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Renewal of Islamic Family Law: Relevance to the Nusyuz Settlement Process^{*}

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Abstract

The purpose of this study is to analyze the urgency of Islamic law reform in family law and examine the renewal of Islamic family law with its relevance to the concept of Nusyuz. The fact often shows that married life between husband and wife is not always harmonious, and this deviation manifests nusyuz behavior. This study uses a normative juridical method with statue and concept approach. The results of this study are that there are still many studies of the Islamic law that describe the roles and functions of women that have not reflected well on the substance of values and positive law in Indonesia, so legal reform needs to be carried out by paying attention to the Qur'an and Sunnah. Relevance to the concept of nusyuz, it needs to modify the settlement process following the current rules and social order. The Qur'an has offered a relevant and representative solution to handle the case of the wife's nusyuz, namely with three stages including giving advice, temporarily separating, and wife-beating.

Keywords: Reform; Islamic Law; Nusyuz

Abstrak

Tujuan dari penelitian ini adalah untuk menganalisa urgensi pembaharuan hukum Islam di bidang hukum keluarga dan mengkaji pembaharuan hukum keluarga Islam tersebut dengan relevansinya terhadap konsep nusyuz. Kenyataan seringkali menunjukkan bahwa kehidupan berumah tangga antara suami dengan istri tidak selalu harmonis dan menyimpang, ini adalah wujud dari perilaku nusyuz. Penelitian ini menggunakan metode penelitian yuridis normatif dengan metode pendekatan statue approach dan concept approach. Hasil dari penelitian ini adalah bahwa masih banyak kajian hukum Islam yang menggambarkan peran dan fungsi perempuan yang belum terefleksi dengan baik pada substansi nilai dan hukum positif di Indonesia, maka pembaharuan hukum perlu sekiranya dilakukan dengan memperhatikan ajaran Al Quran dan As-Sunnah. Relevansi terhadap konsep nusyuz adalah perlunya modifikasi proses penyelesaian nusyuz sesuai dengan aturan sosial yang terjadi saat ini. Solusi yang relevan dan representatif telah ditawarkan Al-Qur'an untuk menangani nusyuz istri dengan tiga tahapan, yaitu dengan nasihat, pisah ranjang, dan pukulan.

Kata Kunci: Pembaharuan; Hukum Keluarga Islam; Nusyuz

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A. INTRODUCTION

Islam is a religion that exists as a thought guide for humans to develop religious values and norms from various aspects of life, including legal norms or *taqiniyyah*. Developing these values and norms for the people is obligatory to be appropriately implemented correctly and regularly. The presence of Islam during human life brings new changes to the order of life and regulates all activities carried out by humans perfectly. Islam regulates just and egalitarian relations between humans, both individual and social, one of them is by *fiqh*.

Al-fiqh al-Islami is the definition of the term Islamic law; in western terms, it is also called Islamic Law, or in general terms, it can be interpreted as the Islamic Jurisprudence. The terminology limits in the term *al-fiqh al-Islami* tend to have a *fiqh* meaning tends to contain the meaning of sharia. The use of the definition of Islamic law, there is still confusion between *fiqh* as uptake of the tafsili argument to be made into the material and formal law for humans, or with shari'ah as a law given by Allah to humans to obey God, with others, by its environment, and with life.

The ambiguity of the definition and use of Islamic law above, there is one thing that should be the basis of thought, that both Islamic law, *al-fiqh al-Islami* or the Islamic Law are both divine law which is God's blessing for humans to serve as a guide for life, and do not differentiate between morality and law.³ The content contained in this Divine Law generally regulates the relationship between humans and God (aspects of faith/aqidah) and the relationship between humans and other humans (aspects of muamalah). From this statement, we can conclude that Divine Law has significant differences compared to State Law or what we usually call positive law (legal positivism), which is just a rule regarding the way of society for one individual to another or the state with individuals.

When viewed from the source of the law itself, Islamic law must be adhered to and implemented by its people because it comes from the good fortune of Allah.⁴ Meanwhile, Indonesia's state law was based on a continental European legal system or was sourced from legal absorption brought by the Dutch colonialists. The adoption of this law is scattered in a number of laws including *Wetboek van Strafrecht*, *Burgerlijk Wetboek*, and *Wetboek van Koopandel*.

The use of Islamic Law in various aspects of life has begun to be applied massively by the Indonesian people. This implementation is manifested in the consistency of the Indonesian Ulama Council in issuing fatwas related to muamalah relations. This convenience provides an opportunity for Indonesian people who adhere to the Islamic religion to live life in a good and correct way of sharia.⁵ The reform of Islamic law still needs to be upheld, given the rapid turnaround of globalization which has a Western impact on various aspects of life, including affecting people's views on

³ Holan Riadi. Stagnasi Dalam Hukum Keluarga Islam di Indonesia. *Scholastica: Jurnal Pendidikan Dan Kebudayaan* 2(1) (2020): 11–17.

⁴ Abdullah Jarir. Teori-Teori Berlakunya Hukum Islam di Indonesia. *Al Ahkam* 14(2) (2018): 77–90.

⁵ Izzy Al Kautsar. Implementasi Keperantaraan Pada Praktik Jual Beli 'Urudh: Studi Komparatif Syariah Versus Konvensional. *Jurnal Hukum Ekonomi Syariah* (4)1 (2021): 77–88.

the use of Islamic law. So, in carrying out this renewal, it must be started from the smallest element of society, namely the family, to create an Islamic solid family foundation.

The reality often shows that household life between husband and wife is not always harmonious. Sometimes the household dip cannot be saved because of internal problems that cannot be resolved. Many are encountered when the husband is negligent in providing for a family, or the wife cannot carry out the role of mother for the child or the wife for the husband. According to Yahya, behavior that can be said to be deviant in the resilience of this family is a form of *nusyuz* behavior. This indifferent behavior towards spouses is the beginning of a break-in household resilience.

The potential of the community to forget the *nusyuz* concept in terms of family resilience is getting bigger. People are preoccupied with solving family problems through third parties, mediators, or litigation. Al-Qur'an itself provides guidelines on how the law and how to resolve *nusyuz* within the scope of the family concerned, then this is what becomes necessary: there should be a renewal of Islamic family law on the concept of *nusyuz* so that people's thoughts and views on the potential for family divorce can be minimized.

Several studies discuss Islamic reform, among them are the research results conducted by M. Ridwan Lubis, who said that Islamic reform aims to keep Islam existing as a way of life for humankind in the world and the hereafter, and Islam remains relevant to the dynamics of life, which continues to change.⁶ Research Abd. Rahim Amin also discussed the emergence of Islam by bringing about legal changes that had a different character from society's law (*jahiliyyah*) at that time, which was racial, feudal, and patriarchal. In Islamic teachings, there are principles of equality and equal rights for every human being who wants egalitarianism in social life.⁷ This paper focuses on the description of Islamic reform, Islamic renewal in the family sector, the essence of Islamic reform in the family sector, and the relevance of Islamic renewal in the family field with solving contemporary *nusyuz*.

Renewal in a broad sense can be categorized into 3, including (1) complete overhaul, (2) renewal of existing concepts, or (3) continuing existing concepts. Khoirudin stated, the relationship with reform with the Islamic method by deconstruction is divided into 2: (1) a complete overhaul after the prophet Muhammad SAW, and (2) a renovation gradually depending on the conducive timeliness. Problems that arise in the Law of the Family should be overhauled entirely but gradually adjusting to a conducive time. It does not rule out that the meaning of *nusyuz* can develop gradually to follow the times so that the meaning is not just a wife's defiance but is broader than that. In comparison, this research focuses on Islamic renewal in the family field, the concept of the Pre-Islamic Arab family, and the current concept of *nusyuz*.

⁶ M. Ridwan Lubis. *Pembaruan Pemikiran Islam: Dasar, Tujuan, Dan Masa Depan. Ilmu Ushuluddin* 5(2) (2016): 235–58.

⁷ Rahim. *Hukum Islam Dan Transformasi Sosial Masyarakat Jahiliyyah: (Studi Historis Tentang Karakter Egaliter Hukum Islam)*.

B. METHODS

The prescriptive theory guides the analysis by assessing the findings of facts or legal events following the theory. In this study, the authors use normative juridical legal research, legal principles, namely research focused on examining the application of norms in positive law.⁸ This normative research uses a statute approach and a concept approach supported by primary legal materials in the form of applicable Al-Qur'an, laws, regulations, and secondary legal materials in legal books and articles relevant to legal issues.

C. RESULTS AND DISCUSSION

1. The Concept of Islamic Renewal in the Field of Family Law

The scope of family law is only limited to marriage and divorce; this is confirmed by various contents of the book of *fiqh*, which state. This book of *fiqh* is the result of ulama's thoughts to clarify sharia law that has not been clear at a particular time. Regulations for family law can be found and studied through *fiqh* books from various mazhab, such as Sunni (Hanafi, Maliki, Shafi, and Hambali) and Shia (Itsna Asyari, Ismaili, and Zaidi).⁹ The results of the reasoning of the jurists in the past fulfilled the needs of Muslim communities; it is considered not necessarily appropriate in the present context. The contents also differ because of the level of reasoning, even though they are in the same mazhab. There is dissatisfaction with the content it contains due to differences of opinion, causing Muslim communities who do not understand it to follow customary law that has been passed down from generation to generation, not even the legal system (western), which is arranged systematically and clearly in one book or statutory regulation.

Family law can be interpreted as a law regulating kinship. This kinship can occur because of blood ties or occurs because of a marriage. This family relationship is significant because it relates to parents and children, inheritance law, guardianship, and interdiction. Family law is defined as the general rules governing kinship relationships.¹⁰ The meaning of kinship here is of two kinds, namely first in terms of blood relations and second in marital relations. In terms of blood relations, or it can be called blood kinship, kinship is family ties that exist between several people who have the same ancestor. Kinship due to marriage is a family relationship that occurs because of the marriage between a person and a family that is not the wife's blood (husband).

In Islam, the family is the most crucial foundation in shaping and fostering the character of the *sakinah* people, *ma'waddah warahmah*; in other words, we have to build a family to accept ourselves to Allah SWT. With a family, we must do it by maintaining

⁸ Mukti Fajar and Ahmad Yulianto, *Dualisme Penelitian Hukum Normative Dan Empiris*, cet. ke 4 (Yogyakarta: Pustaka Pelajar, 2017).

⁹ Suardi Abbas. Keberanjakan Dari Konsep Konvensional Ke Dalam Perundang-Undangan Hukum Keluarga Islam. *Asas: Jurnal Hukum Ekonomi Syariah* (8)2 (2016): 27–41.

¹⁰ Afdhal Wardana. Pembaharuan Hukum Keluarga Islam Di Indonesia (Studi Pemikiran Prof. Dr. Siti Musdah Mulia Tentang Poligami). *Taushiah: Jurnal Hukum, Pendidikan, Dan Kemasyarakatan* (10)1 (2020): 9–18.

harmony and comfort in family life. There are various verses in the Al-Qur'an and Hadith that explain various problems in family life.¹¹ Islam regarding the family from the beginning of the formation families, the rights and obligations that each family member must have and fulfill, issues of guardianship, and inheritance. Islam views the family as a place of *fitrah* under what Allah wills in human life as caliphs on earth. Islam also encourages its followers to form families and live in the shade of family life. Islam also describes the family in a comprehensive and detailed manner.

The central issue in the study of Islamic family law is how the description of the role and function of women is reflected in the substance of positive law in several Muslim countries. Al-Qur'an states that men and women are equal. For example, the *nusyuz* law that dominates men's rights than women in inheritance is also the difference between the rights of men and women with a part of one to two as stated in the Al-Qur'an. This must be understood by paying attention to two essential things, namely by giving a share of inheritance to women and placing men and women together as the recipient of the inheritance, so that Islamic law has reformed the law of *jahiliyyah* that was applicable before and the socio-economic setting in family life.¹²

The burden of family support is borne by men, the division of the inheritance divides the men with a more significant portion of the share of women is a fair distribution. Islamic legal rules are legal rules with no distinction between the rights of the two. In historical records, several events describe an egalitarian life that contrasts with the law of ignorance, including the significant role of a woman named Khadijah Binti Khuwaylid in the prophecy of Prophet Muhammad SAW. the spread of Islam.¹³

Before the prophet Muhammad carried out an overhaul of the law of *jahiliyyah*, starting with the issue of faith and religious rituals, there was not a single contradiction that arose from the people of *jahiliyyah*. However, after the prophet Muhammad made a genuine reform. This rejection emerged from the rich and powerful aristocratic group during the Jahiliyyah era, namely the Quraish group. Two aspects conflict with the prophet Muhammad. The Quraish, namely the religious aspect and the social aspect. The religious aspect lies in the belief in God with the obligation to leave the rituals of worship of each tribe to worship Allah Almighty. The religious aspect adopted by the *jahiliyyah* community becomes a social bond that unites members from each tribe. So, if a person adheres to Islamic teachings, he or she has come out of the existing tribal ties.

2. The Relevance of Islamic Renewal in the Field of Family Law with the Current Relevant Nusyuz Concept.

If a wife or husband does not want to carry out their obligations as they should in the household, such as the husband does not want to care about his wife, or the wife

¹¹ Jefry Tarantang. Teori dan Aplikasi Pemikiran Kontemporer dalam Pembaharuan Hukum Keluarga Islam. *Jurnal Transformatif (Islamic Studies)* (2)1 (2018): 27–46.

¹² Viky Mazaya. Kesetaraan Gender Dalam Prespektif Sejarah Islam. *Sawwa: Jurnal Studi Gender* (9)2 (2014): 323–44.

¹³ Luciana Anggreini. Konstruksi Sosial Terhadap Perempuan Dalam Hukum Keluarga Islam (Analisis Gender). *At-Turost: Journal of Islamic Studies* (6)2 (2020): 206–21.

does not want to obey her husband, then Islamic law explains this problem which in the Qur'an is known as the term *nusyuz*. According to Wahbah al Zuhaili, it means that *nusyuz* is the disobedience of one partner to what should be obeyed or hatred towards his partner.¹⁴

Regarding the discussion of *nusyuz*, article written by Nasarudin has a different opinion from most jurists; he argues that the concept of *nusyuz* is defined more broadly as a form of awareness of women's equality. In that sense, women are entitled to have different desires, views, and opinions. The concept of obedience does not belong to women alone but belongs to a servant to Allah. Amina Wadud also explains a similar opinion in interpreting Q.S. An-Nisa verse 34, that the concept of obedience which is described as a pious woman, is connected to obedience to her husband even though the word is used to describe the characteristics of servants who believe in Allah SWT.¹⁵

So far, *nusyuz* has only been understood as insubordination or disobedience by a wife to her husband. The concept of *nusyuz* above should be reviewed because of the changing socio-cultural conditions of society today.¹⁶ As a wife who leaves her husband's house is considered a *nusyuz*, nowadays women are more independent and able to go and even work outside the home, which may not be appropriate anymore.

From the above description, it is clear that men prioritize men (husbands) and discriminate against women (wives), so this is still patriarchal. One of them is the problem of *nusyuz*. It is always associated with wives, assuming that *nusyuz* is a wife's disobedience to husband and wife; in this case, it is always the party to blame, whereas, for the husband. It seems as if the community does not know that. In essence, *nusyuz* only comes from the wife; the husband can be said to be *nusyuz* if he does not fulfill his obligations in the household.¹⁷ Even though they seem small and trivial, many household problems can disrupt the harmony of husband-wife relationships. On the other hand, this *nusyuz* can also be a trigger for physical violence.¹⁸ That even ends in divorce.

The meaning of the word *nusyuz* is defiance. It means that a wife commits an act that challenges her husband for no reason accepted by *syara'*. She disobeyed her husband or refused to go to his bed. The Fath Al-Mu'in book states that it is a *nusyuz* deed if the wife is reluctant and does not even want to fulfill her husband's invitation, even though she is busy doing something.¹⁹ The emergence of conflict in the household

¹⁴ Mughniatul Ilma. Kontekstualisasi Konsep Nusyuz Di Indonesia. *Tribakti: Jurnal Pemikiran Islam* 30, no. 1 (2019): 47–74.

¹⁵ Nasaruddin Umar. *Ketika Fikih Membela Perempuan* (Jakarta: PT Elex Media Komputindo, 2014).

¹⁶ Sri Wahyuni. Konsep Nusyuz Dan Kekerasan Terhadap Isteri (Perbandingan Hukum Positif Dan Fiqh),” *Al-Ahwal* (1)1 (2016): 17–30.

¹⁷ Rahmawati. Presepsi Ulama Kota Banjarmasin Tentang Nusyuz Suami” (UIN Antasari Banjarmasin, 2017).

¹⁸ Razmi Mujibullah, Ahmad Sobari, and Mukhtar. Analisis Latar Belakang Perceraian Di Pengadilan Agama Kabupaten Bogor. *Mizan: Journal of Islamic Law* (3)2 (2019): 169–81.

¹⁹ Muhammad Amin. Hadis Tentang Dilaknat Perempuan Yang Menolak Panggilan Suaminya *Fitrah : Jurnal Kajian Ilmu-Ilmu Keislaman* (5)1 (2019): 115–36.

often leads to what is mentioned in *fiqh nusyuz*. *Nusyuz* is haram.²⁰ Allah has decreed the punishment for a woman who commits *nusyuz* if she fails to be advised. Punishment will not be given except because of a violation of forbidden things or for abandoning an act that is obligatory to do.

Based on Q.S. An-Nisa verse 34, it explains that men are leaders, namely those who control women, provide lessons, and protect them. It is explained that righteous women are obedient to their husbands, guard themselves and their honor when the husband is not there because Allah has guarded them by beating them to their husbands. As for women who are worried that they will commit *nusyuz*, namely immorality to their husbands by defying their commands, then advise them to fear Allah, and separate the beds, that is, move to another bed if they are still doing *nusyuz*, and beat them with beatings who do not hurt if by separating their beds they have not returned to doing good. If they have returned to doing what the husband told them to do, then do not look for ways to beat them to persecute them.

One of the superiority of men over women in the house, namely that men take care of and guide their wives. This superiority also means that the husband has the right to keep him at home and prohibits him from leaving the house, while the woman or wife must obey and accept all his orders, as long as it is not for immorality. Furthermore, the husband must provide a living based on the sentence and what he is giving from his wealth.²¹

It is necessary to question the limits of *nusyuz*, so wife beating is allowed. Shouldn't it be stated that the wife's *nusyuz* against her husband is genuine if the wife commits adultery, or is it proven that the wife committed adultery. So far, *nusyuz* has only been understood as a wife's insubordination or disobedience to her husband. The concept of *nusyuz* above should be reviewed,²² Because of the changing socio-cultural conditions of society today, as a wife who leaves her husband's house is considered a *nusyuz*, nowadays women are more independent and able to go and even work outside the home, then it may no longer be appropriate. Although the act of beating is justified in Islam, when the wife commits *nusyuz*, this beating does not mean an act of violence because the purpose of the beating is not to hurt but to teach a lesson.

The *nusyuz* settlement formulation seems to require modification following the current social setting. Look at the current social reality of women, especially in Indonesia, which has accommodated and protected human rights and has embraced the idea of women's emancipation. Women, they had the opportunity to work or have a career outside the home and have an equal position with men in general. The term career woman, which is so widespread in community life, is a social status that positions a woman not only as a wife who only takes care of household matters

²⁰ Dwi Arini Zubaidah. Disharmoni Keluarga: Tren Cerai Gugat Di Indonesia. *Legitima: Jurnal Hukum Keluarga Islam* (2)2 (2020): 126–52.

²¹ Muhammad Khoiri Ridwan. Kekerasan Dalam Rumah Tangga: Analisa Ketentuan UU PKDRT, Al Quran Dan Hadits Tentang Nushuz. (UIN Malik Ibrahim Malang, 2014).

²² Abdul Haq Syawqi. Hukum Islam Dan Kekerasan Dalam Rumah Tangga. *Journal De Jure* 7, no. 2 (2015): 68–77.

(kitchen, mattress, and dress) but she also takes part and plays a significant role in helping her husband in meeting the needs of household living expenses. So that at this time, it is not uncommon for us to find a company office or the teaching profession and civil servants in an area dominated by women.

The form of *nusyuz* settlement formulated by Indonesian ulama which is then compiled in Kompilasi Hukum Islam (contained in articles 80,84 and 152) and similarly what is stated by jumhur Islamic scholars about abortion of livelihood for *nusyuz* wives. It is the most appropriate solution and does not rule out the time and dynamics of domestic conflict problems that require breakthroughs to resolve the *nusyuz* case.

The solution that the Al-Qur'an has given for dealing with *nusyuz* wives in three stages, namely with advice, separation of beds, and beatings, is so systematic that it is likely carried out according to the hierarchy to make the family whole again and more harmonious.²³ This can be actualized and become an alternative solution to the wife's *nusyuz* if we reflect on the conditions and problems that are so dynamic in household conflicts today because of what Allah and His Messenger have determined about the life of humans.

The process of completing the *nusyuz* in the KHI is not final; it is found that the process and the punishment are not even adequate and relevant. However, KHI needs legal reform.²⁴ The stages of completion that have been formulated in the Al-Qur'an can be a relevant and representative solution to be put forward. Alternatively, it is also possible to elaborate with the new *ijtihad* regarding the settlement of the wife's *nusyuz*, because look at the role of women (wives) in today's professional world in order to earn a living and help pay for household life, it is so large and so active that they have their income. Sometimes it is more stable than her husband from an economic perspective, therefore if only the abortion of the livelihood has become the solution of choice in the KHI, it is less relevant, less valuable, which is one of the legal objectives and less effective in reconciling tenuous household organizations. because of the *nusyuz* deed.

D. CONCLUSION

Islam as a religion of reform changes various aspects of life. Problems related to family law include groups that must be completely overhauled, but gradually. The conclusion that can be drawn from this paper is that the relevance of Islamic reform in the family sector has been found with the current concept of *nusyuz*, namely that both want to increase the degree and protect the rights of women and provide equal rights between men and women in the family.

The concept of *nusyuz* wife to husband, which previous scholars formulated as the wife's disobedience to her husband, which includes leaving the house without permission, needs to be reviewed, and the formula for solving the *nusyuz* seems to

²³ Syehrina Maulida. Makna Nusyuz Dalam Pandangan Ulama Perempuan Nahdatul Ulama dan Muhammadiyah di Kabupaten Kediri" (IAIN Tulungagung, 2020).

²⁴ Nur Faizah. Nusyuz: Antara Kekerasan Fisik Dan Seksual. *Al Ahwal* (6)2 (2013): 113–28.

require modification following the current social setting. Al-Qur'an gives a solution to dealing with *nusyuz* wives in three stages: advice, separation of beds, and beatings. The stages of completion that have been formulated in the Al-Qur'an can be relevant and representative solutions to be put forward, or it is possible to carry out elaboration with new *ijtihad-ijtihad* regarding the completion of the wife's *nusyuz* because look at the role of women (wives) in the professional world at this time this. In the case of *nusyuz*, Al-Qur'an has explained the consequences received by a wife when *nusyuz* towards her husband, giving advice, for example, in bed (in the sense of staying asleep in one bed, turning your back, and not having sex), and hitting. However, for now, there is a law that regulates the husband beating his wife. This includes acts of violence in a household.

REFERENCES:

Book:

- Fajar, Mukti, and Ahmad Yulianto. *Dualisme Penelitian Hukum Normative Dan Empiris*. Cet. ke 4. Yogyakarta: Pustaka Pelajar, 2017.
- Umar, Nasaruddin. *Ketika Fikih Membela Perempuan*. Jakarta: PT Elex Media Komputindo, 2014.

Journal:

- Abbas, Suardi. "Keberanjakan Dari Konsep Konvensional Ke Dalam Perundang-Undangan Hukum Keluarga Islam." *Asas: Jurnal Hukum Ekonomi Syariah* 8, no. 2 (2016): 27–41.
- Amin, Muhammad. "Hadis Tentang Dilaknat Perempuan Yang Menolak Panggilan Suaminya." *Fitrah : Jurnal Kajian Ilmu-Ilmu Keislaman* 5, no. 1 (2019): 115–36.
- Anggreini, Luciana. "Konstruksi Sosial Terhadap Perempuan Dalam Hukum Keluarga Islam (Analisis Gender)." *At-Turost: Journal of Islamic Studies* 6, no. 2 (2020): 206–21.
- Dimiyati, Yayat. "Studi Komparasi Pendapat Imam Syafi'i Dan Ibnu Hazm Tentang Nafkah Bagi Istri Yang Nusyuz." *At-Tadzhib: Jurnal Studi Islam Dan Mu'amalah* 8, no. 2 (2020): 95–113.
- Fachroly, Rachman. "Hukum Islam Dan Perubahan Sosial Kemasyarakatan Era Jahiliyah." *Syariah Darussalam: Jurnal Ilmiah Kesyarahan Dan Sosial Masyarakat* 1, no. 1 (2019): 71–86.
- Faizah, Nur. "Nusyuz: Antara Kekerasan Fisik Dan Seksual." *Al Ahwal* 6, no. 2 (2013): 113–28.
- Ilma, Mughniatul. "Kontekstualisasi Konsep Nusyuz Di Indonesia." *Tribakti: Jurnal Pemikiran Islam* 30, no. 1 (2019): 47–74.
- Izzah, Ibnu. "Penyelesaian Kasus Nusyuz Menurut Kompilasi Hukum Islam Ditinjau Dari Perspektif Al-Qur'an." UIN Alauddin Makassar, 2015.
- Jarir, Abdullah. "Teori-Teori Berlakunya Hukum Islam Di Indonesia." *Al Ahkam* 14, no.

- 2 (2018): 77–90.
- Kautsar, Izzy Al. "Implementasi Keperantaraan Pada Praktik Jual Beli 'Urudh: Studi Komparatif Syariah Versus Konvensional." *Jurnal Hukum Ekonomi Syariah* 4, no. 1 (2021): 77–88.
- Lubis, M. Ridwan. "Pembaruan Pemikiran Islam: Dasar, Tujuan, Dan Masa Depan." *Ilmu Ushuluddin* 5, no. 2 (2016): 235–58.
- Maulida, Syehrina. "Makna Nusyuz Dalam Pandangan Ulama Perempuan Nahdatul Ulama Dan Muhammadiyah Di Kabupaten Kediri." IAIN Tulungagung, 2020.
- Mazaya, Viky. "Kesetaraan Gender Dalam Prespektif Sejarah Islam." *Sawwa: Jurnal Studi Gender* 9, no. 2 (2014): 323–44.
- Mujibullah, Razmi, Ahmad Sobari, and Mukhtar. "Analisis Latar Belakang Perceraian Di Pengadilan Agama Kabupaten Bogor." *Mizan: Journal of Islamic Law* 3, no. 2 (2019): 169–81.
- Rahim, Amin Abd. "Hukum Islam Dan Transformasi Sosial Masyarakat Jahiliyyah: (Studi Historis Tentang Karakter Egaliter Hukum Islam)." *Jurnal Hukum Diktum* 10, no. 1 (2012): 1–10.
- Rahmawati. "Presepsi Ulama Kota Banjarmasin Tentang Nusyuz Suami." UIN Antasari Banjarmasin, 2017.
- Riadi, Holan. "Stagnasi Dalam Hukum Keluarga Islam Di Indonesia." *Scholastica: Jurnal Pendidikan Dan Kebudayaan* 2, no. 1 (2020): 11–17.
- Ridwan, Muhammad Khoiri. "Kekerasan Dalam Rumah Tangga: Analisa Ketentuan UU PKDRT, Al Quran Dan Hadits Tentang Nushuz." UIN Malik Ibrahim Malang, 2014.
- Syawqi, Abdul Haq. "Hukum Islam Dan Kekerasan Dalam Rumah Tangga." *Journal De Jure* 7, no. 2 (2015): 68–77.
- Tarantang, Jefry. "Teori Dan Aplikasi Pemikiran Kontemporer Dalam Pembaharuan Hukum Keluarga Islam." *Jurnal Transformatif (Islamic Studies)* 2, no. 1 (2018): 27–46.
- Wahyuni, Sri. "Konsep Nusyuz Dan Kekerasan Terhadap Isteri (Perbandingan Hukum Positif Dan Fiqh)." *Al-Ahwal* 1, no. 1 (2016): 17–30.
- Wardana, Afdhal. "Pembaharuan Hukum Keluarga Islam Di Indonesia (Studi Pemikiran Prof. Dr. Siti Musdah Mulia Tentang Poligami)." *Taushiah: Jurnal Hukum, Pendidikan, Dan Kemasyarakatan* 10, no. 1 (2020): 9–18.
- Zubaidah, Dwi Arini. "Disharmoni Keluarga: Tren Cerai Gugat Di Indonesia." *Legitima: Jurnal Hukum Keluarga Islam* 2, no. 2 (2020): 126–52.