—becomes important to facilitate peace. In the case of the settlement of nusyūz carried out by the husband, the Quran recommends involving a third party as a mediator or peacemaker. It is highly recommended that the parties involved are families, in order to maintain the confidentiality of problems that occur in the household.

From this explanation, it can be understood that Islam provides practical guidance in dealing with certain situations in domestic life while still prioritizing the principles of integrity and harmony. The goal is that the ideal values in marriage, namely *sakinah* (calmness), *mawaddah* (affection), and *rahmah* (mercy), can be achieved in real life in married life.

In line with the resolution found in Surah An-Nisā' verse 128, a similar approach is also found in Surah An-Nisā' (4:35). Allah said:

³⁶ 'Āsyūr, 5:215.

وَأِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا
إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

*If you (the guardians) are worried about a dispute between the two, send a peacemaker from the male family and a peacemaker from the female family. If both of them intend to make islah (peace), surely Allah will give taufik to both. Indeed, Allah is All-Knowing, All-Knowing, All-Knowing.*³⁷

Ibn 'Āsyūr explains that this verse also discusses the conditions that occur between married couples, especially in situations of dispute, such as quarrels, anger, iniquity, or other factors, which do not involve the iniquity of both parties, both husband and wife. The person referred to in this verse is the ruler, who refers to the party mentioned in the previous verse. In this context, the meaning of the term *hakam* refers to a ruler who holds power without a prior mandate. In Arabic, *hakam* is an ancient term that refers to people who do not appoint judges, but rather rely on power, but they can appoint wise people from among them to act as judges in certain matters.³⁸

Ibn 'Āsyūr stated that the two judges sent to settle disputes between husband and wife must come from two different parties, one from the male family and one from the female family. This is so that they understand deeply the problems that occur and can know the expectations of each party. In addition, both judges must have the qualities qualified to be wise mediators. If it is not possible to appoint two judges from the family, then an outsider can be sent. However, according to Ibn al-Faris (d. 1005 A.D.), if two outsiders are appointed while both parents of the couple are still present, then the validity of this decision can be questioned because it is contrary to the nash, although some scholars, such as Imam Shafi'i, argue that the decision remains valid if deemed necessary.

This verse affirms the obligation to send two mediators when there is a dispute between husband and wife. It is the ruler or guardian who plays the role of sending the two mediators, not the husband and wife themselves. This process shows that there is direction from the ruler in resolving the problem. If the mediator is appointed directly by the husband and wife, then the dismissal has no valid meaning. This is also affirmed by scholarly imams such as Umar bin Khattab, Uthman bin Affan, Ali bin Abi Talib, Ibn Abbas, and others, who agree that whatever decision is taken by the two mediators—be it separation, maintenance of the relationship, or divorce—husband and wife do not have the right to choose. The decision taken by the two mediators remains valid, even though a husband and wife can appoint two men to solve their problems.³⁹

Some scholars argue that the two judges sent by husband and wife as their representatives have the goal of reconciling the couple and improving the domestic conditions, so that the two can continue living together in better conditions. In this interpretation, there is no provision that limits the role of mediators in efforts to reunite husband and wife. They must ensure that both parties have the intention to reconcile.

³⁷ Kementerian Agama, *Al-Qur'an Dan Terjemahannya*, 113.

³⁸ 'Āsyūr, *Al-Tahrīr Wa al-Tanwīr*, 5:45.

³⁹ 'Āsyūr, 5:46.

However, if the desire to separate or divorce is more dominant, then the decision taken will be part of the purpose of the sharia in resolving disputes in the household.⁴⁰

From the explanation that has been described, it can be understood that Ibn 'Āsyūr emphasizes that the verses discussed not only regulate the settlement of disputes caused by iniquity, but also include various forms of conflict in domestic life, such as quarrels or anger, which although they do not involve the violation of the rights of Allah directly. This shows that the verse applies to various types of disputes, both emotional and practical, without requiring the existence of iniquity or violation of religious provisions.

Ibn 'Āsyūr interpreted the term *hakam* in this context as a ruler or party who has the authority to resolve domestic disputes. In this interpretation, *hakam* refers to wise people who serve as mediators, not parties directly involved in the matter, but have the authority to make decisions. This emphasis shows that the role of *hakam* is not as a party involved in the conflict, but as a party who has the authority to determine a solution.

Ibn 'Āsyūr also highlighted the importance of appointing two judges, one from the male side and the other from the female side. This approach aims to ensure that both parties have representatives who understand each other's perspectives, and can accommodate the interests and desires of both parties. In addition, the two judges must meet certain conditions that make them worthy to be a fair and wise mediator. If the appointment of a judge from the family is not possible, the scholars give leeway to choose outsiders. However, there are opinions that doubt the validity of the decision taken if both parents of the couple are still present, because it can be considered contrary to the principles that have been outlined.

Some scholars argue that the main purpose of the appointment of two judges is to reconcile married couples and improve their domestic conditions. The judges are tasked with facilitating peace by ensuring that both sides want a good settlement. If it is not possible to maintain the relationship, the judges must take steps in accordance with the provisions of the Shari'a to resolve the dispute.

Ibn 'Āsyūr's explanation provides a profound insight into the role of *hakam* or mediator in resolving domestic disputes. Ibn 'Ashur emphasized the importance of the role of the ruler in appointing judges, the conditions that must be met by the mediators, and the ultimate goal of this process, which is to reconcile husband and wife or, if that is not possible, to make a decision in accordance with sharia law. This interpretation highlights the importance of a fair and judicious justice system in resolving domestic conflicts, as well as the central role played by third parties who have the authority to resolve issues constructively and in accordance with religious principles.

C. Conclusion

This study clarifies that *nusyūz* in the Qur'an is a relational breach that may be committed by either spouse and that Ibn 'Āsyūr's reading in *al Tahrīr wa al Tanwīr* frames its treatment within the objectives of the law. The approach is gradual and ethically constrained and it begins with counsel then separation of beds and only then corrective action that must remain symbolic and nonviolent. When there is credible risk of harm the sequence

⁴⁰ 'Āsyūr, 5:47.

should give way to protective measures through impartial mediation. Reading Q 4.34 together with Q 4.128 yields a symmetrical framework that safeguards dignity prevents harm and restores rights for both spouses. The contribution of this study is to translate Ibn ‘Āsyūr’s maqāṣid orientation into a practical basis for counseling adjudication and policy that is faithful to the text yet responsive to contemporary family realities. The analysis is limited to textual inquiry and future work should examine implementation in courts counseling services and community mediation to test feasibility effectiveness and needed safeguards.

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