



## **Reconstruction of the Concept of *Nusyūz* in Islamic Law: Perspectives of Religious Figures in Ternate, Indonesia**

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### **Abstract**

This research aims to examine and reconstruct the concept of *nusyūz* and the phrase *idribūhunna* as found in Surah Al-Nisa (4:34), with particular focus on how these concepts are perceived by religious leaders in Ternate City. The purpose of the study is to offer a more humanistic and contextually relevant interpretation of *nusyūz* that aligns with the dynamics of modern family life. Methodologically, this study adopts a qualitative approach, combining library research with fieldwork. The library research explores classical Islamic jurisprudence (*fiqh*) and Qur'anic exegesis (*tafsir*) related to *nusyūz*, while the fieldwork involves interviews with community and religious leaders in Ternate City. The data were analyzed using three theoretical frameworks: *fiqh al-wāqī* (contextual jurisprudence), the theory of *'urf* (custom), and linguistic theory (*ma'nā al-ḥaml*). The findings reveal that the interpretations held by many religious leaders continue to be shaped by patriarchal norms, leading to a rigid and gender-biased understanding of *nusyūz*. This study contributes originality by offering a linguistic and contextual reconstruction of the term, presenting *nusyūz* as a concept that encompasses broader relational disharmony rather than focusing solely on female disobedience. The implications of this research support the development of a more egalitarian and compassionate Islamic legal framework, particularly in addressing family issues in contemporary Muslim societies.

**Keywords:** Religious leaders, Ternate, *nusyūz*, linguistic approach, patriarchal

### **Abstrak**

*Penelitian ini bertujuan untuk mengkaji dan merekonstruksi konsep nusyūz dan frasa idribūhunna yang terdapat dalam Surat Al-Nisa (4:34), dengan fokus utama pada bagaimana konsep-konsep tersebut dipahami oleh para pemuka agama di Kota Ternate. Tujuan dari penelitian ini adalah untuk menawarkan penafsiran yang lebih humanis dan relevan secara kontekstual tentang nusyūz yang sesuai dengan dinamika kehidupan keluarga modern. Secara metodologis, penelitian ini menggunakan pendekatan kualitatif, yang menggabungkan penelitian kepustakaan dengan penelitian lapangan. Penelitian kepustakaan mengeksplorasi yurisprudensi Islam klasik (fikih) dan tafsir Al-Qur'an yang berkaitan dengan nusyūz, sementara penelitian lapangan melibatkan wawancara dengan para tokoh masyarakat dan agama di Kota Ternate. Data dianalisis dengan menggunakan tiga kerangka teori: *fiqh al-wāqī'* (fikih kontekstual), teori 'urf (kebiasaan), dan teori linguistik (*ma'nā al-haml*). Temuan penelitian ini mengungkapkan bahwa penafsiran yang dipegang oleh banyak pemuka agama terus dibentuk oleh norma-norma patriarkis, yang mengarah pada pemahaman yang kaku dan bias gender tentang nusyūz. Penelitian ini memberikan kontribusi orisinalitas dengan menawarkan rekonstruksi linguistik dan kontekstual terhadap istilah tersebut, menghadirkan nusyūz sebagai sebuah konsep yang mencakup ketidakharmonisan hubungan yang lebih luas dan tidak hanya berfokus pada ketidaktaatan perempuan. Implikasi dari penelitian ini mendukung pengembangan kerangka hukum Islam yang lebih egaliter dan penuh kasih sayang, terutama dalam menangani masalah keluarga dalam masyarakat Muslim kontemporer.*

**Kata Kunci:** Tokoh agama, Ternate, nusyūz, pendekatan bahasa, patriarki

### **Introduction**

The position and role of women in Islam are highly significant, viewed from various aspects of social and political life. Therefore, it is appropriate and rightful for women to receive proper protection from the state.<sup>1</sup> While the highest causes of divorce in Indonesia are spousal abandonment, financial problems, and constant arguing and these causes are several types of *nusyūz*.<sup>2</sup> Include education factors, lack of religious understanding, social media, early age marriage, and lack of empathy for spouse rights and responsibilities.<sup>3</sup> While their knowledge greatly influences a

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<sup>1</sup> Soraya Devy and Fakhurrizi M. Yunus, "Protection of Women in Aceh Qanun No. 6 of 2014 Concerning Jinayah Law (Acehnese Perception Analysis)," *Media Syari'ah : Wahana Kajian Hukum Islam Dan Pranata Sosial* 24, no. 2 (2022), p. 258.

<sup>2</sup> Amirul Bakhri, "Legal Determination of Husband's and Wife's Disobedience in Shia Law and the Islamic Law Compilation : A Comparative Study," *Jurnal Hukum Islam Faculty of Sharia, Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan, Indonesia*. 21, no. 2 (2023), p. 389–414.

<sup>3</sup> Mursyid Djawas et al., "The Government's Role in Decreasing Divorce Rates in Indonesia: The Case of Aceh and South Sulawesi," *Ahkam: Jurnal Ilmu Syariah* 21, no. 1 (2021), p. 163–188.

person's attitude, it is shaped by their teachers.<sup>4</sup> Religious leaders in society serve as teachers who shape the community's understanding. Therefore, it is important to examine the perspectives of community leaders, particularly their views on the concept of *nusyūz* and the permissibility of a husband striking a wife deemed *nusyūz*.<sup>5</sup> This is especially relevant given studies from other areas that indicate one of the factors contributing to domestic violence is the prevailing belief that striking a *nusyūz* wife is permissible.<sup>6</sup> Moreover, data shows that in North Maluku, including Ternate City, the level of domestic violence remains relatively high, both physical violence and verbal abuse.<sup>7</sup> Experts in marriage law suggest that physical violence by husbands often stems from the wives' *nusyūz*. However, the reverse can also be true. *Nusyūz* can occur with both the husband and wife.<sup>8</sup> Ironically, some judges are still influenced by gender bias in their understanding of the concept of *nusyūz*.<sup>9</sup>

Anthropological studies reveal that patriarchal culture and traditional interpretations of Islamic teachings shape attitudes that legitimize male dominance and female submission, often framed as religious duty, creating space for domestic violence.<sup>10</sup> Male dominance over women is one of the causes of domestic violence.<sup>11</sup> This patriarchal understanding can even lead to violence, not only after marriage, but also before it.<sup>12</sup> A textual understanding of the text (*nas*) without contextualization can lead to a partial interpretation.<sup>13</sup> In fact, *nas* should be interpreted according to the context of when and where it is applied. Therefore, the understanding of *fiqh* is

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<sup>4</sup> Abdu Ihram Prakon, Siti Aisyah, and Ahmad Fauzan, "Women and Polygamy in the Construction of East Flores Community Customs," *Mazahibuna* 5, no. 2 (2023), p. 149–165.

<sup>5</sup> Dwi Meitayani, "Konsep Nusyuz Dalam Mazhab Syafi'i Perspektif Keadilan Gender", *Al-Manahij: Jurnal Kajian Hukum Islam* 4, no. 1 (June 22, 2010), p. 1–21.

<sup>6</sup> Analiansyah & Nurzakia, "Konstruksi Makna Nusyuz Dalam Masyarakat Aceh Dan Dampaknya Terhadap Perilaku Kekerasan Dalam Rumah Tangga (Studi Kasus Di Kecamatan Ingin Jaya)," *Gender Equality: International Jurnla of Chilld and Gender Studies* 5, no. 2 (2015), p. 141–60.

<sup>7</sup> Rima, "KDRT Masih Sering Terjadi Di Kota Ternate," *RRI* (Ternate, May 2024).

<sup>8</sup> Iffaty Nasyiah, "Urgency of Fatwa on Domestic Psychological Violence in Indonesia as an Effort to Protect Women's Rights," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024), p. 118–140.

<sup>9</sup> Fitriyani Fitriyani et al., "The Judges' Legal Consideration on Divorce of Nushūz Cases at the Kupang High Religious Court: Gender Perspective," *Samarah* 7, no. 3 (2023), p. 1971–1989.

<sup>10</sup> Nur Faizah, "The Spiritualization of Domestic Violence in the Digital Era: Examining the Cathartic Role of Religious Institutions in Empowering Victims," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (2023), p. 252–267.

<sup>11</sup> Fahrudin Ali Sabri et al., *The Reality of Violence Against Wives : Dynamics of Social Settlement and Support in Lamongan , East Java Introduction Violence against Wives Is a Severe Problem That Occurs in Indonesia . The Indonesian State Strives to Protect Wives from Various Forms O*, vol. 23, 2024.

<sup>12</sup> Trianah Sofiani, Iqbal Kamalludin, and Raihanah Abdullah, "Violence Against Women in Pre-Marital Relationships : The Ngemblok Tradition among the Muslim Community in Rembang" 5, no. 2 (2024), p. 147–169.

<sup>13</sup> Dr. Aan Najib, "Contextual Qur'an Interpretation: The Study on the Concept of 'Hierarchy of Values' Abdullah Saeed," *Journal of Islamic Studies and Culture* 4, no. 2 (2016), p. 5–8.

not rigid but can evolve with changing conditions or even vary depending on the location.<sup>14</sup> Therefore, moderate interpretations are needed, as they tend to promote gender equality between men and women. Similarly, moderate Muslims are generally more inclined to accept male feminists.<sup>15</sup>

When Imam Shafi'i settled in Egypt, many of his legal opinions changed, leading to what is known as *qaul al-jadid* (new opinions). One primary reason for this shift was the difference in generational and environmental contexts. The social and individual conditions of those subject to the law significantly influenced the application and acceptance of legal rulings. Theoretical differences in how individuals and societies receive the law necessitate tailored approaches to align legal rulings with their specific contexts.<sup>16</sup>

This underscores the critical importance of understanding societal realities before engaging in *ijtihād* or issuing legal opinions (*fatwa*). According to Abd al-Majid al-Najjar, reality encompasses all forms of human activity that are intended to be governed and guided by the law. It includes everything occurring in human life, such as lifestyle patterns, customs, and new events.<sup>17</sup>

*Fiqh al-Waqi'* (jurisprudence of reality) is an approach in Islamic legal thought that emphasizes the necessity of understanding social, cultural, political, and economic realities when formulating legal rulings (*ijtihād*).<sup>18</sup> This approach integrates textual sources (the Qur'an and Hadith) with contemporary contexts to deliver legal solutions that are both relevant and practical.<sup>19</sup> Imam al-Qarafi stressed that a *mujtahid* (jurist) must comprehend changes in circumstances, customs, and the conditions of the era, as sound legal decisions are only possible with a deep understanding of the surrounding realities.<sup>20</sup>

Thus, *fiqh al-Waqi'* offers a dynamic framework for Islamic jurisprudence that balances flexibility with adherence to the principles of Sharia. This approach ensures that Islamic law remains relevant in addressing modern challenges such as

<sup>14</sup> Fathorrahman et al., "Dynamics of Thought in the Fiqh of Civilization Halaqah at Pesantren Affiliated with Nahdlatul Ulama (NU) in Yogyakarta", *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 24(1), p. 71–95.

<sup>15</sup> Ali Muhtarom et al., "Gender Ideology in the Study of Islamic Legal Thought at Postgraduate UIN K.H. Abdurrahman Wahid Pekalongan," *Muwazah* 58 (2023), p. 37–58.

<sup>16</sup> Sanusi Lamido Aminu et al., "Codification of Islamic Family Law as an Instrument of Social Reform : A Case Study of the Emirate of Kano and Comparison with the Kingdom of Morocco" (2024).

<sup>17</sup> Muhammad Aminuddin Shofi, Sahrul Hidayatullah, and Abdul Hamid, "Multidimensional Paradigm of Maqasid Sharia in the Book of 'Nahwa Taf'ili Maqashid Sharia' By Jamaluddin Athiyyah," *Jurnal Lektur Keagamaan* 20, no. 2 (2022), p. 501–534.

<sup>18</sup> Muhammad Yusron, "Rational Reasoning and Maslahah: Umar ibn al-Khattab's *Ijtihād* on Cases of Islamic Inheritance", *Journal of Islamic Law* 2 (2), p. 197–223.

<sup>19</sup> Syamsul Azizul Marinsah et al., "Consideration of Local Wisdom Elements in The Concept of Fiqh Sabahi: A Literature Review," *International Journal of Academic Research in Business and Social Sciences* 14, no. 3 (2024), p. 509–520.

<sup>20</sup> Imam Syihabuddin Abu al-'Abbas Ahmad Ibnu Idris Al-Qarafi, *Syarh Tanqih Al-Fusul Fi Ikhtisar Al-Mahsul Fi Al-Usul* (Bairut: Dar al-Fikr, 2004).

globalization, digitalization, and cultural pluralism. However, its application must align with the objectives of Sharia (*maqasid al-shari'ah*) to maintain the core values of Islam. *Fiqh al-waqi'* is essentially part of contextual and empirical studies. Meanwhile, research indicates that the orientation of gender studies is more dominated by contextual or applied-empirical studies compared to textual or normative-legalistic studies.<sup>21</sup>

Several prior studies relate to this research, including those conducted by Mustafa Kamal Rokan et al.<sup>22</sup>, Amirul Bachri et al.,<sup>23</sup> Analiansyah et al.<sup>24</sup> Saqib Hussain,<sup>25</sup> and Maryam Qurratul Aini et al.<sup>26</sup> These studies can be described as follows:

The study by Mustafa Kamal Rokan et al.<sup>27</sup> concludes that *nusyūz* should not only be understood as a wife leaving her home without her husband's permission. Instead, the meaning of "leaving the home" should be expanded in the modern context.<sup>28</sup> For example, browsing the internet can be analogous to leaving the house in the classical era. A wife violating norms of decency by exposing herself on social media can also be considered *nusyūz*. The study argues for a broader interpretation of *nusyūz* in response to technological advancements.

The difference between Mustafa Kamal Rokan et al.'s research and this study is that the former focuses solely on expanding the meaning of *nusyūz* in the digital era.<sup>29</sup> Meanwhile, this study examines the concept of *nusyūz* not only in terms of its modern interpretation but also explores the perceptions of the Ternate community regarding *nusyūz* and the act of striking a wife deemed *nusyūz*.

Amirul Bachri's research focuses on the comparison between the concept of *nusyuz* in Shia interpretation and the concept of *nusyuz* found in the Compilation of

<sup>21</sup> Maghfur Ahmad, Siti Mumun Muniroh, and Umi Mahmudah, "Male Feminists Promote Gender Equality in Islamic Moderation Perspective," *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya* 5, no. 2 (2021), p. 175–186.

<sup>22</sup> Mustafa Kamal Rokan, Imam Yazid, and Ahmad Makky, "Reconstruction of the Concept of Nushuz of the Wife in the Digital Era," *Samarah* 4, no. 2 (July 2020), p. 568–585.

<sup>23</sup> Bakhri, "Legal Determination of Husband's and Wife's Disobedience in Shia Law and the Islamic Law Compilation: A Comparative Study."

<sup>24</sup> Analiansyah & Nurzakia, "Konstruksi Makna Nusyuz Dalam Masyarakat Aceh Dan Dampaknya Terhadap Perilaku Kekerasan Dalam Rumah Tangga (Studi Kasus Di Kecamatan Ingin Jaya)."

<sup>25</sup> Saqib Hussain, "The Bitter Lot of the Rebellious Wife: Hierarchy, Obedience, and Punishment in Q. 4:34," *Journal of Qur'anic Studies* 23, no. 2 (2021), p. 66–111

<sup>26</sup> S M Q Aini and N L Maghfiroh, "Perspektif Tokoh Masyarakat Desa Sidoharjo Tanjunganom Nganjuk Tentang Nusyuz Dan Kekerasan Dalam Rumah Tangga," *Ustratuna* 5, no. 2 (2022), p. 76–102.

<sup>27</sup> Rokan, Yazid, and Makky, "Reconstruction of the Concept of Nushuz of the Wife in the Digital Era."

<sup>28</sup> Musda Asmara, Rahadian Kurniawan, Wahyu Abdul Jafar, Anggoro Sugeng, Sakirman Sakirman, "Trendy Veil: Law, Function, and Its Stigma on Muslim Society", *Juris: Jurnal Ilmu Syariah* 22, No. 2 (2023), p. 245-257.

<sup>29</sup> Rokan, Yazid, and Makky.

Islamic Law in Indonesia. Meanwhile, this study focuses on reconstructing the concept of nusyuz through a linguistic approach, resulting in a more humanistic concept.<sup>30</sup>

The difference between the research by Analiansyah and Nurzakiah<sup>31</sup> and this study lies in the objectives and research location. Their research aims to understand the level of awareness in the Acehese community of Ingin Jaya District regarding the concept of *nusyūz*.<sup>32</sup> Meanwhile, this study seeks to reveal the perceptions of the Ternate community about *nusyūz* in the digital era and their views on the permissibility of striking a wife deemed *nusyūz*. Furthermore, this study reconstructs solutions to *nusyūz* using a linguistic (*lugawiyyah*) approach.

The research conducted by Saqib Husain concludes that *nusyūz* should not be interpreted as a wife's disobedience but rather as marital discord caused by infidelity on the part of one spouse. Furthermore, the authority to punish the wife is not vested in the husband but is returned to the judge.<sup>33</sup> Saqib Husain's study focuses solely on a literature review, whereas this research also includes interviews with religious leaders regarding their perspectives on the concept of *nusyūz*. The difference between the research by Sitti Maryam Qurratul Aini and Naziyyatu Lailatul Maghfiroh and this study is that their research focuses on the views of community leaders in Sidoharjo Village.<sup>34</sup> In contrast, this study explores the perceptions of the Ternate community regarding the concept of *nusyūz* and the permissibility of striking a wife deemed *nusyūz*. As of the current investigation, no research has been found that uses the same approach as this study; therefore, this research is important to conduct.

This study is qualitative research combining library research with field research. The library research involves exploring data related to the concept of *nusyūz* in classical fiqh and interpretations of Quranic exegesis (tafsir). Meanwhile, the field research seeks to gather information from community leaders in Ternate City about their perceptions of the concept of *nusyūz*. This includes understanding their perspectives on the types of spousal actions considered as *nusyūz*, whether a wife deemed *nusyūz* can be physically disciplined, and their views on the stages of "*idribuhunna*" for a *nusyūz* wife.

The research employs two approaches: the sociology of Islamic law approach and the linguistic approach. The sociology of law was principally born in response

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<sup>30</sup> Bakhri, "Legal Determination of Husband's and Wife's Disobedience in Shia Law and the Islamic Law Compilation : A Comparative Study."

<sup>31</sup> Analiansyah & Nurzakia, "Konstruksi Makna Nusyuz Dalam Masyarakat Aceh Dan Dampaknya Terhadap Perilaku Kekerasan Dalam Rumah Tangga (Studi Kasus Di Kecamatan Ingin Jaya)."

<sup>32</sup> Analiansyah & Nurzakia, "Konstruksi Makna Nusyuz Dalam Masyarakat Aceh Dan Dampaknya Terhadap Perilaku Kekerasan Dalam Rumah Tangga ."

<sup>33</sup> Hussain, "The Bitter Lot of the Rebellious Wife: Hierarchy, Obedience, and Punishment in Q. 4:34."

<sup>34</sup> Aini and Maghfiroh, "Perspektif Tokoh Masyarakat Desa Sidoharjo Tanjunganom Nganjuk Tentang Nusyuz Dan Kekerasan Dalam Rumah Tangga."

to the dominance of logical normativism in legal studies. The legal studies developed by logical normativism are none other than a combination of legal positivism and dogmatic rationalism.<sup>35</sup> Sociologically, the law is a tool to control society, and judges, as part of law enforcement, have carried out their duties and functions properly.<sup>36</sup> The linguistic approach, on the other hand, has experienced a significant increase in recent years in research published in Scopus-indexed journals.<sup>37</sup> Both of this approach aims to reveal how conditions, culture, and social structures significantly influence the interpretation and understanding of scriptural texts (*nas*). Interpretations of *nas* regarding the concept of *nusyūz* and its associated stages of punishment are shaped by the conditions, culture, and social structures prevailing at the time and place the concept was formulated. Therefore, these interpretations need to be reinterpreted and reformulated in light of current conditions, culture, and social structures. Existing legislation is considered part of the societal realities, formulated based on the social structure, which is one of the causes of changes in customary practices (*urf*). This approach examines existing legal provisions by analyzing Quranic and Hadith texts, and reinterpretation is conducted using a linguistic approach (*lugawiyah*).

### The *Nusyūz* Concept in Classical Views and It's Patriarchal Bias

The term *nusyūz* linguistically means "rising" (*al-nuhūd*), "elevated" (*al-taraffu'*), or "high." For this reason, elevated land on Earth is referred to as *nasyāz al-arḍ*. Additionally, it can also mean "mutual estrangement" (*al-tabā'ud*).<sup>38</sup> In English, *nusyūz* is often translated as "disobedience," "flagrant deviance," or "ill-conduct," and "misbehavior."<sup>39</sup> The term *nusyūz* in classical Islamic jurisprudence is still generally understood as the wife's disobedience to her husband.<sup>40</sup> Ibn Kathir defines a wife as *nusyūz* when she fails to follow her husband's commands.<sup>41</sup> Mustafa al-Adawi describes a *nusyūz* wife as one who considers herself superior to

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<sup>35</sup> Pradana Boy ZTF, "The Sociology of Law in the Context of Islamic Legal Scholarship in Indonesia," *Journal of Social Studies (JSS)* 18, no. 2 (2022), p. 187–196.

<sup>36</sup> Fajri M. Kasim et al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam: Jurnal Ilmu Syariah* 22, no. 2 (2022), p. 411–432.

<sup>37</sup> Nadirotul Aini and Nur Aima Shafie, "Trends and Developments in Quranic Linguistic Research: A Bibliometric Analysis Based on Scopus Data," *Journal of Islam and Contemporary Society* 25, no. 2 (2024), p. 1–22.

<sup>38</sup> Muhammad Tahir Ibnu Asyur, *Tafsir Al-Tahrir Wa Al-Tanwir* (Tunis: Dar al-Tunisiyah li al-Nasyr, 1984), p.140.

<sup>39</sup> Kamal-deen Olawale Sulaiman, "Insight into the Qur'an, 4: 34 Ruling as Regard Wife Beating in Islam" 14 (2015).

<sup>40</sup> Lajnah min Asatizah Qismi al-Fiqh bi Kuliyah al-Sayariah wal Qanun Jami'ah al-Azhar al-Syarif Asatiz, *Muhadarat Fi Al-Ahkam Al-Muta'alliqah Bi Fiqhi Al-Usrah 'ala Mazhab Imam Al-Syafi'i* (al-Qahirah, 2007). p. 145.

<sup>41</sup> Imaduddin Abu al-Fida Ibnu Katsir al-Dimasyqi Ismail, *Tafsir Al-Qur'an Adzim*, Vol. I (al-Qahirah: Dar al-Da'wah al-Islamiyyah, 2004). p. 217.

her husband, often defies, and opposes him.<sup>42</sup> Wahbah al-Zuhaili even asserts that a wife is considered *nusyūz* if she leaves her home without her husband's permission.<sup>43</sup>

According to the Hanafi School, a wife is considered *nusyūz* if she leaves her home without legitimate justification.<sup>44</sup> The Maliki School defines *nusyūz* as a wife's disobedience toward her husband, which may include refusing him physical intimacy, leaving the house without permission, locking the door to prevent his entry, or barring him from the home.<sup>45</sup> The Shafi'i School simply interprets *nusyūz* as a wife's failure to obey her husband.<sup>46</sup>

Classical Islamic scholars have traditionally suggested three steps in addressing a wife's *nusyūz* (recalcitrance) based on Surah An-Nisa (4:34): "As to those women on whose part you fear disobedience, admonish them, refuse to share their beds, and strike them (if necessary)." Building on this interpretation, classical scholars permitted a husband to strike his wife under specific conditions, emphasizing that the act must not cause harm. Al-Qurtubi described this as a disciplinary strike, one that neither fractures bone nor leaves visible marks such as bruises or swelling.<sup>47</sup> Ibn Kathir echoed this perspective,<sup>48</sup> while Al-Zamakhshari added that striking the face is strictly prohibited.<sup>49</sup> Muhammad Abduh suggested that such a strike should be symbolic and non-harmful, such as using a small object like a miswak.<sup>50</sup>

Thus, classical scholars generally interpreted the word "*idribuhunna*" to mean "strike," which has led to the legal understanding that husbands are permitted to strike their wives as a form of disciplinary action, provided it does not cause injury. However, interpreting *idribuhunna* as "strike" raises significant concerns. Even a minor strike can leave emotional scars, potentially escalating into prolonged household discord. In family relationships, small gestures often carry immense significance. Striking, even symbolically, can exacerbate tensions, especially in an already strained marital environment.

<sup>42</sup> Mustafa Al-Adawi, *Jami' Ahkam Al-Nisa*, Vol. III (Saudi Arabia: Dar al-Sunnah li al-Nasyr wa al-Tauzi, 1995) p. 186.

<sup>43</sup> Wahbah al-Zuhaili, *Fiqh Al-Islami Wa Adillatuhu*, Vol. IX (Dimasyq, n.d.). p. 486.

<sup>44</sup> Abdul Karim Zaidan, *Al-Mufasssal Fi Al-Ahkam Al-Marah Wa Al-Bait Al Muslim* (Bairut: Muassasah al-Risalah li al-Nasyr wa al-Tauzih, 1993). p. 174.

<sup>45</sup> al-Habib Ibnu Tahir, *Al-Fiqh Al-Ma'liki Wa Adillatuhu*, Cet. III (Lubnan: Muassasah al-Ma'arif, 2005). p. 221.

<sup>46</sup> 'Ali Muhammad Ali Qasim, *Nusyūz Al-Zaujah, Asbabuhu Wa 'Ilajuhu Fi Al-Fiqhi Al-Islami* (Misr: Dal al-Jami'ah al-Jadidah li al-Nasyr, 2004). p. 92.

<sup>47</sup> Abū 'Abdillah Muhammad ibn Aḥmad Al-Anṣārī Al-Qurtubī, *Al-Jāmi' Li Ahkāmī Al-Qur'ān*, vol. 10 (Kairo: Maktabah Taufiqiyyah, 2014). p. 285.

<sup>48</sup> Ismail, *Tafsir Al-Qur'an Adzim*, p. 124.

<sup>49</sup> Abu al-Qasim Mahmud Ibnu 'Umar Al-Zamakhshari, *Al-Kassyaf 'an Haqaiq Gawamid Al-Tanzil Wa 'Uyun Al-Aqawil Fi Wujuh Al-Ta'wil*, Cet. I Vol (Riyad: Maktabah al-Abikan, 1998). p. 317.

<sup>50</sup> Syekh Muhammad 'Abduh, *Tafsir Al-Manar*, Cet. II, V (al-Qahirah: Dar al-Manar, 1947). p. 68.



Upon closer examination, this concept seems to reflect a patriarchal cultural bias that positions men as superior and women as subordinate.<sup>51</sup> In societies where patriarchal norms dominate and women's roles are largely confined to domestic spheres, these interpretations of *nusyūz* may have been acceptable. However, as cultural contexts evolve to grant women more opportunities in public life, these definitions require reinterpretation to remain relevant, particularly through approaches like *ma'na al-haml* (contextual linguistic analysis).<sup>52</sup>

### **Perceptions of Religious Leaders in Ternate City Regarding the Meaning of *Nusyūz***

The majority of religious leaders in Ternate City continue to understand the concept of *nusyūz* in a traditional sense. They tend to interpret *nusyūz* as a form of disobedience by the wife towards her husband, viewing it as a wife's rebellion against her husband. Therefore, it can be concluded that their understanding remains influenced by patriarchal culture.

As reflected in an interview with Dr. H. Samlan Ahmad, M.Pd, the Chairman of the Indonesian Ulema Council (MUI) in Ternate, regarding the concept of *nusyūz* in marital relationships, he stated: "Regardless of the circumstances, the husband remains the leader in the household and must be obeyed. *nusyūz*, in everyday or local language, is like 'kepala anging', meaning difficult to manage. The principle in Islam is that the husband is the head of the household, so regardless of the wife's character, it is ultimately the husband who is responsible. Therefore, *nusyūz*, according to the Quran, involves a process of education that the husband must provide to his wife, especially if she has a strong character. One of the causes of *nusyūz* is the easy access to information, which influences the behavior of some wives who are no longer obedient to their husbands".<sup>53</sup>

Upon examining this statement, it is clear that this view remains strongly influenced by a patriarchal culture from several perspectives. First, this statement assumes that the husband is the absolute leader of the household in all circumstances, and the wife must obey him. However, in the context of modern family structures, the relationship between husband and wife should be seen as a partnership.<sup>54</sup> If we were to draw an analogy to a state, it would resemble the relationship between a president and a vice president. If the household is likened to a province, then the

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<sup>51</sup> Musdah Mulia, "Hukum Islam dan Dinamika Feminisme dalam Organisasi Nahdlatul Ulama," *Al-Ahkam* 23, no. 1 (April 21, 2013), p. 37–56.

<sup>52</sup> Mhd. Rasidin, Doli Witro, Rahmi Diana, Moh. Nailul Muna, Imaro Sidqi, Hening Sukma Daini, "The Mapping Verses and Application of the Linguistic Approach and Ushul Fiqh Toward the Law of Adultery," *El-Mashlahah* 14, No. 1 (2024), p. 21–42.

<sup>53</sup> Interview with Samlan Ahmad, The Head of Ulema Council (MUI) of North Maluku Province, July 2024.

<sup>54</sup> Parveen Azam Ali, Julie McGarry, and Aneela Maqsood, "Spousal Role Expectations and Marital Conflict: Perspectives of Men and Women," *Journal of Interpersonal Violence* 37, no. 9–10 (2022), p. NP7082–7108.

husband would be the governor, and the wife would be the vice governor. Similarly, in a university analogy, the husband would be the rector, and the wife would be the vice rector. Therefore, just as a vice president can replace a president under certain circumstances, the wife, in certain situations, can take on a leadership role in the household.<sup>55</sup>

In addition, the Chairman of the Fatwa Commission of the Indonesian Ulema Council in Ternate City, when explaining the meaning of *nusyūz*, stated: "Compared to classical times, the concept of wife disobedience has become more pronounced in modern times due to the influence of social media, mobile phones, and other factors. Wives feel a sense of freedom, and with the widespread information from the media, many wives nowadays no longer feel obligated to obey their husbands."<sup>56</sup>

This comment also reveals that the view of *nusyūz* remains focused on the wife as the main subject of disobedience. This interpretation is not much different from the classical definition of *nusyūz*,<sup>57</sup> which is understood as a wife's departure from obedience to her husband in matters that are considered *ma'ruf* (appropriate or acceptable).<sup>58</sup>

A religious leader, educator, and teacher at the renowned Al-Khairat Islamic Boarding School in Ternate City, when interviewed about the meaning of *nusyūz*, explained as follows: "*Nusyūz* is when a woman becomes upset with her husband. The scholars categorize this into different levels: some types of upset are permissible, while others are not based on legitimate grounds. The Hadiths related to *nusyūz* are indeed quite serious. A wife who is *nusyūz* to her husband faces a threat from the Prophet (peace be upon him). Thus, the law provides clear guidelines for marital relations. The roles of the wife and husband must be aligned, with the husband having the role to be obeyed."<sup>59</sup>

A religious figure and academician from the State Islamic Institute of Ternate also expressed his views on the meaning of *nusyūz* with the following statement: "One of the causes of divorce in Indonesia is the lack of religious education. In Ternate society, religion has long been a core pillar, as expressed in the saying: '*adat matoto agama, agama matoto kitabullah, kitabullah matoto JouTa'ala*' (Custom originates from religion, religion originates from the Qur'an, and the Qur'an originates from Allah Ta'ala). Due to the lack of religious understanding, it is this inadequacy that leads to *nusyūz*, where wives are no longer obedient to their

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<sup>55</sup> Harwis Alimuddin and Zulkarnain Abdurrahman, "Kedudukan Izin Istri Dalam Poligami: Analisis Teori Perubahan Hukum Dengan Perubahan Sosial," *Al-Syakhshiyyah: Jurnal Hukum Keluarga Islam Dan Kemanusiaan* 5, no. 1 (2023), p. 20–37.

<sup>56</sup> Interview with A'raf Safuddin, The Head of Fatwa Commission of The Indonesian Ulema Council (MUI) of Ternate City, July 2024.

<sup>57</sup> Asatiz, *Muhadarat Fi Al-Ahkam Al-Muta'alliqah Bi Fiqhi Al-Usrah 'ala Mazhab Imam Al-Syafi'i*, p. 145.

<sup>58</sup> Al-Qurtubī, *Al-Jāmi' Li Ahkāmī Al-Qur'an*, p. 286.

<sup>59</sup> Interview with Abdul Rahman Syukur, Teacher of Al-Khaerat Islamic Boarding School Ternate, July 2024.

husbands."<sup>60</sup> These views of religious leaders are deeply rooted in patriarchal culture, making them no longer suitable for modern contexts. Such perspectives are not inherently wrong but are simply misaligned with contemporary realities. They are only appropriate when applied within a patriarchal cultural framework.

### **The Perceptions of Religious Leaders in Ternate City on Striking a Wife Considered *Nusyūz***

When interviewed about the solution for *nusyūz* as outlined in the Quran, the final step for a wife who is considered *nusyūz* is the solution of *nusyūz*. Samlan Ahmad, however, rejects the interpretation that this verse mandates physical punishment of a wife as described in Surah Al-Nisa (4:34). The Chairman of the MUI (Indonesian Ulema Council) of Maluku Utara explained: "In reality, the 'striking' of the wife is symbolic language. Striking means offering a lesson. It doesn't mean grabbing a cane and hitting her. It means delivering a firm warning."<sup>61</sup>

In alignment with the Chairman of the MUI Maluku Utara, the Chairman of the Fatwa Commission of the MUI Ternate City also shared his perspective on the concept of striking a wife: "Striking in the verse is not meant to injure but to educate (*litta'dib*). If the wife is active in the virtual world and it serves a beneficial purpose, then that's acceptable. However, if it serves no benefit, then it could be considered *nusyūz*."<sup>62</sup>

Regarding Surah Al-Nisa (4:34) and its interpretation, particularly the concept of striking a wife deemed *nusyūz*, Abdul Rahman Syukur explained: "The meaning of striking in Surah Al-Nisa (4:34) comes with a limitation: a strike that does not injure or draw blood. The purpose of the strike is for education, to remind the wife of her duty to obey her husband, as long as his commands are not contrary to Allah's prohibitions. As the Prophet (peace be upon him) said: 'If it were permissible for a servant to bow to anyone other than Allah, I would have commanded the wife to bow to her husband.' Indeed, the law prohibits striking, but in this context, it's like a teacher giving a light tap to a student to guide them."<sup>63</sup>

An academic and religious figure in Ternate City also expressed his opinion regarding striking a wife deemed *nusyūz* in the following statement: "In my view, administering punishment through physical striking could constitute domestic violence, and I strongly disagree with it. Although such occurrences are common in society, especially in Maluku Utara, I do not condone it. For me, 'striking' doesn't mean causing harm, but rather staying within reasonable limits, like tapping in safe

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<sup>60</sup> Interview with Amanan Sulaeman Saumur, Religious Leader and Academic from IAIN Ternate, August 2024.

<sup>61</sup> Interview with Samlan Ahmad, The Head of Ulema Council (MUI) of North Maluku Province, July 2024.

<sup>62</sup> Interview with A'raf Safuddin, The Head of Fatwa Commission of The Indonesian Ulema Council (MUI) of Ternate City, July 2024.

<sup>63</sup> Interview with Abdul Rahman Syukur, Teacher of Al-Khaerat Islamic Boarding School, Ternate, July 2024.

areas, avoiding the head, and ensuring it is not excessive. As an educator, I would argue that even verbal violence is prohibited."<sup>64</sup>

Finally, a positive law expert and religious figure was asked about the concept of a husband striking a *nusyūz* wife, to which he responded: "Striking should be considered the last resort after all other steps have been taken. If it happens, the wife who has been struck has the right to file a complaint, and the matter of winning or losing will be settled later."<sup>65</sup>

Examining the views of religious leaders on the meaning of *nusyuz* and the actions of a husband who strikes his wife considered *nusyūz*, it can be said that their understanding does not differ significantly from classical fiqh interpretations.<sup>66</sup> They define *nusyuz* as a wife's disobedience, and allow a husband to strike a *nusyūz* wife as long as the strike does not cause injury. This perspective contrasts with the analyses of some contemporary scholars such as Shihab<sup>67</sup> Muhammad Tahir bin Ashur,<sup>68</sup> Muhammad Shahrur,<sup>69</sup> and modern researchers like Saqib Husain.<sup>70</sup>

### **Analysis of the Perceptions of Religious Leaders in Ternate City on the Concept of *Nusyūz***

Based on in-depth interviews with religious leaders in Ternate City, the local leaders predominantly interpret *nusyūz* as a form of disobedience or defiance by the wife toward her husband. This perception aligns closely with the understanding found in classical fiqh. Founded to some scholars, even those born in the modern era, continue to include a wife's obedience to her husband as part of her religious obligations. Wahbah al-Zuhaili, for instance, outlines six rights of the husband in his writings, which also serve as obligations for the wife, one of which is the wife's duty to obey her husband.<sup>71</sup> This kind of understanding is considered by proponents of women's emancipation as an interpretation biased by patriarchal culture.<sup>72</sup>

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<sup>64</sup> Interview with Amanan Sulaeman Saumur, Religious Leader and Academic from IAIN Ternate, August 2024.

<sup>65</sup> Interview with Muhammad Ar. Husein, Religious Leader and Expert in Positive Law, August 2024.

<sup>66</sup> Nita Triana, "Urgency Critical Legal Studies Paradigm for The Protection of Women Victims of Domestic Violence In The Divorce Case", *Syariah: Jurnal Hukum dan Pemikiran* 18, No. 2 (2018), p. 167-191.

<sup>67</sup> M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan Dan Keserasian Al-Qur'an*, Vol. II (Jakarta: Lentera Hati, 2002). p. 434.

<sup>68</sup> Asyur, *Tafsir Al-Tahrir Wa Al-Tanwir*.

<sup>69</sup> Muhammad Syahrur, *Nahwa Usulin Jadidah Li Al-Fiqhi Al-Islami: Fiqhu Al-Marrah, Al-Wasiyyah, Al-Irts, Al-Qawamah Al-Ta'addudiyah, Al-Libas*, Cet. I (Dimasyq: al-Ahali li al-Tiba'ah wa al-Nasyr wa al-Tauzi', 2000). p. 323.

<sup>70</sup> Hussain, "The Bitter Lot of the Rebellious Wife: Hierarchy, Obedience, and Punishment in Q. 4:34."

<sup>71</sup> Wahbah al-Zuhaili, *Fiqh Al-Islami Wa Adillatuhu*. p. 486

<sup>72</sup> Harwis Alimuddin, Syaifuddin, and Sucipto, "The Comparison of Marital Property Division Between Indonesia and Malaysia from the Perspective of Fiqh Rules," *PAREWA SARAQ: Journal of Islamic Law and Fatwa Review* 4, no. 1 (2025), p. 1–13.

To better visualize the analysis of the religious leaders' perspectives in Ternate City, the findings can be summarized in a table as follows:

Item	The Perceptions of Religious Leaders in Ternate City	Analysis
The meaning of <i>nusyūz</i>	The majority of religious leaders interpret <i>nusyūz</i> as a form of defiance, disobedience, or rebellion by the wife	Perceptions of this nature remain influenced by a patriarchal cultural framework that positions the relationship between husband and wife as one of authority and subordination. However, in the context of contemporary fiqh, the relationship between husband and wife is increasingly understood as a partnership rather than a hierarchical dynamic.
Striking a Wife Considered <i>nusyūz</i>	The majority of religious leaders believe that it is permissible to strike a wife with a disciplinary strike, one that does not cause injury ( <i>darb ghayr mubarraḥ</i> )	This perception is closely aligned with classical fiqh interpretations, such as those by Al-Qurtubi, <sup>73</sup> Ibn Kathir, <sup>74</sup> and Al-Zamakhshari. <sup>75</sup> According to Al-Qurtubi, the strike referred to in the verse is a disciplinary one intended to educate causing no harm, not breaking bones, and leaving no marks such as bruises, swelling, or similar injuries. <sup>76</sup>

### The Reconstruction of the *Nusyūz* Concept into a Framework that Aligns with Contemporary Contexts

One effective method for deriving legal reasoning is through a linguistic approach, focusing on the meaning of language. Syihabudiin al-Qarafi introduced a legal reasoning method known as *ma'na al-haml* (semantic contextualization).

<sup>73</sup> Al-Qurtubī, *Al-Jāmi' Li Ahkāmī Al-Qur'ān*. p. 285.

<sup>74</sup> Ismail, *Tafsir Al-Qur'an Adzim*. p. 297.

<sup>75</sup> Al-Zamakhshari, *Al-Kassayf 'an Haqaiq Gawamid Al-Tanzil Wa 'Uyun Al-Aqawil Fi Wujuh Al-Ta'wil*, p. 317.

<sup>76</sup> Al-Qurtubī, *Al-Jāmi' Li Ahkāmī Al-Qur'ān*. p. 285.

According to him, the process of interpreting language can be approached in three ways: *ma'na al-wad'u*, *ma'na al-isti'mal*, and *ma'na al-haml*.<sup>77</sup>

1. *Ma'na al-Wad'u* (Original Meaning). This refers to the original meaning intended by the person who assigns a linguistic symbol (*wadi'u al-lugah*). For example, if a father names his child Zaid, his intention is for the child to be identified and addressed by this name. The name Zaid aligns with the father's intended meaning and is understood by others who use it.<sup>78</sup>
2. *Ma'na al-Isti'mal* (Practical Meaning). This practical meaning encompasses both literal (*haqiqi*) and figurative (*majazi*) interpretations of a word. *Ma'na al-isti'mal* relies on the knowledge of both the speaker and the listener to use the symbol consistently. For instance, the word *asad* (lion) may refer to the actual animal or, contextually, to someone brave. When its literal meaning is obstructed, the figurative meaning is applied. For example, in the phrase "the lion is reading the Quran," the activity of "reading the Quran" serves as a barrier (*mani'*) to interpreting *asad* literally.<sup>79</sup>
3. *Ma'na al-haml* (Semantic Contextualization). This involves extending the original meaning (*wad'u*) to align with practical meanings (*isti'mal*) based on the time, place, and context in which the language is used. According to Al-Yasa' Abubakar, *ma'na al haml* is essential for the reinterpretation and recontextualization of words found in religious texts (*nas*).<sup>80</sup>

As a careful interpretative approach, *ma'na al-haml* involves broadening meanings in a flexible yet precise manner without neglecting other valid interpretations that align with the divine intent.<sup>81</sup> This method ensures that the meaning of a word remains relevant to its context, language aesthetics, or other considerations.<sup>82</sup>

An analysis of *ma'na al-haml* suggests that factors such as time, place, and circumstances significantly influence the meaning of a term. For example, in Aceh, the word *kereta* refers to a motorcycle, while in other regions, it means a train. Similarly, in parts of Java, *Honda* is commonly used to describe motorcycles, though it is technically a brand name.

<sup>77</sup> Al-Qarafi, *Syarh Tanqih Al-Fusul Fi Ikhtisar Al-Mahsul Fi Al-Usul*. p. 24.

<sup>78</sup> Al-Qarafi. p. 25.

<sup>79</sup> Al-Qarafi. p. 25

<sup>80</sup> Alyasa' Abubakar, *Metode Istislahiah: Pemanfaatan Ilmu Pengetahuan Dalam Ushul Fiqh*, Cet. I (Jakarta: Prenada Media Group, 2016), p. 48.

<sup>81</sup> Abdur Rakib, "Pergaulan Dalam Pertunangan Dan Khalwat Fi Ma' Na Al -Haml.," *At-Turās: Jurnal Studi Keislaman* 6, no. 1 (2019), p. 35–55.

<sup>82</sup> Ahmad Badawi, "Lafaz Ditinjau Dari Segi Hakikat Dan Majaz (Wacana Pengantar Studi)," *Al-Fikru: Jurnal Ilmiah* 13, no. 1 (2019), p. 50–60.

The Quran also employs words whose meanings depend on their contextual interpretation. For instance, the term *zinah* (adornment) in Surah Al-A'raf (7:31) is context-dependent: "O children of Adam, take your adornment to every mosque." Here, *zinah* refers to appropriate clothing. In a cold climate, it may mean warm, elegant attire, while in a hot climate, it may signify lightweight, beautiful garments. This illustrates how cultural and environmental factors can influence the understanding of a term's meaning.

By adopting a contextual approach, linguistic interpretations can adapt to various situations, ensuring that words remain meaningful across different temporal and spatial settings. In his article, Abduh Munib critiques the classical conception of *nusyūz* as being detrimental to women. He argues that this conception perpetuates male dominance while sidelining women's interests. This is evident in the authority granted to husbands to discipline *nusyūz* wives without clear boundaries, leaving wives with little recourse to defend their rights in a balanced legal framework.<sup>83</sup> Human rights affirm that women have the same rights as men and that all individuals,<sup>84</sup> regardless of gender, must be treated fairly and equally in all aspects of life.<sup>85</sup>

Ibn 'Ashur provides a more nuanced perspective, defining *nusyūz* as a wife's aversion to her husband, which may stem from her poor character, the husband's poor character, or even her desire to marry someone else. Muhammad Shahrur, meanwhile, describes *nusyūz* as a deviation from the principles of *qawamah* (guardianship) that should be rooted in love and mercy.<sup>86</sup> According to Shahrur, *nusyūz* is the antithesis of *qunut* (devotion). He critiques traditional scholars for framing *nusyūz* solely as a wife's rebellion against her husband, arguing that this interpretation is flawed for two reasons: (1) the Quranic verse in question does not explicitly address a wife's obedience to her husband, and (2) in Arabic, *nusyūz* broadly means "departure" or "disunity" (*al-khuruḥ wa al-tafarūq*).<sup>87</sup>

The definitions offered by Ibn 'Ashur and Muhammad Shahrur are more aligned with contemporary contexts. Ibn 'Ashur's interpretation shifts the focus away from mere disobedience to broader relational dynamics, emphasizing poor character or underlying issues such as the wife's dissatisfaction or alternative desires. Similarly, Shahrur's definition recognizes the equality between husband and wife in

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<sup>83</sup> Abdul Munib, "Batasan Hak Suami Dalam Mempertahankan Isteri Pada Saat Nusyuz Dan Kemungkinan Sanksi Pidana," *Voice Justicia: Jurnal Hukum Dan Keadilan* III (2019), p. 1–23.

<sup>84</sup> Mohamad Sar'an, Yusuf Hidayatulloh, Sofia Gussevi, Riski Indrawan, Nur Alam Ullumuddin Zuhri, "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", *El-Usrah: Jurnal hukum Keluarga* 7, No. 2 (2024), p. 695-712.

<sup>85</sup> Dedisyah Putra and Acela Nuriza, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violence" 6, no. 1 (2023), p. 1–16.

<sup>86</sup> Nur Khasanah, "Hermeneutics of The Qur'an: A Study of Muhammad Sharur's Thoughts on The Men and Women Equality," *NURANI*, 2020, , p. 25–34.

<sup>87</sup> Muhammad Syahrur, *Nahwa Usulin Jadidah Li Al-Fiqhi Al-Islami: Fiqhu Al-Marah, Al-Wasiyyah, Al-Irts, Al-Qawamah Al-Ta'addudiyah, Al-Libas*.

matters of *qawwamah*, suggesting that both can step outside the bounds of this mutual responsibility, thereby committing *nusyūz*.

Additionally, *nusyūz* should not be understood as a behavior exclusive to wives. Husbands can also exhibit *nusyūz*, as clarified in Surah Al-Nisa (4:128): "If a woman fears *Nusyūz* or neglect from her husband, there is no sin upon them if they reconcile through a genuine agreement, and reconciliation is better for them. Although humans are naturally inclined to selfishness, if you act kindly and remain mindful (of *Nusyūz* and neglect), then surely Allah is fully aware of what you do."

Interpreting *nusyūz* solely as a wife's disobedience is discriminatory and reflects a patriarchal bias. This view positions men as inherently superior and casts wives as subordinate to their husbands. Such an interpretation requires a reinterpretation using a *ma'na al-haml* (contextual linguistic) approach.

Building on the perspectives of contemporary scholars regarding *nusyūz*, it can be redefined as an aversion or resentment by either spouse toward the other, expressed through behaviors that breach appropriate limits of *qunut* (devotion) and *qawamah* (responsibility). *Nusyūz* is not rooted in a wife's disobedience but rather arises from flawed character, either on the part of the wife or her spouse.

This aversion manifests through various improper behaviors. In the modern and digital era, *nusyūz* is no longer confined to physical acts like leaving the home without permission. A wife or husband can be deemed *nusyūz* for engaging in actions that violate religious and social boundaries in the digital realm, even while staying at home.<sup>88</sup> According to Kamal-deen Olawale, *nusyūz* is not simply about a wife's lack of obedience; instead, it involves immoral actions that verge on adultery (*fahishah mubinah*).<sup>89</sup>

### Reinterpreting the Meaning of "*Idribūhunna*" Through a Linguistic Approach

Patriarchal views still shape the perspectives of religious figures in Ternate. This is understandable, as patriarchal societies typically require a long time to fully embrace gender equality.<sup>90</sup> However, urban families in Ternate have largely adopted modern family structures. In modern families, the husband-wife relationship is a partnership, not a hierarchy. In some cases, the wife can even take the husband's role.<sup>91</sup> Given contemporary understandings of marital relationships as partnerships rather than hierarchical structures, a reinterpretation of this concept is necessary.

<sup>88</sup> Rokan, Yazid, and Makky, "Reconstruction of the Concept of Nushuz of the Wife in the Digital Era."

<sup>89</sup> Kamal-deen Olawale Sulaiman, "Insight into the Qur'an, 4: 34 Ruling as Regard Wife Beating in Islam."

<sup>90</sup> M. Tahir Maloko et al., "Sompā Tanah in Makassar Bugis Customary Marriages: Legal, Religious, and Cultural Perspectives," *Jurnal Ilmiah Peuradeun* 12, no. 3 (2024), p. 1213–1236.

<sup>91</sup> Fatum Abubakar, Mazroatus Saadah, and Ulin Na'mah, "The Transformation of the Dilemma of Role Exchange in the Household: Analyzed Gender in Family Resilience Discourse in National Law and Islamic Law," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023), p. 1.



Quraish Shihab argues that the command *idribuhunna* reflects the socio-cultural context of the time, where husbands were seen as leaders and wives as subordinates. In modern times, where such hierarchical roles are less relevant, *idribuhunna* can be understood as giving a symbolic gesture rather than a physical strike. Shihab asserts that in today's educated society, physical punishment is no longer an appropriate means of conflict resolution.<sup>92</sup> Providing such understanding certainly requires the active role of religious institutions and religious figures.<sup>93</sup>

This perspective aligns with Ibn Ashur's interpretation, which considers cultural and societal norms. According to Ibn Ashur, even in the case of *nusyūz*, the prevailing context and the wife's condition may render physical punishment impermissible. Similarly, Ata reinterpreted *idribuhunna* to mean "expressing discontent" rather than striking, suggesting that husbands may show dissatisfaction but must not resort to physical violence, even non-injurious forms.<sup>94</sup>

Muhammad Shahrur emphasized the necessity of contextualizing *idribuhunna* in light of modern realities and linguistic considerations. Drawing on Al-Qarafi's linguistic approach,<sup>95</sup> Shahrur noted that "daraba" carries multiple meanings in Arabic, including "to strike," "to set an example" (*darbu al-amtsal*), "to travel" (*al-darbu fi al-ard*), and "to mint currency" (*al-darbu al-nuqud*). Based on this, Shahrur suggested understanding *idribuhunna* in ways that align with the Prophet's teachings against striking one's wife.<sup>96</sup>

From a sociological perspective, the Quran was revealed in a pre-Islamic Arab society that dehumanized women.<sup>97</sup> Women were often treated as property to be inherited or disposed of, and were considered inferior beings.<sup>98</sup> In this context, the Quran's allowance of a disciplinary strike represented a significant limitation compared to the unchecked violence prevalent in pre-Islamic Arabia. Nevertheless, the social and cultural realities of the Prophet's time differ significantly from today's societal structures. While interpreting *idribuhunna* as "strike" might have been progressive in the past, a modern understanding requires contextualizing the term within contemporary values of equality and mutual respect.

The reconstruction of *nusyūz* should be based on interpreting the text in accordance with the prevailing *'urf* (social norms) in society. *'urf* means good, which is something humans are accustomed to and have implemented in various aspects of

<sup>92</sup> Shihab, *Tafsir Al-Misbah: Pesan, Kesan Dan Keserasian Al-Qur'an*. p. 434.

<sup>93</sup> J. M. Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024), p. 53–77.

<sup>94</sup> Asyur, *Tafsir Al-Tahrir Wa Al-Tanwir*, p. 43.

<sup>95</sup> Al-Qarafi, *Syarh Tanqih Al-Fusul Fi Ikhtisar Al-Mahsul Fi Al-Usul*, p. 25.

<sup>96</sup> Muhammad Syahrur, *Nahwa Usulin Jadidah Li Al-Fiqhi Al-Islami: Fiqhu Al-Marah, Al-Wasiyyah, Al-Irts, Al-Qawamah Al-Ta'addudiyah, Al-Libas*. p. 323.

<sup>97</sup> Basimah Kayyal, *Tatawwur Al-Mar'ah 'Abra Al-Tarikh* (Bairut: Muassasah 'Izzu al-Din, 1981), p. 55.

<sup>98</sup> Mustafa Al-Sibai, *Al Mar'atu Baina Al-Fiqhi Wa Al-Qanun*, Cet. VII (Riyad: Dar al-Warraq, 1999), p. 20.

their lives.<sup>99</sup> Especially considering that the regulations and laws implemented and amended in Indonesia are always adapted to local cultural wisdom.<sup>100</sup> Ultimately, there is a need to reinterpret the concept of *nusyūz* in a way that aligns with modern *‘urf*, which views the husband and wife not as master and subordinate, but as partners. Thus, *nusyūz* should no longer be understood as a wife's defiance or disobedience, but rather as a failure by either the wife or the husband to fulfill their responsibilities without valid justification.

## Conclusion

The study finds that the perceptions of religious leaders in Ternate City regarding the concept of *nusyūz* and the practice of *idribuhunna* are still deeply influenced by patriarchal norms and traditional interpretations rooted in classical *fiqh* and *tafsir*. This adherence to outdated understandings perpetuates a narrow and gender-biased view of marital roles and responsibilities. By applying a multidisciplinary analytical approach namely, *fiqh al-wāqī‘*, the theory of *‘urf*, and linguistic theory (*ma‘nā al-ḥaml*) the research successfully reconstructs a more equitable interpretation of *nusyūz*. This revised interpretation emphasizes mutual responsibility within marriage and rejects all forms of domestic violence, thereby offering a humanistic reading aligned with modern family dynamics. A major strength of this research lies in its integrative methodology, which bridges textual analysis with field-based inquiry. By engaging both classical sources and contemporary community perspectives, the study demonstrates a comprehensive understanding of the issue. Furthermore, the use of contextual jurisprudence and linguistic analysis allows the research to challenge entrenched interpretations and contribute to the progressive development of Islamic legal thought. This multidimensional approach enriches the discourse on gender justice and religious interpretation in Muslim societies. Despite its contributions, the study is limited by its geographical and demographic scope. The fieldwork was conducted only in Ternate City, and thus may not fully reflect the diversity of religious perspectives across different regions of Indonesia. Additionally, the focus on male religious leaders may limit insights into how women scholars or community members perceive *nusyūz*. Future research should include broader participant representation and explore the impact of alternative interpretative models on public religious education.

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<sup>99</sup> Ismail et al., “The Contribution of ‘Urf to the Reform of Islamic Inheritance Law in Indonesia,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 22, no. 2 (2022), p. 165–178.

<sup>100</sup> Nur Sari Dewi M. Danial, Yoesrizal M. Yoesoef, “Sexual Violence in The Islamic Law Perspective: Aceh Islamic Law and Local Wisdom Approach,” *Ulumuna* 27, no. 1 (2023), p. 367–388.

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## Interviews

- Interview with Samlan Ahmad, The Head of Ulema Council (MUI) of North Maluku Province, July 2024.
- Interview with A'raf Safuddin, The Head of Fatwa Commission of The Indonesian Ulema Council (MUI) of Ternate City, July 2024.
- Interview with Abdul Rahman Syukur, Teacher of Al-Khaerat Islamic Boarding School, Ternate, July 2024.

Interview with Amanan Sulaeman Saumur, Religious Leader and Academic from IAIN Ternate, August 2024.

Interview with Muhammad Ar. Husein, Religious Leader and Expert in Positive Law, August 2024.