



Implementation of Harmonious Family in the Concept of Proportionality of Obligations and Rights of Husband and Wife Relations: A Perspective on the Compilation of Islamic Law

Mohamad Sar'an,¹ Yusuf Hidayatulloh,¹ Sofia Gussevi,² Riski Indrawan,¹ Nur Alam Ullumuddin Zuhri³

¹ Universitas Islam Negeri Sunan Gunung Djati, Bandung

² Sekolah Tinggi Agama Islam Muttaqien, Purwakarta

³ Sekolah Tinggi Agama Islam Idrisiyyah, Tasikmalaya

Email: mohamad_saran@uinsgd.ac.id

Abstract

The breakup of marriage is a permissible act, but Allah SWT does not like such a decision. In the implementation of the *sakinah mawaddah* and *rahmah* family, it is quite difficult to carry out but it is not impossible to do. The serious problem is how when a family can no longer be harmonized again to exercise rights and obligations proportionately, and whether it must end in a divorce that is hated by God. This research focuses on husband and wife to remain harmonious when carrying out obligations and rights that benefit from the perspective of KHI. This study uses a comprehensive literature study methodology based on normative legal research presenting data and facts from the perspective of compilation of Islamic law and socio-cultural phenomena of society. KHI has an important role in a legal decision process because KHI is sourced from 13 books that are complete and in accordance with the socio-cultural nature of the Indonesian state and then with the nature of Islamic law that is flexible so that it can adapt to the dynamic development of the times. Although there are several KHI rules that need to be updated, such as the tendency towards patriarchal culture because it has been a long time when it was formed, namely 33 years, it is used as a reference by legal subjects so that it can be more up-to-date again when used in more contemporary legal cases in the future.

Keywords: Compilation of Islamic Law, Proportional, Harmonious Family

Abstract

Putusnya pernikahan perbuatan yang dibolehkan akan tetapi Allah SWT tidak menyukai keputusan seperti itu. Dalam implementasi keluarga sakinah mawaddah dan rahmah memang cukup sukar dijalankan tapi tidak mustahil untuk dilakukan. Permasalahan yang serius adalah bagaimana ketika sebuah keluarga sudah tidak bisa lagi diharmonisasikan kembali untuk menjalankan hak dan kewajiban secara proporsional, dan apakah harus berakhir dengan perceraian yang notabene nya dibenci oleh Tuhan. Penelitian ini berfokus pada suami istri agar tetap harmonis ketika melaksanakan kewajiban serta hak yang maslahat perspektif KHI. Penelitian ini memakai metodologi studi kepustakaan secara komprehensif dengan basis penelitian hukum normatif menyajikan data dan fakta dari sudut pandang kompilasi hukum islam serta fenomena sosial budaya masyarakat. KHI memiliki peranan penting dalam suatu proses putusan hukum dikarenakan KHI bersumber dari 13 kitab yang lengkap dan sesuai dengan sosio kultural negara indonesia kemudian dengan sifat hukum islam yang fleksibel sehingga bisa menyesuaikan dengan perkembangan zaman yang dinamis. Meskipun ada beberapa aturan KHI yang perlu untuk diperbaharui seperti kecenderungan terhadap budaya patriarki dikarenakan waktu yang sudah cukup lama ketika dibentuknya yakni 33 tahun dipakai sebagai referensi oleh para subjek hukum supaya bisa lebih mutakhir kembali ketika dipakai dalam kasus hukum yang lebih kontemporer ke depan.

Kata Kunci: *Kompilasi Hukum Islam, Proporsional, Keluarga Harmonis*

Introduction

Every couple who is bound to the sacred vow of sacred covenant will want to be a harmonious family. However, it is not as easy as what has been said in this case, there will be a lot of obstacles and obstacles in the process towards a harmonious family couple in this world until the hereafter. In the modern era, one of the challenges of harmony in the family is social media technology, as stated in the Compilation of Islamic Law (KHI) marriage can be interpreted as a very strong contract or *Mitsaqan Ghalidza* to obey the commands of Allah SWT and carry it out is a form of worship to God (article 2). Which has a purpose, namely as a manifestation of ideal domestic life, namely sakinah, mawaddah, and rahmah (article 3). And marriage will be valid if each couple performs according to Islamic law in accordance with article 2 paragraph (1) of Law No. 1 of 1974 concerning Marriage (Article 4).¹

However, it turns out that the core of the root of the family problem does not run harmoniously, not only from economic affairs but also from the occurrence of paradigm errors and actions related to the division of obligations and proportional rights between husband and wife relations. In fact, marriage can be used as a reflection to get closer to God between men and women in order to perfect each

¹ M Saeful Amri, "Mitsaqan Ghalidza in the Era of Disruption (Study of Divorce Due to Social Media)," vol. 89, 2019, p. 93.

other's worship and understand each other so that they can always achieve the pleasure of Allah SWT together. Therefore, as the basis of wise, sacred and wise worship, marriage must be carried out on the basis of the concept of willingness, responsibility and in accordance with the regulations that have been set in marriage.²

Mu'asyarah bil al-ma'ruf is highly recommended in Islamic law, in family relations including; spouse not alone (*zawaj*), reciprocity not representation (*mubadalah*), partnership /collaboration (*mu'awanah*), and mutual work (*musyarakah*).³ So the author wants to study more deeply related to the correlation between the pattern of harmonious family relationships and state life, because it turns out that one of the high divorce cases is due to the absence of harmony in the family. The phenomenon of divorce cases that occur. In 2015, the number of family couples who broke up was 5.89%. In 2020, the percentage of marriage breakups rose to 6.4% of the family population of 72.9 million households out of a total of 4.7 million family couples.⁴ Based on a study in the Purwantoro sub-district area, Malang city, as many as 7 percent of married women with PKK status in RW 021 Kelurahan/Village, Malang City, there are three people who have broken up their marriages/divorced. And it turns out that the main thing that causes the breakup of marriage is that the level of family harmonization is very lacking in the intensity of communication in the family.⁵

In the process of dividing obligations and marital rights so that the family can always be happy/harmonious, it is not only a matter of managing domestic household duties, but it is also necessary to have a proportional division of variables, namely inheritance rights and child maintenance obligations. The concept of inheritance from the perspective of the compilation of Islamic law (KHI) has been clearly regulated in Book II regarding inheritance law article 171 points (a-i) of the KHI. Among the majority of people, there is still a stigma in the process of distributing inheritance, it is necessary to 2:1 referring to article 176 of the KHI, namely boys get 2 parts and girls 1 part. In fact, in order to obtain the principle of justice, it is necessary to conduct an in-depth study of the process of proportional distribution of inheritance between husband and wife to their families. This is because all forms of property obtained after the marriage contract is pronounced, all of these assets are

² Sifa Mulya Nurani, "The Relationship of the Rights and Obligations of Husband and Wife in the Perspective of Islamic Law (An Analytical Study of the Relevance of the Rights and Obligations of Husband and Wife Based on the Tafsir of Ahkam and Hadith of Ahkam)," *E-Journal Al-Syakhsyiyah Journal of Law and Family Studies* 3 (2021), p. 99.

³ Anis Hidayatul Imtihanah, "Gender-Friendly Islamic Family Law: An Elaboration of Islamic Family Law with the Concept of Mubadalah," *Codification* 14, no. 2 (December 12, 2020): 263–82.

⁴ Sandy Diana Mardlatillah and Nurus Saadah, "The Pattern of Husband and Wife Relations as an Effort to Increase the Permanence of Marriage," *Sociocouns: Journal of Islamic Guidance and Counseling* 2, no. 1 (April 30, 2022), p. 59–68.

⁵ Fullchis Nurtjahjani et al., "Implementation of Building a Harmonious Family to Reduce the Stress Level of PKK Mothers Rw 21 Purwantoro Malang," *RESWARA: Journal of Community Service* 2, no. 2 (July 10, 2021), p. 180.

included in the category of joint property obtained after marriage, so the distribution process must also be on mutual consent without any element of disadvantage to one of the parties.

This is because the law of inheritance takes into account the material aspect in determining the entity. Accounting also takes into account a lot of materiality in its activities. Thus, the entity of the marriage process is an accounting entity. The division of assets, which is the legal task of inheritance, is an appropriate basis for determining and creating a household accounting body, because the material aspect can be measured and calculated so that assets are determined, valued and distributed.⁶

Furthermore, John Locke argues in *the theory of tabula rasa* that explaining that newborn children are analogous to a clean and blank *sheet of paper*.⁷ So it is necessary to direct and teach, every child can be formed by their parents because the child will follow the character and role example of his father and mother. The future of the child will depend on how the process of the family education pattern is given. From here, the first education is very important because as a solid foundation is created so that a child has courage and a deep sense of optimism when in direct contact with the outside world. So that parents, fathers and mothers are responsible when teaching a child. The father's role when he becomes the head of the family must also be present in training and teaching the character of the child to be able to be useful and *survive* in this place created by God, the role of the father as a head figure has been immediately implemented to pray the child in his right ear and then observe him in the other ear, maintain, give a name in accordance with Islamic teachings, teach and educate the child to be righteous. It does not mean that there is an assumption that the mother's *tupoksi* is a very early and early elementary school for her children and if it is well prepared, it will give birth to the best generation "*al-ummu madrasah al-ula, idza a'dadtaha a'dadta sha'ban tayyiban al-a'raq*."

The Qur'an gives an example of the duties and functions of being a father who is not busy just to provide for the material, but to guide the essence and substance of Islam and good character, then the mother's role focuses on sharpening, loving and nurturing so that with this method there will be a harmonious family because the burden of child care is not imposed on one, let alone paying a caregiver who is not in accordance with family manners. There is a narration from the Companions of the Prophet, namely Ali bin Abi Talib ra, narrated that "*Educate your children according to their times, because they live not in your time*".⁸

⁶ Jurnal Mantik, Dudi Abdul Hadi, and Ingrid Larasati Agustina, "Marriage Law in Household Accounting in Indonesia," *Jurnal Mantik*, vol. 8 (Online, 2024). p. 582.

⁷ Muhamad Parhan and Dara Puspita Dewi Kurniawan, "Actualization of the Role of Mothers as the First and Main Madrasah for Children in the 4.0 Era," *JMIE (Journal of Madrasah Ibtidaiyah Education)* 4, no. 2 (2020), p. 158.

⁸ Muhamad Parhan and Dara Puspita Dewi Kurniawan, "Actualization of the Role of Mothers as the First and Main Madrasah for Children in the 4.0 Era," *JMIE (Journal of Madrasah Ibtidaiyah Education)* 4, no. 2 (2020), p. 157–174.

Shaykh Imam Nawawi al-Bantani has made many comprehensive works on family affairs, namely the book *Uqud al-lujjayn fii bayani huququz zawjayni*. In the book, it is explained that there are guidelines regarding the rights and obligations of married couples regarding the relationship between the two must be proportionate and wise. For example, every couple must be based on good relationships. This aims to build a happy/harmonious family. Because of the division of duties between the relationship between husband and wife, *Uqud al-Lujjayn* told both of them to obey and respect the tupoksi of the two to be egalitarian. Then Sheikh Nawawi al-Bantani paid attention to Islamic shari'a that the hierarchy of men and women before Allah SWT is equal, because the difference is only related to faith and piety.⁹

In the compilation of Islamic law (KHI), several aspects of obligations and rights between husband and wife have been stated in order to foster a harmonious family in accordance with Islamic shari'a and normative regulations in Indonesia. Namely in Chapter XII about the rights and obligations of husband and wife, articles 77-79 discuss for both, then articles 80-82 are the obligations of a husband and continue with articles 83-84 discuss the obligations of a wife.¹⁰

The fact that occurs when referring to article 83 of KHI paragraph (2) explains that wives are required to be able to manage the household as well as possible, but women in the modern era have now transformed into stakeholders of family economic governance in improving the quality of family materials. The role of a wife is no longer standard, namely the position of the wife or housewife only takes care of all the domestic needs of the family, but now it has changed in the socio-cultural sector in the realm of professions, this is correlated with the situation of the wife also coming down to help the husband outside in the process of improving the family economy so that in managing the situation in the household is somewhat hampered.¹¹

So that the role and function of family couples need a proportional division of duties to avoid the forerunner of disharmony in the family itself, whether it will continue to refer to the compilation of Islamic law (KHI) or even it turns out that this KHI needs to be revised considering that the validity period of the KHI has reached 33 years which in legal terms will always be dynamic and adjust to the current context and beyond. The law that is currently running of course has a strong correlation with the law in the past due to political factors or other triggers, the law

⁹ Khafit Prasetyo and Ahmad Faruq, "The Concept of Husband and Wife's Rights and Obligations in the Book of 'uqud al-Lujjayn and Its Relevance to Gender-Based Family Counseling," *Jurnal Sains Student Research* 2 (2024), p. 211–223.

¹⁰ Indonesian Ulema Council. 2003. "Compilation of Islamic Law (KHI)." Library of the Supreme Court of the Republic of Indonesia, "Compilation of Islamic Law (KHI)," 2021.

¹¹ Lukman Budi Santoso, "The Existence of the Role of Women as the Head of the Exit (An Analysis of the Counter Legal Draft-Compilation of Islamic and Qira'ah Mublà Laws)," *Marwah: Journal of Women, Religion and Gender* 18, no. 2 (January 21, 2020), p. 107.

that includes changes and developments in society will continue to change dynamically according to the era lived and cannot be permanent/permanent.¹²

The author gives several negative impacts of the lack of professionalism of husband and wife couples in the management of tupoksi. *First*, family life will be less harmonious, because there is a high sense of selfishness between husband and wife which causes them to feel better between them to meet the needs of individual rights without paying attention to obligations. *Second*, violation of rights and denial of obligations, this is very dangerous if it continues because there will be a prolonged domino effect and end in an act that is detrimental to one of the parties. *Third*, it causes injustice in the family where a harmonious family is supposed to be built together without anyone feeling overburdened but instead becomes a discriminatory family. *Fourth*, the family becomes unmanageable and tends to commit acts that are outside the boundaries between the roles of husband and wife, which are different from shari'a and regulations. *Fifth*, family divorce will occur and in fact this will not only have an impact on the husband and wife but also the extended family, relatives and even children if they already have it will feel a negative impact on the decision of the husband and wife to divorce.¹³

This research focuses on the analysis of normative juridical research methods with qualitative approach methods. The author starts from the legal aspect and focuses on regulations or societal norms, articles and legal verses. The author draws from journal articles, books, legal rules and other juridical sources. As legal sources, namely positive law and relevant Islamic law, both are used as analytical tools to discuss the implementation of obligations and rights of marital relations in a proportional KHI perspective towards a harmonious family.

The Essence of the Implementation of Harmonious Families

The family is an important organization in the survival of human beings in this world by always holding promises and strong commitments in dedicating all forms of moral family harmony. So what the author means by a harmonious family is that there are solid characteristics that can provide an overview of the condition of a harmonious family. A strong family will make the family have a pillar for the formation of a happy family in this world and the hereafter. Because the place blessed by Allah SWT is a harmonious family, because they have families well with each other. Each family member will get a support *system*, affection, and pure loyalty. Family members will talk about useful topics and enjoy living together. Husband and wife become ideal couples looking for solutions to problems that come close to

¹² Balqis Tsabitah Azzahrah and Irwan Triadi, "Challenges of Constitutional Law to the Dynamic Digital Era," *Cause* 4, no. 5 (2024), p. 2.

¹³ "The Concept of a Harmonious Family in the Frame of Sakinah, Mawaddah, Warahmah," *Tahqiq Journal* 18 (2024), p. 115-119

family crises. Married couples will help each other and share affection by always putting aside various personal interests to solve problems together.¹⁴

A harmonious family does not mean a family that does not have conflicts or problems, but the fact is that it needs to be supported by the spirit of monotheism in the formation of a harmonious family according to sharia. The meaning of monotheism, Allah SWT as God Almighty, is not only a fundamental foundation in the spiritual life of every individual but also a guideline for the relationship between husband and wife. According to Quraish Shihab, a correct understanding of monotheism will encourage every family member to place Allah SWT as the main priority instrument in every decision and action of the family, which will ultimately create a harmonious family atmosphere and oriented towards divine values, namely monotheism itself.¹⁵

Next is the creed theory or creed pioneered by Juhaya S Praja as well as the founder of the department of comparative madhhab and law, which is quoted as explaining that the creed theory obliges every individual who has consciously pronounced two words of creed as the cause and effect of the law of one's pledge/creed. This theory is correlated with the philosophy of Islamic law regarding the meaning of monotheism. The meaning of *monotheism* that is spoken has a legal bond for individuals who have vowed to fear Allah SWT, therefore they are obliged to obey the provisions of Allah SWT and stay away from the prohibitions of Allah SWT so that they automatically follow in the footsteps of the Prophet PBUH and his sunnah.¹⁶

With this theory, the constant role of husband and wife is not only changing the status from being single to a family couple, but the existence of a paradigm inherent in every heart of a husband and wife with a family is not enough only in this world but until the hereafter will be accountable to Allah SWT.

Some of the guidelines of the Qur'an that are studied by *Tafsir Al-Azhar* to become a harmonious family are explained in Surah ar-Rum verse 21, Surah an-Nisa verse 9, Surah at-Tahrim verse 6, Surah al-Furqan verse 74, Surah al-Baqarah verse 233 and Surah an-Nisa verse 21.¹⁷ The obligations of the husband as well as the rights of the wife are in Surah an-Nisa verses 4 and 19, Surah al-Baqarah verse 228, and Surah at-Talaq verse 6 are some of the explanations contained in the Qur'an, the

¹⁴ Zainal Abidin, "Interpersonal Communication of Husband and Wife Towards a Harmonious Family," *Personification* 2, no. 2 (2011), p. 111–121.

¹⁵ Iqna Auliyah, Ris'an Rusli, and Totok Agus Suryanto, "A Study of the Living Qur'an on the Formation of Islamic Families in Tafsir Al-Misbah" 7 (2024), p. 279–302.

¹⁶ Muhammad Mas'ud, Rosbandi, and Sugih Suryagalih, "The Existence of Creed Theory in the Enforcement of Islamic Law in Indonesia," *Islamika (Journal of Religion, Education, and Socio-Culture)* 14, no. 1 (2020), p. 54–68.

¹⁷ Nurmayati M, "Harmonious Family in the Perspective of Tafsir Al-Azhar," *Journal of Economic Perspectives*, 2022, p. 117.

above letter provides guidelines for every husband and wife couple when they want to become a harmonious family, then practice the guidance from Allah SWT.¹⁸

Next, what about the position of wives who work as career women, whether the division of rights and obligations will remain proportional or not. The case study is in Benda village, Sirampog District, Brebes Regency, Central Java province, the percentage of residents in the area of community members who work as career women is 11.43%. The wife also goes down to look for family materials to work about 6 to 9 hours a day in a span of five to six days a week. At the same time, they turned out to be active in social life such as recitation activities and other NU mass organization routines which are quite decent if calculated to take up a lot of time, energy and even materials. Because the routine of many wives working outside the home has an impact on the intensity of wives for the family in the household because they come home immediately to rest because of fatigue. The factors that cause a wife to work are *first*, financial material; *second*, education; *Third*, the authority of the wife and family in the community; *Fourth*, self-actualization/utilization of time.¹⁹ Based on the results of the above study, around 75% of their married couples work to earn a family living, the pattern of their marriage relationship is more inclined to experience family problems due to a shift between the rights and obligations of the two. A family that wants the relationship between husband and wife to be harmonious depends on the aspect of how the couple responds to differences or a problem at hand. Personality characteristics and lack of intimate family interaction between married couples will cause disharmony in it.²⁰

The following are indicators of the concept of a harmonious family and belong to the category of sakinah families; *First*, there is love, affection and a sense of belonging in taking care of each other. *Second*, having a sense of sincerity and sincerity in carrying out their respective roles in the family. *Third*, gaining peace and tranquility between the two. *Fourth*, love that leads to the pleasure of Allah SWT is not a momentary lust. *Fifth*, avoid prejudice and suspicion of disbelief. *Sixth*, being able to maintain views and associations when outside. *Seventh*, the fulfillment of birth and mental sustenance, including biological. *Eighth*, support each other in matters of achievement, career and work.²¹

In the process of implementing harmonious families, it is to avoid protracted problems such as family conflicts. Feuds in married couples are characterized by the cracking of family relationships. In this case, Islamic law explains, the absence of

¹⁸ Haris Hidayatulloh, "The Rights and Obligations of Husband and Wife in the Qur'an," *Journal of Islamic Family Law* 4, no. 2 (2019). p. 153-158.

¹⁹ Badriah, Chaula Luthfia, and Qotrun Nida, "The Rights and Obligations of Husband and Wife from the Perspective of Islamic Law (Case Study of Career Women in Benda Village, Sirampog District, Brebes Regency)," *Journal of Legal Research* 3, no. 1 (2023), p. 73-89.

²⁰ Siti Mas'udah, "Familial Relationships and Efforts in Retention of Marriage among Atomistic Families in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022), p. 9.

²¹ Rosmita Rosmita, Fatimah Sahrah, and Nasaruddin Nasaruddin, "The Concept of the Sakinah Family in the Qur'an and Its Implementation in Domestic Life," *Bustanul Fuqaha: Journal of Islamic Law* 3, no. 1 (April 5, 2022), p. 68-80.

harmony in the family is called the word *shiqaq* which means *lughah* is a feud/conflict. Then based on *the terminology of shiqaq*, it is a decrease in quality or degradation in family couples. The final impact of the couple's relationship fighting, paradigm differences and prolonged domestic feuds can even lead to domestic violence, making this couple difficult to meet and they as a married couple are also difficult to resolve.²² In the Marriage Law in Indonesia, the word *shiqaq* is what causes the breakup of the marriage if the two can no longer be reconciled or referred again. It can be seen in the Complications of Islamic Law (KHI) Article 116 point (f).

The Concept of Proportionality Between Rights and Obligations

Interpreting the word proportional does not mean that it has to be the same but there is *a balance* between the two. According to Aristotle, equality in the sense of proportionality, which has the definition that there must be balance or conformity and harmony between the object given and the ability of the individual who will receive the object in order to achieve the justice process.²³ This means that it has meaning if it is correlated with the concept of proportional obligations and rights between family couples, it does not mean that they have to do the same work with the same intensity. Rather, it must be with a balanced and equal level of both.

For example, a wife who is busy looking for family materials outside the home will be forced to live separately from her partner or family due to the intensity of time and distance from the place of residence. Therefore, the husband and wife family will be able to meet the financial and economic needs of their families, but at the same time, there will be a negative impact of this behavior, namely the tupoxy of the two will be disproportionate to their families.²⁴ A distance or the occurrence of separation in the family is an outbreak of most marriages that will have the effect of anxiety, anxiety and emotional pressure gradually among all parties involved, one of which is a lack of intensity of meeting and sharing stories between husband and wife. This separation situation will be contradictory because separation lays the foundation for a tendency to start a wide element of division both between family couples, parents and children in the family environment. The environment that will be produced is to trigger elements of mental health problems caused by depression or stress so that the shock of the demands of responsibility.²⁵ Of course, this will interfere with harmony in the family because how to divide the roles and responsibilities between the obligations and rights of the married couple in the

²² Astri Dwi Andriani, "The Role of Wives as Career Women in Islamic Perspectives and Their Influence on Indonesia's Divorce Rate," *Journal of Islamic Religious Education* 18, no. 2 (2020), p. 112.

²³ Yosef Keladu, "Proportional Equality and Unequal Treatment in Aristotle's Theory of Justice" 19, no. 1 (2023), p. 54–78.

²⁴ Mas'udah, "Familial Relationships and Efforts in Retention of Marriage among Atomistic Families in Indonesia." p. 3.

²⁵ Nguyen Thibao Anh and Nguyen Thu Huong, "A Comparison Study of Husband and Wife Separation," *Russian Law Journal* 11, no. 7s (2023), p. 303–313.

family, meeting will also be difficult to do between the couple because there is a separation caused by being too busy working and earning a living for the family that is too excessive.

In the implementation of marriage worship, especially in the matter of earning a living, do not sacrifice the crucial thing, namely harmony in the household environment, because in the Qur'an it can also be understood through *the term wasathiyah* which has the meaning of middle or balance (proportional). The Qur'an invites all Muslims not to be excessive in all forms of affairs, even including religious matters, both in worship and in social relations of the community. One of the verses that emphasizes the importance of a middle and not excessive attitude is in Surah al-Furqan verse 67 and related to religious moderation is found in Surah Al-Baqarah verse 143.²⁶

The religion of Islam is *Rahmatan Lil A'alamin*, which has quite clearly regulated how the pattern of marital relationships, in-laws, parents, spouses and children towards the *tupoksi* of everything that is attached to the individual. As a family driver, you must always be good at creating happy/harmonious conditions. Children from families who always follow the instructions of Islam *In Syaa Allah* will be able to follow what the Prophet PBUH exemplified to his people.²⁷

There are several indicators that are intended so that the goal of proportionality of rights and obligations is achieved, one of which is the innate moral character that is built and implemented covering three aspects; *First*, cognition is the basic knowledge of human beings through their scientific potential capacity. *Second*, affective is the development of the potential and talent of human mindset in trying to analyze phenomena and nomenclature. *Third*, psychomotor is the formation of true reasoning so that it is not just a delusion.²⁸ So what the author means regarding proportionality here must be proven by the morals or character of each married couple in accordance with Islamic teachings, namely having responsibility, cooperation, affection, discipline, calculation and balance. Therefore, it is important to have education before marriage and *parenting* so that a harmonious family is established between husband and wife.

The majority of scholars explained that egalitarian/equal between the positions of the prospective bride and groom does not determine the legal conditions of marriage. However, it is an option or recommendation, because the concept of *kafa'ah* or equivalent has a positive goal so that couples do not make the wrong choice of who they will live with in the future. The *kafa'ah* essence program will at least get an equal and one frequency of *mindset* between couples in marriage bonds,

²⁶ Aceng Zakaria et al., "The Qur'an's Perspective in Religious Balance: Measuring Religious Moderation through Maqashid Sharia," *Al-Tadabbur: Journal of Quran Science and Tafsir* 9, no. November (2024), p. 369–386.

²⁷ Siti Rahmah, "Morals in the Family," *Journal of Da'wah Science* 20, no. 2 (2021), p. 27–42.

²⁸ Rahmah. p. 30.

because the same mindset is very important to go towards an ideal family because they have enough knowledge and mentality in living the ark of family life.²⁹

Thus, the basic concept of proportionality means that the concept of providing a path according to what will be headed based on the rules. Agus Yudha Hernoko also added the definition of the concept of the principle of proportionality, namely the principle of proportionality is a form of balance or a state that is appropriate (equal portion, fair and beneficial). For example, balance in the study of physics, Agus said that equality must be defined in accordance with the style of the supporting ecosystem that both seek the core goal. While the meaning of proportionality is that it means according to portions, proportional and balanced.³⁰

Proportional Rights and Obligations KHI Perspective

The role of the family couple's burden begins when the marriage contract is pronounced by fulfilling the applicable terms and conditions. A harmonious family will be good at placing duties and responsibilities between rights and obligations between the two without any rejection that leads to division, this is all based on having said the bond of the holy promise of the married couple when the purpose of the family ark relationship is only to expect the pleasure of Allah SWT. The compilation of Islamic law (KHI) regulates the boundaries and recommendations that need to be implemented by each family couple so that they become ideal.

First, article 77 paragraph (1-5) of the KHI requires married couples to bear a noble obligation to uphold a household that is *sakinah*, *mawaddah* and *rahmah*. It is required to love each other, respect, respect, be loyal and help each other physically and mentally. Assume the obligation to nurture and nurture children regarding physical, spiritual and religious growth. It is mandatory to maintain the honor of both of them and if one of them is negligent, he can file a lawsuit with the religious court. *Second*, article 78 paragraph (1 and 2) WHEN family couples need to own a house. *Third*, article 79 paragraph (1-3) of the KHI husband has a position as the head of the family and the wife as a housewife who has balanced rights and positions and has the right to perform legal acts. *Fourth*, article 80 paragraph (1-7) KHI the husband is obliged to be a guide for the wife and household by considering joint decisions, the husband must take care of his wife and harmonize the family in the form of birth support then the mind is also very necessary according to his ability, obliged to provide religious education to his family, the obligation of the husband if the wife *is nusyuz*. *Fifth*, article 83 paragraph (1 and 2) explains that the main and first obligation of a wife is to be physically and mentally devoted to her husband in

²⁹ Indah Mulia Utami and Winning Son Ashari, "The Role of Ta'aruf Before Marriage in Preventing Early Divorce," *Ar-Risalah Scientific Journal: Islamic Media, Education and Islamic Law* 21 (2023), p. 145.

³⁰ Muhammad Yalis Shokhib, "Ihdad's Dialectic in the Compilation of Islamic Law (KHI) Based on the Principle of Proportionality," *Al-Syakhsyiyah: Journal of Law & Family Studies* 4, no. 1 (2022), p. 27,

which is justified by Islamic law and the wife must manage all daily household needs as well as possible.³¹

At a glance, when analyzing the results of the division of obligations and rights of family couples, the KHI perspective is proportional and in accordance with the applicable provisions for the common good. However, it is necessary to have a study explicitly reviewing the current contextual situation and conditions that the author has described above, many wives work outside the home and do not always focus on domestic affairs at home to take care of family needs. Is this not justified or should it be what is appropriate, so that even though the wife becomes a career woman, there is still a harmonious family.

In the Qur'an, Surah al-Hujurat verse 13 states very comprehensively, indeed, Allah SWT sees that his servants are not discriminated, husbands and wives have an equal and balanced position, what distinguishes them from others is their piety. Then in Surah At-Taubah verse 1 there is a meaning of explaining *the mublà* between life partners comprehensively, proportionally here applies to all humans, therefore family couples are also included in it. Furthermore, Surah An-Nisa verse 34, the pronunciation of "*qawwamun*" by some commentators interprets that the man/husband is a guardian and person in charge, a policymaker according to the benefits of the family. At some times, the Qur'anic postulate is often a postulate that women or wives are not allowed to go out of the house to work and require the wife to stay at home only and not work. Next, there are those who quote statements from Azizah al-Hibri, Amina Wadud and Riffat Hasan, the word "*qawwamun*" can be interpreted as a seeker of family materials such as finances to be able to provide supporting tools in household life. So it can be concluded, wives/women have no prohibition that requires them to only stay at home and are not allowed to work outside, as long as their intentions are good and appropriate.³²

The solution that can be applied if the wife still wants to work outside to help her husband and family is the most important thing is to ask for pleasure from Allah SWT and then permission from her husband because he is a Muslim woman. *First*, as a career woman who works in the public, a wife as a partner must be serious in giving strong trust to her husband as her partner, confident that with good intentions she will always be loyal and expect God's pleasure so that she will be able to foster a sense of *respect* even though she is outside the house and then when she is going to work, the wife who works should be delivered directly by her husband to the workplace so that it remains established harmony between the two. *Second*, being a career woman must maintain Islamic and shari'a clothing ethics, namely covering the aurah when you want to go out of the house and work. In accordance with the Word of Allah SWT. In Surah Al-Ahzab verse 59 explains that it is the obligation to cover the aurah for women by using Muslim women's clothes, which means that their

³¹ Indonesian Ulema Council, "Compilation of Islamic Law (KHI)," *Library of the Supreme Court of the Republic of Indonesia*, 2003, p. 20-22.

³² Andriani, "The Role of Wives as Career Women in Islamic Perspectives and Their Influence on Indonesia's Divorce Rate." p. 107.

clothes must be neatly covered with Islamic ethics and must ensure that their work is halal, not mixed directly with those who are not mahrams and do not resemble men's clothes.³³

Apart from that, disharmony sometimes appears in the relationship between mother and child. Being a career woman, don't just focus on your work because it will have an impact on the baby's psychology. The low intensity of meeting and interaction in family life will affect the atmosphere built in the family environment. Because the child will seek pleasure in other activities because he does not get it from his parents directly, the child's reluctance and respect for his father and mother will be eroded and decreased, and what is worse is that the parents cannot advise him. Awareness of the obligations and rights of husband and wife should be maintained continuously because family psychology is very important in supporting family life in the future. So that the impact that will occur is that the wife can still work and the husband can understand as a career woman without forgetting the core obligations in the family that have been committed together.³⁴

The role of a husband in fostering the household is a public role related to governance outside the family household. Meanwhile, it is directly proportional to the governance that a wife always does has a household role in the family. However, along with the development of the times and socio-culture, the role in the household has changed, namely the role of the wife can take on a role in the public sector. The impact of this phenomenon causes a wife to have an income for her family, then indirectly the family economy increases because of the wife's contribution to family life, which according to Islamic teachings is actually that the one who has the obligation to earn a living outside is a husband. So that finally the change to this role in the household in some cases causes problems, such as the large number of divorces and family lawsuits due to economic problems or the availability of money. Because the inability of management science to family finances can cause various mental illnesses. A similar case study exists in another part of the world, namely China, which occurs in the case of low house prices, apparently reducing the divorce rate. In the opposite context, which means that if the price of the house is expensive/high, then the divorce case will also tend to be higher.³⁵

Thus, as a husband and wife couple, they must be able to position themselves as best as possible in domestic life whether both of them will work or just one of them, then what will the mechanism of the distribution of inheritance be like in the family, there needs to be often warm and intimate chats, the goal is to maintain family harmony, often hold evaluations before rest and family reflection so that it can be better. Then the parenting and upbringing of children will be how to produce the expected offspring and become the next generation of proud families, everything needs to be done together without exception. To anticipate this, it can be made and

³³ Andriani. p. 109.

³⁴ Andriani. p. 112-113.

³⁵ Jurnal Mantik, Dudi Abdul Hadi, and Ingrid Larasati Agustina, "Marriage Law in Household Accounting in Indonesia," *Jurnal Mantik* 8, no. 1 (2024), p. 578-589.

agreed in the form of a marriage agreement that has been regulated in Chapter VII articles 45-47 of the KHI so that things that are lacking if there is an inappropriate division of responsibilities can be prevented and immediately corrected because if left unchecked, it will have a negative impact in the long run.³⁶

Effectiveness of Gender Equality-Based KHI

In Indonesian territory, it is still thick with patriarchal culture, although there are several regions of Indonesia that use matriarchal culture, such as on the island of Sumatra. This is the author's analysis of whether the compilation of Islamic law (KHI) is appropriate and adheres to gender equality or not. So referring to several rules of the KHI, such as for example article 25 of the KHI, which states that only Muslim men can be witnesses during the marriage contract procession, while Muslim women cannot be witnesses to the marriage contract. So the author can conclude that the Compilation of Islamic Law (KHI) has not fully used the gender equality system. Nevertheless, KHI still protects and respects women's rights comprehensively.

In this sense, it is necessary to be aware of men who are supported by patriarchal culture, do not feel superior to women because the author has described above that men and women are balanced from all portions. For example, in the case of a husband forcing his wife to serve him. Forcing or committing violence in a marital relationship just for lust is a pattern of patriarchal cultural paradigm that falsely states that wives must always submit to their husbands and a husband is free to rule or do anything to his wife. A patriarchal culture that is quite thick and completely tied to the husband will make you feel that rape of the wife in marriage is not wrong and always right. Because the husband thinks that serving the husband is the duty of a wife. The word obligation here has been mistaken and misunderstood, even though the essence of the obligation referred to in the KHI does not have to fully follow and obey the husband without considering the reasons proposed by the wife legally and logically.³⁷

The Negative Impact of Cracking Harmony in the Family

Raising children in an incomplete family is indeed very difficult and not easy, it is spearheaded by the cracking of harmony in the family whether it is due to divorce because it is no longer in line or other factors. So the author took several negative case studies related to the occurrence of disharmony in the family, the impact is not only on married couples but also children and families become victims.

For children grow up only in a family with one parent or a single parent. The percentage of single-parent families has consistently been high over the past few decades in western countries such as the European Union and the United States, with 15 and 27 percent of children growing up in single-parent families, respectively. This

³⁶ Indonesian Ulema Council, "Compilation of Islamic Law (KHI)." p. 13.

³⁷ Aditya Yuli Sulistyawan, Shefia Ariesta Fernanda, and Robiah Adawiyah, "Fulfillment of Wives' Obligations to Husbands in Sexual Relations in Indonesian Legal Arrangements," *Russian Law Journal* XI, no. 6 (2023), p. 135.

case is caused by divorce or separation of the child's parents, from the death of the parent, or from being born having been cared for by a single parent.³⁸

In addition, from the journal that the author cites the negative impact of the growth process of children raised by single parents because divorce tends to be more prone to falling into criminal acts, while children who grow up from single parents due to a history of parental death show a high level of embarrassment and anxiety compared to children in general. Then divorce cases explicitly and significantly affect family stress levels for children. So it can be concluded that the growth and development of children in families with single parents has a risk that is dangerous and vulnerable to criminal manipulation and affects the life opportunities of adolescents in the future. Children will be easily involved in criminal acts, This involvement during adolescence is associated with a higher level of negative life outcomes such as low income, poorer health outcomes, lower life welfare, and a higher likelihood of participating in adult crime.³⁹

The next study is on mental health at the vulnerable age of children and adolescents, namely before entering the age of 18 years will be disturbed because the trigger is the result of exposure to domestic dysfunction or trauma, parental divorce, parents who have been unemployed for nine months or more, parents who are in prison, parents who are treated in mental hospitals, Children left behind in orphanages, deceased parents, adoptive parents, parents who are undergoing treatment due to illness, parental abuse and other problems. Age The child to adolescence vented his trauma on smoking, alcohol abuse, depression and other personality disorders.⁴⁰

An ideal and harmonious family is the desire of all couples, especially those who are married, the ups and downs of the family depend on the individual in it as the driving wheel. Will they remain arrogant with selfishness or on the contrary use altruistic nature in the lives of husbands and wives. Before making important decisions in the family, it is better to assess comprehensively and visionarily and refer to the regulations on what impact will occur if you make these decisions, because in fact, being married is not only for momentary lust in this world, but until you die and later meet again in the afterlife as a happy/harmonious couple.

Conclusion

The Compilation of Islamic Law (KHI) has contributed guidelines for legal subjects and become a reference for judges so that it becomes a useful jurisprudence in deciding a decision. Although it has been used for a long time, namely 33 years old, the role of husband and wife who aim to build a harmonious family has been

³⁸ Janique Kroese et al., "Growing up in Single-Parent Families and the Criminal Involvement of Adolescents: A Systematic Review," *Psychology, Crime and Law* 27, no. 1 (2021), p. 61–75.

³⁹ Kroese et al. p. 62.

⁴⁰ Titik Juwariah et al., "Childhood Adversities and Mental Health Problems: A Systematic Review," *Journal of Public Health Research* 11, no. 3 (2022), p. 1-2.

explained in the KHI which is proportionate in line with the principles and teachings of Islamic sharia. What needs to be studied and revised is regarding regulations in KHI which are still dominant in the pattern with patriarchal culture, such as the role of women's positions in all public sectors is still quite low by always being based on the socio-cultural rules of the community, namely customary law and upholding *Maslahat Mursalah* in the implementation process.

References

Journals and Books

- Abidin, Zainal. "Interpersonal Communication of Husband and Wife Towards a Harmonious Family." *Personification* 2, no. 2 (2011). <https://doi.org/10.21107/personifikasi.v2i2.713>.
- Andriani, Astri Dwi. "The Role of the Wife as a Career Woman in an Islamic Perspective and Its Influence on Indonesia's Divorce Rate." *Journal of Islamic Religious Education* 18, no. 2 (2020). <https://doi.org/10.17509/tk.v18i2>.
- Auliyah, Iqna, Ris'an Rusli, and Totok Agus Suryanto. "A Study of the Living Qur'an on the Formation of Islamic Families in Tafsir Al-Misbah" 7 (2024): 279–302. <https://doi.org/10.14421/lijid.v7i2.5646>.
- Azzahrah, Balqis Tsabitah, and Irwan Triadi. "The Challenge of Constitutional Law to the Dynamic Digital Era." *Causa* 4, no. 5 (2024). <https://doi.org/10.3783/causa.v4i5.3590>.
- Badriah, Chaula Luthfia, and Qotrun Nida. "The Rights and Obligations of Husband and Wife: A Perspective of Islamic Law (Case Study of Career Women in Benda Village, Sirampog District, Brebes Regency)." *Journal of Legal Research* 3, no. 1 (2023). <https://jurnal.untirta.ac.id/index.php/jurisprudence/index>.
- Hidayatulloh, Haris. "The Rights and Obligations of Husband and Wife in the Qur'an." *Journal of Islamic Family Law* 4, no. 2 (2019).
- Imtihanah, Anis Hidayatul. "Gender-Friendly Islamic Family Law: An Elaboration of Islamic Family Law with the Concept of Mubadalah." *Codification* 14, no. 2 (December 12, 2020). <https://doi.org/10.21154/kodifikasia.v14i2.2197>.
- Juwariah, Titik, Fendy Suhariadi, Oedojo Soedirham, Agus Priyanto, Erni Setiyorini, Auliasari Siskaningrum, Heni Adhianata, and Angelina da Costa Fernandes. "Childhood Adversities and Mental Health Problems: A Systematic Review." *Journal of Public Health Research* 11, no. 3 (2022). <https://doi.org/10.1177/22799036221106613>.
- Centipede, Yosef. "Proportional equality and unequal treatment in Aristotle's theory of justice" 19, no. 1 (2023). <https://doi.org/10.36383/diskursus.v19i1.347>.
- Khafit Prasetyo, and Ahmad Faruq. "The concept of the rights and obligations of husband and wife in the book 'uqud al-Lujjayn and its relevance to gender-based family counseling." *Journal of Science Student Research* 2 (2024). <https://doi.org/10.61722/jssr.v2i4.1982>.

- "The concept of a harmonious family in the frame of sakinah, mawaddah, warahmah." *Journal of Tahqiq* 18 (2024).
<https://doi.org/10.61393/tahqiq.v18i1.219>.
- Kroese, Janique, Wim Bernasco, Aart C. Liefbroer, and Jan Rouwendal. "Growing up in Single-Parent Families and the Criminal Involvement of Adolescents: A Systematic Review." *Psychology, Crime and Law* 27, no. 1 (2021).
<https://doi.org/10.1080/1068316X.2020.1774589>.
- M, Nurmayati. "Family Harmony in the Perspective of Tafsir Al-Azhar." *Journal of Economic Perspectives*, 2022. <https://doi.org/10.1080/23322039.2017>.
- Indonesian Ulema Council. "Compilation of Islamic Law (KHI)." Library of the Supreme Court of the Republic of Indonesia, 2003.
- Mantik, Jurnal, Dudi Abdul Hadi, and Ingrid Larasati Agustina. "Marriage Law in Household Accounting in Indonesia." *Jurnal Logic*. Vol. 8. Online, 2024.
- . "Marriage Law in Household Accounting in Indonesia." *Jurnal Mantik* 8, no. 1 (2024).
- Mas'ud, Muhammad, Rosbandi, and Sugih Suryagalih. "The Existence of Creed Theory in the Enforcement of Islamic Law in Indonesia." *Islamika (Journal of Religion, Education, and Socio-Culture)* 14, no. 1 (2020).
- Mas'udah, Siti. "Familial Relationships and Efforts in Retention of Marriage among Atomistic Families in Indonesia." *Cogent Social Sciences* 8, no. 1 (2022).
<https://doi.org/10.1080/23311886.2022.2046313>.
- Nguyen Thibao Anh, and Nguyen Thu Huong. "A Comparison Study of Husband and Wife Separation." *Russian Law Journal* 11, no. 7s (2023).
<https://doi.org/10.52783/rlj.v11i7s.1149>.
- Nurani, Sifa Mulya. "The Relationship of Rights and Obligations of Husband and Wife in the Perspective of Islamic Law (Analytical Study of the Relevance of the Rights and Obligations of Husband and Wife Based on Tafsir Ahkam and Hadith of Ahkam)." *E-Journal Al-Syakhsiyyah Journal of Law and Family Studies* 3 (2021). <https://doi.org/10.21154/syakhsiyyah.v3i1.2719>.
- Nurtjahjani, Fullchis, Yulis Nurul Aini, Ane Fany Novitasari, and Sugeng Basuki. "Implementation of Building a Harmonious Family to Reduce the Stress Level of PKK Mothers Rw 21 Purwantoro Malang." *RESWARA: Journal of Community Service* 2, no. 2 (July 10, 2021).
<https://doi.org/10.46576/rjpk.v2i2.948>.
- Parhan, Muhamad, and Dara Puspita Dewi Kurniawan. "Actualization of the role of mothers as the first and main madrasah for children in the 4.0 era." *JMIE (Journal of Madrasah Ibtidaiyah Education)* 4, no. 2 (2020).
<https://doi.org/10.32934/jmie.v4i2.193>.
- Rahmah, Siti. "Morals in the family." *Journal of Da'wah Science* 20, no. 2 (2021).
- RI, Indonesian Ulema Council. 2003. "Compilation of Islamic Law (KHI)." Supreme Court Library. "Compilation of Islamic Law (KHI)," 2021.
- Rosmita, Rosmita, Fatimah Sahrah, and Nasaruddin Nasaruddin. "The concept of the sakinah family in the Qur'an and its implementation in household life."

- Bustanul Fuqaha: Journal of Islamic Law* 3, no. 1 (April 5, 2022): 68–80. <https://doi.org/10.36701/bustanul.v3i1.523>.
- Saeful Amri, M. "Mitsaqan Ghalidza in the Era of Disruption (Study of Divorce Due to Social Media)." Vol. 89, 2019. <https://doi.org/10.30659/jua.v3i1.7496>.
- Sandy Diana Mardlatillah, and Nurus Saadah. "The Pattern of Husband and Wife Relations as an Effort to Increase the Permanence of Marriage." *Sociocouns: Journal of Islamic Guidance and Counseling* 2, no. 1 (April 30, 2022). <https://doi.org/10.35719/sjigc.v2i1.12>.
- Santoso, Lukman Budi. "The Existence of the Role of Women as Heads of Secretaries (An Analysis of Counter Legal Drafts of Islamic Laws and Qira'ah Mubadalah)." *Marwah: Journal of Women, Religion and Gender* 18, no. 2 (January 21, 2020). <https://doi.org/10.24014/marwah.v18i2.8703>.
- Shokhib, Muhammad Yalis. "Ihdad's dialectic in the compilation of Islamic law (KHI) is based on the principle of proportionality." *Al-Syakhsiiyyah: Journal of Law & Family Studies* 4, no. 1 (2022). <https://doi.org/10.21154/syakhsiiyyah.v4i1.4279>.
- Sulistiyawan, Aditya Yuli, Shefia Ariesta Fernanda, and Robiah Adawiyah. "Fulfillment of Wives' Obligations to Husbands in Sexual Relations in Indonesian Legal Arrangements." *Russian Law Journal* XI, no. 6 (2023). Utami, Indah Mulia, and Winning Son Ashari. "The Role of Ta'aruf Before Marriage in Preventing Early Divorce." *Ar-Risalah Scientific Journal: Islamic Media, Education and Islamic Law* 21 (2023). <https://doi.org/10.69552/ar-risalah.v21i1.2067>.
- Zakaria, Aceng, Ahmad Thib Raya, Made Saihu, and Syaeful Rokim. "The Qur'an's Perspective in Religious Balance: Measuring Religious Moderation through Maqashid Sharia." *Al-Tadabbur: Journal of Quran and Tafsir* 9, no. November (2024). <https://doi.org/10.30868/at.v9i02.7505>.

Law

Law Number 1 of 1974 concerning Marriage