

Enforcement Women in Cases of Nusyuz and Polygamy in the Perspective of Ali Abdul Halim Mahmud and its Relevance to Islamic Education (Study of Q.S. An-Nisa [4]: 127-130)

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Abstract

This paper discusses some of the provisions for dealing with women in nusyuz and polygamy. Data from Kompas.com shows that the divorce rate in 2022 will be the highest. The leading cause is not feeling love with her husband or his wife. This is what people often call nusyuz disagreement or indifference on the part of the husband and wife, but this verse only explains the husband. The problem in this paper is how surah An-Nisa [4]: 127-130 is contextualized with education in the book Tarbiyah Al-Islamiyah fi Surah An-Nisa by Ali Abdul Halim Mahmud. To get educational values and change people's views on the case of nusyuz and polygamy, the research method in this paper uses a literature study, namely, taking data from books, articles, and books. The analysis used is descriptive-analytical. The results of the writing of educational values explain that marital relationships must be reconciled well to obtain full rights. If a man wants polygamy, he should be fair, but fair treatment is challenging to apply because it has become human nature. If there is no peace in the marriage, it is permissible for you to separate in a good way.

Keywords: Women; Islamic Education; Ali Abdul Halim Mahmud

Introduction

Nusyuz is one problem that causes someone to choose divorce. According to data from Kompas.com, the divorce rate in 2022 is the highest in the last 6 years. This is not only because of too high expectations from couples at the beginning of marriage but also declining commitment, challenging careers, and physical changes. Some are separated because they do not feel love for one another. This falls under the discussion of Nusyuz being married. (Nariswari, 2023)

The disputes that occur in marriage between husband and wife can use reconciliation to resolve these disputes. This is done to achieve the marriage goal, namely sakinah mawaddah and rahmah. Their husbands and wives will not be able to rule out the possibility of mistakes in the household.(Ahmad & Rozihan, 2021, p. 14) If they cannot be united, then they may divorce. This has been explained in the Qur'anic verse about them being allowed to divorce even though Allah hates divorce. The divorce makes both of them better, and Allah will replace something with something good.

Discussing how these verses are contextualized with education in the book Tarbiyah Al-Islamiyah fi Surah An-Nisa by Ali Abdul Halim Mahmud is interesting. Talking about nusyuz and polygamy can never be separated from the education contained to change people's views on nusyuz and polygamy.

Many previous researchers have discussed this study, such as Analisis Metode Mafhum Mubadalah Faqihuddin Abdul Kodir Terhadap Masalah Nusyuz Suami. (Ahmad & Rozihan, 2021) Mubadalah dalam Hak cerai: Interpetasi Q.S An-Nisa Ayat 128-130 Perspektif Nalar Keadilan Gender, (Khuzaimah & Nurani, 2022) and Nusyuz Dalam Q.S An-Nisa [4]: 34 & 128 Perspektif Hamka Dalam Kitab Tafsir Al-Azhar. (Ardiansyah, 2022) In this previous study, there was no research on education discussing nusyuz and polygamy.

Theoretical Review

Islamic Education

The definition of Islamic Education contains at least three etymological terms, namely tarbiyah, ta'dib, and ta'lim.

1) Tarbiyah

The word tarbiyah itself comes from three words. First, the word rabaa-yarbuu tarbiyatan which means addition or development. Second is Rabaa turbine tarlatan, which means growing and becoming mature or large. Third, rabba yarubbu tarbiyatan means repairing, maintaining, caring for, beautifying, nurturing, owning, organizing and maintaining its existence.

The word tarbiyah contains many meanings that include the purpose of education, namely the meaning of developing potential, and the educational process, namely nurturing, caring, maintaining, repairing, and managing.(Syukur, 2020, pp. 1–2)

2) Ta'dib

Kata ta'dib berasal dari kata *addaba-yu addibu-ta'diban* yang artinya adalah adab, atau maknanya perilaku. Kata ini tidak ditemukan dalam Al-Qur'an yang mengacu dalam makna pendidikan, namun dalam hadis kata ini banyak disebutkan. Dalam hadis tersebut kata al-Ta'dib lebih ke dalam aspek pendidikan adab.(B, 2018, p. 31)

3) Ta'lim

Ta'lim has the jama' form of ta'alim, which means training and teaching (Syukur, 2020, p. 3) The word al-Ta'lim in the Qur'an, for example, is in the words of Allah swt:

Meaning: "He taught Adam the names of all things, then He showed them to the angels, saying, "Name them to Me if you are right!" (Q.S. Al-Baqarah: 31)

The learning process is symbolic when Adam was created. He received an understanding of learning that explained Adam's knowledge relationship with God, namely about education, by conveying information and teaching and developing knowledge. (Nurlaila, 2018, p. 9)

Functions of Islamic Religious Education

Among the functions of Islamic religious education are:

- 1) Development in the function of Islamic education with piety to Allah with noble morals
- 2) Teaching and educational activities
- 3) Can educate the life of the nation
- 4) Passion for science and technology (Mahmud, 2023, pp. 82–83)

Method

This research uses library research, which examines works related to the research topic sourced from books, articles, and books. The data source in this research is the primary data source of the book Al-Tarbiyah Al-Islamiyyah fi Surah An-Nisa by Ali Abdul Halim Mahmud. (Mahmud, 1999) Then the secondary data source in this study is the Analisis Metode Mafhum Mubadalah Faqihuddin Abdul Kodir Terhadap Masalah Nusyuz Suami. (Ahmad & Rozihan, 2021) and Buku Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam. (Kodir, 2019) The analysis technique used is descriptive-analytical.

Results

Biography of Ali Abdul Halim Mahmud

Ali Abdul Halim Mahmud who was born in Tahta, Suhaj Province, Egypt in 1928. Mahmud's parents were academics at Al-Azhar University, while he was an active writer who had written 56 books. He was also a Muslim Brotherhood member. He died in 2014 on Monday, March 10, 2014. Mahmud joined the Muslim Brotherhood from a young age and was a disciple of Imam Hassan Al-Banna, who died in 1949 as the founder of the Muslim Brotherhood organization.

No less than twelve of Mahmud's works have been published in three languages, and they have become part of the references in 23 important libraries worldwide. It has proven to significantly influence the formation of organizational and intellectual networks that drive various educational (tarbiyah) and da'wah movements on campuses and in society. Some recent writings that try to elaborate on the Muslim Brotherhood movement use Mahmud's works as one of their primary references. (Akmansyah, 1999; Farida, 2016)

It is not easy to get detailed information about this figure's biography and life records, especially after the Mursi government in Egypt, supported by the Muslim Brotherhood, fell and was replaced by the government of General Abdul Fattah al-

Sisi. Due to the similarity in names, some writers consider Mahmud to be the same as Shaykh Abdul Halim Mahmud, an expert in spiritual asceticism (Sufism), the 40th Grand Imam of al-Azhar. (Andiko dkk, 2015). Shaykh Mahmud was born in 1910 and died in 1978, a different generation from Mahmud.

In the final section of Ali Abdul Halim Mahmud's work entitled *al-Tarbiyah al-Islamiyyah di al-Bayt* (2005), Ali Abdul Halim Mahmud has produced more than fifty works, including:

- 1. Ma'a al-'Agidah wa al-Harakah wa al-Manhaj
- 2. Al-Ghazw al-Shaliby wa al-'Alam al-Islamy
- 3. Figh al-Da'wah ila Allah
- 4. Al-Gazw al-Fikry wa Atsaruhu fi al-Mujtami' al-Islamy
- 5. al-Tarbiyah al-Islamiyyah fi Surat al-Anfal
- 6. al-Tarbiyah al-Islamiyyah fi Surat Ali Imran
- 7. al-Tarbiyah al-Khuluqiyyah
- 8. al-Tarbiyah al-Islamiyyah fi Surat An-Nisa
- 9. al-Tarbiyah al-Jihadiyyah al-Islamiyyah

Of the above scientific works, more than a dozen discuss Islamic education. He always tried to describe the perfect system of Allah's teachings as found in the Qur'an and the Sunnah of the Prophet. His extensive experience visiting various countries in Europe, Asia, Africa, and America made him increasingly aware of the importance of Islamic education, da'wah, and the Islamic movement. (Arif, 2017, p. 57) Education is considered a vital and strategic part of human life. Because without education, there is no dignity in human life. In line with the history of human progress, education recognizes several schools of thought. In summary, Mahmud maps these schools of thought as follows: Moral School in Education, Intellectual School in Education, Religious School in Education, Naturalistic School in Education, Social School in Education, Political School in Education, Aesthetic School in Education, and Pragmatic School in Education. (Arif, 2022, p. 366)

Related to the method of interpretation of Ali Abdul Halim Mahmud using thematic methods by collecting themes in each chapter explained. For example, Tafsir Surah An-Nisa is presented with titles in each chapter, describing the verses of the Qur'an. As Mahmud said in his article, he chose a particular letter to interpret and raised the theme of education to explain the verses of the Qur'an. (Arif, 2017, p. 76) This interpretation also has a tarbiyah style because each verse explained by Ali Abdul Halim Mahmud tries to bring out the educational values in it. Seven books

explore Allah's message about education, namely in surah Al-Maidah, Al-Nur, Ali Imran, Al-Ahzab, Al-Anfal, An-Nisa, and Al-Taubah. Mahmud's works are dedicated to Muslims, preachers, and intellectuals. Education and da'wah are the main movements that build Muslim consciousness beyond politics. (Arif, 2017, p. 75)

Interpretation of Surah An-Nisa [4]: 127-130

وَيَسْتَفْتُوْنَكَ فِى النِّسَآةِ قُلِ اللهُ يُفْتِيْكُمْ فِيْهِنَ وَمَا يُتْلَى عَلَيْكُمْ فِى الْكِتٰبِ فِيْ يَتٰمَى النِّسَآءِ اللهِ اللهُ اللهِ اللهُ اللهِ ا

Meaning: "They ask you (Prophet Muhammad) for a fatwa about women. Say, "Allah gives you a fatwa about them and what is recited to you in the Qur'an about the orphaned women (for whom you do not give a prescribed dowry and wish to marry them) and the helpless children. (Allah also gave you a fatwa) to take care of the orphans justly. Whatever good you do, Allah knows best. If a woman fears that her husband will be unfaithful or indifferent, they may make a genuine peace. Peace is better (for them), though man is by nature miserly. If you do good and preserve yourselves (from nusyuz and indifference), Allah will be most exact in what you do. You can never do justice between your wives, even if you wish. Therefore, do not be so inclined (to the one you love) that you leave the other hanging. If you make islah (reconciliation) and keep yourselves (from cheating), surely Allah is Forgiving and merciful. If they divorce, Allah will provide for each of them out of His bounty. Allah is All-Wise (in His bounty), All-Wise." (Q.S. An-Nisa [4]: 127-130)

The above verses provide some explanations.

These noble verses contain several laws relating to women, summarized below.

1) The ruling on how a man should treat an orphan who is in his care while he is her guardian who wants to marry her

The ruling below:

- a) He should give her a dowry equal to that of other women and not take advantage of his guardianship over her.
- b) Allow her to marry someone else if he does not wish to take her as his wife. Do not forbid her to marry someone else for fear that his wealth will not come to you. Ali Abdul Halim Mahmud, At-Tarbiyah Al-Islamiyyah Fi Surah An-Nisa (Dar Al-Tauzi'i Wa An-Nasyr Al-Islamiyyah, 1999), 351.
- 2) A specific ruling on the inheritance of male and female children. This is because, in the pre-Islamic era, they did not bequeath minors. May Allah bless them, both male and female.
- 3) Specific rulings on the treatment of the wife in case of dislike or on consent with her
- 4) Specific rulings on the wife's affairs upon separation
- 5) Specific ruling on a husband's preference for his wife over others (Mahmud, 1999, p. 352)

Explanation of the verses of An-Nisa [4]: 127-130.

Meaning: "They ask you (Prophet Muhammad) for a fatwa about women. Say, "Allah gives you a fatwa about them, and what is recited to you in the Qur'an about the orphaned women (for whom you do not give a prescribed dowry, but wish to marry them) and (about) the helpless children. (Allah also gave you a fatwa) to take care of the orphans justly. Moreover, whatever good you do, Allah knows best." (Q.S. An-Nisa [4]: 127)

There are two opinions as to why the above verse was revealed:

1) The Arabs before Islam did not inherit from women in general because of their weakness, nor did sons inherit from them because of their weakness. So this verse was revealed, and it became obligatory for them to bequeath the inheritance to such and such.

2) The verse was revealed to them concerning the dowry because the orphaned woman used to be with the man, and he was her guardian. However, he is permissible to marry her and use her money. However, if she was unruly, her master forbade her from marrying until she died and received her inheritance. So Allah forbade this behavior by sending down this verse because this is the wrong that guardians do to women who do good to them. (Mahmud, 1999, p. 353)

The meaning of the verse above explains having been a fatwa in the Qur'an, giving a fatwa to orphaned women, women who ask for affection, and someone who gives justice to orphans. Let no one do evil or wrong to them by deed.

Whatever good you do by obeying Allah's commands and avoiding His prohibitions. Allah will reward your good deeds in the best way possible. For Allah does not waste the reward of anything created. (Mahmud, 1999, p. 353)

Meaning: "If a woman fears that her husband will be unfaithful or indifferent, they may make a real peace. Peace is better (for them), although man, by nature, is miserly. If you do good and preserve yourselves (from nusyuz and indifference), Allah is Most Observant of what you do." (Q.S. An-Nisa [4]: 128)

The Shari'ah governs the relationship between husband and wife when they are estranged from their wives, and they reconcile using property offered by their wives. To preserve her husband's chastity.(Mahmud, 1999, p. 353)

Or seeing signs of her husband that worry her, who is nusyuz, indifferent, surly and refrains from intercourse and neglects his duties.

Suppose this happens because the husband is elderly or for some other reason that causes him to let her go. So, the wife may waive some of her rights that are the husband's responsibility, such as part of her dowry or part of her property,

or forgive her husband for staying with her to preserve her honor. The husband has the right to accept this and has no problem.

A husband and wife who have agreed on something that they have agreed on. If the woman remains under her husband's guardianship without divorce, that is best for her, and there is no harm to the husband. (Mahmud, 1999, p. 354)

Regarding the peaceful way in the household that the wife takes to prevent her husband's Soyuz, there is an explanation from scholars about its permissibility. Here is the description: According to Ibn Kathir, a husband should accept from his wife (as well as the willingness of the wife to be given some or all of her rights), so there is no sin for the wife who has been willing to accept her husband, as Allah says "so there is nothing wrong with the two of them making a true peace." (Abdurrahman, 2008, p. 534) In the article Israt Damiarto, Alfitri, Mahrus takes the opinion of Imam Al-Baghawi in the book Syarhu Sunnah, writing that if a wife is not to fulfill her rights or some of them or is not given maintenance and wants peace, then it is a good thing. (Damiarto & Mahrus, 2023, p. 136)

Because divorce is an abominable deed in the sight of Allah.

Moreover, stinginess is close to the human soul and challenging to separate.

Husbands should slowly deal with problems by being patient with what they hate about their wives. Husbands should promise their wives to be good role models. Because Allah knows everything, Allah will reward you for your actions with abundant rewards. (Mahmud, 1999, p. 354)

Meaning: "You will never be able to do justice between your wives, no matter how much you wish to do so. Therefore, do not be so inclined (to the one you love) that you leave the other hanging. If you make islah (amends) and preserve yourselves (from cheating), surely Allah is Forgiving, Merciful." (Q.S. An-Nisa [4]: 129)

This is the Shari'ah for husbands and wives if they can agree. The condition is that the husband should not turn away from his wife in any way. Explanation: The ruling that a man cannot be fair between two women he has married is the tendency of some of them; as long as the husband cannot be fair, he will never be able to do so.

Alternatively, this verse explains that a man cannot equalize every woman in every way because the inclination of the human heart is in the hands of Allah, even if they are equal in the distribution of wealth and shares when they are not equal in love, lust, and companionship.

If you are inclined towards one woman among them, do not be too inclined so that this does not remain like a clinging feeling. If you correct your inclination, repent, and fear Allah, you do not fall into it again. (Mahmud, 1999, p. 355)

According to Faqihuddin in his book explains that a woman may refuse polygamy to save her from harm (dar'u al-Mafasid) both in physical, psychological, economic, and social terms. Suppose the permissibility of polygamy is based on jalbu al-Mashalih as a form of right to halal sexual pleasure for men. The rejection of polygamous behavior is based on dar'u al-Mafasid experienced by women. Patience is good behavior, so patience can be owned by women facing husbands who want polygamy and men to be patient with one wife or monogamy. (Kodir, 2019, p. 422)

Meaning: "If they divorce, Allah will provide for each of them out of His bounty. Allah is All-Wise (in His bounty), All-Wise." (Q.S. An-Nisa [4]: 130)

If a husband and wife want to separate, they should do so in a good way, with trust in Allah and His justice, and in a way that enriches one another. This means that if a husband and wife want to separate, the Shari'ah allows it, even though Allah dislikes divorce. Allah promises that if the intention is for each of them, each of them will have detached himself from his spouse after the divorce. Whether that enrichment is by replacing her husband with a better one or being more comfortable than the first husband, Allah is in charge. (Mahmud, 1999, p. 356)

In the article by Matsna and Shinta, there is an explanation of magnum Mubadala, namely that if a husband cannot be fair and the divorced wife looks happier, divorce is better for both. Allah will provide for them and replace them with better partners. (Khuzaimah & Nurani, 2022, p. 10)

Discussion

Relevance of Q.S. An-Nisa [4]: 127-130 with Islamic Education

The educational values in this verse explain kinship and social relations in general. It is expected that each individual can obtain their full rights, both for orphaned women and oppressed women. In the Jahiliyah period, the community did not care about their rights in detail.

Q.S. An-Nisa [4]: 127

- 1) A Muslim seeking a fatwa should turn to the Qur'an and Sunnah. He should consult the scholars if he cannot conclude the Qur'an and Sunnah.
- 2) He should deliver the right to the owner, even if he is small and weak (Mahmud, 1999, p. 358).
- 3) A Muslim should behave according to the Shari'ah rulings towards himself and others.

Q.S An-Nisa [4]: 128

- 1) Prioritizing peace between spouses before deciding on divorce (Mahmud, 1999, p. 359)
- 2) Peace between spouses should be something that preserves the rights of each of them.
- 3) Muslim couples should do good to each other
- 4) Each spouse should fear Allah in everything they do. (Mahmud, 1999, p. 360)

Q.S. An-Nisa [4]: 129

- 1) A husband cannot be fair between his two wives because of his natural inclination.
- 2) Do not favor one wife. If you cannot be fair, then one wife is sufficient.

- 3) Men will not be able to equalize women in every equation because the inclination of the human heart is in the hands of Allah
- 4) Especially husbands have written two things when the marriage contract
 - a) Do good to each other
 - **b)** Fear Allah in every action (Mahmud, 1999, p. 360)

Q.S. An-Nisa [4]: 130

- 1) Keeping the marriage chaste and divorcing that which Allah hates.
- 2) If the couple reconciles after the separation, then it is permissible for them to engage in sexual relations. (Mahmud, 1999, p. 361)
- 3) It is permissible to choose divorce if there is no justice, and Allah will replace it with something better.

Aspects of Education in the Field of Da'wah and Movement

- 1) Indeed, the Qur'an and Sunnah are the guidelines for believers and are the essential reference in all aspects of life that are constantly changing.(Mahmud, 1999, p. 363)
- 2) Every preacher should explain to people that Islam condemns those who do injustice to women and deprive them of their rights. (Mahmud, 364.)
- 3) Read the literature on how to behave towards women both through written laws(Mahmud, 364.)
- 4) Reconciliation is a form of kindness for every case caused by quarrels. (Mahmud, 1999, p. 365)
- 5) One should learn that one's character will be contaminated with miserliness. (Mahmud, 1999, p. 365)
- 6) A person's unique abilities are limited and cannot reach perfection. (Mahmud, 1999, p. 366)
- 7) Respecting the wife's rights in the household and not neglecting them. Because not respecting the rights of one's wife is an act of wrongdoing, and Allah has not forbidden it. (Mahmud, 1999, p. 366)
- 8) Allah accepts repentance and reconciliation for mistakes and sins against a husband's injustice towards his wife or wives. (Mahmud, 1999, p. 367)
- 9) The marriage contract is a covenant, a safeguard, encompassing all aspects of respect and appreciation. (Mahmud, 1999, p. 367)
- 10) Indeed, Allah will provide guarantees to couples who separate for the pleasure of Allah. Such as giving a better replacement than before if they fear Allah for their behavior toward their new spouse(Mahmud, 1999, pp. 367–368)

11) Allah is all-giving and all-wise in every provision of His Shari'a to humanity and married couples. (Mahmud, 1999, p. 368)

Conclusion

The educational values mentioned above explain general social relations and kinship. The beginning of verse 127 describes how a person obtains full rights, both orphaned and oppressed women. In verse 128 of the marriage relationship, if there is nusyuz by the husband against the wife or vice versa, let them reconcile well. Verse 129 explains that if a man wants to be polygamous, he should be fair, for the case of being fair is difficult for humans to do because it has become the nature of some of them. Verse 130 Allah explains that if there is no peace in the marriage, it is permissible for you to separate in a good way. If both partners have reconciled after the separation, then they are lawful to associate.

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