



Nusyuz of Husband and Wife in The Perspektif of Legal Philosophy

Asrianti Sukirman^{1*}, Alamsyah², Dwi Sakti Muhamad Huda³

¹ Sekolah Tinggi Agama Islam (STAI) Babussalam Sula Maluku Utara, Indonesia

² Universitas Islam Negeri Sunan Gunung Djati Bandung, Indonesia

³ Pengadilan Agama Tulang Bawang, Indonesia

 asriantisukirman8294@gmail.com

Abstract

This article examines the concept of *nusyuz* committed by husbands and wives from the perspective of Islamic legal philosophy. Thus far, *nusyuz* has more frequently been understood as a wife's disobedience toward her husband, whereas the Qur'an also indicates the possibility of *nusyuz* being committed by a husband. This study aims to analyze the conception of a wife's *nusyuz*, the conception of a husband's *nusyuz*, and both concepts within the perspective of legal philosophy. This research employs a library research method with normative juridical and philosophical approaches. The data were obtained from the Qur'an, hadith, tafsir works, fiqh literature, statutory regulations, the Compilation of Islamic Law, and relevant scholarly works, and were then analyzed descriptively and analytically. The findings indicate that a wife's *nusyuz* is understood as a form of non-compliance with household obligations, such as leaving the house without the husband's permission, refusing certain obligations without a legally justified reason, and failing to preserve personal dignity. Meanwhile, a husband's *nusyuz* may take the form of neglecting obligations, failing to provide maintenance, behaving harshly, harming the wife, or failing to treat the wife properly. From the perspective of legal philosophy, *nusyuz* should not be understood in a discriminatory manner; rather, it must be situated within the framework of justice, *maslahah*, the balance of rights and obligations, and the objective of marriage to establish a family characterized by *sakinah*, *mawaddah*, and *rahmah*.

Keywords: *nusyuz*; Islamic family law; legal philosophy; marital rights and obligations; *maslahah*

ARTICLE INFO

Article history:

Received

September 10,
2026

Revised

September 30,
2026

Accepted

October 18, 2026

Published by
ISSN

CV. Creative Tugu Pena
2774-7077

Website

<https://attractivejournal.com/index.php/bce/>

This is an open access article under the CC BY SA license

<https://creativecommons.org/licenses/by-sa/4.0/>



@ 2026 by the author

INTRODUCTION

Marriage is a noble bond and an act of worship between a man and a woman, founded on the pursuit of Allah's pleasure. In Islam, marriage is understood not merely as a biological relationship or social bond, but also as a solemn and sacred covenant that gives rise to moral, spiritual, and legal responsibilities for both parties. Through marriage, husband and wife are expected to build a family life grounded in the values of *sakinah*, *mawaddah*, and *rahmah*—tranquility, love, and mercy. These values indicate that the primary purpose of marriage is to foster peace, affection, cooperation, and mutual protection as husband and wife share their lives. Accordingly, the success of a marriage depends greatly on each party's awareness of the need to understand, respect, and fulfill their rights and obligations in a balanced manner.

This marriage gives rise to rights and obligations for both husband and wife. The husband is obligated to provide financial support, protection, guidance, and kind treatment to his wife, while the wife is obligated to safeguard her dignity, uphold the trust placed in her in managing the household, and obey her husband in matters that do not conflict with religious teachings. At the same time, the

wife has the right to financial support, affection, protection, and respect for her human dignity, while the husband has the right to receive respect, fidelity, and cooperation from his wife in building their household. These rights and obligations must not be understood unilaterally; rather, they should be situated within a framework of fair and proportionate reciprocity. (Nasution, 2017)

If the husband and wife are able to fulfill these rights and obligations responsibly, the household is more likely to achieve happiness, tranquility, and lasting stability. Conversely, if either party neglects their obligations or violates their spouse's rights, the marital relationship may experience tension, conflict, and disharmony. In such circumstances, domestic problems are no longer merely personal matters between husband and wife; they also concern legal values, ethics, and justice within the family. The continual neglect of obligations can undermine the purpose of marriage and diminish the noble meaning of a covenant founded on faith and responsibility.

Therefore, discussion of violations of rights and obligations in marriage is important, particularly when considered in relation to the concept of *nusyuz*. The term *nusyuz* has traditionally been associated more often with a wife who is considered disobedient to her husband. However, a closer examination shows that conduct that deviates from the purpose of marriage may be committed not only by a wife but also by a husband. A husband who fails to fulfill his obligations, neglects his wife, treats her harshly, fails to provide financial support, or undermines domestic harmony should also be examined within the framework of *nusyuz*. Accordingly, the concept of *nusyuz* should be understood comprehensively to prevent unbalanced and discriminatory interpretations in family life. This reinterpretation is essential to align the concept of *nusyuz* with the fundamental Islamic marital ethics of equality, mutual respect, and gender justice (Mahasin & Nihayati, 2025; Trigiyatno, 2014).

A wife's failure to fulfill her responsibilities in family life, including disobedience or defiance toward her husband, is referred to as *nusyuz*. Fiqh scholarship has extensively discussed a wife's *nusyuz* toward her husband and the consequences she may face for committing it. However, it has rarely addressed whether a husband's failure to fulfill his responsibilities within the household particularly when he undermines the family by having an affair with another woman can be classified as *nusyuz* and carry legal consequences.

Nusyuz in the Qur'an applies to both husbands and wives. Qur'an 4:34 addresses a wife's *nusyuz*, while Qur'an 4:128 addresses a husband's *nusyuz*. However, the criteria for and methods of resolving *nusyuz* by husbands and wives remain different. In the context of Indonesian fiqh, the Compilation of Islamic Law regulates only a wife's *nusyuz* toward her husband, which can sometimes result in discriminatory treatment of wives during marriage and after divorce. This legislative gap reflects a broader historical tendency to interpret marital disobedience primarily through a gendered lens, often overlooking the husband's failure to provide maintenance or protection as a form of marital breach (Quadsajul, Putri, Ramadhani, & Kurniati, 2025; Nugraha & Zulaiha, 2024).

To understand the concept of *nusyuz* accurately and comprehensively, it is necessary to understand the meaning and essence of its regulation in Islam. An examination of this concept should not be limited to a textual reading of Qur'anic verses or classical fiqh opinions; it should also explore the fundamental values of Islamic law, such as justice, public benefit, the protection of human dignity, and balance in the relationship between husband and wife. This is important because differences in the regulation of a husband's and a wife's *nusyuz* may give rise to legal and social problems if understood only partially. Therefore, *nusyuz* by husbands and wives should be examined from the perspective of the philosophy of Islamic law to develop a comprehensive and in-depth understanding consistent with the objectives of marriage.

Based on the foregoing, this paper focuses on three principal issues: the concept of a wife's *nusyuz* in Islam, the concept of a husband's *nusyuz* in Islam, and *nusyuz* by husbands and wives from the perspective of legal philosophy.

Marriage is a noble bond and an act of worship between a man and a woman, founded on the pursuit of Allah's pleasure. In Islam, marriage is understood not merely as a biological relationship or social bond, but also as a solemn and sacred covenant that gives rise to moral, spiritual, and legal responsibilities for both parties. Through marriage, husband and wife are expected to build a family life grounded in the values of *sakinah*, *mawaddah*, and *rahmah*—tranquility, love, and mercy. These values indicate that the primary purpose of marriage is to foster peace, affection, cooperation, and mutual protection as husband and wife share their lives. Accordingly, the success of a marriage depends greatly on each party's awareness of the need to understand, respect, and fulfill their rights and obligations in a balanced manner.

This marriage gives rise to rights and obligations for both husband and wife. The husband is obligated to provide financial support, protection, guidance, and kind treatment to his wife, while the

wife is obligated to safeguard her dignity, uphold the trust placed in her in managing the household, and obey her husband in matters that do not conflict with religious teachings. At the same time, the wife has the right to financial support, affection, protection, and respect for her human dignity, while the husband has the right to receive respect, fidelity, and cooperation from his wife in building their household. These rights and obligations must not be understood unilaterally; rather, they should be situated within a framework of fair and proportionate reciprocity. (Nasution, 2017)

If the husband and wife are able to fulfill these rights and obligations responsibly, the household is more likely to achieve happiness, tranquility, and lasting stability. Conversely, if either party neglects their obligations or violates their spouse's rights, the marital relationship may experience tension, conflict, and disharmony. In such circumstances, domestic problems are no longer merely personal matters between husband and wife; they also concern legal values, ethics, and justice within the family. The continual neglect of obligations can undermine the purpose of marriage and diminish the noble meaning of a covenant founded on faith and responsibility.

Therefore, discussion of violations of rights and obligations in marriage is important, particularly when considered in relation to the concept of *nusyuz*. The term *nusyuz* has traditionally been associated more often with a wife who is considered disobedient to her husband. However, a closer examination shows that conduct that deviates from the purpose of marriage may be committed not only by a wife but also by a husband. A husband who fails to fulfill his obligations, neglects his wife, treats her harshly, fails to provide financial support, or undermines domestic harmony should also be examined within the framework of *nusyuz*. Accordingly, the concept of *nusyuz* should be understood comprehensively to prevent unbalanced and discriminatory interpretations in family life. This reinterpretation is essential to align the concept of *nusyuz* with the fundamental Islamic marital ethics of equality, mutual respect, and gender justice (Mahasin & Nihayati, 2025; Trigiyatno, 2014).

A wife's failure to fulfill her responsibilities in family life, including disobedience or defiance toward her husband, is referred to as *nusyuz*. Fiqh scholarship has extensively discussed a wife's *nusyuz* toward her husband and the consequences she may face for committing it. However, it has rarely addressed whether a husband's failure to fulfill his responsibilities within the household particularly when he undermines the family by having an affair with another woman can be classified as *nusyuz* and carry legal consequences.

Nusyuz in the Qur'an applies to both husbands and wives. Qur'an 4:34 addresses a wife's *nusyuz*, while Qur'an 4:128 addresses a husband's *nusyuz*. However, the criteria for and methods of resolving *nusyuz* by husbands and wives remain different. In the context of Indonesian fiqh, the Compilation of Islamic Law regulates only a wife's *nusyuz* toward her husband, which can sometimes result in discriminatory treatment of wives during marriage and after divorce. This legislative gap reflects a broader historical tendency to interpret marital disobedience primarily through a gendered lens, often overlooking the husband's failure to provide maintenance or protection as a form of marital breach (Quadsajul, Putri, Ramadhani, & Kurniati, 2025; Nugraha & Zulaiha, 2024).

To understand the concept of *nusyuz* accurately and comprehensively, it is necessary to understand the meaning and essence of its regulation in Islam. An examination of this concept should not be limited to a textual reading of Qur'anic verses or classical fiqh opinions; it should also explore the fundamental values of Islamic law, such as justice, public benefit, the protection of human dignity, and balance in the relationship between husband and wife. This is important because differences in the regulation of a husband's and a wife's *nusyuz* may give rise to legal and social problems if understood only partially. Therefore, *nusyuz* by husbands and wives should be examined from the perspective of the philosophy of Islamic law to develop a comprehensive and in-depth understanding consistent with the objectives of marriage.

Based on the foregoing, this paper focuses on three principal issues: the concept of a wife's *nusyuz* in Islam, the concept of a husband's *nusyuz* in Islam, and *nusyuz* by husbands and wives from the perspective of legal philosophy.

METHOD

This study is a library-based study employing normative juridical and philosophical approaches. The data consist of secondary sources gathered through document analysis, including *naqli* evidence, works of fiqh and tafsir, legislation, the Compilation of Islamic Law, and scholarly literature relevant to the issue of *nusyuz* by husbands and wives. The normative juridical approach is used to examine legal norms governing the rights and obligations of spouses, while the philosophical approach is used to explore the foundational values, purposes, and underlying principles of the law governing *nusyuz*. The analysis was conducted through a reproducible sequence. First, relevant religious texts, juristic interpretations, statutory provisions, and scholarly literature were identified. Second, passages addressing the definition, conditions, legal consequences, and resolution of *nusyuz* were extracted from the selected sources. Third, the sources were classified according to their legal or interpretive function, namely primary religious texts, exegetical and juristic interpretations, positive-law provisions, and contemporary scholarly analyses. Fourth, the treatment of husbands and wives was compared across these categories, with attention to the rights, obligations, conduct, consequences, and remedies attributed to each spouse. Fifth, the comparison was used to identify areas of convergence, divergence, ambiguity, and normative tension among Islamic legal sources, Indonesian positive law, and contemporary interpretations. Sixth, these findings were evaluated through the stated philosophical framework, particularly the principles of justice, public benefit, human dignity, reciprocity, and balance within marriage. Finally, conclusions were formulated to answer directly the three research questions concerning a wife's *nusyuz*, a husband's *nusyuz*, and both concepts from the perspective of legal philosophy. This sequence explains how the study moves from the interpretation and comparison of sources to its legal-philosophical conclusions.

RESULT AND DISCUSSION

Nusyuz of the Wife

A wife's *nusyuz* toward her husband is addressed in Q.S. An-Nisa, verse 34, as follows:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا آتَيْنَاهُم مِّنْ أَمْوَالِهِمْ ۚ فَالضَّالِحَاتُ فَيَنْبَغُ عَلَيْهِنَّ حِفْظٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَالَّذِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Meaning: "Men (husbands) are protectors of women (wives), because Allah has favored some of them over others and because they spend their wealth [in supporting them]. So righteous women are devoutly obedient to Allah and guard themselves in their husbands' absence, as Allah has guarded them. As for those women whose *nusyuz* you fear, advise them, leave them alone in their beds, and (if necessary) strike them. But if they obey you, do not seek a means to harm them. Surely, Allah is Most High, Most Great."

According to *Tafsir Ibn Kathir*, *nusyuz* means to raise oneself above another; a wife who commits *nusyuz* is arrogant, disobeys her husband's commands, and dislikes him (Abi al-Fida' Ismail bin Umar bin Katsir, n.d.). According to *Tafsir al-Jalalayn*, *nusyuz* means a wife's defiance of her husband. (Mahalli & Syuyuti, 2019) Abdurrahman asy-Sa'di further defines *nusyuz* as a wife's failure to obey her husband, expressed through defiance in word or deed (Abdur Rahman bin Nashir as-Sa'di, n.d.).

The meaning of *nusyuz* is closely related to the wording of the verse *فَالضَّالِحَاتُ فَيَنْبَغُ عَلَيْهِنَّ حِفْظٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ*, which describes righteous women as those who obey Allah's commands and preserve their chastity when their husbands are away (Abdur Rahman bin Nashir as-Sa'di, n.d.). Wahbah Zuhaili identifies several acts by a wife that constitute *nusyuz*: leaving the home without her husband's permission, disobeying Allah's commands, refusing her husband's invitation to have sexual relations, betraying her husband, and failing to safeguard his property. Sayyid Sabiq defines *nusyuz* as a wife's disobedience toward her husband, including leaving the home without his consent and refusing his invitation to have sexual relations (Sabiq, 1990). Ahmad bin Ismail identifies three acts that constitute a wife's *nusyuz*: refusing her husband's invitation to have sexual relations, leaving the home without his consent, and allowing someone whom her husband dislikes to enter the home (Salam, Konsep *Nusyuz* dalam Perspektif Al-Qur'an (Sebuah Kajian Tafsir Maudhu'i), 2015).

As for the occasion of the revelation (*sabab al-nuzul*) of Surah an-Nisa, verse 34, it is reported that a woman came to the Prophet after her husband had slapped her. The Prophet said that her husband should be subjected to *qishash* (retaliation), but this was not carried out because Surah an-

Nisa, verse 34, was revealed, offering guidance on how to deal with a wife who is disobedient to or defiant toward her husband. Another account relates that a woman came to the Prophet because her husband, who was from the Ansar, had slapped her in the face, and she asked that he receive an equivalent punishment. Allah then revealed Q.S. 4:34, which provides guidance on how to discipline a wife who is disobedient to her husband (*nusyuz*). (Shaleh & Dahlan, 2003)

Nusyuz in the form of refusing sexual relations with one's husband can be understood from the hadith narrated by Abu Hurairah:

إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ فَأَبَتْ فَبَاتَ غَضَبًا عَلَى مَا لَعَنَهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ

Meaning: "If a husband invites his wife to his bed, but she refuses and he becomes angry with her, the angels will curse her until morning."

A husband has the right to invite his wife to engage in sexual relations in a proper manner. A wife should not refuse without a reason recognized by religious law. If she refuses her husband's invitation, the angels will curse her until dawn. In *Fath al-Bari*, it is explained that the word فراش in the phrase إِلَى فِرَاشِهِ ("if a husband invites his wife to his bed") is a metaphor for *jima'* (sexual intercourse). Furthermore, the wording لَعَنَتُهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ ("the angels will curse her until morning") is understood to mean that the angels' curse applies not only when sexual relations are refused at night, but also when they are refused during the day. The phrase حَتَّى تُصْبِحَ ("until morning") merely reflects the customary practice of spouses engaging in sexual relations at night. Thus, a wife's refusal of sexual relations, whether at night or during the day, is considered an act of *nusyuz*. The wording فَبَاتَ غَضَبًا ("and he spends the night angry") explains that the husband's anger is the reason for the angels' curse, because the wife has committed an act of disobedience by refusing his invitation. Therefore, if the husband is not angry with his wife, the angels' curse does not occur. (al-Bukhari)

Abu Zahrah outlines several acts that fall into the category of *nusyuz*, as follows: (Zahrah, 1957):

1. If a wife refuses to live in the house provided by her husband and chooses to leave without his consent, this constitutes *nusyuz*. She is not entitled to maintenance. However, if she returns to the house provided by her husband, she becomes entitled to maintenance again.
2. If a wife does not allow her husband to live with her in her home, even though she had previously given him permission and he has also provided a house for them to live in, her conduct constitutes *nusyuz*.
3. If a wife refuses to live in her husband's home despite his instruction and lives only in her own home because she works, this constitutes *nusyuz*. However, if her husband agrees to her living in her own home because of her work, she is not considered to be committing *nusyuz*.

According to al-Tabari, when a wife commits *nusyuz* toward her husband, he should advise her to remember Allah and fear His warnings, so that she may return to obeying and fulfilling her obligations toward her husband. If she continues to commit *nusyuz* after being advised, he should separate from her in bed. Some exegetes have differed on what this means. The first view is that the husband should refrain from having sexual relations with his wife, even though this is his right and her obligation. The second view is that he should refrain from speaking to her until she returns to obedience. The third view is that a wife may leave her husband and children for a certain period, until she returns to obedience to her husband. If she continues to commit *nusyuz*, the final measure is to strike her so that she returns to obedience and fulfills her obligations to Allah, for the good of the family and its children. (Abi Ja'far Muhammad bin Jarir bin Yazid at-Thabary, n.d.)

Evaluating the Interpretation of Q.S. 4:34: Text, Juristic Tradition, Harm Prevention, and Indonesian Law

The interpretation of Q.S. an-Nisa, verse 34, should be evaluated through one central analytical question: how should the verse be understood when its textual meaning and juristic tradition are considered together with the prevention of harm and contemporary Indonesian law? The disputed phrase *waḍribūhunna* cannot be assessed only at the lexical level or applied directly without examining the interpretive framework that produces its legal consequences. The following analysis therefore proceeds from the relevant textual and classical positions, to linguistic and hadith-based arguments, contemporary alternatives, the relationship between Islamic jurisprudence and Indonesian positive law, and, finally, a reasoned legal-philosophical evaluation.

1. Textual Meaning and Classical Juristic Positions

In the classical exegetical tradition, this verse is read as a sequence of graduated measures: admonition (*fa'izūhunna*), separation in bed (*wahjurūhunna fī al-maḍājī*), and firm action (*waḍribūhunna*). Al-Ṭabarī, for example, presents striking as a last resort intended to lead the wife to resume fulfilling her obligations. However, several classical authorities expressed moral reservations about this third step. A study of the commentaries of al-Ṭabarī, al-Zamakhsharī, *al-Manār*, al-Mawdūdī, and Muḥammad al-Ṭalībī shows that, although patriarchal premises were generally accepted, the “degree of striking” itself prompted moral unease and resistance among many authorities, both classical and modern. This resistance culminated in what may be described as *virtual abrogation*, or the abrogative suspension of the provision permitting striking (Mahmoud, 2006).

From a jurisprudential perspective, it is important to note that the majority of *fuqahā* consider this physical act permissible (*jā'iz*), but not recommended (*khilāf al-awlā*). This view is also held by the majority of *mufasssīrīn*. Thus, the category of *jawāz* is distinct from *wujūb* and *istiḥbāb*. The classical tradition itself also contains an interpretive approach that departs from the mainstream. One example is Ibn 'Āshūr, who did not stop at *taqlīd*, but returned to the texts, the practices of the Companions (*aṣḥāb*), and the views of Caliph 'Umar, and then related the physical act to 'urf (custom) (Deri, 2024). Ibn 'Āshūr's reading shows that the scope for *ta'wīl* of the wording *ḍaraba* had opened long before contemporary discourse emerged. Modern reinterpretation, therefore, is not a departure from tradition but a continuation of the debate within it.

2. Linguistic and Hadith-Based Arguments

Linguistically, *ḍaraba* is a polysemous word. In the Qur'an, it appears with several meanings, including “to cover,” “to turn away from,” “to strike,” and “to accompany.” The argument that *ḍaraba* in verse 34 does not mean “to strike” has indeed been advanced, but this reading has not been universally accepted. Critics contend that the claim—particularly the assertion that scholars “unanimously” prohibited all forms of violence against women—is inaccurate when assessed against historical and exegetical studies of the verse (Haqqani, 2018, p. 70).

Another methodological difficulty arises because proposed alternative meanings often require a preposition (*ḥarf jarr*) before the verb's object, whereas no such preposition appears in the verse. However, rigidly adhering to a single meaning is also inconsistent with linguistic principles recognized by classical scholars. They acknowledged that imperative verbs can have a broad range of meanings determined by context, some of which are far removed from the function of issuing a command. On this basis, a sound interpretation that remains faithful to classical methods can be developed without validating the beating of a wife. Conversely, the persistence of some classical scholars' view that a husband has the right to beat his wife may be understood as resulting from a cultural perspective that restricts interpretive possibilities. (Zulkarnaini, Miswari, & Mulyadi, 2023) Meanwhile, another reading asserts that *ḍarb* does not mean assault or any form of violence against women, but rather a practical measure intended to make a disobedient woman realize that she should fulfill her husband's legitimate rights.

The third layer is a hadith-based reading. At this level, the normative restrictions become even stricter. The fiqh tradition limits striking through the condition *ghayr mubarrīḥ*: it must not cause injury or hurtful pain. The Prophet's life provides a further example of restraint: he never used violence against his wives (Riyani, 2017). A hadith-based reading also shows that physical action must not be understood as a form of humiliation of the wife. Striking should be understood as an effort to reform the wife so that she recognizes her mistake, while also seeking reconciliation for the well-being of the household (Wahed, 2013).

The circumstances of the verse's revelation (*sabab al-nuzūl*) further support this reading. It is narrated that a woman came before the Prophet after her husband had slapped her. The Prophet ruled that her husband should be subjected to *qīṣāṣ* (retaliatory justice), but this ruling was not implemented after Q.S. an-Nisa, verse 34, was revealed, offering guidance on how to discipline a disobedient wife (Shaleh & Dahlan, 2003). This report is important because it shows that the verse was revealed in a social context in which equivalent retaliation was an established

norm. Accordingly, the wording *ḍaraba* should be read as a restriction, not as an unrestricted justification.

On the other hand, hadith also serves as a basis for defining *nusyuz*. One example is the hadith of Abu Hurairah concerning a wife who refuses her husband's invitation to share the bed. In *Fath al-Bārī*, the word *firāsh* is explained as a metaphor for *jimā'* (sexual intercourse); the angels' curse is not limited to refusal at night but also includes refusal during the day; and *ḥattā tuṣbiḥ* merely reflects the customary practice of having sexual relations at night. The wording *fa-bāta ghaḍbān* explains that the husband's anger is the reason for the angels' curse (al-Bukhari). Thus, the hadith framework not only restricts how *nusyuz* may be addressed but also clarifies the meaning of *nusyuz* itself.

3. Contemporary Interpretive Alternatives and Supporting Evidence

The fourth layer presents proposals for rereading the verse. Quraish Shihab outlines three steps for dealing with a wife who is *nusyūz*: advising her in a good manner, refraining from sharing her bed, and striking her without causing pain or injury. Striking is positioned as the last resort if the first two measures are unsuccessful. Elsewhere, however, he states more emphatically that using striking as a means of educating a wife is highly inappropriate today, particularly among educated people (Shihab, 2002).

Amina Wadud proposes four stages for understanding the verse concerning wife-beating. The first is to consider the Prophet's response to the text and his exemplary life, since he never used violence against his wives. The second is to take into account the intervention of fiqh, which restricts striking by stipulating that it must not be intended to cause harm (*ghayr mubārriḥ*). On this basis, Wadud ultimately rejects the verse's literal meaning because it conflicts with Islam's fundamental meaning and human dignity (Riyani, 2017). Earlier, Wadud also defined *nusyuz* as a disruption of marital harmony, rather than a wife's disobedience to her husband. She understood *dharaba* in *fa-ḍribūhunna* as not necessarily meaning to strike, but as potentially meaning to set an example or leave one's wife (Radianti, 1992). Meanwhile, Muhammad Syahrur interprets *wa-ḍribūhunna* as taking decisive action toward a *nusyuz* wife, which may be done through arbitration (Nelli, Harmanto, Hardani, Syu'aib, & Megawati, 2024).

A reading through the *qirā'ah mubādalah* approach concludes that violence, including beating, is not an appropriate way to address *nushūz* in marriage. This conclusion is consistent with the principles of a healthy marital relationship (*mu'āsyarah bil ma'rūf*). This perspective emphasizes collaboration, understanding, and reciprocity between spouses, while encouraging the rejection of violence and the use of constructive actions (Luthfia, 2025). Abdullah Saeed's methodological approach is also used to deconstruct the meaning of *nusyuz*. This approach concludes that the concept of *nusyuz* as established in classical fiqh runs counter to efforts to protect women from various forms of violence. Therefore, beating should be understood as a husband's indifference toward his wife (Salam, 2022). Furthermore, Amina Wadud emphasizes that *nusyuz* should be understood as an indication of marital disharmony requiring resolution through communication, rather than as a justification for physical violence (Sidik & Imaduddin, 2023).

4. Islamic Jurisprudence and Indonesian Positive Law

The fifth layer is positive law. In Indonesia, domestic violence has been criminalized through Law No. 23 of 2004 on the Elimination of Domestic Violence. The law was enacted to address domestic violence and prevent it from continuing unchecked. Before the law was passed, crimes committed within the household were not regarded as legal and social problems (Sumanto, Samsudin, & Amirudin, 2021). By criminalizing domestic violence, the law became part of Indonesia's positive criminal law system. Legally, all forms of violence against women, particularly violence occurring within the domestic sphere, must be viewed as crimes against humanity and violations of human rights (Hanafi, Hidayatullah, & Tamjidnor, 2022). The law consists of 10 chapters and 56 articles and is intended to provide comprehensive legal protection against various forms of domestic violence (Hakim & Alkosibati, 2022). It also defines sexual violence as the coercion of sexual relations, which may provide a legal basis for cases of marital rape (Kamalludin, Pratami, Khasna, Yaqin, & Umar, 2024).

In reality, many people still believe that domestic violence is justified in Islam because of their understanding of certain texts as permitting domestic violence, such as the beating of a wife who is *nusyuz*. This is where the fiqh layer intersects with the positive-law layer. Permissibility (*jawāz*) in fiqh cannot be applied within Indonesia's legal system when the act in question has been defined as a criminal offense. The enactment of the Domestic Violence Law itself is regarded as a success for women's activists in their long-term efforts to eliminate gender-based violence in Indonesia (Utsman, 2021). Therefore, moving from textual permissibility toward dialogue, mediation, and family deliberation is not merely an ethical choice, but a consequence of the need for coherence within the legal system.

This layer also calls for a critical reading of the Compilation of Islamic Law, whose provisions still largely frame *nusyuz* as a wife's violation, while failing to formulate the husband's breach of marital obligations on an equal basis. The provisions of Articles 80, 83, and 84, as well as Article 152 of the KHI, are directly or indirectly grounded in this asymmetric construction of *nusyuz*. Therefore, rereading these provisions through the perspectives of gender and *maqāṣid syarī'ah* is important to ensure that family-law norms emphasize not only obedience but also relational justice between husband and wife (Huda, Wahyuni, & Parwanto, 2024).

5. Legal-Philosophical Evaluation

The sixth layer discusses its philosophical implications. The philosophy of law calls for holistic, radical, and speculative thought: thought that is comprehensive, does not stop at the surface, penetrates to the deepest level, and provides a foundation for subsequent thinking (Ash-shidiqqi, 2020). Within this framework, the shift from *daraba* toward dialogical mechanisms can be justified on three grounds.

First, the methodological basis. An alternative interpretation of *daraba* does not reject the classical method; rather, it draws on the range of meanings of the imperative verb recognized within the tradition. Thus, an interpretation that does not condone wife-beating can still be legitimately grounded in the classical interpretive framework (Jalajel, 2020).

Second, the purposive basis of law (*maqāṣid*). The three-stage procedure prescribed by the Qur'an was intended to curb harsh treatment of wives in a sociocultural context in which wife-beating was normalized. Today, applying this procedure literally may deepen marital discord rather than resolve it. This runs counter to the ultimate purpose of the law concerning *nushūz* (Haneef, 2012). Furthermore, the provision in verse 34 may be understood as a rule that applied within the social context of seventh-century Arabia. It was not an ideal norm, but a "stepping-stone" toward one: a provision that opened the way rather than established the final form of the relationship between husband and wife (AMIJEE, 2022).

Third, the basis of public welfare (*maṣlaḥah*) and openness to *ijtihād*. Contemporary *ijtihād* aims to produce Islamic law that is *ṣāliḥ li kulli zamān wa makān* ("suitable for every time and place") and consistent with the development of modern society, including in matters of gender equality and human rights (Yuliantari & Azwar, 2025).

On the basis of these three grounds, the shift from the permissibility of beating toward dialogue, mediation, and family deliberation can no longer be described merely as an attitude of "permissible, but not appropriate." Rather, this shift can be explained jurisprudentially through a valid *ta'wīl* and the distinction between *jawāz* and *awlā*; teleologically through the purpose of the law concerning *nushūz*; and within positive law through the primacy of the Domestic Violence Law in Indonesia's legal system.

Nusyuz of the Husband

Surah An-Nisa, verse 128, explains the concept of a husband's *nusyuz* as follows:

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

Meaning: "If a woman fears that her husband will commit *nusyuz* or turn away from her, there is no blame on them if they make a genuine settlement between themselves, and settlement is better, although people are naturally inclined toward selfishness. If you act kindly toward your wives and

remain mindful of God guarding yourselves against *nusyuz* and indifference surely God is fully aware of what you do.”

According to one account of the occasion of revelation, the Prophet’s wife Sawdah bint Zam’ah, who was elderly, told the Prophet that she would give her turn to ‘Ā’ishah so that she would not be divorced. The verse was then revealed, permitting Sawdah’s action. Another account states that the wife of Rāfi‘ ibn Khadīj felt that her husband no longer loved her because she was elderly. She therefore allowed him to visit her whenever he wished, as long as he did not divorce her; the verse was then revealed, permitting such reconciliation. A further account relates that a man had an elderly wife who had borne many children, and he wished to divorce her. His wife then told him that she was willing to receive only financial support and forgo her turn at night, provided that he did not divorce her. (Shaleh & Dahlan, 2003)

According to Ibn Kathir, a wife who fears her husband’s aversion and indifference toward her may offer to waive some or all of the husband’s obligations that constitute her rights, such as providing food, clothing, and accommodation. The husband may accept her offer, and the wife does not incur any sin by making it (Husna & Sholehah, 2021) (Abi al-Fida’ Ismail bin Umar bin Katsir, n.d.). According to al-Tabari, a husband’s *nusyuz* toward his wife is manifested in his indifference toward her because she is unable to provide sexual satisfaction, has grown old, or can no longer offer him what he seeks. If the wife fears such conduct from her husband, reconciliation may be pursued by waiving some or all of the husband’s obligations toward her. This is better than allowing a divorce to occur (Haswir, 2017) (Abi Ja’far Muhammad bin Jarir bin Yazid al-Tabary, n.d.). However, reconciliation in cases of a husband’s *nusyuz* must also be assessed in light of the wife’s freedom to consent, since relinquishing rights to avoid divorce may reflect a choice made under pressure from an unequal relationship rather than an entirely equal agreement (Bahar, 2025).

Regarding a husband’s *nusyuz* toward his wife, manifested as his aversion to her, a hadith transmitted by al-Bukhari from ‘Aisyah (may Allah be pleased with her) relates that the Messenger of Allah said: “‘Aisyah (regarding the verse, ‘If a woman fears that her husband will commit *nusyuz* or turn away from her’) said: This refers to a wife who is no longer loved by her husband, who then wishes to divorce her and marry another woman. The wife says to him, ‘Keep me and do not divorce me; you may marry another woman, and you are released from the obligation to provide for me and take turns visiting me.’ This is in accordance with the words of Allah: ‘There is no blame on them if they make a genuine settlement between themselves, and settlement is better.’”

Based on an understanding of Surah An-Nisa, verse 128, and the hadith narrated by Aisyah, it is clear that a husband may also commit *nusyuz*. A wife may be considered to have committed *nusyuz*, and a husband may likewise engage in conduct that constitutes *nusyuz*. However, the criteria for a husband’s *nusyuz* and the means of addressing it differ from those for a wife’s *nusyuz*. A husband commits *nusyuz* when he neglects his wife by showing indifference or arrogance toward her, or when he is no longer fond of or satisfied with his relationship with her. The way a husband’s *nusyuz* is addressed differs considerably from the way a wife’s *nusyuz* is addressed. If a wife commits *nusyuz*, the husband may take the following steps in sequence: advise her; if she persists, refrain from having marital relations with her; and, if she continues, he may strike her without causing injury or humiliation. By contrast, when a husband commits *nusyuz*, the spouses are instructed to seek reconciliation, since making peace is better for preserving the marital bond than allowing it to end in divorce.

The different treatment of a husband’s *nusyuz* and a wife’s *nusyuz* appears discriminatory. A husband may strike his wife if efforts to advise her and refrain from marital relations have failed to persuade her to return to obedience. By contrast, when a husband commits *nusyuz*, his wife may relinquish her rights against him because she is worried or afraid that he will divorce her. This difference in treatment is closely related to the husband’s superior position over the wife in domestic life. According to Imam al-Nawawi, the husband’s position in domestic life is superior to the wife’s for the following seven reasons: the validity of the marriage is associated with the husband.

Nusyuz of Husbands and Wives from the Perspective of Legal Philosophy

According to Van Apeldoorn, the philosophy of law seeks answers to the question, “What is law?” It calls on people to think deeply and ask themselves what law has to say. Satjipto Rahardjo further explains that the philosophy of law addresses fundamental questions about law. Questions

concerning the nature of law and the grounds for its binding force are examples of such fundamental questions. (As-Subki, 2010)

The essence of law can be understood through philosophical reflection. According to Suprpto Wirodiningrat, the characteristics of philosophical thought are as follows: (Samuji, 2022)

1. *Holistic* (comprehensive): This refers to thinking broadly, without limiting oneself or relying on only one particular perspective. Philosophical thought seeks to understand relationships among academic disciplines, as well as the relationship between knowledge, ethics, and human ways of seeing the world.
2. *Radical* (fundamental): This refers to deep thinking aimed at uncovering the fundamental and essential nature of something, so that it can serve as a foundation for all values and fields of knowledge. It does not examine something only at a superficial level, but seeks to penetrate to its deepest aspects.
3. *Speculative*: This refers to thought whose results can serve as a basis for further inquiry and the exploration of new knowledge. It involves continuous reflection that never comes to a halt. This does not mean, however, that the results of philosophical thought are uncertain or fail to reach conclusions.

Before discussing the *nusyuz* of husbands and wives from the perspective of philosophy, it is necessary to examine the nature of marriage in Islam. Allah has provided guidance regarding the purpose of marriage, as stated in Q.S. ar-Rum, verse 21:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

According to Imam Ghazali, marriage has five purposes: to have legitimate children, fulfill human sexual needs, protect people from moral corruption, establish a household founded on love and affection as the basis of societal civilization, and strengthen the commitment to work and responsibility for meeting the family's needs. (Yasin, 2008)

Marriage is a strong and firm bond, described in the Qur'an as *مِيثَاقًا غَلِيظًا* ("they have taken from you a solemn covenant"). The hadith also explains that marriage is the Sunnah of the Prophet: whoever dislikes the Prophet's Sunnah is not of his community. Islam regards marriage as an act of worship that protects human dignity in religious life. Marriage also has a human dimension: it fulfills the natural sexual needs of human beings, enables them to have good offspring, brings peace to life, and fosters mutual love and empathy in society. Therefore, deliberately remaining unmarried throughout one's life is not approved by religion. (Basyir, 2000)

Based on the foregoing discussion, marriage may be understood as a noble and religiously significant bond between a man and a woman in family life, founded upon the pursuit of God's approval. This conception of marriage is reflected in Indonesia's positive law. Article 1 of Law No. 1 of 1974 on Marriage states that marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the aim of establishing a happy and lasting family or household based on belief in the One and Only God. Article 2 of the Compilation of Islamic Law further provides that, under Islamic law, marriage is a very strong covenant, or *mittsaqan ghalidzan*, made to obey God's command, and that entering into it constitutes an act of worship. Article 3 states that marriage aims to establish a household characterized by *sakinah*, *mawaddah*, and *rahmah* (tranquility, affection, and compassion).

When the nature of marriage is considered in relation to *nusyuz* by husbands and wives in Islamic marriage in Indonesia, the following understanding emerges. *First*, marriage is a physical and spiritual bond between husband and wife that gives rise to rights and obligations in family life. These obligations must be fulfilled to the fullest extent in order to achieve the aims of marriage. If either party neglects their obligations, conduct amounting to disobedience (*nusyuz*) has in fact arisen within the family. For example, if a husband fails to fulfill his role as a breadwinner during the marriage and his wife must instead work strenuously to meet the family's needs, the husband's conduct may be categorized as *nusyuz*. A wife's refusal to have sexual relations because she is bored with her husband and has another male partner is likewise clearly an act of *nusyuz*.

Second, husbands and wives have equal status and are *partners* in marriage. The husband does not hold a superior position, nor does the wife hold an inferior one, even though their roles in the family may differ: the husband serves as head of the household, while the wife serves as homemaker. These roles merely divide responsibilities in pursuit of the aims of marriage; they are

not intended to diminish the wife's role in family life. A husband who frequently speaks harshly to and beats his wife because he considers her inferior to him clearly acts contrary to the teachings of Islam, and his conduct is considered *nusyuz*.

Third, the handling of *nusyuz* should prioritize reconciliation and the mutual well-being of the spouses. Although husbands and wives are treated differently when they commit *nusyuz*, a husband who commits *nusyuz* is instructed to seek reconciliation (*sulh*) so that he resumes fulfilling his marital obligations. When a wife commits *nusyuz*, the prescribed measures are to admonish her, separate beds, and strike her without causing injury, with the aim of encouraging her to resume obedience to her husband. Prioritizing reconciliation in addressing *nusyuz* by either spouse is consistent with their equal standing and with the provisions of Allah's words in Surah al-Baqarah, verse 187, and Article 31 and of Law No. 1 of 1974 on Marriage.

From the perspective of the philosophy of law, the regulation of *nusyuz* by husbands and wives should be understood in light of the purposes of law itself. Law does not function merely as a system of commands and sanctions; it also serves as a means of realizing justice, order, social benefit, and the protection of human beings. If *nusyuz* is understood solely as a wife's disobedience to her husband, legal interpretation risks overlooking a husband's neglect of marital obligations and thereby reproducing an unequal allocation of responsibility within marriage. A more coherent legal-philosophical construction treats *nusyuz* as a substantial breach of reciprocal marital rights and obligations that may be committed by either spouse. Such a construction accords with the principles of justice, *maslahah*, human dignity, reciprocity, and the purposes of marriage, while providing a normative basis for interpreting family-law provisions more equitably. It also requires responses to marital breach to prioritize dialogue, mediation, reconciliation, and the prevention of violence rather than measures that cause harm or reinforce spousal domination. Accordingly, a philosophy-of-law approach situates *nusyuz* not merely as disobedience, but as an issue of reciprocal responsibility, relational justice, and the protection of both spouses within Islamic family law. (Suharto, 2016; Muthahir & Fuadi, 2020; Labibah, 2020)

CONCLUSION

Based on the foregoing discussion, three principal conclusions can be drawn. Taken together, they show that *nusyuz* should not be understood narrowly as the disobedience of one spouse, but as a breach of the fair and reciprocal fulfillment of marital rights and obligations. The concept must therefore be interpreted in relation to the purposes of marriage, spousal responsibility, and justice in Islamic law.

1. A wife's *nusyuz* consists of disobedience toward her husband, manifested in refusing sexual relations, leaving the house without her husband's consent, failing to preserve her own honor or safeguard her husband's property, allowing someone whom he dislikes to enter the house, and failing to obey Allah's commands.
2. A husband's *nusyuz* consists of neglecting his wife by showing indifference or arrogance toward her, no longer feeling affection for or satisfaction in sexual relations with her, failing to provide maintenance or treat her well, and even abusing her.
3. A legal-philosophical perspective on *nusyuz* by husbands and wives gives rise to three related propositions. *First*, marriage is a physical and spiritual bond that creates reciprocal rights and obligations; the substantial neglect of those obligations by either spouse may constitute *nusyuz*. *Second*, husbands and wives have equal human dignity and are partners in marriage, notwithstanding the division of their familial roles. *Third*, responses to *nusyuz* should prioritize reconciliation, dialogue, mediation, and the mutual well-being of the spouses, while rejecting interpretations that legitimize violence or undermine the purposes of marriage.

These findings contribute to Islamic family-law scholarship by conceptualizing *nusyuz* as a breach of marital rights and obligations that may be committed by either spouse, rather than solely as a wife's disobedience toward her husband. This interpretation supports a more balanced construction of Islamic family law grounded in justice, *maslahah*, reciprocity, the balanced fulfillment of rights and obligations, and the protection of human dignity. It may also provide a normative basis for interpreting provisions on *nusyuz*, evaluating family-law policy, and developing dispute-resolution mechanisms that prioritize dialogue, mediation, reconciliation, and the prevention of

violence. However, this study is limited to a normative-philosophical analysis of selected documentary sources, including the Qur'an, hadith, works of tafsir and fiqh, statutory regulations, the Compilation of Islamic Law, and relevant scholarly literature. It does not empirically examine judicial decisions, institutional practices, or the lived experiences of married couples. Future research should analyze relevant court judgments, compare the regulation and interpretation of *nusyuz* across jurisdictions and schools of jurisprudence, and investigate how judges, mediators, and other legal actors apply the concept in family disputes.

REFERENCES

- Nasution, M. (2017). PERSPEKTIF FILSAFAT HUKUM ISLAM ATAS HAK DAN KEWAJIBAN SUAMI ISTRI DALAM PERKAWINAN. *Analisis Jurnal Studi Keislaman*, 15(1), 63-80. doi:10.24042/ajsk.v15i1.713
- Mahasin, A., & Nihayati, D. (2025). Reinterpretasi Nusyuz dalam Bingkai Mubadalah dan Keadilan Gender dalam Pernikahan. *Jurnal Antologi Hukum*, 5(2), 208-222. doi:10.21154/antologihukum.v5i2.5438
- Trigiyatno, A. (2014). NUSYUZ DALAM WACANA FIQIH DAN GENDER. *Muwazah*, 2(2). doi:10.28918/muwazah.v2i2.327
- Quadsajul, A., Putri, R., Ramadhani, N., & Kurniati, K. (2025). Nusyuz Suami dalam Hukum Islam : Analisis Dampak terhadap Kehidupan Keluarga. *Akhlak Jurnal Pendidikan Agama Islam dan Filsafat*, 2(2), 90-104. doi:10.61132/akhlak.v2i2.637
- Nugraha, S., & Zulaiha, E. (2024). Interpretation of Nushuz in the Qur'an: Comparative Study of Tafsir al-Jami' Li Ahkam al-Qur'an and Tafsir al-Munir. *Jurnal Iman dan Spiritualitas*, 4(1), 59-66. doi:10.15575/jis.v4i1.31662
- Mahalli, J., & Syuyuti, J.-R. (2019). *Tafsir Jalalain*. Dar as-Salam.
- Sabiq, S. (1990). *Fiqh al-Sunnah: Jilid II*. al-Fath Li l'lami al-'Araby.
- Salam, N. (2015). Konsep Nusyuz dalam Perspektif Al-Qur'an (Sebuah Kajian Tafsir Maudhu'i). *De Jure Jurnal Hukum dan Syaria*, 7(1), 47-56. doi:10.18860/j-fsh.v7i1.3511
- Shaleh, K., & Dahlan, H. (2003). *Asbabun Nuzul (II)*. Penerbit Diponegoro.
- al-Bukhari, *Fath al-bari bi-sharh Sahih al-Bukhari*. Retrieved from <http://amshistorica.unibo.it/1674>
- Zahrah, M. (1957). *al-Ahwal as-Syakhsiyyah*. Dar al-Fikr al-Arabi.
- Shihab, M. (2002). Tafsir al-Misbah: pesan, kesan dan keserasian al-Qur'an: volume 2: surah al 'Imran, surah An-Nisa' / M. Quraish Shihab. 2002(2002), 1-99. Retrieved from <http://library.um.ac.id/free-contents/index.php/buku/detail/tafsir-al-misbah-pesan-kesan-dan-keserasian-al-quran-volume-2-surah-al-imran-surah-an-nisa-m-quraish-shihab-39466.html>
- Ramadani, M. (2024). Kontekstualisasi Makna Nusyuz dalam QS. An-Nisa [4]: 34 sebagai Kritik Ideologi Kekerasan dalam Rumah Tangga: Analisis Semiotologi Roland Barthes. *Semiotika-Q Jurnal Semiotika Al-Qur'an*, 4(2), 697-714. doi:10.19109/jsq.v4i2.24758
- Arni, J., Nasution, S., Ma'ali, D., Jamaluddin, J., & Chandra, A. (2025). Reframing Nusyuz in Islamic Family Law: A Maqasid-Based Reading of Ibn Asyur on Quran 4:34 and 4:128. *Jurnal Ilmiah Al-Mu ashirah*, 22(2), 240-254. doi:10.22373/jim.v22i2.30527
- Apriyanti, A., & Hasanah, U. (2025). Nusyuz of Husband and Wife in the Maslahah Perspective. *Nurani Jurnal Kajian Syaria dan Masyarakat*, 25(1), 18-35. doi:10.19109/nurani.v25i1.25328
- Radianti, Y. (1992). *Amina Wadud Muhsin Wanita di dalam Al-Qur'an*. Pustaka.
- Amirullah, F., Hambali, Y., & Baiduri, B. (2022). KONSEP NUSYUZ MENURUT SYEKH NAWAWI AL-BANTANI DAN MUHAMMAD SYAHRUR. *MASLAHAH (Jurnal Hukum Islam dan Perbankan Syariah)*, 12(2), 35-45. doi:10.33558/maslahah.v12i2.3204
- Huda, D., Wahyuni, D., & Parwanto, W. (2024). Persaksian Perempuan dalam Persidangan Perdata Keluarga Islam di Pengadilan Agama. *Jurnal Ilmiah Widya Borneo*, 7(1), 31-43. doi:10.56266/widyaborneo.v7i1.286
- Mahmoud, M. (2006). To Beat or Not to Beat: On the Exegetical Dilemmas over Qur'an, 4:34. *Journal of the American Oriental Society*, 126(4), 537-550. Retrieved from <https://philpapers.org/rec/MAHTBO-4>
- Haqqani, S. (2018). Women in the Qur'an: An Emancipatory Reading. *American Journal of Islam and Society*, 35(4), 68-71. doi:10.35632/ajis.v35i4.476

- Zulkarnaini, Z., Miswari, M., & Mulyadi, M. (2023). RECONSTRUCTION OF THE MEANING OF WIFE BEATING LICENSE IN THE QUR'AN. *Tanzil Jurnal Studi Al-Quran*, 6(1), 17-32. doi:10.20871/tjsq.v6i1.294
- Riyani, I. (2017). Muslim Feminist Hermeneutical Method to the Qur'an (Analytical Study to the Method of Amina Wadud). *ULUMUNA*, 21(2), 298-314. doi:10.20414/ujs.v21i2.320
- Wahed, A. (2013). ANALISIS HUKUM ISLÂM TERHADAP MASALAH KEKERASAN DALAM RUMAH TANGGA (KDRT). *AL-IHKAM Jurnal Hukum & Pranata Sosial*, 4(1), 31-50. doi:10.19105/al-ihkam.v4i1.261
- Nelli, J., Harmanto, A., Hardani, S., Syu'aib, K., & Megawati, D. (2024). Qiwwamah's Reconception of Muhammad Shahrur's Thoughts and Their Implications for the Feminist Movement in the World. *Al-ISTINBATH Jurnal Hukum Islam*, 9(1), 309. doi:10.29240/jhi.v9i1.9797
- Luthfia, A. (2025). Wife Beating Debates: The Qur'anic Notion of *Ḍaraba* in Light of Mubādalāh Discourse. *Al-Dzikra Jurnal Studi Ilmu Al-Qur'an dan Al-Hadits*, 19(1), 1-26. doi:10.24042/al-dzikra.v19i1.22714
- Salam, N. (2022). PERSPEKTIF MUSLIM PROGRESIF IJTIHADIS TENTANG NUSYUZ: APLIKASI TAWARAN METODOLOGIS ABDULLAH SAEED. *FiTUA Jurnal Studi Islam*, 3(2), 145-162. doi:10.47625/fitua.v3i2.431
- Sidik, A., & Imaduddin, I. (2023). Analisis Penafsiran Tokoh Feminis Terhadap Ayat-Ayat Nusyuz dalam Al-Qur'an. *Jurnal Iman dan Spiritualitas*, 3(1), 11-18. doi:10.15575/jis.v3i1.23771
- Sumanto, D., Samsudin, T., & Amirudin, F. (2021). The Existence of the Religious Court in Handling Divorce Cases on the Reason of Domestic Violence. *Jambura Law Review*, 3(2), 214-230. doi:10.33756/jlr.v3i2.11651
- Hanafi, H., Hidayatullah, H., & Tamjidnor, T. (2022). Domestic Violence: Comparison between Islamic Law and Domestic Violence. *International Journal of Social Science Education Communication and Economics (SINOMICS JOURNAL)*, 1(1), 1-8. doi:10.54443/sj.v1i1.1
- Hakim, A., & Alkosibati, A. (2022). 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(1), 41-60. doi:10.14421/ahwal.2022.15103
- Kamalludin, I., Pratami, B., Khasna, S., Yaqin, A., & Umar, A. (2024). Revitalizing Justice in Fiqh: Revisiting Non-Retroactive Principles to Address Sexual Violence. *Ulul Albab Jurnal Studi dan Penelitian Hukum Islam*, 7(2), 136. doi:10.30659/jua.v7i2.31028
- Utsman, H. (2021). Kdrt Analisis Gender Equality. *FAJAR Jurnal Pendidikan Islam*, 1(1), 81-87. Retrieved from <http://ejurnal.uij.ac.id/index.php/FAJ/article/download/1101/966>
- Ash-shidiqqi, E. (2020). Meneropong Ilmu Hukum Profetik: Penegakan Hukum yang Berketuhanan. *Amnesti Jurnal Hukum*, 2(1), 33-42. doi:10.37729/amnesti.v2i1.701
- Jalajel, D. (2020). Wife Beating in Islamic Law: Re-Evaluating the Illocutionary Force of the Imperative Verb in Qur'an 4:34. In *WORLD SCIENTIFIC eBooks* (pp. 579-594). World Scientific. doi:10.1142/9789811212154_0027
- Haneef, S. (2012). Treatment of Recalcitrant Wife in Islamic Law: The Need for a Purposive Juridical Construct. *Global Jurist*, 12(2). doi:10.1515/1934-2640.1399
- AMIJEE, F. (2022). How to Be a Feminist Muslim. *Journal of the American Philosophical Association*, 9(2), 193-213. doi:10.1017/apa.2022.9
- Yuliantari, E., & Azwar, Z. (2025). Reformulating the Concept of Ihdad in the Contemporary Era: A Review of the Concept of Ihdad According to Jurisprudence Scholars. *al-Rasikh: Jurnal Hukum Islam*. doi:10.38073/rasikh.v14i1.2536
- Husna, R., & Sholehah, W. (2021). MELACAK MAKNA NUSYUZ DALAM AL-QUR'AN: ANALISIS SEMANTIK TOSHIHIKO IZUTSU. *JURNAL ISLAM NUSANTARA*, 5(1), 131. doi:10.33852/jurnalnu.v5i1.330
- Haswir, H. (2017). PENYELESAIAN KASUS NUSYUZ MENURUT PERSPEKTIF ULAMA TAFSIR. *Al-Fikra Jurnal Ilmiah Keislaman*, 11(2), 247. doi:10.24014/af.v11i2.3859
- Bahar, M. (2025). The Husband's Nushūz and the Nature of Intra-Familial Ṣulḥ in the Context of an-Nisā' 4:128. *İçtimaiyat*, 75-93. doi:10.33709/ictimaiyat.1727977
- As-Subki, A. (2010). Fiqh Keluarga : Pedoman Berkeluarga Dalam Islam. Retrieved from https://meranti.perpus.iainptk.ac.id/index.php?p=show_detail&id=30080&keywords=

- Samuji, S. (2022). Understanding, Basics and Characteristics of Philosophy. *Jurnal Paradigma*, 14(1), 1-11. doi:10.53961/paradigma.v14i1.95
- Yasin, M. (2008). *Hukum perkawinan islam sasak*. Retrieved from <http://repository.uin-malang.ac.id/1363/>
- Basyir, A. (2000). *Hukum Perkawinan Islam*. UII Press.
- Deri, A. (2024). A New Perspective on the Issue of Hitting a Spouse with Nushūz: An Examination of Ibn ‘Āshūr’s View and His Opposition to Other Jurists and Commentators. *DergiPark (Istanbul University)*. Retrieved from <https://dergipark.org.tr/tr/pub/ilahiyatarastirmalaridergisi/issue/89747/1468765>