

NUSYUZ IN AL-QUR'AN

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Abstract: In the Qur'an, there are commands, prohibitions, warnings, instructions and stories of previous Prophets. Study of the content of al-Qur'an is not only a worship of Allah but also to get guidance that lives in accordance with Islamic law. Al-Qur'an thematic study is one of the methods of studying the Qur'an that is practiced by Muslim scholars and ulama. One of the thematic studies contained in al-Qur'an is the association of husband and wife like *nusyuz*. *Nusyuz* is a violation of a shared commitment to what is obligatory in the household. The study of *nusyuz* needs to be done in relation to understanding, *asbabun nuzul*, ulama's review as well as a review of Islamic law on these actions. By conducting a study of the *nusyuz*, we are expected to be able to better understand the related matter, giving knowledge to others in order to avoid the actions that lead to the *nusyuz*.

Keywords: *asbabun nuzul, husband-wife, Islamic law, nusyuz*

Abstrak: Di dalam Al-Qur'an, ada perintah, larangan, peringatan, instruksi, dan kisah para nabi sebelumnya. Mempelajari isi al-Qur'an bukan hanya ibadah kepada Allah tetapi juga untuk mendapatkan bimbingan yang hidup sesuai dengan hukum Islam. Studi tematik Al-Qur'an adalah salah satu metode mempelajari Alquran yang dipraktikkan oleh para cendekiawan Muslim dan ulama. Salah satu studi tematik yang terkandung dalam al-Qur'an adalah hubungan suami-istri seperti nusyuz. Nusyuz adalah pelanggaran komitmen bersama untuk apa yang wajib dalam rumah tangga. Studi tentang nusyuz perlu dilakukan dalam kaitannya dengan pemahaman, *asbabun nuzul*, ulasan ulama serta tinjauan hukum Islam tentang tindakan-tindakan ini. Dengan melakukan studi tentang nusyuz, kami diharapkan dapat lebih memahami masalah terkait, memberikan pengetahuan kepada orang lain untuk menghindari tindakan yang mengarah ke nusyuz.

Kata Kunci: *asbabun nuzul, hukum Islam, nusyuz, suami istri*

Introduction

Al-Qur'an is the word of Allah which serves as a guide to humanity. In the Qur'an there are commands, prohibitions, warnings, instructions and stories of previous Prophets. Therefore, study of the contents of the Qur'an is not only a worship of Allah, but also to get guidance that lives in accordance with Islamic law. Al-Qur'an thematic study is one of the methods of studying the Qur'an that is practiced by Muslim scholars. One of the thematic studies contained in the Qur'an is the association of husband and wife like *nusyuz*. *Nusyuz* is generally interpreted as ungodly, arrogant, and rebellious. Al-Qur'an instill ways of resolution for perpetrators in the family. Methods of settling this will certainly result to justice which is the spirit of Islam.

Nusyuz is a conclusion that can not be avoided from the big disputes that befall husband and wife. It is known that when a dispute goes on for quite a long time, it will become even more grave and result to an atmosphere of hatred and hostility that sometimes at its climax up to turn away. From this kind of case which then emerged was the word *nusyuz*, namely the release of husband and wife or one of them from his duties and obligations, and he or she did not carry it out because of reluctance and did not want to obey. In articles 83-84 of the Compilation of Islamic Law it is stated that a wife can be considered *nusyuz* if she does not carry out the obligations of being physically and mentally committed to her husband within the limits justified by Islamic law. Then the provisions regarding the presence or absence of *nusyuz* from a wife must be based on valid evidence (Departemen Agama RI, 2005).

A. Linguistic Review

The word *nusyuz* in Arabic is a form of mashdar (root word) of the word "نشز - ينشز - نشوزا" which means: "sit down then stand up, stand up from, stand out, oppose or seditious" (Munawir, 1994). In the context of marriage, the meaning of *nusyuz* is appropriate to use is "against or seditious". Because

this meaning is closest to the household problem. In the book Majmu 'Syazz Muhazzab, *nusyuz* is interpreted:

للمكان المرتفع

Meaning:

"*Nusyuz* is uplifted, high place"

Whereas in the commentaries of Al-Qasimi and Al-Jami', *nusyuz* means something high or high place on earth.

النشوز هو ارتفاع من الأرض

This is in accordance with the word of Allah in the Qur'an.

وإذا قيل انشروا فانشروا

Meanwhile, according to Al-Qurtubi, *nusyuz* is:

تخافون عصيانهن وتعالينهن عما أوجب الله عليهن من طاعة الزوج

Meaning:

"*Know and believe that the wife is violating what has become the provisions of God rather than obeying her husband*" (Al-Qurthubi, 2002).

Meanwhile, according to the term, in the book Al-Bajuri said that *Nusyuz* is:

النشوز هو الخروج عن الطاعة مطلقاً أو من الزوجة أو من الزوج أو من هما

Meaning:

"*Nusyuz* is out of obedience (in general) from the wife or husband or both".

والنشوز من جهة الزوجة أى بحسب الأصل والغالب لأنه قد يكون من الزوج بخروجه عن أداء الحق الواجب عليه لها وهو معا شرهما بما المعروف والقسم والمهر ولنفقه والكسوة وبقية المؤمن

Meaning:

"*Nusyuz* is not only a wife but a husband can also do the same thing. *Nusyuz* husband can be marked by the release or not carrying out the obligations that are the rights of the wife that is associating with *ma'ruf* (good), carrying out the distribution fairly (for those who are polygamy), giving dowry, living, clothing and other costs".

From a brief definition, whether based on language or terms, conclusions *nusyuz* is a violation of a shared commitment to what is the obligation in the household. Existence of this *nusyuz* action is the first door to the destruction of the household. For this reason, for the sake of the continuity of the household as the purpose of each marriage, the husband or wife has the same right to reprimand each party who has signs of doing *nusyuz*.

Therefore, it is important to emphasize that *nusyuz* not only applies to women or wife, but the husband can also do *nusyuz*. In fact, a husband's chances are greater. This is explained by Atha 'with his famous expression:

النشوز أن تحب فراقه والرجل كذاك

Meaning:

"*Nusyuz* is the attitude of feeling happy one of a husband or wife to be able to leave each other".

Abu Mansur al-Lugawi stated that this *nusyuz* can be done by husband and wife. This was conveyed by Abu Mansur in his words:

قال أبو منصور اللغوى : النشوز يكون من الزوجين وهو كراهة كل واحد منهما صاحبه

Meaning:

"Nusyuz sometimes husband and wife is hatred between two married couples".

During this time the interpretation is wrong and misleading. As if the ones who can do the cheating are only women. This has rarely been straightened out in Islamic preaching so far. What is often conveyed is only how the wife must obey her husband because if a woman (wife) want to go to heaven, then they must obey her husband. If it violates the observance, the wife is labeled *nusyuz*. Conversely, a husband who does not provide a living and is indifferent is not automatically called *nusyuz*.

B. Overview of Asbabun Nuzul

Allah Almighty mentions in the Qur'an about *nusyuz* that is in Surah al-Nisa: 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 وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَأَضْرِبُوهُنَّ إِنِ اطَّعَنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ٣٤

Meaning:

"Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand".

Asbabun nuzul from the above verse is Ibnu Abi Hatim narrating that Hasan al-Basri said "A woman came to the Prophet and complained to him that her husband had slapped her. He also said: "reply as khisashnya". Then Allah revealed His word, "Men (husbands) are protectors for women (wives)". So the woman returned home without doing qishash. Ibnu Mardawih also related that Ali said: "A man from Ansar came to the Prophet with his wife, then his wife said: "O Messenger of Allah, my husband has struck me in the face. The Prophet also said: "he should not have to do it". Then Allah revealed His word "Man (husband) is the protector of woman (wife) (Surah al-Nisa / 4: 34).

Allah Almighty also explains *nusyuz* that are found in the QS. al-Nisa: 128.

وَإِن أَمْرًا خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِن تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ١٢٨

Meaning:

"And if a woman fears from her husband contempt or evasion, there is no sin upon them if they make terms of settlement between them - and settlement is best. And present in [human] souls is stinginess. But if you do good and fear Allah - then indeed Allah is ever, with what you do, Acquainted".

To find out the purpose of the above verse, then we need to know the asbab an-Nuzulnya. This verse comes down to the case of Saudah (wife of the Prophet). When he was old, the Prophet wanted to divorce him, so he said to the Messenger of Allah: "O Messenger of Allah:" do not you divorce me, do not I still want a man, but because I want to be raised to be your wife, then make me your wife and I give my turn to Aisyah". So the Prophet granted Saudah's request. He was also determined to be his wife until his death (as-Syuti, 2004). So with that incident, descended verse al-Nisa: 128.

Imam Syafi'i of Said bin Musayyib said that the verse came down because of the subject of Muhammad bin Maslamah daughter who was in Rafi'i. Because he did not like Muhammad's daughter because he was old, he divorced her. Then the woman said: "Thou shalt not divorce me, share to me what is clear to you then they make peace and come down the verse above (as-Syuti, 2004).

While according to Ibn Abbas, this verse was down because Ibn Abi as-Sa'ib who has a wife and several children. Because his wife was very old, he wanted to divorce her. Then his wife said: "Do not

divorce me. Let me be busy taking care of my children, even though you give me a turn with a little night. Then he answered it was better for me".

C. Review of Ulama Commentary

Ulama's commentary of QS. al-Nisa /4: 34 is as follows: In Ibn Kathir's Tafsir it is stated that in other words, men are women administrators, namely their leaders, their heads, who control, and who educate them if they deviate (al-Dimsyaki, 1999). That is because men are more afdal than women, a man is better than a woman, so that is why *nubuwah* (prophethood) is only specific to men. Likewise, a king. Because there is a saying of the Prophet who said:

لن يفلح قوم ولوا امرهم امرأة

Meaning:

"It will not be fortunate for a people whose affairs are held by a woman".

Hadith narrated by Imam Bukhari through Abdur Rahman Ibnu Abu Bakrah from his father. Likewise it is said against the position of the judiciary and others. *Mahr* (dowry), maintenance, and other costs required by Allah Almighty for men towards women, through His book and the sunnah of His Messenger. Men are more important than women, men have priority over women, also men who give priority to women. Wahbah al-Zuhaili in Tafsir al-Munir explains about the reasons men are leaders for women (al-Zuhaili, n.d):

1. In men there is more potential than women including the potential of strong intellect, the potential of thought, potential for strength / physical.
2. There is an obligation to provide for his wife and relatives.

So it is appropriate to say that men are women leaders. As mentioned in another verse, namely His word in the QS. al-Baqarah / 2: 228. Ali Ibn Abu Talhah narrated from Ibn Abbas related to the word of Allah SWT: Men are leaders for women. Namely to be their head, a wife is required to be obedient to her husband in matters that are commanded by God that requires a wife to be obedient to her husband. Obedience to husband is to do good to the husband's family and maintain the husband's property. This is the same as what was said by Muqatil, al-Saddi and al-Dahhak. The word of God Almighty that says "*al-Salihat*" means pious women. While the word of Allah Almighty which states "*Qanita*" according to Ibn Abbas and others meant are wives who obey their husbands (al-Dimsyaki).

Nusyuz means high self; a woman who is *nusyuz* is a woman who is arrogant towards her husband, does not want to do her husband's orders. If there are signs of *nusyuz* on the wife, let the husband advise and frighten him with the torment of Allah if she is disobedient to himself. Because verily Allah has obliged him to obey his husband and haram disobedient towards the husband, because the husband has the virtue and bear responsibility towards him. (al-Dimsyaki). Ali Ibn Abu Talhah also narrated from Ibn Abbas, the husband should advise him until the wife returns to obedience. But if the wife continues to rebel, let the husband separate from him in bed, do not also talk to him, without giving up marriage problems to him, which is so hard for the wife.

Prophet Muhammad SAW had said in *Hajjatul-Wad*:

واتقوا الله في النساء فانهن عندكم عوان ولكم عليهن الا يوظفن فرشكم احدا تكرهونه فان فعلمن فاضربوهن ضربا غير مبرح ولهن رزقهن وكسوتن بالمعروف

Meaning:

"Fear Allah in the affairs of women, for in fact they are on your side is a helper, and for you there is a right over themselves, that is they may not allow someone you do not like to step on your expanse. And if they do, then beat them with a blow that does not hurt, and for them there is a right to obtain sustenance and clothes in a way that is familiar".

According to al-Hasan al-Basri what was meant was a blow that did not leave an impression. Fiqh ulama say what is meant is a punch that does not break even a limb, and does not leave any material. Narrated from the Juraij of Atha said that the nails did not hurt the siwak, while Qatadah said that the nails did not cause defects (al-Zuhaili, n.d). Al-Qurtubi explained:

والضرب في هذه الآية هو ضرب ا لتاديب غير مبرح وهو الذي لا يكسر عظما ولايشين جارحة كالكرة ونحوها فإن المقصود منه الصلاح لاغير فلا جرم إذأدى إلى الهلاك وجب الضمان

Meaning:

"The beating referred to in this paragraph is beating which is educational in nature, does not result in injury, that is, until it breaks the bone, results in bleeding due to injury and the like, because what is meant is repair not the other. Therefore if there is a kind of damage (due to) beating, then the husband must dhamam (fine and responsible)".

That is, if a wife is obedient to her husband in all what he wants in his wife to the extent limited by Allah Almighty, then there is no way for the husband to heal him, and the husband must not beat him, nor should he alienate him.

D. Legal Review

Nusyuz consists of two types namely wife *nusyuz* and husband *nusyuz*. The following is a detailed explanation.

1. *Nusyuz* of Wife

The signs of woman *nusyuz* (wife) include:

- a. Not quick to answer her husband based on not a habit.
- b. No real or unclear respect for her husband.
- c. No one comes to her husband except with boredom, bored or with a frown.
- d. A wife if invited to have sex, he refused. However, we have to be more fair looking at the wife's reasons for not doing it. If the reason is rational, such as being sick, exhausted or his heart is not ready, the husband has no right to force it.

Imams of mahzab also revealed a number of other signs of the wife *nusyuz*. First, *Nusyuz* is usually when she is called, then she answers the call, or when spoken to, she usually speaks politely and with kind words. But then she changed, when called, then she no longer wanted to answer, or if spoken to, she was indifferent and issued bad words. Second, *nusyuz* with deeds is if usually when invited to sleep, then she welcomes with a smile and radiant face. But then turned reluctant, resisting with a wry face. But if usually when her husband comes she immediately welcomes him warmly and prepares all his needs. But then it changed so it didn't want to care anymore.

In the compilation of Islamic law, the matter of *nusyuz* was also arranged. Several articles emphasize the rights and obligations of husband and wife (Departemen Agama RI, 2005).

Article 80

1. Husband is a guide to his wife and household, but regarding matters of important domestic matters are decided by the husband and wife.
2. Husband is obliged to protect his wife and provide all the necessities of life in the household according to his ability.
3. Husband is obliged to provide religious education to his wife and provide opportunities to learn knowledge that is useful and beneficial to religion, homeland and the nation.
4. In accordance with their income the husband bears:
 - a. Income, *kiswah* and place of residence of the wife;
 - b. Household costs, care costs and medical expenses for wife and children;
 - c. Tuition fees for children.

Article 83

1. The main obligation for a wife is to serve physically and mentally to her husband within the limits justified by Islamic law;
2. Wife organizes and regulates household needs as well as possible

Article 84

1. A wife can be considered *nusyuz* if she does not carry out the obligations as referred to in article 83 paragraph (1) except with valid reasons;
2. As long as the wife is in *nusyuz*, the husband's obligation towards his wife article 80 paragraph (4) letters a and b does not apply except for matters for the benefit of his child;
3. Husband's obligations in paragraph (2) above are valid again after the wife is not disrupted;
4. Provisions regarding the presence or absence of *nusyuz* from a wife must be based on valid evidence.

Based on this verse, there are at least three ways to deal with a wife who is doing *nusyuz*: First, advise firmly that she can return to carrying out her obligations properly as a wife. The warnings given should point to improving relations in the household. Here the husband is required to be wise in words and deeds. Decisive does not mean rude. Second, split the bed. This method is only done if the first method does not work. Sentence “واهجوهم” (separate them) in Surah An-Nisa verse 34 is interpreted by some ulama as an act of a husband not having sexual relations or not being talked to even though he is still having sex. Husband can also sleep together until the wife returns to obedience. Or not brought near his bed with his wife.

Third, if the first and second ways cannot make the wife turn obedient to the shared commitment in building a household, then the last way is to hit her. However, beating here cannot be interpreted as hitting with a hand or tool roughly let injuring.

2. *Nusyuz* of Husband

Nusyuz husband, basically is if the husband does not fulfill its obligations, which include:

- a. Give mahar according to the wife's request;
- b. *Providing* *zahir* living according to husband's income;
- c. Prepare household appliances, kitchen equipment, main room equipment such as makeup and bathroom equipment in accordance with the circumstances at the wife's house.
- d. Be fair to their children.

In this Husband's *nusyuz*, the method of resolution is emphasized by *ishlah* (peace), but if this does not work, the husband and wife must appoint *hakam* from both parties. *Hakam* can come from family, community leaders or religious leaders. Can also through the Office of Religious Affairs. If in this way the word peace has not yet been reached, then *hakam* may give *ta'zir*. *Ta'zir* in terms of language means to educate or improve, whereas according to the term, *ta'zir* is to teach *adab* or take action on sins that are not subject to *had* and there is no *kafarah*. Like this *nusyuz* of husband.

Conclusion

Nusyuz is a violation of a shared commitment to what is obligatory in the household. The existence of this *nusyuz* action is the first door to the destruction of the household. Asbabun Nuzul about *nusyuz* contained in QS. al-Nisa / 4: 34 and QS. al-Nisa / 4: 128. The reason Allah Almighty revealed these two verses is that friends and even the Prophet at that time did not really understand the virtues of men as leaders who were obliged to educate their wives. Tafsir of verse 34 in surah al-Nisa gives a description of the position of men as leaders over women, some of the virtues of men compared to women and *nusyuz* and its solutions. *Nusyuz* to his wife is resolved by means of advice, after not succeeding then by separating the bed, whatever is still not successful then by hitting. Legal aspects of *nusyuz* in verses 34 and 128 are description of the various *nusyuz* and how to resolve them. *Nusyuz* to his wife is resolved by (1) giving advice (2) separating the bed (3) hitting. Whereas *nusyuz* on husbands is resolved by way of *istislah* (peace) and if it cannot be resolved then a judge must be brought.

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