



**Reconceptualization of *Nusyūz* (Disobedient):
Formulation of Household Resolving Conflict**

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Abstract

This research is driven by the rampant violence experienced by women in the household. Reasons for disobedience and disobedience of wives often trigger acts of violence that husbands mostly commit. Using the excuse of religious demands, the mistakes made by the wife are considered by the husband as a form of disobedience or *nusyūz*. Without an adequate understanding of the meaning of *nusyūz* and how to solve it, some unscrupulous husbands act arbitrarily because they consider themselves the head of the family with complete authority over their wives. This study aims to redefine the concept of *nusyūz* (disobedience) in order to develop a more balanced and beneficial framework. This study employs a normative-analytical approach, drawing on sources such as the Qur'an, hadith, classical texts (including *fiqh*, *uṣūl al-fiqh*, and *tafsir*), as well as other relevant references. The analytical methods used include textual analysis, *uṣūl al-fiqh* (*takhṣīṣ* method), and contextual interpretation within a socio-legal approach. According to the study, *nusyūz* refers to *fāḥishah mubayyinah*, or known sinful acts conveyed by the Prophet during the Hajj Wada'. *Fāḥishah mubayyinah* is a major sin that is known because it refers to sexual acts other than adultery. The meaning of *nusyūz* can be applied equally to husband and wife. It means that both husband and wife have opportunities to act *nusyūz* or disobey their partners.

Keywords: *Nusyūz*, *Fāḥishah mubayyinah*, Disobedience, Household, Family Conflicts

Abstrak

Penelitian ini dilatarbelakangi oleh maraknya tindak kekerasan yang dialami kaum perempuan dalam rumah tangga. Tindak kekerasan yang kebanyakan dilakukan oleh suami sering dipicu oleh alasan ketidaktaatan dan kedurhakan istri. Berdalih pada tuntutan agama, kesalahan-kesalahan yang dilakukan istri dianggap suami sebagai bentuk kedurhakaan atau nusyūz. Tanpa bekal pemahaman yang cukup terkait makna nusyūz dan bagaimana cara penyelesaiannya, beberapa oknum suami bertindak sewenang-wenang lantaran menganggap dirinya kepala keluarga yang berkuasa penuh atas istrinya. Penelitian ini ditujukan untuk meninjau kembali pemaknaan nusyūz atau kedurhakaan agar menghasilkan makna yang berimbang dan bermaslahat. Pendekatan normatif-analitis digunakan dalam penelitian ini terhadap sumber data seperti al-Qur'an, hadis, teks-teks klasik (kitab-kitab fiqh, uṣūl al-fiqh, tafsir), dan referensi lain yang relevan dengan tema penelitian. Metode analitis yang digunakan adalah analisis tekstual, uṣūl al fiqh (metode takhṣīs), dan interpretasi kontekstual dengan pendekatan sosial-hukum. Hasil penelitian menemukan bahwa makna nusyūz mengacu pada fāḥishah mubayyinah atau perbuatan dosa yang diketahui sebagaimana yang disampaikan Rasulullah saat Haji Wada'. Fāḥishah mubayyinah merupakan dosa besar yang diketahui lantaran mengacu kepada perbuatan seksual selain zina. Makna nusyūz ini dapat diterapkan secara seimbang kepada suami dan istri. Artinya baik suami maupun istri sama-sama punya kesempatan dan peluang untuk berbuat nusyūz atau durhaka kepada pasangannya.

Kata Kunci: Nusyūz, Fāḥishah mubayyinah, Ketidaktaatan, Rumah Tangga, Konflik Keluarga

Introduction

Household conflicts in the community frequently result in acts of violence and persecution. Wives and children are frequently the victims of these acts of violence because they are perceived as weak beings.¹ Most acts of violence in Muslim families, aside from being prompted by the husband's superiority, are also motivated by religious attitudes and understanding.² During the COVID-19 pandemic, for example, there was an increase in violent acts that resulted in murders. In March 2020, on the fifth day after the lockdown in Valencia, Spain, a woman was murdered by her husband in front of her children. Similarly, in England, there is an

¹ 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 Syaria'h* 15, no. 2 (2023), p. 252–67; Nuroniyah et al., "Assessing Indonesia and Malaysia's Legal Responsiveness to Domestic Violence Victims within Islamic Law Framework," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025), p. 247.

² Martina Purna Nisa, "Critical Review of Domestic Violence as Reason for Divorce (Comparison of Divorce Laws in Indonesia, Malaysia, and the Maldives)," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (2021), p. 1–26.

increase in the murder of a wife by her partner every week, from the previous two victims to an increase after the COVID-19 pandemic.³ On the other hand, the religious understanding that Muslims believe so far is that if a wife commits an act of disobedience toward her husband, she is considered to have committed *nusyūz*.⁴ This form of disobedience is marked by disobedience and defiance. The wife is considered to feel superior to her husband and may leave the house without her husband's permission.⁵ If the wife performs these actions, the husband can punish her with three kinds of sanctions: advising, staying away from the bed, and hitting the wife.⁶

According to the majority of scholars, the husband's actions in dealing with his wife's *nusyūz* are supported by several Qur'anic texts and hadiths, including Surah al-Nisa' verse 34, Surah al-Baqarah verse 223, and a history which states that a wife cannot leave the house without her husband's permission. The entire text strengthens the belief and understanding of the scholars that the husband has high authority over his wife, including if the wife commits an act of disobedience.⁷ However, ironically, the authority to execute punishment for a wife's disobedience (*nusyūz*) is often violated by many husbands, which ultimately leads to acts of violence in the form of neglect and abuse of wives, because they are considered to have neglected their obligations.⁸ Even though scholars stated that these three legal sanctions were only intended to teach and warn the wife, so that the execution would not cause physical harm.⁹ Most husbands do not take this advice.¹⁰

Meanwhile, verses in the Quran discuss the husband's *nusyūz* actions in a very different way than the wife's *nusyūz*. According to the description of this verse, the husband's *nusyūz* is handled so that the wife can only accept it because peace is regarded as the best solution.¹¹ Moving on from handling the husband's *nusyūz*, as

³ Anastasia Kourti et al., "Domestic Violence during the COVID-19 Pandemic: A Systematic Review," *Trauma, Violence, & Abuse*, 2021.

⁴ Fitriyani Fitriyani et al., "The Judges' Legal Consideration on Divorce of Nushūz Cases at the Kupang High Religious Court: Gender Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023), p. 1971–89.

⁵ Apriyanti Apriyanti and Uswatun Hasanah, "Nusyūz of Husband and Wife in the Masalahah Perspective," *Nurani* 25, no. 1 (2025), p. 18–35.

⁶ Wahbah al-Zuhaili, *Al-Fiqh al-Islām Wa Adillatuhū*, Juz. IX (Damaskus: Dār al-Fikr, 1997), p. 6597.

⁷ Norbani Mohamed Nazeri, "Criminal Law Codification and Reform in Malaysia: An Overview," *Singapore Journal of Legal Studies*, 2010, 375–99.

⁸ Dedisyah Putra and Nuriza Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violence," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023), p. 1–16.

⁹ Kementerian Agama, *Al Qur'an Dan Tafsirnya*, Jilid. II, (Jakarta: PT Sinergi Pustaka Indonesia, 2012), p. 163.

¹⁰ Moh Subhan, "Rethinking Konsep Nusyuz Relasi Menciptakan Harmonisasi Dalam Keluarga," *Al-'Adalah: Jurnal Syariah Dan Hukum Islam* 4, no. 2 (2019), p. 194–215.

¹¹ Michael G. Peletz, "What Are Suhl Sessions?" in *Sharia Transformations*, 1st ed., Cultural Politics and the Rebranding of an Islamic Judiciary (University of California Press, 2020), 101–38.

stated in Surah al-Nisa's verse 128, causes a distinction in the scholars' understanding of the meaning of the husband's *nusyūz* and the wife's *nusyūz*. The husband's *nusyūz* actions are interpreted as his absence from his obligation to fulfil the wife's rights rather than as disobedience.¹² The meaning of disobedience is inappropriate if it is attributed to the husband, considering his position as the head of the household, who is the leader of all family members, including the wife. Patriarchal bias is evident in this understanding. According to several figures, including Farid Esack, patriarchal domination had already inhabited the text of the Quran.¹³

The above understanding seems to be blocking and lame because there are significant differences in the meaning of husband-and-wife *nusyūz*. This aspect is crucial to the present study. The distortion of the meaning of *nusyūz* has significant implications for social practices, particularly in reinforcing inequality within marital relationships. Indirectly, these divergent interpretations create a gap that can ultimately lead to the emergence and increase of domestic violence (KDRT) in many households. Much violence and abuse is found in households, especially by husbands against wives, which can have fatal consequences, both physically and mentally.¹⁴ In the name of religion, there is legitimacy for husband-wife violence. In other words, religion is used as a shield for such violence.¹⁵

The prevailing textual understanding holds that, in Islam, a husband is responsible for educating his wife. If a wife disobeys his commands, the husband must beat his wife as a form of learning for her.¹⁶ However, it is regrettable that many parties, including the wife, do not consider the husband's lousy treatment as an act of violence.¹⁷ It is caused by the community's social conditions, which consider the husband a leader and give him full authority over his family and wife.¹⁸

¹² Abdul Hakim and Ali Alkosibati, "The Distinction Between Nusyūz And Domestic Violence: The Relevance of Muhammad Sa' Id Ramadhan Al-Buthi Thought in Contemporary Context," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 15, no. 1 (2022), p. 41–60.

¹³ Levi Geir Eidhamar, "'My Husband Is My Key to Paradise.' Attitudes of Muslims in Indonesia and Norway to Spousal Roles and Wife-Beating," *Islam and Christian-Muslim Relations* 29, no. 2 (2018), p. 241–64.

¹⁴ Jonathan Herring, "The Severity Of Domestic Abuse," *National Law School of India Review* 30, no. 1 (January 24, 2018), p. 37–50.

¹⁵ Alvian Bhakti Pamungkas and Nabila Thyra Janitra, "Analysis of the Issue of Affirmative Action on Domestic Violence in Islam: A Study of Surah An-Nisa' Verses 34, 35 and 128," *AL-IKHSAN: Interdisciplinary Journal of Islamic Studies* 3, no. 2 (2025), p. 180–94.

¹⁶ Levi Geir Eidhamar, "'My Husband Is My Key to Paradise.' Attitudes of Muslims in Indonesia and Norway to Spousal Roles and Wife-Beating."

¹⁷ Teresa Manring, "Minding The Gap In Domestic Violence Legislation," *The Journal of Criminal Law and Criminology (1973-)* 111, no. 3 (January 2021), p. 773–803.

¹⁸ Siti Zumrotun and Muhammad Yusril Muna, "Marriage Disrupted: A Sociological and Legal Examination of Women's Ascendance as Family Heads," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025).

As the largest Muslim country, domestic violence, especially between husbands and wives in Indonesia, are still rife in the households of Muslim couples,¹⁹ even though the Indonesian government has stipulated strict legal sanctions against perpetrators of domestic violence in Law No. 23 of 2004 and Law No. 12 of 2022 concerning Crimes of Sexual Violence. The violence against women are also ordinary in Egypt. In 2021, there were 413 cases of domestic violence recorded, which topped the list of crimes.²⁰ Among the factors causing violence are the low standard of living of the families and the low level of wife's education.²¹

Violence in Sudan is not considered a serious violation of women's rights. A wife can be beaten for leaving the house without her husband's permission. The majority of Most Sudanese people agree that a wife must tolerate their husbands' violence to maintain the integrity of the family.²² Meanwhile, in Saudi Arabia, one in three women is a victim of domestic violence.²³ A study of 1,854 random Jordanian women from 12 provinces found that 98% of women had experienced violence from their husbands. This was motivated by two reasons: the belief that the husband has the right to control his wife's behavior and the wife's obligation to obey her husband. This violence was unrelated to the husband's education, occupation, or social circle.²⁴ Even though Jordan has domestic violence regulations (UU No. 6/2008), the protection has not been functioning optimally.²⁵

At the same time, this research is crucial as part of the academic response to global social changes related to increased awareness of gender equality and human rights. Rejecting this partial and gender-biased understanding necessitates a reinterpretation of Islamic law that is responsive to contemporary realities. Patriarchal bias in the interpretation of *nusyūz* contributes to the marginalization of women within the family institution. Therefore, a reconstruction of understanding is

¹⁹ Komnas Perempuan, "Bayang-Bayang Stagnansi: Daya Pencegahan Dan Penanganan Berbanding Peningkatan Jumlah, Ragam Dan Kompleksitas Kekerasan Berbasis Gender Terhadap Perempuan," *Komnas Perempuan*, 2022, p. 1–4.

²⁰ Osama Gaweesh, "Violence against Women Is Endemic in Egypt; It Must Be Challenged and Stopped," n.d.

²¹ 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. 163–88.

²² Jennifer Scott et al., "An Assessment of Gender Inequitable Norms and Gender-Based Violence in South Sudan: A Community-Based Participatory Research Approach," *Conflict and Health* 7, no. 1 (2013), p. 4.

²³ Yasser M Kazzaz et al., "The Epidemiology of Domestic Violence in Saudi Arabia: A Systematic Review," *International Journal of Public Health* 64, no. 8 (2019), p. 1223–32.

²⁴ Diab M Al-Badayneh, "Violence against Women in Jordan," *Journal of Family Violence* 27, no. 5 (2012), p. 369–79.

²⁵ Laith K Nasrawin, "Protection against Domestic Violence in Jordanian Law and International Conventions," *Arab Law Quarterly* 31, no. 4 (2017), p. 363–87.

needed that can formulate a more just, balanced, and violence-free concept of marital relations.²⁶

There are several articles and research related to *nusyūz* issues from various aspects. Moh Subhan stated that the factor of *nusyūz* was caused by a feeling of dissatisfaction with one party over the treatment of their partner, their rights not being fulfilled, or there being excessive demands from one party against another.²⁷ Mustafa Kamal Rokan et al. found that the concept of *nusyūz* should not be understood merely as a wife leaving the house without her husband's permission. Rather, this meaning needs to be expanded in the contemporary context. For instance, online activity can be regarded as a form of "leaving the house" in the classical sense.²⁸ A wife who violates norms of propriety by presenting herself inappropriately on social media may also be categorized as committing *nusyūz*.²⁹

Amirul Bakhri and Imam Taufiq's study focuses on comparing the concept of *nusyūz* in Shi'i exegesis with the concept found in the Islamic Legal Code in Indonesia.³⁰ Meanwhile, Harwis Alimuddin et al. found that interpretations of the concept of *nusyūz* held by many religious leaders in Ternate, Indonesia, continue to be shaped by patriarchal norms, leading to rigid and gender-biased understandings.³¹ In contrast to previous findings, this study seeks to discover a balanced and beneficial definition of *nusyūz* so that it can be applied relatively to husbands and wives as described in the Qur'an. The opportunity to do *nusyūz* is not only more significant and prevalent among wives but also among husbands. It is the primary distinction between this study and others.

This study is normative, places *law in a book* as an object with a specific scope in the context of *nas* pronunciation and indicates the level of legal synchronization. The literal method will be used together with the interpretive method or extensification so that the meaning of the pronunciation of *nusyūz* will influence the meaning of the law itself. Some of the sources that will be used include: *al-Ihkām fī Uṣūl al-Ahkām* by Saifuddin al-Amidi from the *uṣūl al-fiqh* aspect. Also, sources of *fiqh* will be taken from *al-Fiqh al-Islām wa Adillatuhū* by Wahbah al-

²⁶ Abdul Fatah, Abdul Karim, and Mochamad Tholib Khoiril Waro, "Revisiting Classical Exegesis on Nushūz in the Qur'an and Its Relevance to Contemporary Domestic Violence in Indonesia," *QOF* 8, no. 2 (2024), p. 187–200.

²⁷ Moh Subhan, "Rethinking Konsep *Nusyūz* Relasi Menciptakan Harmonisasi Dalam Keluarga", p. 194-215.

²⁸ Dwi Novita et al., "Family Conflict Disclosure on Social Media in Islamic Law: Islah as a Reconciliation Mechanism," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025), p. 443–58.

²⁹ Mustafa Kamal Rokan, Imam Yazid, and Ahmad Makky, "Reconstruction of the Concept of *Nusyūz* of the Wife in the Digital Era," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 2 (2020), p. 568–85.

³⁰ Amirul Bakhri and Imam Taufiq, "Legal Determination of Husband's and Wife's Disobedience in Shia Law and the Islamic Law Compilation: A Comparative Study," *Jurnal Hukum Islam* 21, no. 2 (2023), p. 389–414.

³¹ Harwis Alimuddin et al., "Reconstruction of the Concept of *Nusyūz* in Islamic Law: Perspectives of Religious Figures in Ternate, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 1 (2025), p. 26–49.

Zuhayli. Interpretation aspects will be taken from *al-Jāmi' li Ahkām al-Qur'ān* by Imam al-Qurtubi and Sunan al-Tirmidhi from the hadith aspect. All research data will be thoroughly examined using content analysis. Through the *takhṣīṣ* method, it is hoped that it will give birth to the meaning of *nusyūz*, which is in accordance with the benefit of all humans.

Takhṣīṣ Method

Scholars apply the *takhṣīṣ* theory to solve legal issues related to the pronunciation of 'am (general). It cannot be denied that most of the pronunciations found in the texts of the Quran and hadith are general in form and include many units. If a law is applied to the general pronunciation, all its units will also be affected.³² However, there are times when there are other indications (*qarīnah*), either in the form of *nas* texts or other indications, which stipulate different laws even though the object is the same. It is where *takhṣīṣ* is needed, primarily to determine which law should be applied to each unit in the general pronunciation ('am).

The scholars of *uṣūl al-fiqh* define *takhṣīṣ* with various formulations. Some scholars interpret *takhṣīṣ* as a characteristic pronunciation (*'awārid al-alfāz*) in standard pronunciation by removing some of the units included in the general pronunciation because other standard pronunciations require it.³³ On the other hand, some scholars understand *takhṣīṣ* as an explanation (*bayān*) of the intent desired by general pronunciation.³⁴ This means that, besides occupying the area of interpretation (*bayān*) of a pronunciation meaning, *takhṣīṣ al-nās* becomes an exception specification for some broad pronunciation coverage. However, there are constraints to the scope of general law enforcement in texts that do not change, freeze, or completely deconstruct texts.³⁵

Takhṣīṣ can occur in the relationship between the Quran and hadith, thus enabling the realization of interpretations of meaning that contain benefits and are in harmony with the objectives of the Shari'a (*maqāṣid al-sharī'ah*).³⁶ Although Hanafiyyah and Shafiyyah scholars differ regarding the legality of hadith as an explanation and a tool for interpreting the Qur'an (*mukhaṣṣiṣ*), this difference was only during the first ordination process. This difference is motivated by the principles held by the two groups of scholars. Hanafiyyah scholars state that the general

³² Ahmed El Shamsy, "Bridging the Gap: Two Early Texts of Islamic Legal Theory," *Journal of American Oriental Society* 137, no. 3 (2017), p. 505–36.

³³ Saifuddin al-Amidi, *Al-Ihkam Fi Usul al-Ahkam*, Juz.II (Beirut: Dar al-Fikr, 2012), p. 385-386.

³⁴ Muhammad al-Shaukani, *Irshad al-Fuhul Ila Tahqiq al-Haqq Min 'Ilm al-Usul*, Juz. II (Riyad: Dar al-Fadilah, 2000), p. 212-213; Wahbah al-Zuhaili, *Al-Wajiz Fi Usul al-Fiqh* (Damaskus: Dar al-Fikr, 2020), p. 198-199.

³⁵ 'Abd al-Wahab 'Abd al-Salam Tawilah, *Athar Al-Lughah Fi Ikhtilaf al-Mujtahidin* (Al-Qahirah: Dar al-Salam, 2020), p. 365.

³⁶ Jalaluddin Al-Mahalli, *Sharh al-Mahalli 'ala al-Waraqat Fi Usul al-Fiqh* (Istambul: Maktabah al-Hashimiyyah, 2013), p. 25-26.

pronunciation ('*am*) in the verses of the Quran is *qat'ī* (absolute) so that it can only be interpreted with other *qat'ī* (absolute) arguments, Such as the Quran and *mutawātir ḥadīth* (hadith narrated by many narrators). While the Shafi'yyah scholars consider the general pronunciation ('*am*) in the Quran to be *zannī* (relative), so that it can be interpreted by any *zannī* (relative) argument, including *ḥadīth aḥad* (hadith narrated by one narrator), *ijmā'* (scholars' agreement), and *qiyās* (legal analogy).³⁷

Views of Women's Inferiority in Islamic Studies

It is undeniable that several verses of the Quran and hadith appear to treat men and women differently. This, at the very least, causes inferior interpretations that are gender-biased.³⁸ Many factors contribute to this, including socio-cultural conditions.³⁹ This inferior viewpoint can be seen in the two following issues.

Women are viewed as beings devoid of reason and religion. This assumption is based on a well-known authentic hadith, which has been related by several narrators, including Ibn Majah (hadith no. 4138). These two flaws are used as compelling reasons to imprison women at home. They do not need to seek knowledge to sharpen their minds because it is deemed useless.⁴⁰ Because of their physical limitations, women can only handle domestic household issues. Meanwhile, the absence of women's religion is caused by menstrual cycles, which removes the obligation to fast and pray. This deficiency, however, can be compensated for by performing other worship, such as *zikr* and *infaq*.⁴¹ As for the lack of reason, which is marked by two female witnesses equivalent to one male witness, based on the scholars of the Qur'an Surah al-Baqarah verse 282.⁴²

Some scholars believe that the nature of forgetting that becomes '*illat* in Surah al-Baqarah verse 282 is motivated by the daily activities of women who always handle household affairs and are unfamiliar with problems outside the home. Meanwhile, the accuracy of witness statements is required in court. As a result, the presence of a second woman to bolster a woman's testimony is considered highly

³⁷ Mahmud Abd al-Rahman Abd al-Mun'im, *Bidayah al-Mubtadi Fi Ilm Usul al-Fiqh* (al-Qohirah: Dar al-'Urofa, 2023), p. 383-384; Al-Amidi, *Al-Ihkam Fi Usul al-Ahkam*, Juz.II, p. 410-419.

³⁸ Kurniati Abidin et al., "Determinants of Domestic Violence in Indonesia from a Gender and Sociology of Law Perspective," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 2 (2025), p. 701-23.

³⁹ Rosdalina Bukido et al., "Divorce Among Female Muslim Civil Servants: Legal Perspectives in Indonesia," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 1 (2025), p. 85-116.

⁴⁰ Busran Qadri and Ihsan Mulia Siregar, "Islamic Renewal in the Field of Family Law: A Historical Analysis of Gender Equality," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023), p. 444-55.

⁴¹ Zaitunah Subhan, *Tafsir Kebencian; Studi Bias Gender Dalam Tafsir Qur'an*, (Yogyakarta: LKiS, 1999); 61-62; Atiyatul Ulya, "Kritik Kualitas Matan Hadis Perempuan Lemah Akalnya Perspektif Salahudin Ibn Ahmad Al-Adlabi," *Jurnal Ushuluddin* 26, no. 1 (2018), p. 57-68.

⁴² Andi Miswar et al., "Qur'anic Narratives of Women's Competencies and The Consequences of Islamic Law on Their Involvement in Society," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023), p. 1577-1605.

beneficial to her as a witness.⁴³ Meanwhile, some contemporary scholars state that the two shortcomings of women can be refuted through research and historical records regarding successful women.⁴⁴

Regarding the household, some scholars believe that a woman's position as a wife becomes the absolute property of her husband after the contract is signed and strengthens after the dowry is paid.⁴⁵ This is evident in the various definitions of marriage advanced by most scholars. They believe that the logical result of marriage is that the wife must obey the husband who marries her. However, this required obedience is so indiscriminate that it appears to denigrate women and contradict the Qur'anic values.⁴⁶ Related to this, Wahbah al-Zuhaili stated that the wife must obey her husband regarding intercourse and going out of the house. Whenever and wherever the husband asks his wife to have intercourse (*jimā'*), then she must immediately fulfil the request, even though she is doing work or is on a camel's back.⁴⁷

These scholars' understanding is based on several narrations, including a well-known hadith by al-Bukhari from Abu Hurairah. According to the hadith, a wife who refuses her husband's invitation to have sex will be cursed by angels until morning if her husband is enraged by her refusal. Aside from that, another popular legend holds that if a wife dies while her husband is mourning, she must go to heaven. Ibn Majah and al-Tirmizi of Umm Salamah related this hadith.⁴⁸ Regardless of the quality of the *sanad* from hadith narrations about the wife's obedience, it cannot be understood textually because the wife is not the object of satisfying the husband's sexual desires. Furthermore, no verse was found that emphasized this brutal obedience because Islam values the relationship between husband and wife.⁴⁹ Therefore, an in-depth examination of the content and method of reports like this is urgently required.

⁴³ Dahwadin Dahwadin et al., "Revisiting the Role of Women as Witnesses in Fiqh Justice," *Ahkam: Jurnal Ilmu Syariah* 19, no. 1 (2019), p. 61–80.

⁴⁴ Ulya, "Kritik Kualitas Matan Hadis Perempuan Lemah Akalnya Perspektif Salahudin Ibn Ahmad Al-Adlabi."

⁴⁵ Mohamad Sar'an et al., "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.

⁴⁶ Ruth Roded, "Jewish and Islamic Religious Feminist Exegesis of the Sacred Books: Adam, Woman and Gender," *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 29 (2015), p. 56–80; Yola Fadila, "Islam Dan Pembelaan Terhadap Perempuan: Studi Pemikiran Asghar Ali Engineer Teologi Pembebasan," *Jurnal Ilmu Agama: Mengkaji Doktrin, Pemikiran, Dan Fenomena Agama* 24, no. 1 (2023), p. 98–117.

⁴⁷ Wahbah al-Zuhaili, *Al-Fiqh al-Islām Wa Adillatuhū*, Juz. IX, (Damaskus: Dar al-Fikr, 1997), p. 7364.

⁴⁸ Tasbih Tasbih et al., "Islamic Feminists' Rejection of the Textual Understanding of Misogynistic Hadiths for the Advancement of Gender Justice in Makassar, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024), p. 196–215.

⁴⁹ Zaitunah Subhan, *Menggagas Fiqh Pemberdayaan Perempuan* (Jakarta: El Kahfi, 2008), p. 7.

Reconceptualization of *Nusyūz*

There are two verses state the *nusyūz* of the wife and husband. *Nusyūz*'s wife is emphasized in the following letter to the al-Nisa verse 34,

...وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا (النِّسَاء: 34)

“And if you sense ill-conduct from your women, advise them (first), (if they persist) do not share their beds, (but if they persist), then discipline them (gently). But if they change their ways, do not be unjust to them. Surely Allah is Most High, All-Great”. (QS al-Nisa’: 34)

In the same surah, the husband's *nusyūz* can be found in the following 128th verse,

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا (النِّسَاء: 128)

“If a woman fears indifference or neglect from her husband, there is no blame on either of them if they seek (fair) settlement, which is best. Humans are ever inclined to selfishness. But if you are gracious and mindful (of Allah), surely Allah is All-Aware of what you do.” (QS al-Nisa’: 128)

Following the two verses above, scholars define *nusyūz* in various ways. Most scholars concentrate solely on the wife, who is considered *nusyūz* if she disobeys her husband.⁵⁰ Meanwhile, the husband's *nusyūz* is not discussed at all.⁵¹ Some do not distinguish between husband and wife *nusyūz*, where *nusyūz* is interpreted as an act of neglect by a husband or wife towards their responsibilities to their partner, without any reason justified by *sharia*.⁵² Abu Mansur al-Lughawi, as quoted by al-Qurtubi, proposed a somewhat similar definition: *nusyūz* is the hatred of a husband or wife towards their partner.⁵³

Although the last two definitions include husband and wife *nusyūz*, they remain relative and ambiguous, particularly regarding responsibility and hatred. This is due to the lack of standards for husbands' and wives' forms of responsibility, as well as the types of hatred that lead to *nusyūz*.⁵⁴ Because each scholar is generally

⁵⁰ Muhammad M Haj-Yahia, “Beliefs about Wife Beating among Palestinian Women: The Influence of Their Patriarchal Ideology,” *Violence against Women* 4, no. 5 (2016), p. 533–58.

⁵¹ Sayyid Sabiq, *Fiqh al-Sunnah, Juz II*, (al-Qahirah: Dar al-Salam, 2018), p. 133-134; Al-Zuhaili, *Al-Fiqh al-Islām Wa Adillatuhū*: 6597.

⁵² Norzulaili Mohd Ghazali Wan Abdul Fattah Wan Ismail, *Nusyūz, Shiqaq Dan Hakam Menurut Al-Quran, Sunnah Dan Undang-Undang Keluarga Islam* (Negeri Sembilan: Kolej Universiti Islam Malaysia, 2006), p. xi.

⁵³ Al-Qurtubi, *Al-Jami’ Li Ahkam al-Qur’an*. Juz. VI (Beirut: Muassasah al-Risalah, 2006), p. 283.

⁵⁴ Apriyanti and Hasanah, “*Nusyūz* of Husband and Wife in the Maslahah Perspective.”

different in size, the implementation and implications are also not the same. As a result, efforts must be made to revise the definition of *nusyūz*.⁵⁵

Related to this effort, there is a hadith from the Prophet when giving a sermon during the Wada' hajj; the Prophet conveyed a will in the form of an order to look after women. The Prophet's will is confirmed in a valid hadith below,

عَنْ عَمْرِو بْنِ الْأَخْوَصِ الْجُمَشِيِّ، أَنَّهُ سَمِعَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي حَجَّةِ الْوَدَاعِ يَقُولُ بَعْدَ أَنْ حَمِدَ اللَّهَ تَعَالَى وَأَتَى عَلَيْهِ وَذَكَرَ وَوَعَّظَ: ثُمَّ قَالَ: أَلَا وَاسْتَوْصُوا بِالنِّسَاءِ خَيْرًا؛ فَإِنَّمَا هُنَّ عَوَانٌ عِنْدَكُمْ لَيْسَ تَمْلِكُونَ مِنْهُنَّ شَيْئًا غَيْرَ ذَلِكَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ، فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ، فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِلَّا إِنْ لَكُمْ عَلَى نِسَائِكُمْ حَقًّا وَلِنِسَائِكُمْ عَلَيْكُمْ حَقًّا فَحَقُّكُمْ عَلَيْهِنَّ أَنْ لَا يُوطِئْنَ فُرُشَكُمْ مَنْ تَكْرَهُونَ وَلَا يَأْذَنَ فِي بُيُوتِكُمْ لِمَنْ تَكْرَهُونَ إِلَّا وَحَقُّهِنَّ عَلَيْكُمْ أَنْ تُحْسِنُوا إِلَيْهِنَّ فِي كِسْوَتِهِنَّ وَطَعَامِهِنَّ (رواه الترمذي)

“From 'Amr ibn al Aḥwasi al-Jumashi, that he heard Rasulullah SAW during the Wada' hajj said, after praising Allah, glorifying and remembering Him, 'Don't you want women to be good? They are your helpers, and you do not have (need) anything from them other than that, unless they commit known sinful acts (*fāḥishah mubayyinah*). If they do, leave them on the bed, and hit them with punches that do not hurt. If they obey you, do not look for ways (to trouble them). Know that you have rights over your wives, and your wife has rights over you. Your right over them is that they cannot let anyone you hate into the house. Moreover, they are not allowed (also include) people you do not like into the house. Know that the right of (wives) over you is that you do good to them (by giving) clothes and food.” (HR al-Tirmidhi)⁵⁶

This hadith contains the Prophet's command to his friends to be kind to women because they are helpers to men. This order only applies if women do not commit known sinful acts (*fāḥishah mubayyinah*). If they do that, the punishment is being kept away from the bed and beaten.⁵⁷ These two sanctions have in common the solution for handling the wife's *nusyūz* contained in Surah al-Nisa' verse 34 with almost the same text editor. This similarity may indicate a connection between *nusyūz* and *fāḥishah mubayyinah* or known sinful acts. Thus, the pronunciation of *nusyūz* found in QS al-Nisa' verses 34 and 128 is the pronunciation of 'am, which includes many units and meanings, so it requires explanation. The existence of the *fāḥishah mubayyinah* pronunciation in the hadith above is a *takhsīṣ* tool (*mukhaṣṣis*

⁵⁵ Nada Ibrahim and Mohamad Abdalla, “A Critical Examination of Qur'an 4: 34 and Its Relevance to Intimate Partner Violence in Muslim Families,” *Journal of Muslim Mental Health* 5, no. 3 (2010), p. 327–49.

⁵⁶ Muhammad ibn 'Isa ibn Thawrah al-Tirmidhi, *Sunan Al-Tirmidhi, Juz. II* (Beirut: Dar al-Kutub al-'Ilmiyyah, 2000), p. 594, hadis no. 1851.

⁵⁷ Saeed Davoudi Limouni and Narjes Al-Sadat Mohseni, “A Critical Analysis of the View on the Permissibility of Beating Rebellious Wives Due to Committing Immorality,” *Journal of Quranic Knowledge* 16, no. 61 (2025), p. 1–19.

munfasil) in the form of an explanation (*bayān*) of the *nusyūz* pronunciation found in these two verses. Through the *takḥṣīṣ* method, *nusyūz* committed by husbands and wives can be interpreted as *fāḥishah mubayyinah* or known sinful acts.

When *nusyūz* is interpreted with *fāḥishah mubayyinah* as a known sin, the meaning of *nusyūz* is balanced because it can be attached to husband and wife. This means that when a wife becomes *nusyūz*, she has committed a known sin against her husband. Similarly, when the husband is *nusyūz*, he has committed a known sin against his wife. As a result, both parties (husband and wife) have the same opportunity and potential to commit known sinful acts (*fāḥishah mubayyinah*) against their partners.

The next issue is determining the meaning of *fāḥishah mubayyinah* or known sinful acts. Scholars give various interpretations of this matter. Some *fiqh* scholars broadly interpret *fāḥishah mubayyinah* as including disobedience to husbands, while others interpret it as adultery.⁵⁸ On the other hand, some scholars interpret it as an extreme sin and leave the house without permission. Some say that Imam al-Shafi'i interprets *fāḥishah mubayyinah* by verbally abusing his wife. Meanwhile, Ibn Athir and al-Jauhari interpret *fāḥishah mubayyinah* as committing adultery.⁵⁹ Unlike the case with al-Qurtubi, which interprets *fāḥishah mubayyinah* as actions that lead to adultery but not adultery. Al-Qurtubi bases his opinion on the explanation, at the end of the valid hadith during the wada' hajj, where there is a pronunciation that means *your right to your wife is that she should not let anyone you hate into the house*. This utterance refers to the wife's inviting someone her husband despises into her home and bed. Although this wife's behaviour does not constitute adultery, it is a sinful act that leads to adultery.⁶⁰ While the act of adultery is forbidden, the perpetrators will receive a hundred lashes (QS al-Nur: 2).

In line with Al-Qurtubi's opinion, Khaled M Abou el Fadl, an American scholar, also stated that *nusyūz* is identical to *fāḥishah mubayyinah* or known sinful acts. Both *fāḥishah mubayyinah* and *nusyūz* are forms of grave sin that are known to have the potential to be committed by husbands and wives. Thus, *nusyūz* can no longer be interpreted as disobedience or simple disputes between husband and wife (*siqāq*). Polemics between husband and wife (*siqāq*) can be resolved through reconciliation by other parties (*ḥakam*) appointed by the government or from the family (QS al-Nisa': 35). If a husband or wife commits a severe sexual sin, it is considered *nusyūz*.⁶¹

Furthermore, Khaled M Abou el Fadl explained that *fāḥishah mubayyinah* is a major sin known as a sexual act that does not refer to adultery because it cannot be

⁵⁸ Mhd Rasidin et al., "The Mapping Verses and Application of the Linguistic Approach and Uṣūl Fiqh Toward the Law of Adultery," *El-Mashlahah* 14, no. 1 (2024), p. 21–42.

⁵⁹ Azizah Yahia Al-Hibri, "Muslim Women's Rights in the Global Village: Challenges and Opportunities," *Journal of Law and Religion* 15 (2001), p. 37–66.

⁶⁰ Al-Qurtubi, *Al-Jami' li Ahkam al-Qur'an*. Juz. VI, p. 286.

⁶¹ Khaled Abou El Fadl, "On The Beating of Wives," scholarofthehouse.org, 2011.

proven or has never happened. Therefore, he interprets *fāḥishah mubayyinah* as the following three types of actions: ⁶²

1. Sexual acts committed by men and women are not in the form of intercourse.
2. The act of sexual intercourse between a man and a woman, witnessed by fewer than four witnesses
3. There were four or more witnesses who did not directly witness the adultery, especially when the penis entered the vagina.

Moving on from some of the scholars' interpretations above, the opinion of al-Qurtubi and Khaled M Abou el Fadl is more precise and robust. It thus deserves to be associated with the meaning of husband and wife *nusyūz*. The following factors influenced this choice.

First, the *fāḥishah* pronunciation is associated with the adultery problem found in Surah al-Isra' verse 32,

وَلَا تَقْرُبُوا الزَّيْنَىٰ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

“And do not approach adultery. Verily, adultery is an act of *fāḥishah* and a bad way”.

Even though the object prohibited in this verse is adultery, in fact, it also includes actions that will lead to adultery. This means that any action that will lead to adultery is also prohibited,⁶³ such as seclusion and making out with the opposite sex without marriage ties (sexual acts). Wahbah al-Zuhaili added that this verse prohibits adultery and the causes and means that lead to adultery.⁶⁴ Thus, the *fāḥishah* pronunciation at the end of the verse above, besides being intended to describe adultery, is also aimed at all sexual acts that can lead to or refer to adultery.

Second, rather than interpreting *nusyūz* as adultery, it is more appropriate to interpret it with *fāḥishah mubayyinah*, which means a known grave sin or sexual act. This is because adultery is an illegal act with legal consequences. Furthermore, a decision on adultery is tough because it must be based on solid evidence. There are three types of proof of adultery: the perpetrator's confession, the testimony of four witnesses, and *qarīnah*.⁶⁵ These three things are complicated to fulfil, so accusations of adultery often cannot be proven. This is also supported by the principle of Islamic criminal law, which should not arbitrarily pass a legal verdict without strong

⁶² Khaled Abou El Fadl, “On The Beating of Wives”,

⁶³ M. Quraish Shihab, *Tafsir Al Mishbah: Pesan, Kesan dan Keserasian al-Qur'an*, Juz. VII (Jakarta: Lentera Hati, 2013), p. 458-459.

⁶⁴ Wahbah al-Zuhaili, *Tafsir al-Munir Fi al- 'Aqidah Wa al-Shari'ah Wa al-Manhaj*, Juz. VIII (Damaskus: Dar al-Fikr, 2009), p. 74.

⁶⁵ Apriyanti Apriyanti, “Proof of Adultery: An Islamic Legal Perspective on the Dilemma Between Norms and Human Dignity,” *Islam Realitas: Journal of Islamic and Social Studies* 9, no. 2 (2023), p. 153–68; Wahbah al-Zuhaili, *Tafsir al-Munir Fi al- 'Aqidah Wa al-Shari'ah Wa al-Manhaj*, Juz. IX, p. 459.

evidence. In line with a hadith history of the Prophet, which means, "Avoid the implementation of the law (*hudud*) through (evidence) that is *shubhat*".⁶⁶

Third, Al-Qurtubi's reason for interpreting *nusyūz* as *fāḥishah mubayyinah*, which refers to a known sinful or sexual act, is a valid hadith matan during the Wada' Hajj. The words "Your right to your wife is that she should not let someone you hate into the house" show that the wife's act of bringing a man into the house will be considered *fāḥishah mubayyinah* because her husband does not like it. Regardless of whether they commit adultery or not, or engage in sexual activity other than adultery, what is clear is that this action can lead to the following two possibilities:

1. Husbands can do *li'ān* (adultery accusations) to their wives, even if they cannot produce four witnesses. Although only based on their testimony, a husband has the right to accuse his wife of adultery without needing three other pieces of evidence. Whether the accusation of adultery is true or not, it is enough for the husband to carry out a *li'ān* process against his wife, which is immediately greeted with a rebuttal from the wife. (QS al-Nur: 6-9).
2. Because of the husband's great love, the wife's action of bringing someone the husband does not like into the house is only seen as an oversight and is therefore forgiven by him. The husband does not divorce or punish his wife through *li'ān*. The wife's oversight is considered *nusyūz*, so she must be given advice and guidance, separate beds, or be beaten. Related to this, Ibn Rushd, as quoted by Khaled M Abou el Fadl, was asked about the attitude of a husband who caught his wife committing obscenity with another man in bed. Is it permissible for the husband to beat his wife or put her in prison? Ibn Rushd replied that the husband could choose one of two things: to forgive or divorce her.⁶⁷ Likewise, if the husband commits a *fāḥishah mubayyinah* deed, the wife can solve it with the solution given by the Quran in Surah al-Nisa' verse 128.

The preceding explanation exemplifies the role of *nusyūz* in resolving domestic disputes. Both parties, particularly the husband, do not want his wife's *fāḥishah mubayyinah* actions to lead to *li'ān*. This means that a husband who considers his wife *nusyūz*, or a wife who considers her husband *nusyūz*, still wants to keep the marriage together.⁶⁸ The feeling of love and affection that they have makes them forgive and try hard to realize the mistakes that their partners have made. Through the three solutions that the Qur'an has emphasized in Surah al-Nisa' verse 34, the husband can handle his wife's *nusyūz*. Vice versa, through peace, as emphasized in Surah al-Nisa's verse 128, the wife can overcome her husband's *nusyūz*.

⁶⁶ Al-Tirmidhi, *Al-Jami' al-Sahih Sunan al-Tirmidhi*, Juz. II (Beirut: Dar al-Kutub al - Ilmiyyah, 2000), p. 392.

⁶⁷ Fadl, "On The Beating of Wives."

⁶⁸ Ahmadreza Khazaei, "Judicial and Lawful Study of Alimony of Wife's Disobedience," *Islamic Law & Jurisprudence Researches* 12, no. 45 (2017), p. 29–50.

This review of the meaning of *nusyūz* will undoubtedly benefit the husband and wife's household life, allowing them to achieve the goal of marriage in the form of *sakinah mawaddah wa rahmah*.⁶⁹ The honour of husband and wife will be preserved and guaranteed by the new meaning of *nusyūz*. This will eventually refer to soul maintenance (*ḥifz al-nafs*), particularly for the wife, due to the limited opportunities and strict rules on beatings in dealing with the wife's *nusyūz*. Thus, acts of violence under the guise of religion when the wife is *nusyūz*, which have been carried out efficiently and carelessly by unscrupulous husbands, can be reduced.⁷⁰ The results of this study can be seen in the following four illustrations;

Picture 1

Wife *Nusyūz* → not obey/disobey →

**Picture 2**

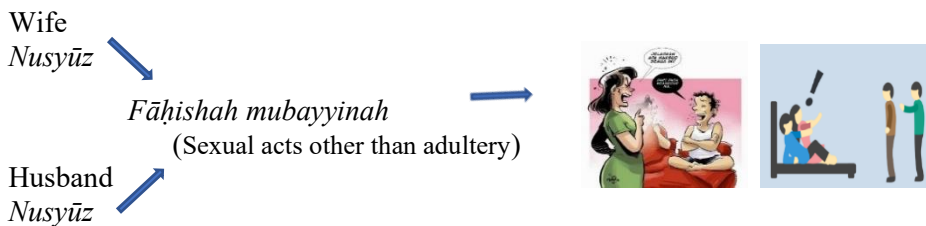
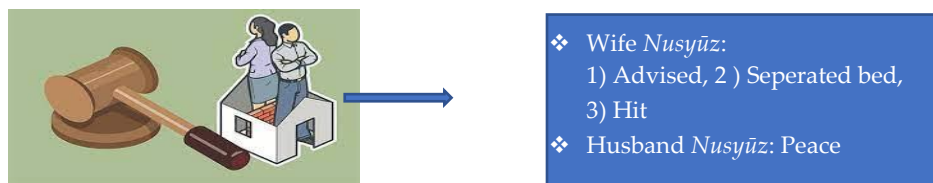
Husband *Nusyūz* → apathy →



The two pictures above reveal the difference in the meaning of *nusyūz* between husband and wife. The wife's *nusyūz* is interpreted as disobedience to her husband. Meanwhile, the *nusyūz* husband is only interpreted as indifference or absence of the husband on the obligation to fulfil the wife's rights. The consequence of these different meanings is that many wives become victims of husband violence because they are considered disobedient. However, this non-compliance does not have standard sizes. Of course, in this case, the other two solutions for handling *nusyūz* wives, like being advised and staying away from the bed, are automatically ignored. Meanwhile, a *nusyūz* husband can be free from charges because he has made peace between himself and his wife.

⁶⁹ Maryani Maryani, "Implemetasi Syariat Islam Dalam Mewujudkan Keluarga Sakinah (Studi Kasus Masyarakat Di Kecamatan Danau Teluk Seberang Kota Jambi)," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 11, no. 01 (2011), p. 65–83.

⁷⁰ M Alwi Al Maliki and Muhammad Ghuftron, "Reframing Islamic Family Law Through Web-Based Tafsir: The Case of Nushuz in the Indonesian Tafsir Online," *Ulumuna* 29, no. 2 (2025), p. 666–700.

Picture 3**Picture 4**

The third image depicts the meaning of *nusyūz* between husband and wife after reformulation, like *fāḥishah mubayyinah* in the form of non-adultery sexual acts. That is, if a husband or wife engages in sexual activity other than adultery, or if there is no evidence of adultery (having an affair) with another person, they have committed *nusyūz*. This interpretation is balanced because both can commit *nusyūz* or disobey their partner. Meanwhile, the fourth image depicts a solution a husband and wife can implement when their partner is *nusyūz*. The first solution is *li'ān*, in which both husband and wife can accuse their partner of infidelity before a judge. The accused wife or husband will deny this accusation. The result of this *li'ān* is the marriage breakup, and there is no opportunity for the husband and wife to return. However, suppose the husband or wife does not want to end their marriage by *li'ān* because they still love each other. In that case, the second solution can be done by being advised, separating the beds, or being beaten for the wife who is *nusyūz*. Meanwhile, the husband's *nusyūz* can be resolved by making peace (*islāh*). This is explained in the Qur'an in Surah al-Nisa, verses 34 and 128.

Reconceptualizing *nusyūz* is a necessity because it contains benefits. Through this effort, harm in the form of domestic violence can be minimized. Furthermore, it demonstrates that Islam is not a gender-biased religion that supports patriarchy. However, these efforts will be futile if not accompanied by action. Realizing this requires awareness and commitment from all parties, both through teaching and guidance, as well as through legal regulations. This means that all relevant parties, such as educators and preachers, must correct erroneous understandings of *nusyūz* in society. Likewise, marriage institutions, particularly the BP4 (Regional Marriage

Supervisory Agency), must incorporate post-reconceptualized *nusyūz* material into prospective brides and grooms.⁷¹

Another important effort must be made by the government through legal regulations, given that marriage issues have become part of positive law in several Muslim countries, including Indonesia. It is crucial to add and amend regulations related to *nusyūz* to UU Perkawinan and the Kompilasi Hukum Islam (KHI). Although *nusyūz* is already addressed in Articles 80, 84, and 152 of the KHI, it still appears to be gender-biased because it focuses only on the wife.⁷² This can be seen in the description of the meaning of *nusyūz* which is only understood by the wife's disobedience to her husband and the sanction of termination of maintenance for wives who are *nusyūz*.⁷³ By incorporating the concept of *nusyūz* into positive law, it will really help judges in resolving husband and wife conflicts. There are no more cases of husband abuse and violence under the pretext of *nusyūz* of a disobedient wife. On the other hand, the wife can also file a *nusyūz* case committed by her husband. In this way, the reconceptualization of *nusyūz* can rebuild the image of Islamic law which seems unequal to *nusyūz* issues.

Conclusion

The meaning of *nusyūz* that has developed among Muslims seems to be gender biased because it tends to focus on the wife and ignore the husband. It cannot be denied that this meaning opens up opportunities for acts of domestic violence carried out by husbands against wives because they are considered disobedient. Efforts to re-examine *nusyūz* through the *takhṣīṣ* method of the pronunciation of *nusyūz* in QS al-Nisa' verses 34 and 128 with the hadith *ṣaḥīḥ* narrated by al-Tirmidhi can produce a balanced meaning. As a result, *nusyūz* is understood as a husband or wife's disobedience to their partner because they committed an act of *fāḥishah mubayyinah* which is somewhat identical to the act of zina, but not zina. This means that *fāḥishah mubayyinah* is a sexual act that cannot be proven as zina. Even though adultery actually occurred, because there were less than four witnesses or the witnesses did not directly see the penis entering the vagina, the act fell into the category of *fāḥishah mubayyinah*. Thus, each husband and wife can commit these actions to be considered to have disobeyed their partner or committed *nusyūz*.

⁷¹ Tijani Abdul-Lateef Aremu, Musa-Jeje Ibrahim Aladire, and Alimi Lawal Sikiru, "An Assessment of Independent Sharī'a Panel (ISP) and Its Roles in Resolving Marital Conflicts in Osun State of Nigeria," *Al-Ahkam* 32, no. 2 (2022), p. 233–52.

⁷² Tiara Rismayanti, Danu Aris Setiyanto, and Muhammad Auzai, "Long-Distance Relationship Family Resilience Strategy and Its Relevance to the Development of Islamic Family Law in Indonesia," *JIL: Journal of Islamic Law* 3, no. 2 (2022), p. 132–58.

⁷³ Ahmad Sukris Sarmadi, Anwar Hafidzi, and Latifah Abd Majid, "Revisiting Paternity and Inheritance in Islamic Law: Legal Recognition and the Status of Children Born Out of Wedlock in Indonesia," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 2 (2025).

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