

CHAPTER IV

ANALYSIS OF ZAINAB AL-GHAZALI'S INTERPRETATION ON DOMESTIC VIOLENCE VERSE IN TAFSIR NAZÂRAT FÎ KITÂBILLÂH

A. Zainab al-Ghazali's Interpretation of the Verse on Domestic Violence

1. Physical Violence

Physical violence, as referred to in Article 6 of the Domestic Violence Law number 23 of 2004, is an act that results in pain, falling ill or severe injury.¹ Physical violence is one of the most often easily recognizable types of violence. This violence is more vulnerable to women, but it does not rule out the possibility that men can also experience physical violence in the household. Physical violence can be realized by behaviours including slapping, biting, twisting hands, stabbing, choking, burning, kicking, threatening with an object or weapon, and killing.

Much Islamic literature states that beating one's wife is permissible. Some even argue that beating one's wife is the Qur'an's recommended way to teach one's nushuz wife. Then, how is Zainab al-Ghazali's interpretation of the verse related to physical violence:

a. Q.S. an-Nisa/4: 34.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ
فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ

¹ Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence, 5.

وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ

كَانَ عَلِيًّا كَبِيرًا ٣٤

Men are the protectors and maintainers of women because Allah has given them more (strength) than others and because they support them by their means. Therefore, righteous women are devoutly obedient and guard in (the husband's) absence, which is what Allah would have them guard.²

في هذه الآية الكريمة قرار من الله بأن الرجال قوامون على النساء ، وأن لهم حق القيادة في الأسرة . وذلك لا ينفي ولاية المرأة في بيتها ، وكونها أميرة تتصرف في شئونه ، لحفظ مصالح الأسرة ، وسلامة وحدتها . والأصل في القوامة : المسئولية ، بمعنى أن الرجل هو صاحب النفقة على الزوجة والأولاد ، ومسئول كذلك عن مشاركة زوجته في كل شئون البيت ، متخذين من القرآن الكريم ، وسنة الحبيب المصطفى - - ، نمحا وقدوة وسلوكا . فالأسرة هي مدرسة الأمة الأولى . والزوجة هي ولية أمرها داخل البيت . وهي محاسبة أمام الله على سلامة الزوج والأولاد . وذلك كله لا يتأتى إلا بتسليم المرأة عن رضا وحب وطاعة الله بأن قوامة الرجل عليها هي عين العدل ، وفي صالحها . لأن القوامة تكلف الرجل حسن المعاملة والإنصاف تجاهها في كل ما تحتاج إليه من خدمة ، وحفظ لكرامتها وعزتها وإنسانيتها ؛ لأنها بولايته عليها أصبحت أمانة بين يديه . وذلك الفهم السليم للقوامة يعطى المرأة ثقة بزوجها ، واطمئنانا إليه ، فتصبح الحياة الزوجية مستقرة آمنة ، وبذلك تتفرغ المرأة لتدبير بيتها ، وتربية أولادها . كذلك يريد الإسلام بالزوجين إقامة دوحة من الزهور المتناسقة ، في حديقة غنية بمعطياتها ، لإسعاد المستظلين بأريجها . تلك هي الزوجية في الإسلام . وتلك هي درجة الرجل في ميزان الأسرة ، لتقييم بنجاح صرح سعادة أسرته ، فيستقر البيت ، ويرقى المجتمع ، وذلك بما أحسنوا في فهم كتاب الله ، الذي هو عدل مطلق . وفي هذا يقول ابن كثير : (الرجل قيم على المرأة أى هو رئيسها وكبيرها والحاكم عليها (ومؤدبها إذا اعوجت) وأخبرنا الحق أن النساء اللاتي يخاف منهن النشوز على أزواجهن

² Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, King Fahd Holy Qur'an Printing Complex 219.

- والنشوز هو الارتفاع ، فالمرأة الناشر هي التي ترتفع على زوجها تاركة لأمره ، كارهة له - فلنا أن نعظهن ، وأن نخوفهن عقاب الله في عصيانه. فإن لم تقبل العظة والتذكير بحق الزوج ، فاهجر لها أولى - أي يضاجعها على فراشها ويوليها ظهره ولا يجامعها ، كما قال ابن عباس - وإن لم ينفع معها ذلك : فاضر بوهن ضربا خفيفاً غير مبرح. لأن الهدف هو إرجاعها عما هي فيه من عصيان ونشوز ، ويكفى الضرب الخفيف . لأن عملية الضرب سبقها موعظة وهجران ، وذلك عليهن شديد . ومع ذلك ، فقد قال ﷺ وهو يتلو هذه الآية : (ولا يضرب إلا شراركم . لكن سوء معاملة بعض الرجال لأزواجهم هو تخلف ناتج عن قصور شديد في فهم حقائق الإسلام وروحها . فإن أطاعت المرأة - سواء قبل هذه الخطوات أو بعدها - بما يرضى الله ورسوله، فلا سبيل له عليها بعد ذلك ، وليس له أن يضربها أو يهجرها . وإن الله كان عليا كبيرا) تهديد من الحق لمن يخالف أمره ، سواء في عصيان المرأة لزوجها ، أو لظلم الرجل لزوجته ، فالله مطلع وعليم ببواطن الأمور.³

The verse discusses women who have the potential to *do nushûz* to their husbands. If given advice and separate the bed, still do the deed, then if necessary, beat them. *Nushûz* itself means a wife who disobeys, openly disobeys and misbehaves. Hitting in that verse may be done as long as it is very forced.

In her tafsir, Zainab al-Ghazali explains in this verse that Allah SWT determines that men are the guardians of women and that for them, there is a right of leadership in the family. But this doesn't mean negating the authority of women in the home and their authority in doing matters related to their personal affairs in order to maintain the benefit of the family and maintain its unity.

The original meaning of leadership is basically responsibility, in the sense that a man is responsible for earning a living for his wife and children. Likewise, he is responsible for helping his wife to complete homework based on the guidance

³ Zainab al-Ghazali, *Naẓarât fî Kitâbillâh*, Vol I, Kairo: Dar al-Syuruq, 1998. 297-298.

of the Qur'an and the sunnah of the Prophet PBUH, who is the role model of the Ummah. The family is basically the first educational institution of the people, while the wife is the internal person in charge of the institution. She will be chastised before Allah for what she did for the salvation of her husband and child. All these things will not be realized unless the wife does so with pleasure, love and obedience with the intention of Allah alone while believing that the man's leadership over them is the justice she has outlined in order to obtain the benefit of her home life. The reason is that the position of the leader requires men to behave well and proportionately in interacting with women in everything they do in the context of devotion. Likewise, men must maintain the glory, honour, and humanity of the woman because, through their intermediaries, the trust of the household can be maintained very well.

A moderate understanding of the term *qiwamah* will make women trust their husbands and feel comfortable when they are by his side. Thus, home life can be safe and lasting. A wife can also carry out her duties as a domestic assistant and can take care of her children. Thus, Islam desires, through the bond of husband and wife, to create a tree of life that blooms in a garden rich in beauty that can be a shelter for those who are in heat. That is home life in Islam. That is the role of men in household building, which is to support mutual happiness so that the ark can still sail and contribute to people's lives. This can be realized starting with a complete understanding of the Qur'an, which is the most just substance.

In relation to this issue, Ibn Kathir said, "A man is the guardian of women, meaning that he is their leader, guide, regulator and advisor if they make mistakes".

Allah SWT tells us that what worries these women is their iniquity towards their husbands. Disobedience here implies feeling high from men. So, the ungodly woman basically considers herself superior to her husband, so she refuses to obey his commandments (hate him). So it should be for men to teach them and warn them of the pain of doom or torment from Allah SWT when we obey it.

So if she does not want to accept the teaching and warning of her husband's rights, then silence is the best option, meaning that when sleeping, the husband turns his back to her and does not have sex with her (as Ibn Abbas once said). Then, if such a method has not had any effect, the husband may strike her with a gentle blow without hurting her, for it all is to invite them to return from their iniquity so that such a blow will suffice. But it must be underlined that this method of hitting after the previous two methods (advising and silence) has no effect anymore, and it, according to women's feelings, has been very hurtful. In this regard, the Holy Prophet PBUH once commented while reading this verse (an-Nisa/4: 34), 'and let not a husband beat his wife unless they have crossed the line against you'. However, the poor interaction of some husbands with their wives has led to errors in understanding the nature and spirit of this Islamic teaching.

If the wife has repented, either before or after these steps have been performed, according to what Allah and her Messenger are pleased with, then there is no other way but to forgive her. It is not permissible for a husband to silence her, let alone beat her. Verily Allah is supreme and significant, as a threat from Allah to those who disobey his commandments, either a wife who breaks her husband or a

husband who misbehaves against his wife. Allah is all-revealing and all-knowing with hidden affairs.

The author concludes Zainab al-Ghazali's interpretation of the verse is that the husband is the leader of a wife, so he is obliged to obey the husband's orders while not coming out of Islamic law. If a wife disobeys her husband or considers him superior to her husband, she has broken him. The husband must reprimand and advise; if the wife has not obeyed, then she may be beaten on condition that the blow is slow and not hurtful because it is only a form of rebuke from the husband against the wife. If the wife repents, the husband must forgive the wife and must not silence, let alone beat the wife. Likewise, according to Quraish Shihab in *Tafsir al-Misbah*, the privileges of men have their functions and potentials, such as earning a living for their wives and children. The wife is obliged to obey the husband, but if the wife does *Nushûz*, then the husband must advise and leave the wife in bed. And lastly, hitting. However, he stated that this blow must not be painful so as not to injure him but must still show a firm attitude.⁴

Although it may seem textual that the Shari'ah allows husbands to beat *nushûz* wives, it must be noted that the Prophet, in setting the conditions for the beating to be allowed, namely that it must not be intended to insult the dignity or dignity of women, hurt their wives and cannot be done with disturbing motivations or acts of revenge. The ability to hit must be limited with clear limits, that is, not with heavy blows and aim to hurt, not to leave marks, let alone bleed. And also

⁴ M. Quraish Shihab, *Tafsîr al-Miṣbâh: Peran, Kesan dan Keresasian Al-Qur'an*. Jakarta: Lentera Hati. 2002. Vol. 2. 422-423.

should not hit the face. Among the authority of action that a husband has in treating his wife based on Q.S. an-Nisa/4: 34, the authority of the husband in beating invites polemics and lengthy debates, especially among fiqh scholars, interpreters (mufassir) and contemporary feminist thinkers. The scholars agree that exceeding the wife of *Nushûz* is permissible as long as it is within reasonable limits and does not aim to hurt. Basically, the ulama also emphasizes not beating. As for feminists, some argue that beating is never encouraged by the Qur'an. This opinion was expressed by feminists such as Ashgar Ali Engineer; he argued by quoting the opinion of Ahmed Ali from the book *Raghib al-Mufradat fi Garib al-Qur'an*, which explains that the word *daraba* has a symbolic meaning of having sexual intercourse.⁵

Looking at the *asbâbun nuzûl* verse, Ashgar quotes S.T Lokhandwala in *The Position of Women Under Islam*; that this verse is contextual because Habibah's husband was the leader of Ansar (Sa'ad bin Rabi'). The men of Medina rejected the Prophet's PBUH decision to marry her husband; perhaps the Prophet's concern about his suggestion caused a stir in a society where men were dominant. This verse is revealed as a soothing appeal to control male violence against women and to encourage them to conform to a male-dominated society.⁶

2. Psychic Violence

⁵ Ashgar Ali Engineer, *Hak-hak Perempuan dalam Islam*. Translate by Farid Wajidi and Cici Farkha Assegaf, Yogyakarta: Bentang Budaya. 1994, 76.

⁶ Ashgar Ali Engineer, *Hak-hak Perempuan dalam Islam*, 72.

Psychic violence is an act that results in fear, loss of self-confidence, loss of ability to act, a sense of helplessness, and severe psychological suffering in a person.⁷ The acts of psychological violence can be shown by intimidating and torturous behaviour, threats of violence, confining at home, excessive guarding, threats to release the care of their children, separation, berating and insults continuously.

In the Qur'an, there is the term '*adl*' which literally means suppressing, narrowing, preventing, and obstructing the will of others.⁸

a. Q.S. an-Nisa/4: 19.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا ^ظ وَلَا تَعْضُلُوهُنَّ لِتَذَهَبُوا بِبَعْضِ مَا
 آتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبَيِّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى
 أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ۙ ١٩

O ye who believe! Ye are forbidden to inherit women against their will. Nor should ye treat them with harshness, that ye may take away part of the dower ye have given them, except where they have been guilty of open lewdness; on the contrary, live with them on a footing of kindness and equity if ye take a dislike to them it may be that ye dislike a thing. Allah brings about a great deal of good through it.⁹

كانت العرب في الجاهلية تورث ابن المتوفى زوجة أبيه . فكانت امرأة الأب متاعاً من ضمن أمتعة المتوفى. يرثها أولياء الرجل أو ابنه ، ويتصرف فيها كيف يشاء . إن شاء تزوجها ، وإن شاء زوجها

⁷ Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence, 5.

⁸ A. Warson Munawwir, Kamus al-Munawwir, Yogyakarta: Ponpes Al-Munawwir, 1984, 1011.

⁹ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 213.

وأخذ صداقها. وكان هذا نوعاً من أنواع إيذاء النساء في الجاهلية حتى جاء الإسلام ، وأنزل الله هذه الآية . فلا تضاروهن ولا تؤذوهن في المعيشة ، ليتركن لكم صداقهن ، لتتمتعوا به . فهذا حيف وظلم وجور كبير . وهذا من ضمن أنواع إيذاء النساء في الجاهلية الذي نهي عنه الإسلام ، وجاء وحسم الأمور وأعاد لها حقها وسودها وشرفها وكرمها . ذلك لأنهم في الجاهلية كذلك : كان الرجل منهم إذا كره زوجته وأراد أن يفارقها أساء العشرة معها ، وضيق عليها حتى تفتدى نفسها منه ، وتترك له المهمل . جاء الإسلام فأبطل هذا الصنيع المعيب المشين ، الذي لا يرضاه عاقل ، فجعل للمرأة حقوقاً كما جعل عليها واجبات وجعل أمر زواجها بأمرها ورغبتها . ووليها وكيل عنها لا مالك لها . وجعل مهرها لها ، وميراثها لها ، وهي حرة فيما تملك . هل هناك أكثر من ذلك تكريم وإكرام للمرأة ؟ فالمرأة كانت كما مهملاً كان عليها ولم يكن لها . وجاء الإسلام وصانها ، وصان كرامتها ، وعززها ، وأغناها بتعاليمه وحدوده الحاسمة . أما قوله فإن كرهتموهن فعسى أن تكرهوا شيئاً ويجعل الله فيه خيراً كثيراً (فيقول فيه ابن كثير : فعسى أن يكون صبركم في إمساكنهن مع الكراهة فيه خير كثير لكم في الدنيا والآخرة.¹⁰

Zainab al-Ghazali, in her tafsir, explains that in pre-Islamic times, Arabs used to give inheritance to sons who died from their father's wives. The father's wife was one of the deceased's possessions. The male guardian or his child inherited it, and he can dispose of it as he wishes. If he wants, he can marry her, and if her husband wants, he can take her dowry. This was a form of harassment against women in pre-Islamic times until Islam came, and Allah sent down this verse.

Don't hurt them, and do not hurt them in their livelihood, for they will bequeath you their dowry so that you may enjoy it. This is very shameful, unfair and unjust. This is one of the types of acts of hurting women in pre-Islamic times

¹⁰ Zainab al-Ghazali, *Nazarât fî Kitâbillâh*, 290.

forbidden by Islam, who came and resolved the problem and restored her rights, honour, and generosity. This is because in pre-Islamic times, if a man among them hated his wife and wanted to separate from her, then he would treat with pressure her until she redeemed herself and abandoned her dowry. Islam came and abolished this despicable and despicable act, which no reasonable person would approve of; Islam gave rights and duties to the woman and made her marital affairs a matter of her orders and desires. Her guardian is a deputy; she has no owner. She made dowry hers, and her inheritance belonged to her, and she was free to own it. Is there anything more noble and honourable for women, the woman was as negligent as she was towards him, but not towards him. Islam came and preserved it, increased its dignity and enriched it with its strict teachings and boundaries.

As for the Prophet, PBUH said, "If you hate it, you will undoubtedly hate something, and Allah will create much good in it." So also said Ibn Kathîr, "If you are patient in holding it even though it is not liked, it benefits you a lot in this world and the hereafter."

The author concludes Zainab al-Ghazali's interpretation of the verse is that Islam forbids making women an inheritance that can be married, and that includes harassment of women, then Islam also frees women in choosing husbands. There is no coercion from any party, even if it is the guardian of the woman. According to Quraish Shihab, the husband or ex-husband is forbidden to coerce, confront and trouble 'aḍl the woman's chosen will.¹¹ Ibn Abbas (r.a.) also describes some forms of 'aḍl against women that prevailed in the pre-Islamic Jahiliyah Arab tradition. 'Aḍl

¹¹ M. Quraish Shihab, *Tafsîr al-Miṣbâh*. Vol. 2. 381.

towards a woman left dead by her husband can be: Women are made heirs among the family of the deceased husband or married (forcibly) by the heirs of the deceased husband with the intention of inheriting the woman's property if she dies, or the woman is left widowed until death and then her property is inherited, or the woman is married to someone, and the dowry is taken by the heirs of the deceased husband, or the woman may match with her choice was conditional on having to pay some property to her dead husband's family as a ransom for her. *'Adl* can also happen to married women, and this is precisely what happens the most. *'adl* in the household is briefly defined by Ibn Kathîr as the act of hurting and wasting the woman (wife) in marital relations that causes the wife to give back what has been given by the husband so that she loses her rights forcibly.

Imam As-Suyûthî explained in the tradition of Jahiliyah, the heirs of the husband inherit the wife left dead by him, whom he then marries without dowry and is married to someone else. He takes her dowry and prevents her from marrying someone else until she redeems herself with the property inherited by the husband, or they leave the wife until death and their property is taken. This is the tradition of Jahiliyah that continued until the early days of Islam and the descent of this verse.¹²

Abdullah Ibn al-Mubarak states that Q.S. an-Nisa/4: 19 contains two prohibitions aimed at different societies. First, the ban on forcibly inheriting women was aimed at the Jahiliyah community. Secondly, the prohibition of doing *'adl* by husbands against wives is addressed to Islamic societies of all ages.¹³ The statement

¹² Jalâluddîn As-Suyûthî and Jalâluddîn Al-Mahalli, *Tafsîrul Jalâlain* pada *Hasyiyyatus Shâwi 'ala Tafsiril Jalalain*, Beirut, Darul Fikr: 1424 H/2004 M, juz I, 279.

¹³ Ibnu Kathîr, *Tafsir al-Qur'an al-Adhim*, Cairo: Maktabah Dar al-turats, tth., juz I p. 466.

of Ibn al-Mubarak is true until now. Although 'adl in the traditional form as prevailed in Jahiliyyah society is hardly found, 'adl in the household continues and continues to occur.

b. Q.S. al-Baqarah/2: 232.

وَإِذَا طَلَقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ إِذَا تَرَاضُوا
بَيْنَهُنَّ بِالْمَعْرُوفِ^ق ذَلِكَ يُوعَظُ بِهِ مَنْ كَانَ مِنْكُمْ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ^ق ذَلِكَمُ أَزْكَى لَكُمْ
وَأَطْهَرُ^ق وَاللَّهُ يَعْلَمُ وَأَنْتُمْ لَا تَعْلَمُونَ ٢٣٢

When ye divorce women, and they fulfil the term of their ('iddat), Do not prevent them from marrying their (former) husbands. If they mutually agree on equitable terms. This instruction is for all amongst you. Who believe in Allah and the Last Day. That is (the course making for) most virtue and purity amongst you. And Allah knows and ye know not.¹⁴

عن معقل بن يسار ، أنه زوج أخته رجلا من المسلمين ، على عهد رسول الله - فكانت عنده ما كانت ، ثم طلقها تطليقة ، ولم يراجعها حتى انقضت العدة ، فهويها وهويتها ، ثم خطبها مع الخطاب ، فقال له : يالكم !!! أكرمتك بما وزوجتكها فطلقتها ، والله لا ترجع إليك أبدا ، آخر ما عليك . قال : فعلم الله حاجته إليها وحاجتها إلى بعلاها ، فأنزل الله (وإذا طلقتم النساء فبلغن أجلهن إلى قوله) وأنتم لا تعلمون) فلما سمعها معقل ، قال : سمعا لربي وطاعة) . وذلك شرع الله فيمن آمن به وباليوم الآخر ذلكم أزكى لكم وأطهر) من أن تأخذكم الحمية فتمنعوا الزوجة من زوجها والله يعلم وأنتم لا تعلمون) فكلوا أمركم كله إليه واستجيبوا له ، واعلموا أن الخير والحكمة فيها أمر الله تعالى به¹⁵.

¹⁴ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 102.

¹⁵ Zainab al-Ghazali, *Nazarât fî Kitâbillâh*, 139-140.

Zainab al-Ghazali, in her tafsir, explains from the hadith of Maqil bin Yasar that he married her sister to a Muslim man at the time of the Prophet. He was with her as she was, then he divorced her ultimately and did not take her back until the waiting period had passed, so he married her and her identity, then he proposed to her with Khattab, and he said to her: What a fool!! I respected you with her, and you married her, so you divorced her. Allah, it will never get back to you. That's the last thing you should do. Prophet PBUH said: Then Allah knew her need and her husband, so Allah said: (If you disobey your wives and finish their *'iddat*) according to His word (and you do not know) When Maqil heard it, he said: Listen to Allah and obey.

And that is Allah's law as to who has faith in Him and the Last Day, that which is holier to you (than a diet that feeds you and you forbid the wife of her husband, and Allah knows and you know not), then mind your own business. They are addressed to Him, and you should respond to them, knowing that Allah SWT commands the goodness and wisdom contained in them.

The author concludes Zainab al-Ghazali's interpretation of the verse is that if a woman is divorced by her husband and has expired her *'iddat*, then a wife may remarry whomever she wants without any coercion, may marry the husband who divorced her or with someone else. Later in this surah is the example of *'adl* against a divorced woman living with her husband. One of the most apparent forms of *'adl* is the prohibition made by the female guardian that she doesn't reconcile with her ex-husband even though they have both agreed to return. *'Adl* can also happen to married women, and this is precisely what happens the most. *'adl* in the household

is briefly defined by Ibn Kathîr as the act of hurting and wasting the woman (wife) in marital relations that causes the wife to give back what has been given by the husband so that she loses her rights forcibly.

The forms of *'adl* mentioned above are practices of *'adl* that partly occurred during the time of Jahiliyah and partly continued until the time of Islam. Today the "cutting-edge" forms of *'adl* in the household, according to Ibn Kathir's definition, are still widely encountered, for example, depriving the wife of external economic access so that she is entirely dependent on the husband and thus the husband controls all financial aspects of the family; creating conditions full of threats, fear and confusion so that the wife does not dare to reveal the violence, injustice, and various actions that occur her; creating such conditions that the wife is powerless to demand her rights such as good treatment and the fulfilment of decent living needs according to the husband's ability, and so on.

Like the practice of *'adl* in the Jahiliyah era, the practice of forcibly marrying women by the family of the deceased husband, as mentioned above, probably no longer exists today. However, the practice of forcing women to choose their soul mate still occurs a lot. A woman's right to self-determination, whether she will be single or marry, is still often shackled. The suppression of a woman's right to choose her future husband is a form of psychological violence that is not in line with Islamic values. In Islam, women are seen as individuals who are responsible for themselves and not commodities determined by people or societies outside themselves.

A father has no right to betroth his daughter without the child's consent. In a hadith of *Ṣaḥīḥ* Bukhari-Muslim, the Prophet stated that girls should not be married off without being asked for her consent. So did the widow. As for the sign of girls' approval, it is silence.¹⁶ The Prophet PBUH himself always asked for his daughter's approval when someone wanted to propose. In Musnad Ahmad ibn Hanbal, it is explained that when someone was about to submit to the Prophet's daughter, the Prophet PBUH mentioned the man's name in front of his daughter, and then he saw his daughter's reaction. If they are silent, it means that they agree. However, if they closed the curtains of their rooms, it was a sign that they did not like it, and the Prophet PBUH did not impose his will on them.¹⁷

In fact, what the Prophet PBUH did was not thoroughly followed by his people. Under the pretext that the guardian has rights over his child, *ijbar* (forcing a daughter to marry someone) is permissible. This is an unfounded conclusion. In response, Ibn al-Qayyim gives a logical explanation of the impermissibility of forced arranged marriages and denies those who give parents the right to marry their daughters forcibly. It says:

A father is prohibited from taking the property of her puberty and reasonable daughter, no matter how small the property, except at the willingness of the daughter. So if (with respect to property alone) this is the case, how can a father force his daughter to marry someone whom the child doesn't want without her willingness understandably, using all of a girl's property without her permission is easier for her to accept than to marry her off to someone she doesn't like. This means that a girl who has reached puberty and is sensible should not be forced into marriage except on the basis of her willingness.¹⁸

¹⁶ Muslim, *Ṣaḥīḥ Muslim*, Beirut: Dar el-Fikr, 1992, bab Isti'dzan al-Tsayyib fi an-Nikah..., hadith number 1419, Vol I, 649.

¹⁷ Taufik Abu 'Alam al-Mishri, Fatimah Az-Zahra', Pustaka Pelita, Bandung, 1999, 144.

¹⁸ Ibnu Hajar al-'Asqalânî, *Bulûg al-Marâm*, Semarang: Pustaka Alawiyah, tth.,205.

This opinion of Ibn al-Qayyim is the opinion of the majority of salaf scholars, including the schools of Abu Hanîfah and Imam Ahmad ibn Hanbal. Islam strictly forbids the practices of inheriting women (forcibly marrying widows whose husbands die), forcibly marrying women, and extorting women, as mentioned above, while placing women on the level of humanity as the Children of Adam who are equal to men. Islam recognizes a woman's right to self-determination while protecting her from the coercion of others. This equality of men and women, according to Sayyid Qutb's commentary, is one of the original Qur'anic views on man and humanity that was previously unknown to human civilization.¹⁹

3. Sexual Violence

In the Law on the Elimination of Domestic Violence Number 23 of 2004 Article 8, what is meant by sexual violence includes forced sexual relations committed against people who live in the scope of the household and against one person within the scope of his household with other people for commercial purposes or specific purposes.²⁰

a. Q.S. al-Baqarah/2: 223.

نِسَاؤُكُمْ حَرْثٌ لَّكُمْ فَأَتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ وَقَدِّمُوا لِأَنفُسِكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مُلْقَوَةٌ وَيَشْرِ

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¹⁹ Sayyid Qutb, *Fî Zilâl al-Qur'ân*, 605-606.

²⁰ *Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence*, 5.

Your wives are as a tilth unto you so approach your tilth when or how ye will but do some good act for your souls beforehand; And fear Allah and know that ye are to meet Him (in the Hereafter), and give (these) good tidings to those who believe.²¹

والنساء حرث لأنهن موضع الولد ، وهى متاع حلال للزوج يأتيها متى شاء وكيف شاء ، على ألا يكون ذلك إلا في الموضع الذي أحله الله وفي الزمن الذي حدده الله. وقدموا لأنفسكم (بفعل الطاعات ، وامتنال ما نهاكم عنه من ترك المحرمات ... فذلك يكون ذخرا في الآخرة .. واتقوا الله واعلموا أنكم ملاقوه) وسيحاسبكم على أعمالكم .. ما أسررتم وما أعلنتم. وبشر المؤمنين (الذين التزموا منهج الله في شئون حياتهم كلها).²²

Zainab al-Ghazali, in her tafsir, explains that women are likened to gardens because they are a place of childbirth, and it is a lawful pleasure for the husband. He can obtain it whenever he wants and how he wants, provided that it only happens in a place that is lawful of Allah and at a time that is lawful by Allah. Allah has determined. And sustenance for yourself by doing obedience and obeying what he forbids you to do, such as forsaking things that are banned because they will become treasures in the hereafter. Be fearful of Allah and know that you will meet Him, and He will hold you accountable for your deeds, what you keep secret, and what you declare. And bring glad tidings to believers who have Allah's approach in their lives.

The author concludes Zainab al-Ghazali's interpretation of the verse is that a wife is a garden that gives birth to children and is also a lawful pleasure for a husband. The husband can court his wife at any time, provided that he doesn't violate and shuns what is forbidden and obeys what Allah has prescribed. Indeed, what a person has done will be held accountable in the hereafter. Al-Razi mentions

²¹ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 96.

²² Zainab al-Ghazali, *Nazarât fi Kitâbillâh*, 134.

that in this verse it contains the meaning of likeness (*tashbih*).²³ The assumption of women as fields, men as seed spreaders, and children, as a result, is a form of resemblance to seeds planted on land that produces crops. The similarity of these two things serves as *mubalaghah* that can reinforce the message of the desired meaning of having sex with women in its place. The same expression is explained by al-Jaziri, who mentions *tashbîh*, which is used in the Qur'an as a form of resembling a field as a place for growing plants with women as a place for developing fetuses.²⁴ This suggests that the process of growing plants in the field is equated with the process of growing and developing sperm in a woman's body.²⁵

This verse is often used as a basis for legitimizing male sexual authority, even though it is far from the context and rationale of the above verse. Women are likened to gardens that can be planted at any time, depending on men's preferences. This actually answered the question of the Companions, who asked the Prophet PBUH the answer to the Jewish myth that a man who approaches his wife from behind will give birth to his child with narrow eyes. This sentence actually has the function of clarifying sexual problems that are developing in society, such as not allowing men to freely have sex with their wives without paying attention to the wife's pleasure factor. Men are seen as more entitled to sexual pleasure on the basis of the Qur'an, which is interpreted by placing women as objects likened to planting

²³ Fakr al-Din Al-Razi, *Mafâtiḥ al-Ghayb*, vol. 17 (Bayrut: Dar Ihya' al-Turath al-'Arabi, 1420), 421.

²⁴ Abu Bakr Al-Jazayri, *Aysar al-Tafâsîr li Kalâm al-'Alî al-Kabîr*, vol. 1 (Madinah: Maktabah al-'Ulum wa al-Hukm, 2003), 206.

²⁵ Majir al-Din bin Muhammad al-Maqdisi, *Fath al-Rahman fî Tafâsîr al-Qur'an*, vol. 1 (Damaskus: Dar al-Nawadir, 2009), 315.

seeds. Interpretation with this model is a form of authoritarianism that tends to take on a single meaning by denying all other possible meanings.²⁶

Women are often forced to obey men's wishes in the name of religion. Egyptian feminist doctor Nawal El Saadawi says sexual perversion is based on religion, and women, in general, are victims. The myth of virginity and purity that only applies to women is clearly a form of exploitation of women's bodies in the name of God.²⁷ Iranian activist Farzaneh Milani made a similar statement, stating that women are always the object of sexual relations.²⁸ When sexual abuse and violence occur, women are at higher risk of becoming victims. This happens because the culture already views men as creatures who are prone to rape-free and women as creatures who are prone to rape-prone.²⁹

At-Thabari best explains the explanation of the ethics of having sex by having sex with them where they should be. This is because, ethically, having sex with a partner is based on an attempt to produce offspring, not for the gratification of sexual desire, so doing so must be in a place that can produce offspring, namely al-farj.³⁰

In Islam, the Qur'an states that sexual intercourse is one of God's pleasure. Sexual pleasure and encouragement are directed not only at men but also at women. *"They are clothes for you, and you are clothes for them"* (Q.S. al-Baqarah/2:187).

²⁶ M. Amin Abdullah, *Islamic Studies Di Perguruan Tinggi: Pendekatan Integratif-Interkonektif* (Yogyakarta: Pustaka Pelajar, 2006), 274.

²⁷ Abdul Mogsit Ghozali, *Tubuh, Seksualitas dan kedaulatan Perempuan: Bungan Rampai Pemikiran Ulama Muda*, (Cet. 1, Yogyakarta: LKiS, 2001), 11.

²⁸ Farzaneh Milani, *Veils and Words The Emerging Voices of Iranian Women Writers*, (New York: Syracuse University Press, 1999), 142.

²⁹ Nasaruddin Umar, *Argumen Kesetaraan Gender: Perspektif Al-Qur'an*, (Cet. 1; Jakarta: Paramadina, 1999), 57.

³⁰ Al-Zamakhshari, *al-Kashshaf 'an Haqaiq Ghawamid al-Tanzil*, 1:266.

Sexual relations in Islam are holistic. In addition to meeting biological needs and completing social relationships with each other, there is also worship. Many hadith of the Prophet mention that sexual intercourse is a sunnah that must not be abandoned. In the hadith of Abdullah bin Amr, narrated by Bukhari, he said that his companions fasted during the day and prayed at night expectantly in the hope of gaining a more honourable position in the eyes of Allah, to which the Prophet responded: *"Don't do it like that! Fast and be open, get up and sleep because verily your body has its right, and your wife also has its right"*.³¹

Aisyah, the Prophet's wife, often innocently recounted her personal experiences with the Prophet. Husayn ibn Abdillah once said in a hadith: *"The series of sexual relations begins with fondling (mula'abah)"*. Another hadith related to this issue is: *"Fulfill your wife's sexual needs at least once in a clean period (a month)"*. When having sex, it is recommended to be calm (self-controlled) and challenging. After intercourse, it is called a junub bath, which begins with basmallah ending with tasyahud (saying two sentences of shahadah).

b. Q.S an-Nur/24: 33

وَلَيْسَتَّعْفِيفِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُعْزِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتَغُونَ الْكِتَابَ مِمَّا مَلَكَتْ
 أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَأَتَوْهُمْ مِنْ مَالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تَكْرَهُوا فَذَلِكُمْ عَلَى

³¹ Sahîh al-Bukhari, Vol IV, h. 157. H. 105.

الْبِعَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لَتَبْتَعُنَّوَا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ

رَحِيمٌ ٣٣

Let those who find not the wherewithal for marriage keep themselves chaste, until Allah gives them means out of His grace. And if any of your slaves ask for a deed in writing (For emancipation) Give them such a deed. If ye know any good in them; yea, give them something yourselves out of the means which Allah has given to you. But force not your maids.³²

4. Economic Violence/Domestic Neglect

Economic violence is the abandonment of a person within the scope of his household when, according to the law applicable to him or by agreement or agreement, he is obliged to give life, care or maintenance to that person. This is in accordance with Article 9, paragraph 1 in the Law on the Elimination of Domestic Violence Number 23 of 2004.³³

a. Q.S. al-Baqarah/2: 229

الطَّلَاقُ مَرَّتَيْنِ فَمَا سَاكُ بِمَعْرُوفٍ أَوْ تَشْرِيحٍ بِإِحْسَانٍ وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا بِمَا

أَتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا

جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهَا تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ

فَأُولَئِكَ هُمُ الظَّالِمُونَ ٢٢٩

A divorce is only permissible twice after that. The parties should either hold together on equitable terms or separate with kindness. It is not lawful for you (Men).

³² Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 1014-1015.

³³ *Law of the Republic of Indonesia Number 23 of 2004 concerning the Elimination of Domestic Violence*, 5.

To take back any of your gifts (from your wives), Except when both parties fear that they would be unable to keep the limits ordained by Allah If ye (judges) do indeed.³⁴

كان الرجل - في أول العهد بالإسلام - يحق له أن يراجع امرأته في عدتها وإن طلقها مائة مرة .. فكانت النساء يتضررون من ذلك .. فقصر الله الطلاق إلى مرتين ، يحل للزوج أن يراجع زوجته خلال فترتي العدة المتعلقة بهما ... فإن طلقها الثالثة ، فلا يحل له أن يراجعها في فترة العدة. فسمى المرتين الأوليين (طلاقاً) وسمى الثالثة (تسريحاً ، وجعل الإمساك بالمعروف والتسريح مصحوبين بالإحسان مادام الرجل هو الذي قرر الطلاق ولا يحل للزوج أن يطلق زوجته مقابل مال يأخذه منها - من المال الذي أعطاه إياها كله أو بعضه - إلا أن يخاف ألا يقيم حدود الله في زوجته ، من حسن العشرة والإمساك بالمعروف ، وذلك حال نشوزها عليه .. أو تخاف هي حدود الله ، فلا تؤدي حق زوجها ، وذلك مفهوم من قوله تعالى : فلا جناح عليهما فيها افتدتت به) وهذا ما يسميه الشارع بالخلع ، وهو أن تطلب الزوجة الطلاق من زوجها نظير مال تدفعه إليه ، وهو « الافتداء » المذكور في الآية. وقد حدث في زمن النبي - - أن امرأة ثابت بن قيس بن شماس أنت النبي فقالت : يا رسول الله ما أعيب عليه في خلق ولا دين ، ولكن أكره الكفر في الإسلام) . فقال رسول الله - - أتردين عليه حديثه؟؟ قالت : نعم . قال رسول الله - - اقبل الحديقة وطلقها تطليقة والأولى ألا يأخذ الزوج من زوجه أكثر مما أعطاه ، ولا أن يعضلها فيما لا تملك. طالما أنها قد طلبت الطلاق : مخافة ألا يقيما حدود الله. تلك حدود الله (وشرائعه في أمر الطلاق ، فلا تعتدوها) بغير ما أمر الله ، أو باقتراف ما نهي عنه ومن يتعد حدود الله فأولئك هم الظالمون)³⁵.

Zainab al-Ghazali, in her tafsir, explains that at the beginning of Islamic times, a man had the right to return his wife during the period of 'iddat, even though he divorced her a hundred times, and women were harmed because of it. So Allah limits talaq only twice, and it is permissible for a husband to reconcile with his wife

³⁴ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 99.

³⁵ Zainab al-Ghazali, *Nazarât fî Kitâbillâh*, 137-138.

during the two periods of *'iddat* in question, and if he divorces his wife a third time, then it is not permissible for a husband to reconcile with his wife again during that *'iddat*.

So it was named twice, the first as "divorce" and the third as "dismissal", and he justified it. His release is accompanied by almsgiving, provided that it is the male side who decides to divorce. No husband shall divorce his wife in return for the money he took from her, whether from the money he gave her, in whole or in part, unless he feared not to uphold God's limits on his wife, such as good treatment and clinging to what is right, that is, if she rebelled against him or she feared God's limits, then she will not fulfil her husband's right, and this is understood from the words of Allah the Exalted: "then both of them shall not sin for the payment (to be) given (by the wife) to redeem herself." This is the so-called *khulu'* law. The wife has the right to seek her husband's divorce in exchange for money paying it to Him, which is the "redemption" mentioned in the verse.

And that it happened at the time of the Prophet PBUH that the wife of Thabit bin Qais bin Shammas, you were the Prophet PBUH, and he said: O Messenger of Allah, I do not find fault with her in her morals or religion, but I hate her disbelief in Islam. Then the Prophet PBUH said: "Will you return her garden?" He said yes. The Prophet PBUH said: "Accept the garden and divorce her forever".

The author concludes Zainab al-Ghazali's interpretation of the verse is that before the coming of Islam, the husband could refer as much as possible to his wife during her *'iddat*, but Islam limited it to only two references. And the husband is forbidden to take the property that has been given to his wife, such as dowry, unless

it is feared that it may violate the Limits of Allah, then it is permissible. The wife has the right to ask her husband for divorce for a fee as a form of self-redemption, which is called *khulu'*. The husband may take it, but it is better not, and it is advisable not to add it. According to Quraish Shihab, a husband should not take anything that has been given to his wife unless the wife performs *khulu'* to obtain a divorce, which means that the married life can no longer be maintained.

Shîkh Jalaluddin as-Suyuthi, in his tafsir, *ad-Durrul Mantsûr fî Tafîsîril Ma'tsûr*, mentions the issue of ownership of private property for women once arose during the time of khalîfah Umar bin Khattab. He tried to restrict women's right to dowry. In a sermon, and instructed that dowries that would later become women's private property be limited to a maximum of four hundred dirhams. The reason is that the Prophet PBUH and his companions used to give a dowry of that amount or smaller. As soon as he stepped down, a Quraysh woman rose and questioned the reason for the restriction. The woman said that if Allah alone never limits the amount given to a woman, as stated in Q.S. an-Nisa/4: 20, then why does he define it? Hearing the protest, *khalîfah* immediately retracted his statement while admitting that the woman was right. After that, there were no more restrictions on women's right to dowry.³⁶

The Qur'anic statement about the property rights of wives, as implied in the above verse, does seem simple. But actually, with this recognition, the Qur'an has opened up opportunities for wives to have economic access. With the property she has, the wife can make good use of the property according to her wishes, whether

³⁶ Jalaluddin as-Suyuthi, *ad-Durrul Mantsûr fî Tafîsîril Ma'tsûr*, Vol. 4, 293.

for business capital, for almsgiving, or social activities. Thus, economic dependence on husbands, who are often the culprits of violence, marginalization³⁷ and subordination³⁸ Women in the household can be minimized.

Although women's private property rights are guaranteed, it doesn't mean that Islam draws a sharp dividing line between husband and wife property. In the framework of *mu'âsyarah bil ma'rûf and ta'âwun ala al-birri wa at-taqwâ* (please help kindness and devotion), wives who have more wealth and economic ability are encouraged to help their husbands like what Siti Khadijah did to Prophet Muhammad PBUH and Zainab to her husband, Ibn Mas'ud. Thus, private property is recognized without sacrificing the principle of mutual assistance between husband and wife.

b. Q.S. an-Nisa/4: 20.

وَإِنْ أَرَدْتُمْ اسْتِبْدَالَ زَوْجٍ مَّكَانَ زَوْجٍ وَآتَيْتُمْ إِحْدَهُنَّ قِنْطَارًا فَلَا تَأْخُذُوا مِنْهُ شَيْئًا
 أَتَأْخُذُونَهُ بُهْتَانًا وَإِثْمًا مُّبِينًا ۚ

But if ye decide to take one wife in place of another, even if ye had given the latter a whole treasure for dower, take not the least bit of it back: would ye take it by slander and a manifest sin?³⁹

³⁷ Marginalization is an effort that makes someone cornered or sidelined. See Adi Gunawan, *Kamus Praktis Ilmiah Populer*, (Surabaya: Penerbit Kartika, t.t), 308.

³⁸ Subordination is a degrading act. See Adi Gunawan, *Kamus Praktis Ilmiah Populer*., 488.

³⁹ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 214.

وإذا أراد الرجل أن يطلق زوجته ليستبدل بها زوجة ثانية وقد أعطها قنطاراً من الذهب، لا يحل له أن

يأخذ منه شيئاً . وإذا شاء أن يأخذ منها شيئاً فذلك بهتان وإثم عظيم⁴⁰ .

Zainab al-Ghazali, in her tafsir, explains that if a man wants to divorce his wife in order to be replaced by a second wife, and he has given her a quintal of gold, then he should not take anything from her. If he wants to take something from her, it is slander and a Big sin.

Then how do you get back the dowry, even though some of you have *jimâ'* each other"? That is, intercourse with each other; as Ibn Abbas said, How do they take their dowry when there is already a contract and agreement? And in *Şaḥîḥ Muslim*, from Jabir, in the sermon of Hajj, the Prophet PBUH said in it, "And fear." Allah to women because You took them with Allah's trust and justified their aurat with Allah's words.

The author concludes Zainab al-Ghazali's interpretation of the verse is that a husband who wants to divorce his wife should not take back the dowry that has been given. If he takes it, then it is an excellent tyranny and sin. Islam opposes economic violence. Because the husband is obliged to provide sustenance, clothing, and shelter for his wife and children. The husband is also obliged to give dowry to his wife, which can become a debt owed by the husband if it is delayed and must be paid like other debts. Depriving a woman of the right to dowry is considered a grave sin. Therefore, on the Day of Judgment, Allah will forgive all sins, except for

⁴⁰ Zainab al-Ghazali, *Naẓarât fî Kitâbillâh*, 291.

the one who takes the wife's dowry, the one who takes the wages of the worker, and the one who sells the free (to enslave her). The existence of legal threats against husbands who violate the wife's rights in the form of dowry shows that Islam pays excellent attention to legal considerations in overcoming economic violence in the family. The dowry belongs to the wife, and the husband's reluctance to give it to the wife or take it back after giving it means that the husband has committed economic violence against his wife.

Quraish Shihab said often, the husband makes false accusations or threatens to accuse his wife so that by that accusation, the husband has a reason to take what he has given, or the threatened wife is afraid lest people believe the accusation, so she provides what the husband asks for, and that is one of the great sins.⁴¹ Therefore, it can be said that Islam legally protects wives from economic violence perpetrated by husbands by forbidding husbands from taking dowries given to them without their consent. Given the importance of the right to provide for the wife and children, the wife may take it alone without her husband's knowledge. As Abu Sufyan's wife, Hindun bint Utbah, reported to the Prophet PBUH that Abu Sufyan was a miser.⁴² This suggests that a husband's unwillingness to provide a decent living for his wife (economic violence) can be reported to the leader. In this case, the position of the prophet Muhammad PBUH is not just as a religious leader but also as a leader of the people of Medina. The Prophet's approval of Hindun Bint Utbah's actions was because Hindun only took what was rightfully her.

⁴¹ M. Quraish Shihab, *Tafsîr al-Miṣbâh*, 385.

⁴² Muslim Ibn al-Hajjaj Abû al-Husain al-Qushairi an-Nisâburi, *Sahîh Muslim*. Beirut: Dar al-Hadîts. Vol I. 2001, hadith no. 3233.

B. The Qur'anic Solution to Domestic Violence by Zainab al-Ghazali

1. Physical Violence

Conflicts and quarrels are common in marriages. In cases where the disagreement cannot be found, divorce is the last way out. However, if there is still a gap to find common ground, the Qur'an provides the best solution which is islah or reconciliation. Both divorce and islah actually imply peaceful ways of resolving conjugal feuds. A valid divorce decided in front of a fair judge is a peaceful solution for a marriage that turns out to make a married couple or one partner suffer for life due to violence, pressure and painful actions committed by their partners. However, Islam does not actually want divorce to take place. Therefore, the Qur'an offers islah as the ultimate peaceful solution for husbands and wives involved in disputes or conflicts. Allah SWT says in Q.S. an-Nisa/4:35.

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا
يُوفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا ٣٥

If ye fear a breach between them twain. Appoint (two) arbiters. One from his family, and the other from hers; If they seek to set things aright. Allah will cause their reconciliation: For Allah hath full knowledge and is acquainted with all things.⁴³

إن من رقى الإسلام ، وطهارة مقاصده أن في شريعته بذل قصارى الجهد من أجل الحفاظ على أمن واستقرار الأسرة والحياة الزوجية ، وألا تغرس فيها بذور الشقاق والخلاف والشقاء . يقول الإمام الرازي

⁴³ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 220.

: (اعلم أنه تعالى لما ذكر عند نشوز المرأة أن الزوج يعظها ، ثم يهجرها ، ثم يضربها ، بين أنه لم يبق بعد الضرب إلا المحاكمة إلى من ينصف المظلوم من الظالم فقال هذه الآية) فيقوم الحكمان هنا بالحكم والتصالح بينهما ، والحكمان من قبل الطرفين ينظران في أمرهما ، ويمنعان الظلم بينهما ، ويفعلان ما فيه الخير والصلاح للطرفين ، ويقومان بنصح الزوجين معاً ، أو كل منهما على انفراد ؛ إن كان ذلك أصح . وللحكّمين أن يفرقا إذا أبي الزوجان إلا التفرقة ، أو ظهر من أحدهما ذلك بعد محاولات التوفيق وقرار الحكّمين معتبر ونافذ حسب ما يقع بين أيديهم من أدلة وأسباب للإصلاح أوالتفريق⁴⁴.

Zainab al-Ghazali, in her tafsir, explains part of the progress of Islam and its purity objective is that in its law, every effort is made to maintain the security and stability of family and marital life and not to plant seeds of discord in conflict and poverty. Imam Ar-Razi said: Know that when Allah Almighty mentions when a woman is lawless, then her husband rebukes her, then abandons her, then beats her; he explains that after the beating, there is nothing left but trials before her, the oppressor says this verse.

The two judges made up their minds and made peace between them, and the two judges, on behalf of both parties, investigated their matters, prevented injustice between them, and did what was suitable for both parties. By advising both partners jointly or individually, If it is true. And for those two judges. They will separate if their partner refuses to separate or if one of them seems to do so after reconciliation attempts. The decisions of the two judges are considered and can be implemented according to the evidence and reasons in their hands.

⁴⁴ Zainab al-Ghazali, *Naẓarât fî Kitâbillâh*, 298-299.

The author concludes Zainab al-Ghazali's interpretation of the verse is that if there is a quarrel or dispute in the household, it is recommended that the judge can reconcile the two, but if it cannot be negotiated, then the last resort is divorce, and all decisions are left to both (husband and wife). According to Quraish Shihab, In ordinary courts, judges often do not pay attention to the course of disputes. In contrast, in family peace courts, judges usually do their best to restore peace and sincerity between the two married couples and try to return them home.⁴⁵

The Qur'anic statement that beatings are the last alternative for husbands whose wives are *nusyuz* should not be understood as an exhortation to violence against women. Because in the same verse it is stated that a more important and effective method than the beating itself is *mauidhah* and bed separation. *Mauidhah* (giving good advice) and separating beds (not separating houses and not keeping each other quiet) are indeed the surefire methods introduced by the Qur'an to minimize violence in the form of beatings. In a socio-cultural context that is so permissive towards violence, the two methods presented in this verse really offer something that goes against the grain and accommodates women's interests.

According to the author, the beating of a *nusyuz* wife is not a recommended goal or method but rather a tradition that the Qur'an wisely desires to abandon. In the hadith of the Prophet, very few hadiths serve as *taqyid* (restriction) of the first (*mauidhah*) and second (bed separation) methods. This means that both ways are considered safe and not much risk. To avoid beatings, the Prophet frankly

⁴⁵ M. Quraish Shihab, *Tafsîr al-Miṣbâh*, 521-522.

recommended separating the bed only to husbands who saw signs of nusyuz on his wife. In a hadith it is stated:

عن أبي حرة الرقاشي عن عمه: أن النبي فإن خفتن نشوزهن فاهجروهن في المضاجع. (رواه أبو داود)

From Abu Hurrah ar-Raqqasyi of his uncle, the Holy Prophet (peace be upon him) said, "If you are worried about your wives nushuz, separate the bed with them." HR. Abu Dawud.⁴⁶

2. Psychic Violence

On the subject of psychic violence, the Qur'an speaks of the prohibition of *'adl* and the treatment of women as inheritance, the prohibition of wasting wives and ex-wives. In this verse, it is forbidden to do *'adl* and treat women like inheritance. *'Adl* which means suppressing, narrowing, preventing and blocking the will of others. Currently the form of *'adl* in the household for example: making the wife has no economic access out so that it is completely dependent on the husband so that the husband controls all aspects of the family economy; creating conditions full of threats, fear and confusion so that the wife does not dare to reveal the violence and various actions that befall her. Making the wife powerless to demand her rights such as good treatment and the fulfillment of decent life needs according to the husband's ability.

At Q.S. al-Hujurat/49: 11

⁴⁶ Abu Dawud, *Sunan Abi Dawud*, Beirut: Dar al-Fikr, t., Kitab *an-nikah* bab *fi dharb al-mar'ah*, Hadith 2145, vol. 2, 244.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرْ قَوْمٌ مِنْ قَوْمٍ عَسَىٰ أَنْ يَكُونُوا خَيْرًا مِنْهُمْ وَلَا نِسَاءٌ مِنْ نِسَاءٍ عَسَىٰ أَنْ

يَكُنَّ خَيْرًا مِنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأِسْمُ الْفُسُوقُ بَعْدَ الْإِيمَانِ وَمَنْ لَمْ

يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ١١

O ye who believe! Let not some men among you laugh at others: It may be that the (latter) are better than the (former): Nor let some women laugh at others: It may be that the (latter) are better than the (former): Nor defame nor be sarcastic to each other, Nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness, (to be used of one) after he has believed: and those who do not desist are (indeed) doing wrong.⁴⁷

Allah SWT forbidding from ridiculing others, i.e. reproaching and insulting them The verse indicates the prohibition against harassment against a community and against a person. Acts of harassment and humiliation like this can disturb a person's psychology, if it occurs in the household, it will be included in domestic violence in the form of psychological violence.

The writer wraps up theverse can be interpreted, according to Zainab al-Ghazali, as follows: if a woman is divorced from her husband and her *'iddat* has elapsed, she is free to marry another, with or without her former spouse. The restriction by the female guardian not to make amends with her ex-husband, even after they have both consented to return, is one of the most evident examples of *'adl* against a divorced woman living with her husband that is given later in this surah.

⁴⁷ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 1591-1592.

Married women are also susceptible to 'adl, and in fact, this is the most common occurrence.

3. Sexual Violence

Trafficking in women is a fact that is prevalent today, especially in big cities. Obviously this act is very sadistic, because women are not only deprived of their rights to their own bodies, but also torn away their honor and dignity as human beings and make women suffer body and soul, body and mind. This is clearly forbidden by the Qur'an in Q.S an-Nur/24: 33

وَلْيَسْتَعْفِفِ الَّذِينَ لَا يَجِدُونَ نِكَاحًا حَتَّى يُغْنِيَهُمُ اللَّهُ مِنْ فَضْلِهِ وَالَّذِينَ يَبْتِغُونَ الْكِتَابَ مِمَّا مَلَكَتْ

أَيْمَانُكُمْ فَكَاتِبُوهُمْ إِنْ عَلِمْتُمْ فِيهِمْ خَيْرًا وَآتُوهُمْ مِّنْ مَّالِ اللَّهِ الَّذِي آتَاكُمْ وَلَا تُكْرَهُوا فَتَيَاتِكُمْ عَلَى

الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِّتَبْتَعُوا عَرَضَ الْحَيَاةِ الدُّنْيَا وَمَنْ يُكْرِهِنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرَاهِهِنَّ غَفُورٌ

رَحِيمٌ ٣٣

Let those who find not the wherewithal for marriage keep themselves chaste, until Allah gives them means out of His grace. And if any of your slaves ask for a deed in writing (For emancipation) give them such a deed if ye know any good in them; yea, give them something yourselves out of the means which Allah has given to you. But force not your maids to prostitution when they desire chastity, in order that ye may make a gain in the goods of this life. But if anyone compels them, yet, after such compulsion, is Allah Oft-Forgiving, most Merciful (to them).⁴⁸

⁴⁸ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 1014-1015.

Clearly the Qur'an sided with the rebellion of women who dared to oppose their superiors who wanted to exploit her, the Qur'an came down by defending women even though they were slaves. By justifying women's attitudes regardless of status, the Qur'an has guaranteed all women the right to exercise control over their bodies and themselves. If only against slaves Islam is so protective, so is the case with free women. Even with a stronger degree. Today slavery no longer exists in the world and that means all women have free status. This means that sexual exploitation of women, whoever they are, regardless of religion, is deeply condemned by God. The writer ends According to Zainab al-Ghazali's reading of the phrase, a wife is both a legitimate pleasure for a husband and a garden that bears fruit. If a husband follows Allah's instructions and refrains from breaking any prohibitions, he is free to pursue his wife whenever he pleases. It is true that one will answer for their actions in the afterlife.

Then, on Q.S. an-Nisa/4: 19.

....وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا ۙ ١٩

On the contrary live with them on a footing of kindness and equity. If ye take a dislike to them it may be that ye dislike a thing, and Allah brings about through it a great deal of good.⁴⁹

وجعل مهرها لها ، وميراثها لها ، وهي حرة فيما تملك . هل هناك أكثر من ذلك تكريم وإكرام للمرأة ؟ فالمرأة كانت كما مهملاً . كان عليها ولم يكن لها . وجاء الإسلام وصانها ، وصان كرامتها ، وعززها ، وأغناها بتعاليمه وحدوده الحاسمة . أما قوله فإن كرهتموهن فعسى أن تكرهوا شيئاً ويجعل

⁴⁹ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 213.

الله فيه خيراً كثيراً) فيقول فيه ابن كثير : فعسى أن يكون صبركم في إمساكنهم مع الكراهة فيه خير كثير لكم في الدنيا والآخرة.⁵⁰

This verse Affirms the existence of a command to treat wives in a *ma'rûf* manner. In addition, the Prophet PBUH emphasized and set an example of being affectionate and providing protection to his wives. Giving affection, in this case, is a tangible form of offering protection and providing a sense of security to the wife. Ibn Katsîr also exemplifies the example of the prophet's morality towards wives, namely always showing happiness, playing with them, being affectionate and delicate, loosening the bread, and joking with them and others.⁵¹

According to Musthafa al-Maraghi, the sentence *mu'âsyarah* in the above verse contains the meaning of *masharakah* and *masawah* (interaction): it means that associate them in a good way should they also associate you in the same way. The word *al-Ma'rûf* means something that character, not hated by Sharia likes', tradition and self-respect. Therefore, according to Mustafa al-Maraghi, married couples must be comforters and sorrows for others and create peace of mind and happiness in their households. Shîkh Nawawi al-Bantani interpreted:

"If you do not like them, then keep them as wives well. Don't divorce them just because of a dislike of the heart, while none of the factors make him dislike them. It may be that you do not like them while Allah does a lot of good by being their husband. Such as getting a (pious) child so that dislike turns into love, getting a very great reward in the hereafter, and beautiful praise in the world for continuing to provide for and still doing good to them even though it is actually against the heart."⁵²

⁵⁰ Zainab al-Ghazali, *Nazarât fî Kitâbillâh*, 291.

⁵¹ Ismâ'il bin Umar bin Katsîr ad-Dimasyqi, *Tafsîrul Qur'ânîl 'Âzhîm*, (ttp., Dâr Thaibah: 1420 H/1999 M), Vol II, 242.

⁵² Muhammad Nawawi Al-Jawi, *At-Tafsîrul Munîr li Ma'âlimit Tanzîl*, Beirut: Dar al-Fikr, (1425 H/2006 M), juz I, 159.

4. Economic Violence

At Q.S. at-Talaq/65: 7

لِيُنْفِقْ ذُو سَعَةٍ مِّن سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا^ق

سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا^ق ٧

Let the man of means spend according to his means: and the man whose resources are restricted, Let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficulty, Allah will soon grant relief.⁵³

Wahbah Zuhaili in his tafsir Al-Munîr explains, let the father or guardian of the child provide for the child according to his ability, strength, and ability. Whoever is poor or deprived of sustenance, let him provide a living from the sustenance that Allah SWT gives Him according to the measure of his ability, not more than that. This is as Allah SWT says in the verse, "Allah does not burden a person but according to his ability." (al-Baqarah: 286) Then the verse continues, "Allah does not carry a burden on a person but only what He gives him". That is, Allah SWT does not burden a person but according to the sustenance He gives him. Allah SWT does not burden the poor to provide for their wives and families like rich people beyond the limits of their economic ability and ability.

The writer ends According to Zainab al-Ghazali's interpretation of the passage, the husband was free to make as many references to his wife during her

⁵³ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 1768.

'iddat' before the arrival of Islam, but Islam restricted this to only two. Additionally, it is unlawful for a husband to seize assets that have been granted to his wife, such as dowry, unless there is a reasonable concern that doing so would violate Allah's prohibitions. In that case, it is acceptable. As a kind of self-redemption, the wife has the right to ask her husband for a divorce in exchange for a payment known as "khulu." The husband may accept it, although it is preferable not to and it is advised not to add it.

Islam is believed to be a religion that highly upholds human values, justice values, and egalitarian values. This has been recognized as conceptually ideal. It is known from all his teachings that contain the ideal of social life that frees man from the name of oppression, barbarity, and tyranny. Be it violence against the state, society, also in the smallest institution, namely the household. This means that Islam does not condone violence that occurs even in the small scope of the household. Islam itself does not recognize any term or definition of the word "violence" specifically. Precisely in the teachings of Islam expressly prohibit it both in the realm of the state, society and household. Evidenced by the many verses of the Quran and hadith that confirm it. Conflicts and quarrels are common in households. In cases where the disagreement cannot be found, divorce is the last way out. But if there is still a gap to find common ground, the Qur'an provides the best solution, namely ishlah or reconciliation. Allah (swt) said in Q.S. an-Nisa/4:128.

وَإِنْ امْرَأَةٌ 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 ١٢٨

If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; And such settlement is best; even though men's souls are swayed by greed. But if ye do good and practise self-restraint, Allah is well-acquainted with all that ye do.⁵⁴

إذا أحست الزوجة من زوجها جفاء وسوء معاملة ، فلا مانع أن يستعينا بالأهل والعلماء من أهل التقوى والصلاح ، ليتدخلوا في الصلح بعد أن تنفذ حيل الزوجين من أجل الصلح بينهما. والله سبحانه وتعالى المطلع على ما في القلوب ، وسيجزى من يتحمل من الزوجين ، ويبدل من الخير ويؤثر على نفسه ، لتبقى العشرة ، وتدوم تربية الأبناء معهم ، وتحت رعاية أبوين.⁵⁵

Zainab al-Ghazali in her tafsir explains that if a wife feels cruelty and ill-treatment from her husband, then there is nothing wrong with asking for help from her family and scholars who are taqwa and shaleh, so that they can interfere in reconciliation after the husband and wife have exhausted their minds to reconcile between them. It is Allah SWT who knows what is in the heart, and He will reward any of the couples who are tolerant, chalky, and influence themselves, so that the family remains sustainable, and the children are raised with them and under the care of parents.

⁵⁴ Abdullah Yusuf Ali, *The Holy Qur'an, English Translation of the Meanings and Commentary*, 256-257.

⁵⁵ Zainab al-Ghazali, *Nazharat fi Kitabillah*, 337.

The author concludes Zainab al-Ghazali's interpretation of the verse is that if the wife gets violence from the husband, then the wife can ask the judge for help to reconcile the two. So, what the Qur'an offers is taken by involving a third party, namely two hakam people who represent husband and wife so that both can help solve husband and wife problems fairly, calmly, not emotionally, and not vigilante. This verse implies that conjugal conflict is not a taboo issue to be resolved outside the home. Quraish Shihab said, this verse gives guidance to teach every Muslim and Muslim woman to face and try to solve problems as soon as the signs are seen or felt, and before the problem becomes big and difficult to solve. For example, the wife or husband gives or sacrifices some of his rights to his spouse, and that peace in all things as long as it does not violate the divine requirements is better for anyone who quarrels including husband and wife.⁵⁶

Islam leads anyone, including husbands, to provide learning or educate family members by prioritizing morals and ethics that are justified in Islamic law. The leading cause of this problem is the loss of the value of religion as a set of values that are respected and exalted by humans and used as a guide for human life in this world and the hereafter. Because, of course, only religion can regulate social problems based on individual consciousness.⁵⁷ If you understand religious teachings with a wrong view because, as stated by the Qur'anic verses and hadith of the Prophet PBUH above, it does not justify the name of violence, including domestic violence. But religion must still be used as a strong handle and must have

⁵⁶ M. Quraish Shihab, *Tafsîr al-Miṣbâh*, 603.

⁵⁷ Musiana, M. *Kekerasan Dalam Rumah Tangga (Studi Kasus Terkait Kekerasan Terhadap Istri)*. AL-WARDAH: Journal of Female, Gender And Religious Studies. 2021, 83.

a correct and robust understanding because religion has a dominant position in one's life. So, religion provides a solid legitimacy base for one's actions. However, it should be underlined that the problem is not in religious teachings that have been recognized as noble teachings from Allah. But it lies in the interpretation, understanding, and perception of religious adherents contained in scriptural texts so that they are understood and practised correctly by religious adherents.

The basic principles of the Qur'an that must be upheld are the principles of justice and equality. So, the interpretation of the Qur'an should maintain the principle of justice and equality. The Qur'an presents several basic principles that should be the benchmark for social life practised by humans on this earth and included in the life of a home or marriage. In addition, to avoid social conflicts in the household by crushing mutual help, mutual respect and love for each other because the family is the most crucial source in influencing family welfare, which can provide meaning to life goals that are beneficial to the quality of family welfare in the form of social support such as giving advice, affection or attention to each other. So, it is essential to form a good family education because it is a solution to avoiding the negative impact of conflict. Domestic violence, the occurrence of violence shows a breakdown in the application of family education. Injustice in carrying out household duties is also the reason for the formation of domestic violence. So, the solution avoids the occurrence of social conflicts in the household by fostering mutual help, mutual respect and mutual love for each other because the family is the most crucial source in influencing family welfare, which can provide

meaning to life goals that are beneficial to the quality of family welfare in the form of social support such as give advice, affection or concern for each other.