

## ABSTRACT

Zainal Aqli, 2019. The Concept of Wife's Obedience to husband (*The Concept of Wife's Obedience to Husband Review of Maqâsid Asy-Syarîah and Law on Human Rights No. 39 of 1999*). Thesis, Islamic Law Program, State Islamic University of Antasari Banjarmasin, Advisor: (1) Prof. Dr. H. Akh, Fauzi Aseri, MA , (2) Dr. Rahmat Sholihin, M.Ag

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Husband and wife in marriage life have obligations and rights which must be implemented well. One of a wife's obligations to husband is to obey him. As in al-Qur'an and Hadis which are sources of Islamic law, there is wife's obligation, that is, an obligation to serve husband when he asks to do something. It must be implemented by wife because of a warning from Hadis when the wife refuses to do it. However the wife may refuse her husband's desire by the excuses which have been justified by *syar'i* while they are limited to three things, those are getting period, puerperium and reeked with pain. It certainly should be reviewed because this time not only does woman become housewife which always being at home but she also has a career outside. Concerning the statement above, this research is begun to try discussing about the concept of wife's obedience to husband by the viewpoint of *Maqâsid Asy-Syarîah* as an effort to look up the benefit from its provision and Law on Human Rights No. 39 of 1999 as a comparison and based on itself right of humanity.

The kind of this research is normative legal research by conceptual approach and comparison. This research is also collaborated with empirical data as a support. It uses primary, secondary, tertiary legal material. The techniques to collect those legal materials are documentary study and interview then analyze them qualitatively and the result is concluded specially.

The result of the research shows conceptually that wife's obedience to husband is that a wife must be able to treat her husband well by the actions, words, or keeping the husband's trust. In perspective of *maqâsid Asy-syarîah*, there are five elements of the concept, those are: *hifzh ad-dîn*, *hifzh an-nafs*, *hifzh al-'aql*, *hifzh an-nasl*, and *hifzh al-mâl*. The concept of wife's obedience is more in the level of *maqâsid al-hajjiyah* and being its benefit. In perspective of human rights either husband or wife has the same rights, no one is more superior than the other, that's why no one can insist the desire to one another because Islam taught that husband must treat her well or vice versa. Beside that, to build the harmony household needed the good communication between husband and wife so that be able to do their own duties without snatching and decreasing the individual rights.