



JLPH:
**Journal of Law, Politic
and Humanities**

<https://dinastires.org/JLPH> dinasti.info@gmail.com +62 811 7404 455

DOI: <https://doi.org/10.38035/jlph.v5i6>
<https://creativecommons.org/licenses/by/4.0/>

E-ISSN: 2962-2816
P-ISSN: 2747-1985

Duties and Rights of Husband and Wife According to KH. Hasyim Asy'ari in the Book *Dau' Al-Misbah* Gender Perspective

Farid Wajdi Basithul Arzaq^{1*}, Surya Sukti², Muhammad Norhadi³

¹ IAIN Palangka Raya, Indonesia

² IAIN Palangka Raya, Indonesia

³ IAIN Palangka Raya, Indonesia

*Corresponding Author: faridarzaq@gmail.com

Abstract: This paper examines domestic partners who do not fully understand the obligations and rights of each husband and wife. This lack of understanding can lead to an imbalance in the relationship and the potential for conflict. The main focus is on the concept of Obligations and Rights of husband and wife according to KH. Hasyim Asy'ari in the book *Ḍau' al-Miṣbāḥ* and the relevance of the Obligations and Rights of husband and wife in the present. The research method used in this research is library research with a research approach using literature (library research) using a qualitative approach with a content analysis approach method. The result of the research on the obligations and rights of husbands and wives according to KH. Hasyim Asy'ari in the book *Ḍau' Al-Miṣbāḥ* from a gender perspective is that the Quran is very wise by mentioning that the relationship between husband and wife must be built in a *mu'āsyarah bi al-ma'rūf* manner. A good husband is a husband who can please, take care of and help his wife just as his wife pleases him, takes care of him and helps him, and the husband must be patient with his wife's shortcomings and vice versa. The obligations and rights of husband and wife in Imam Malik's opinion are the suitability of *maslahah* which is seen as a stand-alone source of evidence with the purpose of *shari'ah* (*al-maqasid al-shari'ah*), *maslahah* must make sense (rationable), the use of this *maslahah* argument is in order to eliminate the difficulties that must occur. As long as the working wife does not forget the family, because by nature, the wife is still obliged to take care of the household and pay attention to the family.

Keyword: Obligations, Rights, Husband and Wife, KH. Hasyim Asy'ari, the book of *Ḍau' Al-Miṣbāḥ*, Gender

INTRODUCTION

Islam emphasizes the importance of justice between husband and wife. Justice in the family does not mean absolute equality between husband and wife, but rather the existence of different roles and responsibilities between husband and wife in running their household. Husbands are expected to treat their wives with justice, respect, and affection, as well as provide sufficient livelihood and proper care. The provisions in Indonesia are regulated in Article 1 of Law Number 1 of 1974 on Marriage, which states that the purpose of marriage is

to form a happy and eternal family (household) based on the belief in the One and Only God. (Sami Faidhullah, 2018)

This is in accordance with the opinion of the majority of scholars who state that the position between husband and wife is an equal and partnership-based position. Therefore, in the family, superiority is not permitted, although there must still be clear adherence to the concept of leadership within the family. As stated in the words of Allah SWT in the second surah of the Quran, Al-Baqarah, verse 187, which reads:

هُنَّ لِبَاسٌ لَّكُمْ وَأَنْتُمْ لِبَاسٌ لَّهُنَّ

Meaning: They are clothing for you, and you are clothing for them. (Departemen Agama RI, *Al-Qur'an dan Terjemahnya*, 2009)

According to the Tafsir experts, this verse illustrates that husband and wife are like clothes worn on the body. Where with that clothing, someone can be covered from their private parts or shame. Likewise, with a wife, a husband will be covered from his faults, and vice versa. Therefore, husband and wife must be united and aligned in managing the household. (Muhammad Ali Ash-Shabuni, 2003)

Research conducted by Ade Marhamah indicates that, in her view, KH. Hasyim Asy'ari's perspective on gender is that he considers wives as slaves. According to Mansur Fakihi, feudalism (slavery) towards women and placing women in a subordinate position to men constitutes gender injustice. In fact, in Islam, the positions of men and women are fundamentally equal. (Ade Marhamah, 2022) This was also said by Ratnaputri Setyawati stated that the understanding of the Rights and Duties of husband and wife in a Muslim family with a career-oriented wife in Sanden district lies in the wife's duty to obey her husband and the husband's duty to provide for the family. Equality between husband and wife is understood in terms of having a job outside the home, while within the household, the husband remains the leader for the wife. (Ratnaputri Setyawati, Skripsi, Universitas Negeri Yogyakarta, 14)

Mohamad Ikrom also stated in his journal that the husband's obligations towards the wife are of two kinds, namely material obligations and immaterial obligations. Material obligations include dowry and maintenance, while immaterial obligations include good companionship, good dealings, and justice. As for the wife's obligations that then become the husband's rights, they are only rights that are non-material in nature, such as obeying the husband in good matters, and so on. (Mohamad Ikrom, 2015)

Based on observations in several cases, many couples in households still do not fully understand the Obligations and Rights of each husband and wife. This misunderstanding can lead to an imbalance in the relationship and the potential for conflict. It is important for couples to have a clear understanding of their Duties and Rights in the household through religious education and mutual practice. This is good, and open communication allows them to create a balanced relationship, mutually respect each other's rights, and contribute to the happiness and success of their marriage.

Therefore, based on initial observations regarding the Obligations and Rights of husband and wife, it gives rise to an issue that deserves to be studied and examined in depth and detail. On this occasion, the researcher is interested in conducting a study related to the Obligations and Rights of husband and wife through the thought process of KH. M. Hasyim Asy'ari in his book *Dau' al Mişbāh*.

METHOD

The research method used in this study is library research, which is conducted by collecting data or scientific writings aimed at the research object or library data collection, or

an examination carried out to solve a problem that is fundamentally based on a critical and in-depth review of relevant library materials. (Mardalis, 2003)

The research approach uses library research with a qualitative approach employing content analysis method. The content analysis approach is a method that utilizes a set of procedures to draw accurate conclusions from a book or document. The subject of the research refers to the Book of *Ḍau' al-Miṣbāh*. The Book of *Ḍau' al-Miṣbāh*, while the object is the Duties and Rights of husband and wife in the Book of *Ḍau' al-Miṣbāh*. The researcher will analyze and interpret concepts such as *qiwamah* (husband's leadership), *wilayah* (husband's authority), *nafkah* (maintenance), and protection.

RESULTS AND DISCUSSION

The Concept of Justice in the Duties and Rights of Husband and Wife according to KH. Hasyim Asy'ari in the book *Ḍau' al-Miṣbāh*

In the Compilation of Islamic Law (KHI), it is both a development and a reaffirmation of Law No. 1 of 1974 on Marriage. In the Qur'an and Hadith, marriage is referred to as *al-Nikāḥ* and *al-Zawāju*. The Qur'an uses these words in various forms a total of 23 times. Linguistically, the word "nikah" was initially used in the sense of "coming together." The Qur'an also uses the word "zawwaja" from the root "zawwāj," which means "pair" for the above meaning. The word in various forms and meanings is repeated no less than 80 times. (Alfiyan Nur Muharom, 2019) Based on this, the Obligations and Rights between husband and wife in the book *Ḍau' al-Miṣbāh* and the Complications of Islamic Law (KHI) are:

A. The Duties and Rights of a Husband towards His Wife in the book *Ḍau' al-Miṣbāh* and the Complications of Islamic Law (KHI)

In the Book of *Ḍau' al-Miṣbāh*, the husband's duties towards his wife include accompanying her well, providing a dowry, spending, food, good clothing, being patient with her bad behavior, speaking gently, guiding her on the right path and in worship, and teaching her religious knowledge about purity, menstruation, obligatory prayers that need to be made up, and those that do not. As for the Compilation of Islamic Law (KHI), the husband is the guide for his wife and household. However, important household matters should be decided together by the husband and wife. The husband is obliged to protect his wife and provide all the necessities for household life according to his ability. The husband is also obliged to provide religious education to his wife and give her the opportunity to learn knowledge that is useful and beneficial for religion, nation, and state. According to his income, the husband is responsible for: providing sustenance, clothing, and a place of residence for his wife. Household expenses, maintenance costs, and medical expenses for the wife and children, the husband's obligations towards his wife as mentioned in verse (4) letters a and b above take effect after the wife has given full *tamkin*, the wife can release her husband from his obligations towards her as mentioned in verse 4 letters a and b, and the husband's obligations as referred to in verse (5) are nullified if the wife is *nusyuz*.

B. The Duties and Rights of Wives to Their Husbands in the Book of *Ḍau' al-Miṣbāh* and the Complications of Islamic Law (KHI)

Based on the Book of *Ḍau' al-Miṣbāh*, the duties and rights of a wife towards her husband are to obey him except in what is forbidden, and to seek his permission for fasting and leaving the house, to seek his pleasure and avoid his anger in all circumstances, so as not to prevent him from doing what is permissible, to be ready to serve him as much as possible, not to boast about herself or speak ill of her husband, to be modest, to guard her gaze, to obey his commands, to remain silent when he speaks, and to stand when he enters and leaves. Offering herself to her husband when he sleeps, and not betraying him in bed and in wealth, as well as being fragrant and having a good mouth, adorning herself in his

presence and in front of relatives, but not in his absence. Respecting her husband's friends and being grateful.

As for the Islamic Law Complications (KHI), the main obligation of a wife is to be devoted both physically and spiritually to her husband in matters permitted by Islamic law, and the wife should manage and organize daily household needs as best as possible.

C. The Concept of Justice in the Duties and Rights of Husband and Wife from a Gender Perspective

Gender is fundamentally the non-biological and non-natural distinction of gender. Gender is the distinction between men and women in terms of social construction, and it is inherent to God's nature. As a result, it is always and everywhere different. Differences that are deliberately created, whether by men or women, through prolonged social and cultural processes, and are not the character of God. (Muhammad Fuad Mubarak and Agus Hermanto, 2023)

Basically, in Islam, there is no distinction between men and women, because it has been explained that the position of humans before Allah is the same; only the level of piety and good deeds is the measure. The potentials possessed by men and women each have their own advantages, in accordance with the learning processes undertaken between them. The patriarchal perspective prevalent in many societal thoughts creates. (Sihabudin Mukhlis, 2020)

The Quran itself has indeed explained the concept of equality between men and women. As for what has been legislated in two aspects. First, in a general sense, regarding the equal status of men and women. Second, indeed, men have obligations in social, economic, and political matters. Moreover, the Quran wisely states that the relationship between husband and wife should be built on *mu'āsarah bi al-ma'rûf*. A good husband is one who can please, care for, and help his wife just as she pleases, cares for, and helps him, and the husband must be patient with his wife's shortcomings, and vice versa. (Muhammad Fuad Mubarak and Agus Hermanto, 2023)

In this bond, both parties have equally important responsibilities. Rights and obligations become the central points in maintaining the continuity of the relationship. Both partners have moral and legal responsibilities to respect, support, and care for each other. These rights and obligations are not only binding at the time of marriage but also throughout the duration of the relationship. By fulfilling rights and obligations well, they can create a healthy and harmonious environment within the household. (Muhammad Adib, Dona Salwa, and Muthmainnah Khairiyah, 2024)

The concept of gender equality should not be used to justify the dominance of one gender over another by accepting dictatorship and maintaining subsequent hegemony. There are differences between men and women, but not to determine which one is more noble and important. As for the provisions regarding the values of *maqâshid syariah* that have been outlined above, when related to the rights and obligations of husband and wife, they can be elaborated as follows:

1. The religion is maintained between the two of them. This is realized by using the Qur'an, hadith, and other Islamic laws as guidelines in running the household.
2. The souls of both parties are preserved. This is manifested in the relationship between the two parties, which is applied in every situation within the household. Psychologically and sociologically, the use of agreements between parties guides humans to respect each other and uphold the trust given.
3. Maintaining rational thinking. This is manifested in the demand that husband and wife can express the rights and obligations that must be upheld. Here it is evident that the

husband and wife are encouraged to think together when encountering a problem without one being wronged by the other.

4. Their wealth is preserved. This is clearly manifested in every asset expended by one party, who always strives to maintain and allocate it properly and lawfully.

The Relevance of the Duties and Rights of Husband and Wife Today from the Perspective of Maslahah

A. The Duties and Rights of a Husband Towards His Wife According to the Qur'an

1. Mahar

Allah SWT says in the Qur'an, Surah An-Nisā' [4]:4, which reads:

وَاتُوا النِّسَاءَ صَدُقَتِهِنَّ نِحْلَةً ۚ فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيًّا

Meaning: "Give the dowry to the woman (you marry) as a gift given willingly. Then, if they willingly give you part of (the dowry), accept it and enjoy the gift willingly."

In the interpretation of Ibn Kathir, it is explained that the word النِّحْلَةُ according to Ibn 'Abbas means dowry. According to 'Aisha, النِّحْلَةُ is an obligation. Meanwhile, according to Ibn Zaid, النِّحْلَةُ in the words of the Arabs means an obligation. It means that a man is allowed to marry a woman with something that must be given to her, namely the dowry that has been determined and specified in amount, and at the time of giving the dowry, it must also be accompanied by the husband's willingness.

2. Alimony, Clothing, and Housing

Nafkah comes from the Arabic language (an-Nafaqah) which means expenditure. It is an expenditure that is usually used by someone for something good or spent on the people who are their responsibility. (Abdul Azis Dahlan, 2000) About the obligation of maintenance has been explained in the Qur'an QS. Al-Baqarah [2]:233, Allah Subhanahu wa Ta'ala said:

وَالْوَالِدَتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ ۚ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ

It means: "Mothers should breastfeed their children for two whole years, for those who wish to complete the nursing." The father's duty is to provide them with food and clothing in a proper manner. Someone is not burdened except according to their ability.

This verse emphasizes that the responsibility of providing sustenance and clothing to children is a shared responsibility between husband and wife. However, this verse specifically mentions the father's obligation to provide sustenance and clothing in a reasonable manner. The father has the responsibility of fulfilling the family's material needs. Providing a decent place to live is also a husband's duty towards his wife, as stated in Allah's word in QS. at-Ṭalāq verse 6:

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ

Meaning: "Place them (the divorced wives) where you reside according to your means."

3. Treat Your Wife Well

Treating one's wife well and justly is one of the husband's obligations towards his wife. As the word of Allah in the Qur'an QS. An-Nisā [4]:19 states as follows:

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

Meaning: "O you who have believed, it is not lawful for you to inherit women by compulsion." Do not make their lives difficult in order to take back some of what you have given them, except when they commit a clear indecency. Treat them in a proper manner. If you dislike them, (be patient) because perhaps you dislike something, while Allah has placed much good in it".

The meaning of the phrase *وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ* is directed towards husbands to speak kindly to their wives and to behave well in actions and appearance. Just as husbands also like such things from their wives, husbands should do the same. As narrated by 'Aisyah ra., the Prophet Muhammad saw said, "The best of you are those who are best to their families, and I am the best to my family." Among the Prophet's saw morals was treating his family well, always joyfully playing with them, being cheerful, gentle, providing generously in terms of sustenance, and joking with his wives.

4. Protecting the Wife from Sin

The husband has the responsibility as the head of the family to guide and educate his family members in the Islamic faith. In the important role of having a husband as the leader, he conveys religious teachings and helps his family members to live in obedience to Allah and His Messenger. If the wife makes a mistake or error, the husband should admonish and advise her in a good manner, being gentle in his words so as not to hurt her feelings, as stated in the words of Allah SWT in Surah at-Tahrim, verse 6, as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ
غِلَاطٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ

Meaning: "O you who have believed, protect yourselves and your families from a Fire whose fuel is people and stones. Its guardians are harsh and severe angels." They do not disobey Allah in what He commands them and always do what they are commanded".

5. Giving Love and Affection to the Wife

In Islam, a husband has the obligation to provide love and affection to his wife. This is very important in building a harmonious and happy relationship in marriage. As stated in the words of Allah in the 21st verse of Surah Ar-Rum, "وَجَعَلَ بَيْنَكُمْ", the meaning of this verse is that Allah SWT. created life partners (husband and wife) in the marital relationship so that they are inclined towards each other and feel at peace with one another. God also instills in that relationship a sense of love and affection, which is one of His signs of greatness. This verse shows the importance of having a strong bond

between husband and wife, based on love, affection, and peace. Husband and wife couples are expected to love, respect, and support each other in their daily lives. They must feel comfortable, safe, and at peace in that relationship. The verse also emphasizes that affection and love between husband and wife are a gift from Allah SWT. By nurturing and strengthening this relationship, husband and wife can achieve happiness and blessings in their married life. In the context of daily life, this verse reminds husbands and wives to always build a relationship filled with love, respect, and mutual affection. This requires cooperation, understanding, and a willingness to do good for each other in all matters. By adhering to this principle, husband and wife can achieve a harmonious and happy relationship in accordance with the teachings of Islam.

B. The Obligations and Rights of a Wife Towards Her Husband According to the Qur'an

1. Becoming a Righteous Wife

Allah Subhanahu wa Ta'ala says in QS. An-Nisā [4]:34:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ ۚ فَالصَّالِحَاتُ قَنَاطٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ۚ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Meaning: "Men (husbands) are the protectors of women (wives) because Allah has made some of them (men) to excel others (women) and because they (men) spend of their wealth (for the support of women)." Righteous women are those who are devout (to Allah) and guard themselves in the absence of their husbands because Allah has guarded (them). Women whom you fear will be disobedient, advise them, leave them alone in their beds (separate from their husbands), and (if necessary) strike them (in a way that does not cause pain). However, if they obey you, do not seek a way to trouble them. Indeed, Allah is Most High and Most Great.

In general terms, this verse states that in a marriage relationship, men have the role of leaders, caretakers, defenders, and providers for their wives. They have full responsibility towards their wives whom they have married. This verse also emphasizes the wife's obligation to always obey her husband, to safeguard her husband's honor and property when he is away from them. A righteous wife is one who is always obedient and compliant to her husband. In a marriage, men play an important role as the leaders of the family. They are responsible for making important decisions, guiding the family in religion and morals, and providing protection to their wives. Men are also expected to be providers for the family, fulfilling the material and financial needs of the family. As for the wife, the duty to obey the husband includes respect, honor, and loyalty towards the husband as the head of the family. Wives also have the responsibility to maintain the honor of the husband, both in terms of intimate relations and social interactions with others. In addition, the wife is also expected to safeguard her husband's property and manage it wisely when her husband is away from home. When a wife fulfills this role well, she is considered a pious wife. A pious wife is one who always strives to fulfill her duties as a wife with full awareness and sincerity. She performs her duties with love, obedience, and patience, creating harmony and happiness in the household.

2. Covering her Modesty

One way to fulfill Allah's command for women to maintain their modesty is found in Al-Aḥzāb [33]:59 as follows:

يَا أَيُّهَا النَّبِيُّ قُلْ لِّأَزْوَاجِكَ وَبَنَاتِكَ وَنِسَاءِ الْمُؤْمِنِينَ يُدْنِينَ عَلَيْهِنَّ مِنْ جَلَابِيبِهِنَّ ذَلِكَ أَدْنَى أَنْ يُعْرَفْنَ فَلَا يُؤْذَيْنَ وَكَانَ اللَّهُ غَفُورًا رَحِيمًا

Meaning: "O Prophet (Muhammad), tell your wives, your daughters, and the wives of the believers to draw their cloaks over their bodies." This is so that they can be more easily recognized and not be harassed. Allah is Most Forgiving, Most Merciful."

Jalabibin (جَلَابِيبُ) is the plural form of the word jilbab, which can be interpreted as loose clothing, usually worn to cover their inner garments and the entire body (except for what is permissible to be shown). Ibn Hazm wrote that in Arabic, Jilbab is an outer garment that covers the entire body; a piece of clothing that is too small to cover the entire body cannot be called a jilbab. (Imam Taufiq, 2013)

The majority of scholars agree that a Muslim woman should cover her body with loose and non-tight clothing so that her body shape is not visible. The recommended clothing is a jilbab or loose clothing that covers the entire body, and a headscarf that covers the hair, neck, and chest. In addition, a woman must also pay attention when interacting with men who are not her mahram to maintain decorum and not expose her aurah.

3. Lowering One's Gaze

Allah Subhanahu wa Ta'ala says in QS. An-Nūr [24]:31 as follows:

وَقُلْ لِّلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ آبَاءِ بُعُولَتِهِنَّ أَوْ أَبْنَاءِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ بَنِي أَخَوَاتِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوِ التَّابِعِينَ غَيْرِ أُولَى الْأَرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَىٰ عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَ الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ

Meaning: "Tell the believing women to lower their gaze, guard their private parts, and not display their adornment (body parts) except that which is apparent." They should draw their veils over their bosoms. They should not display their adornments (aurat) except to their husbands, fathers, fathers-in-law, sons, sons-in-law, brothers, nephews, nieces, other Muslim women, their female slaves, elderly male servants who have no desire for women, or children who are not yet aware of women's aurat. They should also not stamp their feet so that what they hide of their adornments becomes known. Repent to Allah, O believers, so that you may be successful.

4. Not Speaking Softly to Men Who are not Her Husband

Allah Subhanahu wa Ta'ala says in QS. Al-Aḥzāb [33]:32 as follows:

يُنِسَاءَ النَّبِيِّ لَسُنُنٌ كَأَحَدٍ مِّنَ النِّسَاءِ إِنِ اتَّقَيْتُنَّ فَلَا تَخْضَعْنَ بِالْقَوْلِ فَيَطْمَعَ الَّذِي فِي
قَلْبِهِ مَرَضٌ وَقُلْنَ قَوْلًا مَّعْرُوفًا

Meaning: "O wives of the Prophet, you are not like other women if you are righteous. So do not be soft in speech, lest he in whose heart is a disease be moved with desire, but speak in a good manner."

C. The Obligations and Rights of Husbands and Wives Today from the Perspective of Maslahah and Gender

In a household, the husband is usually considered the breadwinner who works outside the home and becomes the backbone of the family, while the wife is responsible for household chores such as cleaning, cooking, taking care of the children, and other domestic tasks. This stereotype still applies to this day. However, in modern times, there has been a shift in the values held by husbands and wives after marriage. With the increasing awareness of gender equality, women are now starting to be active in the public sphere, pursuing careers and holding various positions in various institutions and organizations. (Adib, Salwa, and Khairiyah)

Regarding the offer of a reconstruction concept in the form of reinterpretation of the rights and obligations of husband and wife proposed by Muslim feminists, it does not contradict the concept of maslahah. The role of women is no longer confined to the domestic sphere, but largely extends to the public sphere, so it is very logical that the concept of financial support proposed by Muslim feminists is no longer an absolute burden on the husband, but rather a partnership where both work together, protect each other, and support each other in household matters.

However, Muslim feminists should not be (haram) too ambitious in proclaiming and demanding their rights equally in an overt manner because it is feared that they might fall into the liberal feminist movement, which openly demands equality. The reason is that Islam is not only based on thought but also on morality and ethics must be prioritized. The opinions of feminists in offering reconstruction in the form of reinterpretation above reasonableness and not contradicting the objectives of Sharia. (Agus Hermanto and Habib Ismail, 2020)

Therefore, the obligations and rights of husband and wife according to Imam Malik's opinion are based on the alignment of maslahah, which is viewed as an independent source of evidence with the purpose of shari'ah (al-maqasid al-shari'ah). Maslahah must be rational (rationable), and the use of maslahah evidence is aimed at eliminating inevitable difficulties. As long as the wife who works does not forget the family, because by nature, the wife still has the obligation to manage the household and pay attention to the family. The burden of work should not make the wife forget her duties towards the family. And with the wife's income exceeding the husband's, it does not make the wife the head of the household, because in essence, the head of the household remains in the husband's hands. (Ummal Khoiriyah and Fahmi Basyar, 2021)

CONCLUSION

Basically, in Islam, there is no distinction between men and women, because it has been explained that the status of humans before Allah is the same, with only the level of piety and good deeds being the measure. The Quran itself has actually explained the concept of equality between men and women. As for what has been legislated in two aspects. First, in a general sense, regarding the equal status of men and women. Second, men indeed have obligations in social, economic, and political matters. Moreover, the Quran wisely states that the relationship

between husband and wife should be built on mu'āsyarah bi al-ma'rûf. A good husband is one who can please, care for, and help his wife just as she pleases, cares for, and helps him, and the husband must be patient with his wife's shortcomings, just as she should be with his.

Nowadays, there is a change in the values held by husbands and wives after marriage. With the increasing awareness of gender equality, women are now starting to be active in the public sphere, pursuing careers and holding various positions in different institutions and organizations. Therefore, the obligations and rights of husband and wife according to Imam Malik's opinion are based on the alignment of maslahah, which is viewed as an independent source of evidence with the objectives of Sharia (al-maqasid al-shari'ah). Maslahah must be rational (rationable), and the use of maslahah as evidence is aimed at eliminating inevitable difficulties. As long as the working wife does not forget her family, because by nature, the wife is still obliged to manage the household and pay attention to the family.

REFERENCE

- Al-Khalidi, Shalah 'Abdul Fattah. *Mudah Tafsir Ibnu Katsir Jilid 2: Shahih, Sistematis, Lengkap.*, trans. oleh Engkos Kosasih, cet. kedua (Jakarta: Maghfirah Pustaka, 2017).
- Adib, Muhammad, Dona Salwa, and Muthmainnah Khairiyah. "Tukar Peran Suami Dan Istri Dalam Rumah Tangga Perspektif Hukum Keluarga Dan Gender." *Journal of Islamic and Law Studies* 8, no. 1 (2024): 92–114. <https://doi.org/doi.org/10.18592/jils.v8i1.12855>.
- Departemen Agama RI, *Al-Qur'an dan Terjemahnya* (Bandung: CV. Jabal Raudhatul Jannah, 2009).
- Hermanto, Agus, and Habib Ismail. "Kritik Pemikiran Feminis Terhadap Hak Dan Kewajiban Terhadap Hak Dan Kewajiban Suami Istri Perspektif Hukum Keluarga Islam." *Journal of Islamic Law* 1, no. 2 (2020): 182–99. <https://doi.org/10.24260/jil.v1i2.61>.
- Khoiriyah, Ummal, and Fahmi Basyar. "Perspektif Maslahah Tentang Peran Istri Sebagai Pencari Nafkah Utama Dalam Keluarga." *Jurnal Hukum Ekonomi Syariah* 7, no. 1 (2021): 1–13. <https://doi.org/10.35316/istidlal.v4i1.163>.
- Mardalis, *Metode Penelitian (Suatu Pendekatan Proposal)*, VI (Jakarta: Bumi Aksara, 2003).
- Marhamah, Ade. "Keadilan Gender dalam relasi Suami-Istri: Kajian Ma'amil Hadis atas Kitab Dhau' Al-Mishbah Fi Bayan Ahkam An-Nikah Karya KH. M. Hasyim Asy'ari" (Skripsi, Salatiga, IAIN Salatiga, 2022).
- Muhammad Fuad Mubarak, and Agus Hermanto. "Hak Dan Kewajiban Suami Istri Dalam Konsep Kesetaraan Gender Perspektif Maqasid Syariah." *The Indonesian Journal of Islamic Law and Civil Law* 4, no. 1 (2023): 93–108. <https://doi.org/10.51675/jaksya.v4i1.298>.
- Muharom, Alfian Nur. "Implementasi Hak dan Kewajiban Keluarga pada Pasangan Tunanetra di Kecamatan Kebonsari Kabupaten Madiun" (Skripsi, IAIN Ponorogo, 2019).
- Mukhlis, Sihabudin. "Peran Mediasi Dalam Rekonsiliasi Rumah Tangga Dari Perspektif Gender." *Krtha Bhayangkara* 14, no. 2 (2020): 221–35. <https://doi.org/10.31599/krtha.v14i2.282>.
- Nata, Abbudin. *Metodologi Studi Islam* (Jakarta: PT Grafindo Persada, 2001).