

Reconstruction of the Concept of *Nushuz* of the Wife in the Digital Era

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Abstract

The increasing number of divorces has been largely affected by technological developments, including social media, which are used in a way that may lead wives to commit *nushuz* behavior. This present study aimed at reconstructing the *nushuz* of the wife in the digital era, a concept commonly known as the wife leaving her house without the permission of the husband. As a normative study, the study applied the conceptual approach. The study collected data by using the documentation study or library research, and analyzed the data by reading, examining, linking, and interpreting the data, and then elaborated the data descriptively. The findings revealed that social media has been used as a platform to publicly show the women's beauty, reveal their *aurat* (intimate parts), spread gossips, share infidelity behavior, and many others which violate the religious norms and the universal, collective, individual, local and traditional values as well. Ideally, all of these should be kept private at home, as home itself is the place to protect anything within it. The elimination of politeness boundaries and rules of interaction between men and women as a consequence of activities on social media has made *nushuz* of the wife irrelevant to be interpreted simply as the wife leaving the house without the permission of the husband. The meaning of house in the physical sense and that of social media should be equal in the context of the household. *Nushuz* should be interpreted in a broader perspective following the increasing development of modern technologies.

Keywords: reconstruction, *nushuz* of wife, digital era

Rekonstruksi Konsep Nusyuz Istri Era Digital

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Abstrak

Meningkatnya jumlah perceraian dapat dipengaruhi oleh perkembangan teknologi, diantaranya faktor penggunaan media sosial yang mengarah kepada perilaku nusyuz istri. Penelitian ini bertujuan untuk merekonstruksi nusyuz istri di era digital yang selama ini umumnya dipahami sebagai keluarnya istri dari rumah tanpa izin suami. Jenis penelitian ini adalah normatif, sehingga menggunakan pendekatan konseptual. Data dihimpun dan diolah melalui studi dokumen atau penelitian perpustakaan (library research), yaitu dengan membaca, menganalisa, menghubungkan serta menafsirkan data. Kemudian disajikan dalam bentuk deksripsi. Media sosial digunakan sebagai ajang mempublikasikan kecantikan, menebar aurat, mengumbar aib, perselingkuhan dan lain-lain yang melewati batas-batas norma agama dan nilai-nilai universal, kolektif, individual, kearifan lokal dan tradisional. Semestinya secara keseluruhan semuanya tersimpan baik di dalam rumah sebagaimana fungsi rumah itu sendiri. Hilangnya batas-batas kesopanan, tata aturan interaksi antara laki-laki dan perempuan semuanya dipicu oleh aktivitas di media sosial menjadi tidak relevan memahami nusyuz istri sebatas keluar tanpa izin suami. Penganalogian pengertian rumah dalam bentuk fisik menjadi sama dengan pengertian rumah pada media sosial menjadi keharusan dalam konteks rumah tangga. Nusyuz semestinya harus dilihat dari perspektif yang lebih luas mengingat perkembangan teknologi yang semakin canggih.

Kata Kunci: rekonstruksi, nusyuz istri, era digital

Introduction

The number of divorces in Indonesia has been quite high as reported in the data mentioned by the Director General of the Religious Courts, the Supreme Court that there are seven provinces with the highest divorce rates, in which East Java tops the list with 86,491 divorce cases, followed by West Java at 75,001, Central Java at 71,373, South Sulawesi at 12,668, Greater Jakarta at 11,321, North Sumatra at 10,412, and Banten at 10,140.¹

There are various reasons triggering divorces in Indonesia. In the case of Situbondo, technology had contributed to the high number of divorces of 1,676 cases in 2018, including the prohibition of using cellphones and playing Facebook, and among the cases, 80% of women have sued for divorce.² Likewise, in Makassar, the data from the Makassar Religious Court showed that the number of divorces from January to October 2018 reached 1,728. This figure consisted of 451 cases of *talaq* divorce by the husbands and 1,277 cases of judicial divorce. The cause of divorces used to be due to economic factors, or financial support not provided; however, since the existence of social media, the divorce rate has been increasing.³

The presence of social media is indeed useful in building social relationships. People find it easy to do many activities due to social media. There are also new patterns that are formed when communicating and interacting with one another. People used to interact face-to-face, but now in the era of technological and information development people can simply use social media without having to meet directly. This is in line with the statement of Antony Giddens that modernity has broken the relationship between space and time, and space will slowly be separated from place.⁴

¹Loka data, <https://lokadata.beritagar.id/chart/preview/7-provinsi-dengan-angka-perceraian-tertinggi-2016-1510649700>, (November 16, 2019)

²Bhsafm.co.id, <https://www.bhasafm.co.id/pemerintahan/teknologi-informasi-penyebab-tingginya-perceraian-di-situbondo-1-129-pasutri-bercerai-karena-tak-harmonis/>, (October 25, 2019).

³Detik.com, <https://news.detik.com/berita/4329410/gara-gara-medsos-perceraian-pasangan-muda-di-makassar-meningkat>, (October 25, 2019).

⁴Ritzer, *et al.*, *Teori Sosiologi Dari Teori Sosiologi Klasik Sampai Perkembangan Mutakhir Teori Sosial Postmodern*, (Yogyakarta: Kreasi Wacana, 2008), p. 617.

<http://jurnal.arraniry.ac.id/index.php/samarah>

Even so, the downsides of the presence of social media are inevitable. There are many negative behaviors resulted from the use of social media which eventually lead to a break in a relationship, including divorce. The uses of social media not only trigger infidelity, but also *nushuz*. The concept of *nushuz* behavior is generally understood as the wife leaving the house without the husband's permission. This is similar to the opinion of the Hanafi school in understanding the meaning of *nushuz* which is leaving the obligation of spousal relationship. According to the Hanafi school, a wife's *nushuz* act refers to disobeying her husband and leaving the house without the husband's permission.⁵

In today's digital era, many women upload profile photos that reveal their *aurat* (intimate parts) and spread the charm of their beauty in their social media accounts. Moreover, they also use additional media or applications for the sake of looking more charming than before. Many also post their families' disgrace on social media that should be kept private and then confide with friends or acquaintances via social media.

The loss of boundaries of politeness and the rules of interaction between men and women has been triggered by the activities on social media. The development of liberalism has dominated the use of social media that many people are not aware of. Indeed, using social media requires wisdom. If social media is utilized well, the impact will also be good. Conversely, if social media is carried out in a bad direction, the impact will also be bad.

Such behaviors unconsciously will lead women to commit *nushuz* in the digital era. It is commonly understood that a wife leaving the house without the husband's permission is a *nushuz* act, indicating that *nushuz* is physically done by leaving the house. This definition is in line with Abu Ishaq⁶ that categorizes *nushuz* for women as going out without the companion of her husband or her *mahram* (unmarriageable relatives) even though the trip is for mandatory or religious activities.

In the digital era today where technological developments are increasingly sophisticated, if the wife leaving the house without the

⁵Taqiyu Ad-Din Abi Bakr Ibn Muhammad Al-Husaini Ad-Dimasqi, *Kifayat Al-Akhyar*, (Beirut, Dar Al-Fikr), p. 550

⁶Sulaiman Rasyid, *Fiqih Islam*, (Jakarta: At-Thariyah, 2018), p. 377.
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husband's permission is still interpreted in a physical sense, it will no longer be relevant now. This is because the obligation of a wife to stay at home and not leaving the house without the husband's permission is intended none other than to protect the honor of the wife from slander, and this can potentially happen when including the digital life in the picture.

In light of the aforementioned discussions, the authors were interested to conduct an in-depth study regarding the wife leaving home without the husband's permission as a *nushuz* in today's digital era. This study was considered new and different from previous studies because the focus of the study was only on one behavior considered as *nushuz*, which is the wife leaving home without the husband's permission in the context of the digital era. This study also differed from previous studies such as research conducted by MD Nor Bin Muhammad which examined the *nushuz* concept (a comparative study between the Hanafi school and the Shafi'i school)⁷ and Juni Efendri's research which discussed *nushuz* in the Islamic Law Compilation (KHI) from the perspective of Imam Shafi'i.⁸ The similarity between this present study and others was on the discussion of the concept of *nushuz* in general. In this study, the aim was to add the discourse about *nushuz* in terms of reconstructing the *nushuz* concept.

Research Methods

This study was a type of normative research, and thus, the conceptual approach was used. The study attempted to describe the behavior of spouses that leads to *nushuz* in the context of technological developments or the digital era. Data were collected through document study or library research, and examined by reading, analyzing, linking, and interpreting the data. The analysis results were presented descriptively.

The Concept of Nushuz in Islamic Law

Etymologically, *nushuz* is derived from the Arabic word *nashaza-yanshuzu-nushuuzan* which means high or emerged

⁷<http://repository.uin-suska.ac.id/334/>, (October 29, 2019)

⁸<http://repository.uin-suska.ac.id/17389/>, (October 29, 2019)

surface.⁹ In context of marriage, the meaning of *nushuz* appropriately means opposition or disobedience. By definition, the term *nushuz* refers to an act of insubordination, that is, the wife's action against obeying her husband or vice versa.

The Qur'an, as the main reference or guideline for Muslims, mentions the word *nushuz* at least five times in its various derivations, consisting of twice in the form of *isim mashdar* found in Surah Al-Mujadilah verse 11, once in the form of *fi'il mudhari'* which is continued with *dhomir mutakallim ma'al ghair* found in Surah Al-Baqarah verse 259, and twice in the form of *mashdar* respectively found in Surah An-Nisa verses 34 and 127.¹⁰

By understanding the meaning of *nushuz* based on these several chapters in the Qur'an reveals a meaning that *nushuz* is an act of neglecting the rights and obligations in the household which results in the estrangement of the relationship between spouses. This is indicated by several points as follows:¹¹

1. Al-Mujadilah 58:11

وَإِذَا قِيلَ اٰنۡشُرُوۡا فَاٰنۡشُرُوۡا يَرۡفَعۡ اَللّٰهُ الَّذِيۡنَ ءَامَنُوۡا مِنْكُمۡ وَالَّذِيۡنَ اٰتُوۡا اَلۡعِلۡمَ دَرَجٰتٍ

Meaning: "And when you are told to rise, then rise. Allah will exalt in degree those of you who believe and those who have been granted with knowledge." (58:11)

In Surah Al-Mujadilah verse 11, the word *nushuz* relates to ethics when attending the Prophet's assembly by paying respect to the Prophet through standing and not jostling in honor of the Prophet. Such actions certainly need to be carried out consciously with a certain urge, for example, showing high respect for the Prophet. Thus, if it is related to the actions of *nushuz* in the married life, it can be said that the acts of neglect of the rights and obligations of husband and wife shall be done in a conscious state with certain motivations, which include perhaps the desire for divorce.

⁹Dudung Abdul Rohman, *Mengembangkan Etika Berumah Tangga Menjaga Moralitas Bangsa Menurut Pandangan Al-Qur'an*, (Bandung: Nuansa Aulia, 2006), p. 93.

¹⁰Nor Salam, *Konsep Nushuz Dalam Perspektif Al-Qur'an (Sebuah Kajian Tafsir Maudhu'i)*, *Jurnal syariah dan Hukum*, Vol. 7 No. 1 June 2015, p. 49.

¹¹Nor Salam, *Konsep Nushuz...*, pp. 51-52.
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In other words, actions that are indicated as *nushuz* if they are done because of pressure or other factors that are done unconsciously, then these actions do not fall into the category of *nushuz*. This means that the key points are ‘conscious and accompanied by a certain motive’, which become an indicator in determining an action to be categorized into *nushuz* or not *nushuz*.

2. Al-Baqarah 2:259

وَأَنْظِرْ إِلَى الْعِظَامِ كَيْفَ نُنشِزُهَا ثُمَّ نَكْسُوهَا لحمًا

Meaning: “*And look at the donkey’s bones, how We bring them together and clothe them with flesh.*” (2:259)

Surah Al-Baqarah verse 259 talks about the omnipotence of God which was shown to King Nimrod and his followers when he questioned Prophet Ibrahim in a doubtful tone about Prophet Ibrahim’s words that Allah is able to revive His creatures and also put them to death. The reconstitution of the bones that had been crushed and then covered with flesh was the evidence against those who doubted God’s omnipotence. Allah Almighty shows that He has power over everything and at the same time a warning to the arrogance of King Nimrod.

God’s ‘arrogance’ is in line with His words in the hadith Qudsi narrated by Ibn Abbas as translated here: “*Ibn Abbas reported: Rasulullah, peace be upon him, said, Allah Almighty says: Pride is My cloak and greatness is My robe. Whoever intends to imitate Me in one of these two, I will throw them into the Hellfire*”.¹² When connected to the context of *nushuz* in the married life, an act is considered *nushuz* by either husband or wife if there is an intention to undermine the dignity of one of the parties.

3. An-Nisa 4:34

وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَصْرِبُوهُنَّ

Meaning: “*As to those women whom you fear ill-conduct, admonish them, and abandon them in their beds, then beat them.*” (4: 34)

Judging by the text of the verse, it is indicated that *nushuz* has two forms: first, insubordination or disobedience of all forms of

¹²Raid bin Shabri ibn Abi Ulfah, *Syuruh Sunan Ibn Majah*, Juz II, (Jordan: Baitul Afkar, 2007), p. 1537
<http://jurnal.arraniry.ac.id/index.php/samarah>

Allah's commands and disregarding all forms of His prohibitions, and second, failure to maintain one's own honor and also the honor of the spouse.

4. An-Nisa' 4:128

وَإِنْ أَمْرَاءٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا
صُلْحًا

Meaning: "And if a woman fears maltreatment or desertion on her husband's part, there is no sin on them both if they make terms of peace between themselves". (4:128)

Referring to As-Suyuty's interpretation of the verse, the form of the husband's *nushuz* is his negligence to provide sustenance for his wife, both material and immaterial. Further, the development of the interpretation by linking verse 128 with verse 34 of Surah An-Nisa' indicates that the verses emphasize the position of the husband as the leader in the household.

The development of this interpretation can also suggest that the failure of the husband as the leader to direct his wife to submit or obey all forms of Allah Almighty's commands and to stay away from all forms of His prohibitions, or to be devoted to Allah Almighty, is an act of *nushuz* apart from finding fault in his wife. This is due to the husband's inability to fulfill the obligations mandated by Allah Almighty.

The Muslim scholars provide different meanings of *nushuz*, but all has the same essence as stated by Ibn Taymiyyah¹³ that *nushuz* is defined as a wife's disobedience to her husband, seemingly disobedient to her husband if invited to bed, or the wife leaving the house without the husband's permission including the wife abandoning her obligations to obey her husband. On the other hand, Abu Mansyur Al-Lughawi describes the meaning of *nushuz* as the hatred of one party towards the spouse.¹⁴

The concept of *nushuz* according to the Hanafi school is to abandon the obligations in marriage. A wife can be said to commit

¹³Ibnu Taimiyah, *Majmu'aha Al-Fatwa*, (Egypt: Dar Al Wafa, 1998), p. 145

¹⁴Abu Yasid, *Fiq Realitas: Respon Ma'had Aly Terhadap Wacana Hukum Islam Kontemporer*, (Yogyakarta: Pustaka Pelajar, 2005), p. 333
<http://jurnal.arraniry.ac.id/index.php/samarah>

nushuz if she does not obey her husband and leaves the house without the husband's will.¹⁵ A wife who remains in her husband's house is said to be obedient (*muthi'ah*) even though the wife does not want to be interfered with by the rightful basic duties. Rejection of the intimate relationship requested by her husband despite being unlawful does not eliminate her right to have sustenance from her husband.

Furthermore, the Hanafi school argues that the reason for the obligation to provide sustenance for the wife is due to the wife's presence in the house, and not due to the matter of intimate relationship. The Hanafi school views that the issue of intimate relationship has no correlation with the obligation to support the wife.¹⁶ In other words, the category of the wife's *nushuz* in the view of the Hanafi school in principle is that the wife is not in the house without the husband's permission.

The Shafi'i school¹⁷ holds the view that *nushuz* is a form of disobedience and iniquity. The limit of a wife's *nushuz* is the loss on the wife's part from showing obedience to her husband, for example, going to a place without her husband's willingness and her reluctance to satisfy her husband's sexual needs for no rightful reason. In addition, the rejection or the appearance of the wife's face full of anger or a face that is not good, which is supposed to be radiant, towards the husband and also the rough treatment to the husband by the wife are categorized as *nushuz* according to the Shafi'i school.

In general, it can be concluded that *nushuz* of the wife includes all forms of disloyalty by the wife towards their husbands, all that is contrary to good behavior and submission of the wife and also all categorized as forms of damage in the view of religion and morality.¹⁸

The Maliki school provides the meaning of *nushuz* as persecution between spouses, whereas the Hambali school defines

¹⁵Taqiyu Ad-Din Abi Bakr Ibn Muhammad al-Husaini ad-Dimasqi, *Kifayat al-Akhyar*, (Beirut, Dar Al-Fikr), p. 550.

¹⁶Muhammad Jawad Mughniyah, *Lima Mazhab*, (Jakarta: Lentera, 2002), p. 402.

¹⁷Kamil Musa, *Suami Istri Islam*, (Bandung: Remaja Rosda Karya, 1980), p. 99.

¹⁸Kamil Musa, *Suami Istri...*, p. 94.
<http://jurnal.arraniry.ac.id/index.php/samarah>

nushuz as displeasure on the part of the wife or husband along with disharmonious relationships.¹⁹ From these definitions, both Maliki and Hambali give different interpretations of *nushuz*, but in fact the substance is the same. The limit of the wife's *nushuz* according to the Maliki school is when the wife prevents her husband from having intimate relationship with her or leaving the house without her husband's permission.²⁰

In the view of the Hambali school, the wife's *nushuz* category is if the wife leaves the husband's residence without the husband's permission. For example, traveling without the husband's permission and also refusing to have sexual relations when requested by the husband or not wanting to sleep in the same bed as the husband. The consequence of a wife's *nushuz* is that she loses her right to have sustenance from her husband.²¹ Based on the views of several scholars here, although they have different concepts and different legal consequences, they have the same point that one of the categories of the wife's *nushuz* is the leaving of the wife from the house without the husband's permission.

The Concept of the Wife's Nushuz in the Digital Age

Nushuz of the wife is generally understood and agreed upon by Muslim scholars, including the Shafi'i, Hanafi, Hambali and Maliki schools, as the wife leaving from the house without the husband's willingness, in addition to other acts that fall into the category of *nushuz*. The difference in opinion occurs only in the category of rejection of intimate relationship by the wife towards her husband and its effects or legal consequences. This difference of view occurs between the Hanafi and Shafi'i schools.

Nevertheless, the concept of *nushuz* of the wife such as leaving the house without her husband's permission in today's context needs to be revisited since the development of technology today is increasingly sophisticated. The massive use of technology now has

¹⁹Abdul Aziz Dahlan, *et al.*, *Ensiklopedi Hukum Islam*, (Jakarta: Ichtisar Baru Van Hoeve, 1996), p. 1355.

²⁰Muhammad Abu Zharah, *Tarikh Al-Madhahib Al-Islamiyyah Al-Juz'u Al-Thani Fi Tarikh Al Madhahib Al-Fiqhiyyah*, (Cairo: Dar Al-Fikr Al-Araby), p. 215.

²¹Abdurrahman Al-Jaziry, *Kitab Al Fiqh 'Ala Al-Madhahib Al-Arba'ah*, (Beirut: Dar Al-Kutub Al-Ilmiyyah, 2002), p. 500.

<http://jurnal.arraniry.ac.id/index.php/samarah>

become a necessity, in which technology is not only specifically used for scientific, economic, or business purposes, but also used as a medium for social interactions.

The presence of social media is very helpful in building social relationships. People who are used to interact face-to-face can simply meet other people through social media. This situation conforms the statement of Antony Giddens that the existence of modernity has broken the relationship between space and time, and space will gradually be disintegrated from place.²²

The digital era is an important instrument in all aspects of life. It is a means to provide relief due to various load activities carried out by people. The seamless communication generated by the digital age presents two sides of effects. On one side, it gives numerous benefits for people in different order of life while on the other side, it violates the nature of humankind as God's creation when social media is indifferent to religious norms and also universal, collective, individual, local wisdom, and traditional values.²³

Many women upload their photos that reveal their *aurat* and show off their beauty on social media. They also use other applications that can beautify them more. In addition, many women publish their families' disgrace, which should be kept private, through posts on social media and also gossip with friends or acquaintances via social media.

All of the above phenomena should become a consideration to reconstruct the concept of *nushuz*, especially *nushuz* of the wife, in the digital age. *Nushuz* of the wife can no longer be understood as leaving of the wife from the house without the husband's permission; now, it should also include the use of social media by the wife without the husband's permission. The definition of a house in the physical form equals the definition of a house on social media such as WhatsApp, Facebook, Instagram, Twitter, and many others.

Using social media has become an everyday need in the house. Social media is a place to publish any activities carried out anytime

²²Ritzer, *et al.*, *Teori Sosiologi Dari Teori Sosiologi Klasik Sampai Perkembangan Mutakhir Teori Sosial Postmodern*, (Yogyakarta: Kreasi Wacana, 2008), p. 617.

²³Michael A Hitt, *et al.*, *Manajemen Strategi Menyongsong Era Persaingan dan Globalisasi*, (Jakarta: Erlangga, 1996), p. 19.
<http://jurnal.arraniry.ac.id/index.php/samarah>

and anywhere, ranging from positive to negative ones. This situation now turns to be the most fundamental problem in the loss of boundaries in the use of social media.

This issue is associated with *nushuz* as a product of Islamic law in the chapter on marriage since the loss of restrictions on the use of social media has an impact on marriage harmony. In Situbondo, social media contributed to the high number of divorces of 1,676 cases in 2018, in which 80% of the divorces filed by women.²⁴ Similarly, in Makassar, the Makassar Religious Court had 1,728 divorce cases from January to October 2018, consisting of 451 cases of *talaq* divorce by the husbands and 1,277 cases of judicial divorce. The cause of divorces used to be due to economic factors; but, since the existence of social media, the divorce rate has increased.²⁵

Based on the opinion of Ibn Taymiyyah,²⁶ *nushuz* is viewed as a wife's defiance of her husband. Thus, the common understanding of *nushuz*, such as leaving the house without the husband's will, should not be limited in the physical sense in order to accommodate the context of the digital era. Social media applications such as WhatsApp, Facebook, Instagram, and Twitter should have the equal concept as the house. It should be proper to compare social media with the elemental notion of home.

Looking at its essence or its origin, it is clearly stated in Surah Al-Ahzab 33:33 which reads:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَىٰ

Meaning: "and stay in your houses, and do not display yourselves and (behave) like that of the times of ignorant." (33:33)

In the above verse, the word *tabarruj* infers a woman showing off her jewelry and beauty to men.²⁷ Based on the argument, Surah

²⁴Bhsafm.co.id, <https://www.bhasafm.co.id/pemerintahan/teknologi-informasi-penyebab-tingginya-perceraian-di-situbondo-1-129-pasutri-bercerai-karena-tak-harmonis/>, (October 25, 2019).

²⁵Detik.com, <https://news.detik.com/berita/4329410/gara-gara-medsos-perceraian-pasangan-muda-di-makassar-meningkat>, (October 25, 2019).

²⁶Ibnu Taimiyah, *Majmu'aha Al-Fatwa*, (Egypt: Dar Al Wafa, 1998), p. 145

²⁷Ahmad Fauzi, "Pakaian Wanita Muslimah Dalam Perspektif Hukum Islam", *Jurnal Iqtishodia*, Vol. 1. No. 1. March 2016, p. 46.
<http://jurnal.arraniry.ac.id/index.php/samarah>

Al-Ahzab verse 33 explicitly prohibits women from leaving the house with the aim of preventing the potential for a woman's behavior to show off because her jewelry and beauty that should be covered may provoke the lust of men. Thus, with the reality that the use of social media is losing control, especially for women, it is appropriate to analogize that social media has expanded its meaning to be the same as the notion of a house following this argument.

In addition to Surah Al-Ahzab verse 33, other supporting arguments are also found, such as the hadith reported by Ahmad, Bukhari and Muslim which reads “*if your wife asks you permission to go to the mosque at night, then allow her...*” (Narrated by Ahmad, Bukhari, & Muslim).²⁸ An-Nawawi interprets this hadith as the argument that a woman should not leave her husband's house unless the husband allows her.

Another hadith reported by Bukhari and Muslim reads “*will you (Rasulullah) allow me to come to my father's house?*” (Narrated by Bukhari & Muslim). Mustafa Ar-Ruhaibani says that it is prohibited for a wife to leave without the husband's permission, except for emergency conditions, such as buying food because no one delivers food to her.²⁹

Additionally, Surah At-Talaq 65:1 states:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تَخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفُحْشَةٍ مُّبِينَةٍ ۚ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا ۙ

Meaning: “*O Prophet! When you divorce your wives then you should divorce them when they have (face) their ‘iddah (waiting period) (which is reasonable) and count their ‘iddah and fear Allah your Lord. Do not evict them from their homes, nor shall they leave, unless they have committed a proven adultery. And those are the set limits of Allah, and*

²⁸<https://www.syariahislam.com/hukum-istri-keluar-rumah-tanpa-izin-suami/>, (April 7, 2020)

²⁹<https://www.syariahislam.com/hukum-istri-keluar-rumah-tanpa-izin-suami/>, (April 7, 2020)

<http://jurnal.arraniry.ac.id/index.php/samarah>

whoever transgresses the set limits of Allah, then indeed he has wronged himself. You know not, it maybe that Allah will afterward bring a new provision.” (65:1)

Textually, the above verse, besides explaining the right conditions to impose *talaq* or divorce on a wife, the most important point is the commandment for the husband to prohibit and even not to give permission for a wife to leave the house. This indicates that during the *iddah* period a wife is prohibited from leaving the house, which infers that even more so during the harmonious state. A wife must obey her husband and be able to take care of herself in the house.

The house does not only function as a place to rest during the day or the night, providing protection from the rain and hot sun, but it also protects its dwellers from all forms of disgrace or secrets, especially secrets in the household, including quarrels and other marital issues. Thus, it is appropriate to give the notion of social media the same as that of home in terms of the use since its supposed boundaries seem to diminish.

It becomes clear from the aforementioned arguments that the obligation for women, especially wives, to stay at home to keep themselves well as much as possible so that they are prevented from slanders or sins coming from men. This is a basic principle in Islamic teaching that a woman should be at home. However, looking at the current reality, it is very worrying that women are outside of their homes under various reasons, aside from the influence of social media.

However, it should be noted that not all social media use behavior leads to *nushuz*. It is necessary to understand the boundaries of social media to minimize abuse of the husband so that potential conflicts in the household can be avoided. These boundaries are those leading to the positive impact, including:

1. The use of social media aiming to support business.
2. The use of social media intended as a source of information: online news, information on job vacancies, and others.
3. The use of social media intended for communication limited to what it should be: communication with husbands, family, relatives, and others.

Maintaining the completeness of the household is a must; however, choosing the path of separation is not unlawful. To maintain the completeness of the household, the most fundamental principles needed to be instilled and implemented are nothing but understanding, realizing, and exercising the respective rights and obligations of both parties, namely husband and wife.

A household life that is built through marriage is bound by a very strong contract known as *mitsaqan ghalidzan*, as part of obeying Allah's commands, and thus, carrying out marriage is part of worship.³⁰ The result of a marriage forms five principles:³¹

1. The principle of deliberation
2. The principle of creating a sense of security, comfort, and peace
3. The principle of non-violence
4. The principle of the husband-wife relationship as a partner
5. The principle of justice.

Therefore, in line with At-Tabari's opinion, the concept of *nushuz* in terms of the husband-wife relationship produced through marriage in general refers to the wife's proud attitude towards her husband and her courage to leave their *firas* (personification of the husband) by way of defiance, as well as dare to do acts such as getting angry and turning away from the husband, instead of performing acts that are obliged to them such as being obedient to their husbands (remembering the relationship between husband and wife).³²

Conclusions

Nushuz of the wife is generally understood and agreed upon by Muslim scholars as the leaving of the wife from the house without the husband's permission, aside from other actions that fall into the category of *nushuz*. This concept is agreed within the Shafi'i, Hanafi, Hambali and Maliki schools. However, the difference in opinion

³⁰Suparman Usman, *Hukum Islam: Asas-Asas Dan Pengantar Studi Hukum Islam Dalam Tata Hukum Islam*, (Jakarta: Gaya Media Pratama, 2002), p. 227.

³¹Khoruddin Nasution, *Islam Tentang Relasi Suami dan Istri (Hukum Perkawinan I)*, (Yogyakarta: Academia, 2004), p. 34.

³²At-Tabari, *Jamiu Al-Bayan Li Ta'wili Ayi Al-Qur'an*, (Damascus: Darul Al-Kutub Al-Islamiyah), p. 64.
<http://jurnal.arraniry.ac.id/index.php/samarah>

between the Hanafi and Shafi'i schools occurs in terms of rejection of intimate relationship by the wife towards her husband and its consequences.

In today's digital era, however, *nushuz* cannot be viewed as simply as leaving the house without the husband's permission since the use of social media has lost control over the supposed boundaries, and therefore, social media should be viewed the same as the function of the house in the context of the marriage life. Social media is now used as a place to publicize beauty, show off *aurat*, indulge in disgrace and infidelity, and others that have crossed the boundaries of religious norms as well as universal, collective, individual, local and traditional wisdoms. In short, these behaviors highly likely lead to *nushuz*.

Ideally, everything within the house should stay in the house as the function of the house itself is to provide shelter during the day and night and also to protect from all forms of disgrace or secrets of its dwellers. This becomes the reasonable basis to analogize social media with home.

The implication of the analogy is that it is irrelevant to limit *nushuz* behavior to merely leaving the house without the husband's permission in the general sense. In other words, the use of social media in the context of a household in the digital era that has crossed the boundaries should be categorized as *nushuz*.

The concept of *nushuz* should be seen from a broader perspective given the increasingly advanced technological developments today. *Nushuz* cannot be defined only as the wife leaving the house without the husband's willingness, and thus, expanding the scope of *nushuz* by taking into account modern technological developments becomes a must.

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