Research article

Islamic Family Law and Law No. 1 the Year 1974 Concerning the Role of the Husband in Building a Household

Ainun Najib a, Fahmi Basyar b**,

a Fakultas Syariah dan Ekonomi Islam, Universitas Ibrahimi, Indonesia
b Fakultas Syariah, Hukum Keluarga Islam, Sekolah Tinggi Agama Islam Cendekia, Indonesia

A R T I C L E  I N F O

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A B S T R A C T

1. Introduction

Islam is the last treatise from heaven to earth that is universal. Moreover, it is Islam that has brought the world towards a significant revolution in various aspects of life. Islam regulates the relationship between humans and their creators and the relationship between humans and humans, and so on (Al-Masri, 1993). The rules are mixed so perfectly, that people who comply with the rules made will find happiness and peace. Islam organizes married life perfectly because this issue is a very vital subject matter. Through marriage, humans can love each other, establish family relationships and continue offspring. Marital life is the first industry for the people afterwards to improve the next industry. Imagine, with the mediation of a husband and wife, with the mediation of material and individual relationships, tiny sons and daughters are born, with Allah's permission.

Allah created wisdom, humans in pairs of different shapes and characteristics so that each of them needed each other, needed each other, so that life could develop further (Nasution, 2015). was difficult to contain. Therefore, religion prescribes a meeting between men and women, directs the meeting so that "marriage" takes place and the concerns of men and women shift to peace and sakinah (Shihab, 1999).

Article 1 of the marriage law number 1 of 1974, it explains that:

"Marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and prosperous family based on Belief in the One and Only God." (Sabri, 2020).

An agreement made by a Muslim to make a Muslim woman his wife is made in Allah's name. Therefore life as husband and wife is not merely a bond made based on an agreement with humans, namely with the guardian of the Woman and with the Woman’s family as a whole, as well as with the Woman herself, but more importantly is agreeing with God. Therefore, marriage is one of the signs of God's power (Amin, 2003).

Allah SWT. said in the letter Ar-Rûm verse 21:

Meaning: "And among the signs of His power is that He created for you wives of your own kind, so that you are inclined to and feel at ease with him, and He made between you love and affection. Verily, in that there are signs for people who think." (Q. S. Ar-Rûm: 21). (Alquran dan terjemahannya, 2010).

The verse describes the relationship of peace, love and affection as a calm that is needed by each individual, man and Woman, when they are away from their partners. Every married husband and wife, of course, really wants happiness to be present in their household life, there is calm, peace, comfort and affection. Is not synonymous with material abundance,
happiness is not an impossibility to achieve, because happiness is a choice and the fruit of a way of thinking and behaving. Therefore, only with his partner can he enjoy the sweetness of love and the beauty of affection and longing. (Lembaga Darut-Tauhid, 1990).

Islam makes the family a place to take care of oneself, namely creating peace and safety from all forms of evil caused by other people, so the family must be made a place to live filled with happiness so that all family members feel at home and always miss them.

To create a family, husband and wife must be together to bear love which is a gift from God, because it cannot be denied that the quality of the relationship between husband and wife in the household greatly influences the family to become sakinah mawaddah wa rahmah (Gisymar, 2005). The life of husband and wife is the formula of world happiness. So create a happy family so that the life in the world is also happy (Abdurrahman, A, M., 2000). Therefore, husband and wife must both maintain and respect the marriage bond that has been made as a sacred bond. In order for a marriage to be strong, a strong binder is also needed. The binder of marriage is:

1. Mawaddah

Mawaddah is an expanse of the chest and emptiness of the soul from bad will. Prof. Dr. Quraish Shihab said: "Mawaddah" is love plus. People who have mawaddah in their hearts will not break a relationship, like what happens to people making love. This is because his heart is so spacious and empty of evil that the doors are closed to enter evil (Shihab, 1999).

2. Rahmah

Prof. Dr. Quraish Shihab said: "Rahmah" is a psychological condition that arises in the heart as a result of witnessing helplessness. Rahmah produces patience, generosity, not blind jealousy, does not seek its own benefits, does not become angry or vengeful (Shihab Al-Din Al-Qarafi - Wikipedia, n.d.). The quality of mawaddah wa rahmah in the household, which the husband and wife cultivate, greatly determines the condition of the household, whether it is happy or not. More assertive Dr. Yusuf al-Qardlawy said that there is no meaning in a husband and wife relationship that is not based on love and affection, the bodies are close together but the spirits are far apart. So, we cannot deny that the wife not only needs food, drink, clothing, shelter and all material needs, but the wife also expects sincere attention, smooth words, bright faces, cheerful smiles, joking, pleasant, gentle touch, intimate kisses and various good behaviors that cool the heart and cool the anxiety, even that all goes beyond material needs (Abdullah, 2007).

Marriage in Islam offers peace of mind and peace of mind, so that men and women can live together in love, compassion, bitterness in life, harmony, cooperation, mutual advice and tolerance laying the foundation for raising an Islamic family in a sustainable and healthy environment (Ali, M, 1999). To make this happen, not only women must be chosen by men, but women are also given the right to choose a man who will be their husband. And the best is the good religion.

So far, the person who has always been highlighted in household life is a wife because she is indeed considered to be the most responsible for life in the house, starting from serving her husband, caring for and educating children, this results when something goes wrong in the household, that, the wife is often blamed. To be honest, it is not appropriate to always blame the wife, because the husband is also responsible. The incompetence of a wife in serving her husband, failing to educate children and so on, also illustrates that the husband cannot be the leader in the household, so he cannot guide his wife.

In domestic life, there are times when a man becomes a leader for his family, a father for his children, a life partner and a brother for his wife. Thus, the wife is not a rival for the husband, let alone an enemy. But the husband and wife will walk together, complementing each other to achieve the goal of becoming a sakinah family. Husband and wife are the basic foundation for a household building, that's why Islam sets special criteria for it, to give rise to a feeling of love, compassion, advising advice on truth and patience and mutual attachment (Hamid, A, 1996).

In the Big Indonesian Dictionary, a husband is "a man who becomes a woman's official life partner" (Bambang Sarwiji, 2011). While the role is from the root word "role" which is added to the suffix "an". While "role" is part of the main task that must be carried out (Naim, 2007). And sakinah here is peace, tranquility and happiness (Naim, 2007). So, the husband's role in fostering a sakinah family is part of the main task that must be carried out by the husband (a man who becomes a woman's official life partner) to create a family full of peace, tranquility, serenity and happiness.

Humans have advantages and disadvantages too. And this deficiency proves that no human is perfect and that perfect nature only exists in Allah SWT. For this reason, humans living in this world must help each other and complement each other completely. Allah SWT has also created differences between men and women in the composition of their bodies, shapes and characteristics, skin and flesh, bones and blood, head and hair, mind and mind, body and member strength, gender and so on. These differences certainly have many lessons and neither men nor women will be able to refute and deny them, so that with these differences, they can understand each other, love to love, care for each other and then they can also control each other. Therefore, a good wife's companion is a responsible husband. According to the Koran, a responsible husband is a husband who gets along well with his wife and is patient with what he doesn't like (Fathi, M, 2005).

In accordance with the word of Allah SWT. in the letter An-Nisa verse 19:

Meaning: "O you who believe, it is not lawful for you to destroy women by force and do not trouble them because you want to take back some of what you have given them, unless they do a real abomination. And get along with them properly. Then if you don't like them, (then be patient) because maybe you don't like something, even though Allah made a lot of good in it. (Q. S. An-Nisā: 19) (R.I, 2012).

Shaykh Hafiz Ali Syuaisyi. said that the husband would look after his wife and treat her properly as commanded by Allah.
Men have the degree to head (lead) and manage (manage) the household. The wife manages the household freely, as long as it is within the limits set by the syara' and is approved by the husband. The wife takes care of the house, controls it, and looks after and educates the children, including spending the family's income according to her means. Under the auspices of the husband, the wife can carry out her duties, conceive, give birth and breastfeed her baby, as stated in Al-Qur'an Surah An-Nisa' Verse 34:

Meaning: Men (husbands) are protectors of women (wives), because Allah has made some of them (men) superior to others (women), and because they (men) have provided maintenance from their wealth. So pious women are those who obey (to Allah) and take care of themselves when (her husband) is not around, because Allah has taken care of them. The women you are worried about nusyuz, you should advise them, leave them on the bed (separate beds), and (if necessary) beat them. But if they obey you, then don't look for reasons to trouble them. Indeed, Allah is Most High, Most Great (R.I, 2012).

Godly women are those who obey their husbands, keep everything that happens between them a secret, not tell or tell anyone, including relatives. They do this because of a promise that has been given by Allah, namely obtaining a great reward for keeping the unseen (secret) and because of Allah's threat to people who reveal other people's secrets.

This verse contains a big lesson for women who like to tell everything that happened between her and her husband, especially in bed. In addition, this verse requires that the wife maintain her husband's property.

| Meaning: | And (against) women that you are afraid will do (disobedient) to you, then give advice, do not sleep in bed with her, and beat them |

3. The Role Of The Husband In The Qur'an

3.1. Responsible

The men become caretakers (leaders) for women, because Allah has prioritized (exceeded) some men over some women, and men are assigned to provide for their wealth.

One of the duties of men is to protect women. This is why war is only obligatory for men, not for women. So is the task of providing for the family. War is a matter of protecting the nation and state. This is the basis, why men get a more share in the inheritance.
longer be advised and converted with gentle teachings. But actually, a good and wise husband, does not need a third action.

Meaning: "If they return to obey you, do not be dishonest with them"

If the wife returns to obey you after you have taken one of the necessary actions as mentioned above, then do not abuse her. Starting with giving advice or giving a warning, then increasing by separating the beds or letting the wife sleep alone, and finally hitting her. But if these steps still don't bring results, then leave it to a third party (hakam, mediator) from your family and from the wife. If the wife outwardly has shown the opposite again, in the sense that she wants to get along again, don't look for the background of her attitude or bring up her attitude.

Meaning: "...Indeed, Allah is Most High, Great...."

Allah warns us with His power and greatness, so that we do not wrong our wives and cheat. He will punish husbands who do not behave well towards their wives by highlighting their power as husbands and treating them inappropriately (Mulyati, 2004).

Ibn Abbas, a well-known commentator among friends, interprets that men (husbands) are those who have the power and authority to educate women (wives). Then Az-Zamakhsary explained that men are obliged to carry out amar makruh nahi munkar to women, as rulers over their people. Al-Alusi stated the same thing that the duty of men is to lead women, just as leaders lead their people in the form of orders, prohibitions and the like. Jalaluddin As-Suyuthi interprets it with men as rulers (musallatun) over women. While Ibnu Katsir interprets it to mean that men are the elder leaders and policy makers for women.

Sayyid Quthub explained that the verse above is a verse that regulates organization within the family, then explained the privileges of the rules so that there would be no chaos among its members, namely by returning them all to God's law, not the law of personal desires, feelings and desires, providing a limit to this organization. Alusi stated that leadership in this household organization is in the hands of men. By appointing a husband as a leader in the household, the husband must be able to guide the family and keep it from falling apart which will cause the destruction of the household.

Allah has established a difference between men and women. Now, the functions and obligations of each sex, as well as the background of these differences, is alluded to by this verse by stating that: men, namely the sexes or husbands are qawwamun, leaders and responsible for women, because Allah has exaggerated some of them. They are above some of the others and because of them, namely men in general or husbands have spent part of their assets to pay the dowry and living expenses for his wife and children. Thus, the husband will be responsible for the family, because the husband is the leader.

The problems faced by husband and wife often arise from the attitude of the soul which is reflected in the cheerfulness of the face or frown, so that agreements and disputes can appear instantly, but may also disappear instantly. Conditions like this require a leader, more than the need for a company that struggles with numbers, not feelings, and is bound by detailed agreements that can be resolved through court. Allah SWT, appointed men as leaders, for example: because Allah has made some of them superior to others. That is, each of them has specialties. However, the privileges possessed by men are more supportive of leadership tasks than the privileges possessed by women. On the other hand, the privileges possessed by women further support their duties as giving a sense of peace and calm to men and further support their function in educating and raising their children. If a husband or wife leaves his obligations.

Being a husband is not an easy thing, nor is it a matter of responsibility that must be carried out. Men are leaders, who will certainly be responsible for their leadership. Before marriage, a man is responsible for meeting the demands of religion, work and himself equally. This responsibility increases, after he completed his bachelor period. Besides that, he must be responsible for his wife, also responsible for his children. At that time, the demands that were a burden for a man were piling up. Therefore the scope of responsibility is wider. He must be responsible for what he has done to himself, his family, society and of course to Allah SWT. Therefore, a man must know his character well and the kinds of responsibilities he must carry out, so that extreme measures are not taken in implementing them, whether by exaggeration or otherwise. In this regard, the alhu fihq and ulema have discussed many issues of male responsibility in Islam. They concluded that the various responsibilities are as follows:

3.2. Responsibility towards Allah and his religion

One of the responsibilities of a man is to uphold and protect his religion, because religion is the main pillar in the life of a Muslim (Syahatab, 2000). Islamic Sharia pays special attention to this issue and makes it one of the noble goals. Which can be an indication of the fulfillment of responsibilities, this category is carrying out worship, doing good deeds, and preaching wisely (bil wisdom) and friendly speech (mau izah hasanah).

3.3. Responsible for family members in their position as a leader in the household This responsibility is divided into several parts

1. Responsibilities towards the wife by giving her a living, having good intercourse with her, and guiding her with love.
2. Responsibility for their children and providing for them, paying attention to their education, preparing their abilities and taking on their responsibilities in the future.
3. Responsibilities towards both parents by serving, looking after and providing maintenance for both of them.
4. Responsibilities to relatives by establishing hospitality, spreading affection, and doing good to them.

3.4. Responsibility towards himself, by maintaining and fulfilling his demands (Shahatah, 2000). Included in this category of responsibilities are as follows:

1. Spiritual education to strengthen the intensity and quality of worship to Allah SWT.
2. Physical education to strengthen physical abilities. With the maintenance of health, worship, good deeds and efforts to earn a halal living can be carried out properly.
3. Give free time to rest. By paying attention to matters of worship, good deeds, and efforts to make a living that are lawful, it can be done with new enthusiasm and discourse. Strengthening good relations with other people by fulfilling their rights and helping resolve their interests.

3.5. Responsibility towards the profession he is involved in in seeking good and lawful sustenance. Included in this category are:

1. Looking for a lawful job that will be a good source of financial income.
2. Maintain sincerity in work with the intention to worship.
3. Work optimally and perfectly, accompanied by the intention of worship.
4. Pass on the expertise they have to others (sharing expertise or knowledge).

4. Sakinah Household

"And Allah made for you your houses as a place to live and He made for you houses (tents) from animal skins that you feel light (carry) when you walk and when you live and (make them) It is also from sheep wool, camel hair and goat hair, household utensils and jewellery (which you wear) until (certain) time. (QS. Surah An-Nahl Verse 80) (R.I, 2012).

According to Ahmad Mushtafa Al-Maraghi in Al-Maraghi’s commentary, these verses explain that Allah has mentioned the blessings that He has bestowed upon His servants. Starting with the favors specifically for those who live, with His Word: "make your houses for you to live in" then the favors specifically for travelers who are able to set up tents, with His Word: "make for you houses (tents) of cattle skins". Then for those who are unable to do that, they also have no shelter other than shelter, with His Word: "make for you a shelter from what He has created", then went on to mention the favors that are needed by everyone, with His Word: "and He made clothes for you". Then, mentioning what is needed in battle, with His Word: "and the clothing (armor) that keeps you in battle".

Allah has given favors, one of which is a place to live in which there is a peaceful life, as well as in household life, namely having to create a household full of peace, tranquility, serenity and happiness. In fact, building a household requires an extraordinarily hard struggle, starting from laying the foundations of agedah and the pillars of morality. Before creating a sakinah household, a husband must have the personality of a pious husband, so that the husband is successful in forming a sakinah family.

Creating a sakinah household is not as easy as turning the palm of the hand. Fostering a household that is sakinah, mawaddah, wa rahmah, is the dream of every husband and wife who vows in love and affection. All Muslims hope with great effort and sacrifice, that the household mahligai which is built on the foundation of love and compassion becomes an example for its inhabitants and the generations to be born. However, it turns out that when the ark began to sail the vast ocean, the rudder often became a bone of contention between husband and wife. They try to be a reliable skipper, and insist on showing the direction they are forded. So many of us miss having a household to be something very beautiful, happy, filled with the charms of love and affection. However, the reality is, we witness a line of queues of people who failed to create a happy household. Day after day is only filled with anxiety, fear, violence, anxiety and suffering. In fact, it is not uncommon to end in disgrace which ends in divorce, giving birth to prolonged suffering, especially for the children who are born.

5. Exemplary in Building a Household

Rasulullah is the figure of the husband who is most intimate with his wives. As a servant who was entrusted with spreading the sources of Islamic law, he carried it out with zeal, patience and firm determination for the sake of Allah’s religion. He is able to behave and act the best in any condition. On the battlefield, he became a leader who mastered strategy and was able to defeat the enemy. In the midst of society he became a friend, friend, authoritative teacher. And even at home, the Messenger of Allah became a loving figure and head of a household who was just and able to provide a sense of security and happiness for his wife. It is not wrong if he is used as a role model for all Muslims.

Here are some of the Prophet’s ways to maintain intimacy, which are quoted from hadiths and narrations that tell the Prophet sallallahu ‘alaihi wa sallam as an exemplary path in domestic life and worth worshipping God.

1. The husband opened the door for his wife

From Anas, he said: Then we went towards Medina (from Khaibar). I saw the Prophet sallallahu ‘alaihi wa sallam providing a soft seat made of cloth behind him for Shafiiyyah. Then he sat beside his camel, straightening his knees and Shafiiyyah put his feet on his knees so he could ride the camel (al-Bukhori, 1995).

2. Eat/drink a plate/glass together

From Aisyah r.a, she said: I used to eat his (a type of porridge) with the Prophet Shallallahu alaihi wa Wasalam (HR. Bukhori in Adabul Mufrod) From Aisyah r.a, she said: I used to drink from the same glass during menstruation, then the Prophet Shallallahu ‘alaihi Wasalam took the glass and put his mouth where I put my mouth, then he drank (Abdurrozaq and Said bin Mansur, and other similar narrations from Muslim.)

3. Husband feeds wife

From Saad bin Abi Waqosh r.a said: Rasulullah Shallallahu ‘alaihi wa sallam said: And actually if you give a living, then it is charity, up to the bite of rice that you feed into your wife's mouth (HR Bukhori (VI/293) and Muslim (V /71).

4. Be gentle, serve/accompany a sick wife (spoil sick wife)

Narrated by Aisyah r.a, the Prophet sallallahu ‘alaihi wa sallam loved and gentle person. He is the gentlest person and often accompanies his wife who is complaining or sick. (HR Bukhari No 4750, HR Muslim No 2770)

5. Frolic and build intimacy

Aisyah and Saudah once smeared each other's faces with food. The Prophet Shallallahu ‘alaihi wa sallam laughed at them. (Reported by Nasai with isnad hasan) From what Zaid bin Thabit said about the Messenger of Allah, he likes to joke with his wife (HR Bukhari).

6. Love your wife and serve her well
From Abu Hurairah, he said: The Messenger of Allah said: The believer with the most perfect faith is the one with the best morals, and the best among you is the one who is the best to his wife (HR. Tirmidzi, Ibu Hibban, hadits hasan shahih).

7. Giving gifts
From Umm Kalsum bint Abu Salamah, she said, When the Prophet sallallahu alaihi wa sallam married Umm Salamah, he said to her, "In fact I once wanted to give King Najasyi a lace dress and several bottles of musk oil, but I found out that King Najasyi had passed away and I thought the gift would be returned. If the gift is indeed returned to me, I will give it to you. She (Um Kulthum) said, It turned out that the condition of King Najasyi was as said by the Prophet sallallahu alaihi wa sallam, and the gift was returned to him, then he gave each of his wives a bottle of musk oil, while the rest of the musk oil and the clothes he gave to Umm Salamah. (Reported by Ahmad).

8. Stay romantic even though the wife is menstruating
Menstruation, is something natural for women. In contrast to the views of the Jews, who considered menstruating women to be grossly unclean and should not be approached. When Aisha was menstruating, the Prophet sallallahu alaihi wa sallam once woke her up, he then slept on her lap and read the Koran (HR Bukhari no 7945)

9. Husband takes wife
Shafiyahah, the wife of the Prophet sallallahu alaihi wa sallam, told that she came to visit the Prophet sallallahu alaihi wa sallam. when he was doing Itikaf on the last ten days of the month of Ramadan. She spoke to him for a few moments, then stood up to return. Prophet peace be upon him. also stood up to accompany him. (In one history 492 it is said: The Prophet SAW was in the mosque. Next to him were his wives. Then they left (came home). Then the Prophet SAW said to Shafiyahah bint Huyay: Don't be in a hurry, so I can go home with you') (HR Bukhari and Muslin)

10. Paying attention to the wife's feelings
Indeed, when a husband pays attention to his wife and so does his wife, Allah pays attention to them with full of grace, when the husband embraces his wife's palms tenderly, the sins of the husband and wife fall from between his fingers (Narrated by Maisarah bin Ali from Ar-Raifi from Abu Said Alkhudzri r.a)

11. Immediately meet the wife if tempted.
From Jabir, in fact the Prophet saw a woman, then he entered Zainab's place, then he poured out his wishes to her, then came out and said, "Woman, if she faces, she faces in the form of a devil. If someone among you sees an attractive woman, let him go to his wife, because in his wife there are the same things that are in that Woman. (HR Tirmidhi)

12. Cuddle while sleeping
The Prophet's behavior that describes this, the Prophet said: Come closer to me, warm me, warm me. Then I told him I was menstruating. He said, even if you are menstruating, expose your thighs. Then I opened my thighs and he put his cheek and head (also his chest) on my thighs (I hugged him) until he felt warm and fell asleep. (HR Bukhari)

13. Lying on the wife's lap
From Aisha ra, she said, the Prophet sallallahu alaihi wa sallam used to put his head in my lap even though I was menstruating, then he would read the Koran. (HR Abdurrazaq)

6. Conclusion
From the description of the discussion above, it can be concluded that the husband's role in fostering a Sakinah family, Mawaddah wa Rohmah is as follows: Providing physical and spiritual living, Being responsible for the family, Setting a good role model for the family, Creating a sakina household, mawaddah wa rahmah and Prioritizing their obligations before their rights.

Basically, a pious husband must know his role, which is his obligation and determines the realization of a sakinah household, so that he is responsible for what is his role, then the husband will lead, educate and set an example for his children in all things. Thing. Even though the husband's role is very decisive, it does not mean that the wife's role is not decisive, because husband and wife will complement each other, if so, a sakina household will be realized.

References


