
Review of Islamic Family Law: Social Implications and Juridical Implementation in the Family Context in Indonesia

Kurniasih Fitri Maulinda^{1*}, *Layla Waffa Purnama*², *Mauna Aulia Marelyno*³,
*Mutmainah*⁴, *Salamah*⁵, *Saroh Sa'diyah*⁶, *Febryan Hidayat*⁷, *Abdullah
Muhammad Yahya*⁸

^{1,2,3,4,5,6,7,8} Islamic Education, Ma'had 'Aly Arabic and Islamic Education, Indonesia

^{1*}maulindaofficial636@gmail.com, ²laylawaffa30@gmail.com,

³mounymarelyno@gmail.com, ⁴mutmainahm818@gmail.com, ⁵salamahdzysl12@gmail.com,

⁶sarochast9@gmail.com, ⁷rosyid.alhuda@gmail.com, ⁸yahyafuz@gmail.com

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Abstract: *Islamic family law is an important aspect of social life that has many principles and contexts in legislation and affects daily life, including marriage, divorce, and rights in the family. The methodology used in this analysis is qualitative with a descriptive-analytical literature approach, as well as a content analysis approach because it is based on Islamic legal literature. While in the complications of Islamic law, it is explained that marriage is a strong contract to obey the commands of Allah the Exalted and carry it out as a form of worship, while the meaning of marriage according to Indonesian terms here is the union of two people with different types, namely men and women who establish a bond with a covenant or contract. The hukun of marriage itself is divided into several provisions namely obligatory, sunnah, mubah, makruh, and also haram. In marriage there are also pillars including the presence of a bride and groom, the presence of a guardian and two witnesses, and the existence of ijab and qabul, in addition to harmony, marriage also has certain purposes including, marriage is recommended by the prophet Muhammad, marriage to multiply this ummah, maintain the genitals, and create peace and tranquillity in oneself. The rights and obligations that must be fulfilled by a husband to his wife are, giving dowry or dowry, providing a living mentally and mentally, and associating the wife well. In addition, a wife also has obligations to her husband that she must fulfil including, completing the husband's shortcomings (a husband and wife must complement each other), obeying the husband and it is Allah's command to follow the husband's residence after marriage, maintaining self-honour and property, devoting herself to the husband in taking care of children, and covering the disgrace of the husband. Life within the frame of marriage must be lived with full awareness, affection, and mutual respect, able to keep each other's secrets and disgraces, and can complement each other. Islam requires every marriage to last forever so that it is a married couple who can jointly manage the household and educate their children well, however, not a few realities that occur around us show examples of the fragility of the joints of a marriage which often results in the emergence of a divorce with all its consequences and access that arises.*

Keywords: *family law, marriage, Islamic family, divorce, husband's rights.*

INTRODUCTION

Islamic family law has an important role in forming a harmonious and fair family order in Indonesia, where the majority of the population is Muslim. In this context, Islamic family law not only regulates aspects of marriage, divorce, and inheritance but also reflects the moral and ethical values Muslim society embraces. A review of the social implications and juridical implementation of Islamic family law is important to understand how it is applied in everyday life and its impact on social dynamics and relationships between family members. Through this study, it is hoped that a balance can be found between religious norms and social realities in Indonesia, which can contribute to improving the quality of family life in Indonesia [1].

Family law is an important aspect of the social life of society that affects various aspects of daily life, including marriage, divorce, rights in the family, and obligations. In Indonesia, family law is governed by two legal systems, namely customary law and religious law, with the majority of the population being Muslim, so Islamic family law plays a very important role. The existence of Islamic legal principles in the Indonesian legal system raises various implications and implementations so that there are many interpretations, especially in the context of laws and regulations related to family law [2], [3].

By presenting an in-depth and contextual analysis of the application of Islamic law in the Indonesian legal system, this discussion aims to make a meaningful contribution to the development of Islamic legal thought as well as broaden understanding of the dynamics of family law in Indonesia. Through a deeper understanding of Islamic law in the law of the land, and is expected to be able to provide more effective solutions in facing the challenges of problems in society [1].

METHODOLOGY

The method used in this study is qualitative, with a literature approach and analysis, also with a content analysis approach because it is based on Islamic legal literature. The themes discussed are related to the review of Islamic family law, its implications, and its implementation in the context of the family in Indonesia.

This qualitative research with the case study method is used to analyze the social implications and juridical implementation of Islamic family law in the context of the family in Indonesia. Data will be collected through in-depth interviews with resource persons who have knowledge and experience in the application of Islamic family law, such as Islamic jurists, religious leaders, and individuals involved in family law cases. In addition, document analysis of related laws, fatwas, and court rulings will also be conducted to gain an in-depth understanding of how Islamic family law is implemented in Indonesia. The data obtained will be analyzed thematically to identify the patterns, challenges, and social implications of the application of this law [2], [3].

Table 1. Table Label

No	Types of Research	Model and Description
1	Research Methods	Qualitative
2	Types of Research	Library
3	Nature of Research	Description of Analysis
4	Approach	Content Analysis

RESULTS AND DISCUSSION

Definition of Marriage

Marriage is a living alliance between a man and a woman that is formally legalized by law, that is, juridical and mostly religious. According to the purpose of Marriage in the Act, Marriage is performed during its lifetime according to the institution of marriage. According to Marriage Law, Number 1 of 1974 Article 1 paragraph (1) marriage is defined as: "the inner birth bond between a man and a woman as husband and wife to form a family that is *sakinah*, *Mawaddah* and *Rahmah*, a happy and eternal household based on the One and Only Godhead", marriage is considered valid if it is carried out according to the respective marriage law and belief and recorded by the competent institution [2], [3].

While in the complication of Islamic law, it is explained that marriage is marriage, which is a strong contract or *mitsaqan ghalizhan* to obey Allah's commands and carry them out in worship. The term *nikah* comes from Arabic, namely (النكاح), some say marriage according to the term *fiqh* using the word *nikah* and the word *zawaj*. According to Indonesian terms, it is marriage. In principle, marriage and marriage differ only in drawing roots. The meaning of marriage according to shari'a means contract. The meaning of marriage here is the union of two people of different types, namely men and women who establish a bond with a covenant or contract [4].



Figure 1. Illustration of a wedding with a 2-ring symbol. source: pinterest.com/aakritivagrawal

Marriage Law

Legal certainty requires legal regulation efforts in legislation made by authorized and authoritative parties so that these rules have a juridical aspect that can guarantee certainty that the law functions as a regulation that must be obeyed. Therefore, about what is the meaning of legal certainty is also a very important thing for society, Legal certainty as stated in the judge's decision is a result based on the facts of the trial that are juridically relevant and considered with a conscience. Judges are always required to be able to interpret the meaning of laws and other regulations that are used as a basis for application. The law in marriage uses *taklifi* law, namely:

- 1). It is mandatory by law for persons who can fulfil and assume the responsibilities of marriage and worry that adultery will be easy if they do not marry [5].
- 2). Haram for a person who is unable to provide for his future wife and body and mind, while his lust is not urgent, marriage between Muslim women and non-Muslim men is also forbidden.
- 3). Sunnah is for one whose lust has been urged and can marry, but he can still refrain from committing haram.
- 4). Makruh for people who are weak and unable to spend on their future wives.

- 5). Change for people not to be pressured by reasons that require immediate marriage or for reasons that expect to marry [6]–[8].

The law of marriage also has two meanings, namely sharia (such as obligatory, haram, sunnah, mubah, and makruh) the consequences caused in sharia 'namely the law in this marriage has obligations and dowry contracts over his wife while the wife has obedience to her husband to maintain good company [9].

Allah the Exalted says:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

"And among the signs of his power is that he created for you wives of your kind, that you might be inclined and at ease to them, and he made among you affection and affection. Indeed, in such there are signs for the thinking." QS. Ar-Rum (30): 21

Allah the Exalted also says:

وَمِنْ كُلِّ شَيْءٍ خَلَقْنَا زَوْجَيْنِ لَعَلَّكُمْ تَذَكَّرُونَ

"And all things We created in pairs that you might remember the greatness of God." QS. Ad-Dzariyat (51): 49

And it is mentioned in another word of God:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

"O man, verily We created you from a man and a woman, and made you into nations and tribes, that you might know one another. Verily, Allah is All-Knowing, All-Knowing". QS. Al-Hujurat (49): 13.

Had told us 'Ali had told us Sufyan he said; had told me umaid that he heard Anas radhiyallahuanhu. said; The Prophet (peace and blessings of Allaah be upon him) once asked 'Abdurrohman bin 'Auf when he married an Anriyah woman, "How much dowry did you give her?" he replied, "The size of an ore in the form of gold." And from umaid; I heard Anas say; that when they reached the city of Medina, the Muhajireen stopped at the residence of the people of An. r. Then 'Abdur Rahman bin 'Auf stayed at the residence of Sa'ad bin ar-Rabi'. Sa'ad ibn ar-Rabi' said to him, "I will share my wealth with me and marry you to one of my wives." 'Abdurrahman said, "May Allah bless your family as well as your property." Then he went out to the market and traded until he made a profit in the form of cheese and Samin, and he got married. So the Prophet. saying: "Hold walimah even with only one goat" [10].

It is also mentioned in the Hadith of Abdullah ibn Mas'ud Radhiyallahu 'anhu, he narrates the Prophet saying: "O young men, whoever among you is able and willing to marry, let him marry. For surely marriage can subdue the gaze and nourish the genitals. And whoever is not able, let him fast, for surely it can be a shield for him." (Muttafaquun Alaih) [11].

Purpose of Marriage

People who marry should not only aim to exercise their martyrdom, as is the goal of most people today. But she should marry for the following purposes:

- Carry out the advice of the Prophet in his words:

...يامعشرالشباب من استطاع منكم الباءة فليتوج

It means: "O young men! Who of you has been able to marry should he marry..."

- Multiply the offspring of this people, because the Prophet Sallallahu'alaihi wa sallam said which means: "Marry you with a merciful and fertile woman, because (on the Day of Judgment) I boast of your great number before the rest of the people." The birth of children will preserve one's offspring and preserve humankind.
- Guarding his and his wife's, bowing his gaze and the words of marriage and the words of zawaj.
- Creating pleasure and tranquillity in both husband and wife. Build and manage a household based on rahmah and mawaddah between two people [12].

According to the Qur'an, Islam is a religion that always links two shalehan, namely piety which is religiosity, and social piety. Like marriage, it also aims to build piety, religiosity, and social piety. So in the teachings of Islam, marriage is a very strong contract and one of worship that is bound by the rules that have been outlined by Allah the Exalted, and His Messenger. Therefore, marriage is no joke, and to build a marriage bond, prospective husband and wife must have the understanding and knowledge of how to build a household to become a family sakinah, mawaddah, and rahmah according to the values contained in the Qur'an. The creation of male and female from humankind is one of the proofs that demonstrate His power. By making people in pairs, Allah the Exalted wants to give peace to the couple and to have fun between them. As Allah ta'aalaa says in surah Ar-Rum verse 2:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً ۗ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

"And among the signs of his greatness is that he created pairs for you of your kind so that you might be inclined and at ease to him and he made among you affection and affection."

هُوَ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَجَعَلَ مِنْهَا زَوْجَهَا لِيَسْكُنَ إِلَيْهَا فَلَمَّا تَغَشَّاهَا حَمَلَتْ حَمْلًا خَفِيًّا فَمَرَّتْ بِهِ ۖ فَلَمَّا أَثْقَلَتْ دَعَا اللَّهَ رَبَّهُمَا لَئِنْ آتَيْتَنَا صَالِحًا لَنُكُونَنَّ مِنَ الشَّاكِرِينَ

"It was he who created you from the one soul (Adam) and he created his mate so that he might feel pleased with him." QS. Al-A'rof: 189

Article 3 of the Compilation of Islamic Law that marriage aims to realize a sakinah, mawaddah, and rahmah domestic life. To realize this goal requires the commitment of husband and wife to carry out their respective rights and obligations according to their abilities. The husband carries out his obligations as a husband as well as the head of the household and the wife carries out her obligations as a wife and housewife so that a harmonious atmosphere will be created if all obligations can be carried out. Of course, the reciprocity is with the implementation of all rights and obligations. Then the rights as a husband or as a wife will be fulfilled. So, peace (sakinah) based on affection in living the household ark as a marriage goal will be easily realized.

Marriage also aims to form a (sacred) agreement between a man and a woman, which has civil aspects including voluntariness, agreement of both parties, freedom of choice, and emergency.

In Islam, physical birth is called khuluq, while moral awakening is called khuluq. Man is naturally equipped with moral potentials, such as sympathy, compassion, fear, a sense of justice, and the truth of divine revelation.

Therefore, Islam not only binds man to his God but also in developing and perfecting his morals. One of them is building and fostering a family through marriage.

Marriage is the meaning and soul of life which includes two things:

- 1). Build and foster a romantic sense of affection and create an environment of peace. As Allah ta'ala says:

أَحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ هُنَّ لِيَابِسٌ لَكُمْ وَأَنْتُمْ لِيَابِسٌ هُنَّ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ آمُوا الصِّيَامَ إِلَى اللَّيْلِ وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرُبُوهَا كَذَلِكَ يُبَيِّنُ اللَّهُ لِنَاسٍ لَعَلَّهُمْ يَتَّقُونَ

"It is lawful for you at night to fast mixed with your wife. They are clothes to you, and you are clothes to them. God knows that you can't help yourself, but He accepts your repentance and forgives you. So now mix them and seek what God has ordained for you. Eat and drink until it is clear to you (the difference) between the white thread and the black thread, which is dawn. Then complete the fast until night. But do not interfere with them, when you are engaged in the mosque. That is God's decree, so do not approach it. Thus, Allah explained His verses to men, that they might be pious." QS. Al-Baqarah: 187

- 2). Respect each other by respecting each other based on the values of truth, justice, and democracy. God said:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

"And among the signs (of his greatness) is that he created pairs for you of your kind, that you might be inclined and at ease to them, and he made among you a feeling of love and affection. Indeed, in such there are signs (of the greatness of God) for the thinking people." QS. Ar-Rum:21

In this verse, the Islamic family is formed in the integration of tranquillity (sakinah), love (mawaddah), and affection (rahmah). He consists of obedient and faithful wives, honest and sincere husbands, loving and friendly fathers, gentle and delicately hearted mothers, obedient and obedient sons and daughters, and relatives who nurture each other and help each other. This can be achieved if each member of the family knows their rights and obligations. While Syakir Jamaludin divides the purpose of marriage into four categories, including:

- To meet the natural natural demands of basic sexual desires and needs that human beings have in a way that is justified by the Shari'a.
- Gain physical and spiritual rest.
- As a means of getting closer to and worshipping Allah Almighty as a characteristic of Islam.

In addition to the explanation above, the main purpose of marriage is also to get closer to Allah Almighty so that the common good occurs. Complement the less of both partners, so that there is peace, love, and affection. Because with marriage will be able to see the power

of Allah the Exalted, with marriage man can be saved from moral ruiner, akhlaq and secure each individual from the corruption of association [13], [14].

Marriage Harmony

Rukun is something that must be started before doing work, Rukun can also be said to be something that must be done in starting a job. The pillars must also be fulfilled for something to be valid, while the pillars in marriage are as follows:

- a) The existence of bride and groom, Islamic Sharia provides conditions that must be met by prospective husbands based on ijihad ulama, namely: Islam, prospective husbands are men, prospective men are halal to marry prospective women, prospective men know that their prospective wives are halal for him, prospective husbands are not forced to marry prospective wives, He does not currently have four wives. While the conditions that must be met by the prospective wife, namely: Islam, it is clear that she is a woman, not khunsa (has two genitals), halal for the prospective husband, no marriage bond, not during the iddah period, not forced, and not in a state of ihram hajj or umrah.
- b) With the existence of a guardian and 2 witnesses, the marriage is carried out by the female guardian or her representative with the future husband. The guardian should be a man, Muslim, pretty, reasonable, and just. Marriage without a guardian is considered invalid. The guardian is responsible for the validity of the marriage contract, therefore not everyone can be accepted as a guardian or witness.
- c) The existence of ijab and qabul, ijab, and qabul is a greeting from the parents or guardians of the bride to marry her daughter to the groom's future husband. Ijab and qabul in marriage are one of the legal conditions for marriage in Islam. The bride's parents let go of their daughter to be married to a man, and the groom accepted the bride to marry. Ijab and qabul in a language that is easily understood by both parties the perpetrator of the contract and the recipient of the contract and witnesses. The utterance of the marriage contract must be clear and audible to the witnesses [15]–[17].

Efforts in Overcoming Conflict: Disharmony in the Family: Qur'anic Perspectives

Conflict resolution can be distinguished as follows:

- a) Competition Strategy Is a conflict resolution that describes one party defeating or sacrificing the other.
- b) Accommodation Strategy Is a conflict resolution that describes a mirror image competition that gives the whole solution to the other party without any effort to fight for its own goals.
- c) Collaboration Strategy Is a form of conflict resolution effort that satisfies both parties.
- d) Avoidance Strategies Avoiding conflict can be done if the issue or problem that triggers the conflict is not very important or if the potential confrontation is not balanced with the consequences that will be caused. Avoidance is a strategy that allows the confronting parties to calm down.
- e) Compromise or Negotiation Strategy Each gives and offers something at the same time gives and receives from each other, and minimizes the shortcomings of all parties that can benefit all parties [18].



Figure 2. Certificate of validity of marriage. Source: pinterest.com/ariskiwahyudi

Rights and Obligations of Husband and Wife

A marriage contract in Islam is not the same as a contract of ownership. The marriage contract is bound by taking into account the obligations between the two. In this respect, the husband has a heavier obligation than his wife, but husbands have one degree of advantage over their wives. The meaning of "husbands having one degree of superiority over their wives" is their priority in obtaining the right of obedience of wives, whereby husbands give wives dowry and subsistence for their benefit. The rights and obligations of husband and wife are principal things that must be known by prospective married couples or for couples who are married but have not paid attention to this, namely knowing the rights and obligations of husband and wife and must be implemented in married life. Not only as a theory, which is just an assumption for a moment and then indifferent when it comes to putting it into practice [19], [20].

The Duties of the Husband to the Wife According to the Qur'an

The obligation of a husband is also the right of a wife, so when talking about the obligation of a husband to his wife, it can also mean the right of a wife to her husband. Among these obligations are:

- a) Giving Maskawin: Maskawin (dowry) is termed by many names including Ash-Shadaq An-Nihlah Al Faridhah and Al Mahr.

Maskawin is also termed as Al Iwadh which is given at marriage. The giving of dowry to the prospective wife is a provision of Allah the Exalted for the prospective husband, as in the Qur'an:

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبَّنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُ فَكُلُوهُ هَنِيئًا مَّرِيئًا

"Give dowry to the woman (whom you marry) as a willing gift. Then if they give you a portion of the dowry gladly, eat (take) the gift (as food) which is delicious again good in consequence." QS. An-Nisa: 4

The dowry is not all paid in cash when the marriage contract is held, some husbands delay the payment of a dowry for their wives or pay it in instalments, and this is permissible in Islam provided there is agreement from both parties, this is in line with the hadith of the Prophet (peace be upon him) which reads, "at best dowry is the easiest dowry (lightest). (HR. Al-Hakim: 2692, Hadith of Bukhari Muslim).

- b) Providing Dzahir and Bathin Bread: Livelihood comes from Arabic (an-nafaqah) which means expenditure, which is expenditure that is usually used by someone for something good or spent on people who are his responsibility. In the sense that a living is anything given to a wife, such as clothes, money, or others. Because the principle of subsistence is God's decree for husbands to be given to their wives even though they have divorced.

(Al-Jamal, 2008, p. 474). The obligation of subsistence has been explained by Allah the Exalted:

لِلْوَالِدَاتِ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُنَمِّمَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا

"Mothers should breastfeed their children for two full years, that is, for those who want to perfect breastfeeding. And the father must feed and clothe the mother in a ma'ruf way. A man is not burdened but according to the measure of his ability." QS. Al-Baqarah: 233

Providing a decent place to live is also the duty of a husband towards his wife as the Word of Allah Almighty in the Qur'an Ath Thalaah: 6.

Ibn al-Qayyim Al-Jauziyah (may Allah have mercy on him) said: "It is not reproachful for a man to love and love his wife very much. Unless that love busies him from loving Allah azza Wa jalla and His Messenger. Or, it is evident to be derelict of loving the Messenger of Allah" [21].

c) Courting Wives Well: Courting wives well and fairly is one of the obligations of husbands to their wives. As Allah the Exalted says:

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

"O men of faith! It is not lawful for you to inherit women by force and do not trouble them for taking back some of what you have given them unless they commit a real heinous act. And properly associate with them. If you don't like them, (then be patient) because you may not like something, when God does a lot of good to him." QS. An-Nisa: 19

The meaning of the word is to address husbands to speak well (As-Sha'rowi, 2020, p. 94), towards wives, and behave well in deeds and appearances. Just as a husband likes this from his wife, so should the husband do the same. As the hadith from the narration of 'Aisha, the Prophet said, "You are the best towards her family, and I am the kindest person towards my family".

Among the akhlaq of the Prophet was to treat his family well, always be happy when playing with the family, be sweet-faced, be gentle, give spaciousness in terms of bread, and joke with his wives. If one day our wife is no longer physically attractive or her existence is no longer pleasant and even arouses hatred in the heart, then continue to accrue towards her and get along with the best treatment as commanded in the verse, because it may be that one side of her is bad but on the other hand many of her good can cover up the bad, then it is appropriate for the husband to give the best guidance to his wife fully attention that will lead in a better direction.

d) Guarding Wives from Sin: Ahead of the household must provide religious education to his wife and children to obey Allah and His Messenger. With religious knowledge, a person can distinguish good and bad behaviour and can guard himself from sinning. In addition to religious knowledge, a husband is also obliged to give advice or rebuke when his wife commits khilaf or forgets or leaves obligations with wise words that do not hurt the wife's heart, as the Word of God ﷻ :

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

"O men of faith, preserve yourselves and your families from the fires of hell whose fuel is man and stone; his guardians were angels who were harsh, hard, and disobeyed God not what he commanded them, and always did what he commanded." QS. At-Tahrim: 6

Imam al-Thabary in an interpretation of sakinah mawadah and rahmah was originally granted to the first man of His creation Adam 'alaihissalam and Eve, when it was legal to be husband and wife. And the same will be found in every descendant of Adam 'alaihissalam and Eve, whoever they are and whatever their background [22].

The Wife's Duty to Her Husband According to the Qur'an

In realizing a harmonious family, there must also be a role for a wife when running it. A wife must be able to present a cool atmosphere in the household, therefore for a wife, it takes determination, enthusiasm, and knowledge to carry out the rights and obligations to her husband. Islam formulates the rights and obligations of husbands and the rights and obligations of wives, to be more balanced in managing domestic life between the two. Among the rights and obligations of the wife to the husband, among others:

- a) Completing the Shortcomings of Husbands, on this earth who do not need others in their muamalah interactions. Humanly between husband and wife, there must be a complementary soul. It is not allowed between husband and wife to be most self-righteous. Establish relationships by complementing and needing each other. The Qur'an reminds us that every individual has disadvantages and advantages. With this deficiency, a sense of togetherness must be built between one individual and another to complement and perfect each other. Many husbands and wives sacrifice the integrity of their families simply because of differences of opinion on a trivial matter or because of their selfishness between families. Therefore, the Qur'an is a reflection of a person's level of faith by looking at the extent to which he maintains the ukhuwah of his family.
- b) Obedience to the Husband is a command of Allah as a commandment, Allah will give the best reward to the wife who carries out the orders of the husband. Allah commands a husband because by nature he is the leader of a woman. But even though the husband becomes the leader, it is not as important as the husband being an arrogant leader for his wife. His leadership is nurturing and educating to show himself as the best leader. as stated in the Qur'an:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنَاطِعٌ يَدْعُنَّ إِلَى صَالِحِ اللَّهِ وَرِئَاسَاتٍ حَسَنَاتٍ وَأُولَئِكَ سَيَرْحَمُ اللَّهُ وَاللَّهُ غَفُورٌ رَحِيمٌ
حَفِظْتُ لِّلْغَيْبِ اللّٰهَ كَانَ عَلِيًّا كَبِيْرًا بِمَا حَفِظَ اللّٰهُ وَاللّٰتِي تَخَافُوْنَ نُشُوْرَهُنَّ فَعِظُوْهُنَّ وَاهْجُرُوْهُنَّ فِى الْمَضَاجِعِ وَاضْرِبُوْهُنَّ فَاِنْ اَطَعْنَكُمْ فَلَا تَبْغُوْا عَلَيْهِنَّ سَبِيْلًا

"The men are the leaders of the women, because Allah جل جلاله has favoured one part of them (men) over another part (women), and because they (men) have spent part of their property. Therefore, a godly woman obeys Allah again and takes care of herself when her husband is not around, because Allah has taken care of (them). Those women whom you are worried about, then counsel them separate them in their beds, and beat them. Then if they obey you, don't look for ways to trouble them. Verily, God is the Highest, the Greatest." QS. An-Nisa: 34

- c) Following the Husband's Residence After marriage, usually, the problem of husband and wife is a place to live because of the habit of Indonesian Muslims in the early days of marriage husband and wife still participate in the house of the parents of one spouse. Then find a place to live by yourself. In this case, a wife

should follow where the husband lives, whether it is in his parent's house or at his workplace because a wife must follow where the husband lives. As Allah جل جلاله says in the Qur'an:

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ

"Place them (wives) where you (husbands) live according to your ability." QS. Ath-Thalaaq: 6

Imam Qatadah said, if you only have a location next to your house, place your wife. In a place where can live together simply and build a family with full simplicity.

- d) Maintaining self-honor and property when the husband requires an effort to take care of each other so that things do not happen that should happen. So, for a woman who is married and starting a household, it should limit the number of guests who come to the house. When there is a guest of the opposite sex, then what must be done is not to accept him into the house, unless there is a husband to accompany him. If a wife does not guard herself from this, it is feared that it will bring slander. Allah جل جلاله says in the Qur'an:

فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ

"A woman of salihah is one who obeys Allah and takes care of herself in her husband's absence because Allah has taken care of them." QS. An-Nisa: 34

The concept of religion teaches that everything that is done by man is essentially for worship, as well as dedication to Allah the doctrine of life must be oriented towards devotion to Allah this will be the main grip of man. Including for a wife who guards property in her husband's absence, it is part of self-devotion to Allah جل جلاله, how a wife can keep the trust given by her husband.

- e) Dedicating Herself to Her Husband In Taking Care Of Her Children It is fitting for a wife to try well and devote herself to her husband in things permitted by religion, rendering services that will make her husband happy. Serving does not mean being a slave in her home, but giving the best service she can, and making her husband the best husband in her place. But a husband must also pay attention to his wife's condition, should not burden his wife beyond his ability, should not be burdensome, and should help his wife when he has free time.
- f) Covering up the disgrace of the husband is another obligation of the wife is to cover the disgrace of the husband which can damage the relationship between the two partners. In today's modern era, many wives do not hesitate to spread the disgrace of their husbands on social media, so it is not uncommon for fights to occur that cause arguments and lead to lives flying. So, a solihah wife should not indulge her husband's disgrace to the general public. The prohibition against telling the disgrace of the spouse, including the prohibition of revealing the disgrace of the husband in Islam has been explained in the main source of Islamic teachings. As in the Qur'an Surat Al-Baqarah:187 which means:

"They (your wives) are clothes for you and you are clothes for them."

Couples are likened to clothes that aim to take care of each other and cover up personal things and do not need to be known by others. The husband is clothing for his wife and the wife is clothing for her husband. If a husband or wife exposes the disgrace of his partner, then he is stripping himself naked. Husband and wife are a unity that complements each other [23].

Common Rights and Obligations

In marriage, in addition to the rights and obligations of each husband and wife, some mutual rights and obligations need to be carried out including:

- a) Good at relationships. Allah commands to maintain good relations between husband and wife. In this case, each of the two needs to purify the soul, cleanse it, cleanse the family climate, and cleanse from something related to both of the various barriers that muddy the chastity.
- b) Adanyan is halal to have conjugal relations and enjoy a partner. This halal is shared by both. It is halal for a husband to enjoy what is from his wife and it is also halal for a wife to enjoy what is from her husband. This pleasure is a shared right between husband and wife and is not obtained except by the role of both.
- c) The permanent inheritance between the two after the execution of the contract. If one of the two dies after the execution of the contract, then the spouse becomes the heir to him even though he has not mixed.
- d) The remains of the marriage of the legitimate husband's child.
- e) Maintain and educate offspring born from the marriage.
- f) Maintaining a sakinah, mawaddah, warahmah household [24].

From the above explanation of the rights and obligations of husband and wife, it can be concluded that the Qur'an has provided instructions and formulas for married couples on how to build and build a harmonious household, and can realize sakinah, mawaddah, warahmah, which is nothing but by carrying out their respective obligations as husband and wife well [25].

The Relationship of Rights and Duties of Husband and Wife in an Islamic Perspective

Life within the frame of marriage must be lived with full awareness, affection, and mutual respect, able to keep each other's secrets and disgraces, and can complement each other. Husband and wife must be able to understand each other and maintain their respective rights and obligations in a fair and balanced manner by Q.S. al-Baqarah verse 228 which means: "It is lawful for you at night to fast mixed with your wife. They are clothes to you, and you are clothes to them. From the verse, it is clear that the desired relationship pattern is a relationship of mutual need between one party (husband) and the other party (wife). Between husband and wife have their rights and obligations that must be respected and maintained wholeheartedly for the realization of the ideal of marriage, namely a sakinah (husband and wife) life together, mawaddah warahmah (full of tranquillity and affection) both in the world and later in the hereafter".

Marriage is a way (rule of law) that regulates humans to avoid adultery that is forbidden by religion. With marriage, bodily relations between a man and a woman become permissible (lawful). The concept of relationship in Islam husband and wife is one aspect that has been arranged in such a way that husbands and wives can fulfil their respective rights and obligations to build a happy family born and by Islamic law. Thus, the presence of Islamic family law must function as a guideline and at the same time a guide to regulate the pattern of relationships between all family members. In a domestic relationship, both husband and wife have their rights and obligations. On the one hand, the wife has the right to provide and on the other hand, must obey. It is at this point that the legal consequences of marital relationship cause and effect emerge and come to the fore. This is like if the husband is unable to fulfil his obligation to provide for his wife, then his right to get obedience from the wife is forfeited.

According to Pistole quoted by Budi Purwanto in his journal, long-distance marriage is a situation of a couple who are physically separated and one partner must go to another place for an interest, while the other couple must remain at home. The interests in question can be caused by various factors that force couples to separate and live under different roofs. In general, long-distance marriage occurs due to certain circumstances that require married couples to separate. Factors causing long-distance marriage are:

- a. Employment factor One of the reasons that make married couples live far apart is the work factor, namely the policy of the workplace deciding to go out of town. As a consequence, the husband or wife must be separated from his family for a certain time and the husband or wife remains in his native area.
- b. The study referred to here is to seek knowledge. This is usually done by young couples who still have a high desire to seek knowledge so they leave their partners to study in big cities with complete and adequate educational facilities. Some study abroad.
- c. The adaptation in question is a situation where one family member, both wife and child, has difficulty adjusting to new circumstances, so they decide to stay in their hometown.

In long-distance relationships, it is usually prone to conflict due to limited time to meet, communication that is not smooth, misunderstandings, and so on. So, a household that takes the concept of long-distance often looks disharmonious because various problems that arise cannot be solved directly by the meeting.

The pattern of fulfilling the rights and obligations of husband and wife in long-distance marriage is generally divided into 3 aspects, namely:

1. The financial (Material) aspect in the form of income is a right for the wife and an obligation that must be fulfilled by the husband.
2. The biological aspect is the fulfilment of sexual needs that can bring physical satisfaction or intercourse. The purpose of fulfilling biological (sexual) needs is the fulfilment of needs that are the common right of husband and wife.
3. Psychological aspects of the rights and obligations of husband and wife in the form of emotional needs for love, affection, complete individual acceptance, and self-fulfilment. The social needs expected of a marriage include the need for a spouse to always be present in life [26].

Divorce

The family or one unit that usually consists of husband, wife, and children is the soul of society and its backbone, the physical and mental welfare enjoyed by a nation or vice versa, ignorance and backwardness are a reflection of the condition of the families living in the nation's society.

The above fact is the conclusion of the views of experts from various disciplines, including Islamic religious experts. That is, among other things, why Islam pays so much attention to the formation of the family, attention commensurate with its concern for individual life as well as the life of humanity as a whole.[27].

Islam requires every marriage to last forever so that it is a married couple who can jointly manage the household and educate their children well. Without the basics of parental guidance on the lives of children, it is likely to destroy the lives of mankind and even the culture of every nation. Therefore, every parent in home life will be seen from the results shown by a child in everyday relationships.

Marriage is a legal aspect and involves legal acts, so of course not all and forever marriages can take place directly or eternally. Not a few realities that occur around us show examples of fragile joints of a marriage which often results in the emergence of a divorce with all its consequences and access that arises. Since marriage involves legal acts, divorce itself is also related to legal acts, which means that there is a normative challenge associated with a divorce. Although in the Qur'an there are no verses that command or forbid the existence of divorce, while for marriage there are several verses that tell to do it.

Although many verses of the Qur'an regulate talaq, it merely regulates when talaq must occur, even in the form of orders or prohibitions. If you want to stop the Qur'an, it should be when the wife is in a state that is ready to enter the period of iddah, as contained in several verses of the Qur'an including:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ

"O Prophet, if you divorce your wives, then you should divorce them when they can (face) their proper iddah." Thalaq: 1

Similarly in the form of forbidding, as the word of God, is:

وَإِذَا طَلَّقْتُمُ النِّسَاءَ فَبَلَغْنَ أَجَلَهُنَّ فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكِحْنَ أَزْوَاجَهُنَّ

"If you are mentally aware of your wives, and then the iddah period expires, then do not you (the guardians) prevent them from marrying again with their future husbands." Al Baqarah: 232

From the provisions of the above verse, divorce is lawful to do but is hated by Allah جل جلاله As stated in the hadith of Rosul ﷺ:

عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: أَبْغَضُ الْحَلَالَ إِلَى اللَّهِ تَعَالَى الطَّلَاقُ

"From Ibn Umar. He said that the Prophet (peace be upon him) had said "Something lawful that Allah hates so much is talaq." (Narrations of Abu Daud and Ibn Majah).

Talaq should no longer be imposed at will by men on the suffering of women but must have good reasons and be presented before the court. Even after the court first tried to reconcile the married couple but was unsuccessful, the divorce had to be before the court because it was a way to complicate the implementation of the divorce. Instead of maintaining a family life that is constantly not harmonious, it would be better to end the family life in a better and more respectful way. Herein lies the significance of the kalam Allah: "fa-imsakun-bima'rufin au tasrihun-biihsan" maintaining the household in a good way, or (if forced) releasing it in a good way.



Figure 3. Illustration of Divorce and Household Rift. Source: freepik.com

Divorce During the Jahiliyah Period

Divorce during the ignorant era was a change that a man could do whenever he wanted without any limits and rules. So, it is as if a woman is like a piece of things that can be bought and sold, where a man can divorce his wife at one moment, and then refer her back.

Narrated from Sayyidah 'Aisha radiyallahu'anha, he said, "In the past, a man could divorce his wife whenever he wanted if he referred her during the period of iddah, even though he divorced her 100 times or more. Until a man said to his wife, 'By Allah, I will not divorce you until you are free from me, and I will not protect you forever! His wife asked, 'How can that be?' The man replied, 'I will divorce you, and when 'your iddah will run out, I will refer you.' Then the woman went to see 'Aisha and

complained about the trouble that had befallen her. 'Aisha was silent until the Prophet came, and 'Aisha told her what had happened to her. In response to this problem, the Prophet was silent until the Qur'anic verse came down;

الطَّلُقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ

"The divorce is twice, (then after that), you can refer back to it in a ma'ruf way or divorce it well." QS. Al-Baqarah: 229 [28].

Many divorces case

The number of divorce cases in Indonesia in 2022 reached 516,334, according to statistics, an increase of 15.31% from 447,743 cases in the previous year, this number even reached its peak in the last six years, during the Covid-19 pandemic it also greatly impacted the integrity of the household where the husband was a victim of mass layoffs and could not meet household needs and caused quarrels and led to divorce, The divorce rate that occurs in Arab and Islamic societies is increasing, making it uneasy. We must investigate this carefully and thoroughly so that we can find out the series of causes that cause the rise of divorce in the household. Because divorce cases are very rare in the life of Islamic communities because divorce is usually only used when circumstances are forceful. Data from some government parties that the divorce rate that occurs in Arab societies has exceeded 30% of the existing marriage rate, which means that every 30 out of 100 marriages will end in divorce, while the number of divorce cases in Indonesia in 2022 reached 516,334, according to statistics, an increase of 15.31% from 447,743 cases in the previous year [29]–[31].

Triggers of Divorce

Problems in the household often occur and have become part of domestic life. The factors that cause divorce are unique and complex and each family has different problems from one another [32].

Divorce does not just happen, of course, it begins with symptoms that are a trigger factor for divorce, many things can trigger divorce. Quarrels are one of the causes of hatred and prejudice or suspicion towards the couple and this situation can cause a loss of trust and lead to divorce but,

Sometimes divorce is only caused by trivial things, misunderstandings, or not fundamental, here are some common factors that cause divorce, because:

1. The wife disobeys her husband's orders.
2. The wife does not pay attention to her husband, children, and household, leaving the house without her husband's knowledge.
3. There is no mutual love and affection between the two parties (husband and wife).
4. The attitude of the husband is rude and disrespectful to his wife.
5. Economic problems (Income that does not meet the needs of life).
6. Excessive suspicion and jealousy towards each other's partners.
7. Occurrence of domestic violence [33]–[36].

If there is a problem in the household, it should be resolved properly because the name of domestic life cannot be a problem at all. However, if there is no best way except divorce, then it is okay to do it. Divorce can occur with khulu' or talaq. Khulu' (i.e. divorce of a husband from his wife in return). A wife may ask or sue her husband for divorce if she does not like his morals or fears that he will not be able to fulfil his rights [37].

The right to divorce is in the hands of men

Some European countries give divorce rights to men as well as to women. As a result, the divorce rate is very high, and this leads to abandoned children, chaotic society, and rampant violence. A woman easily asks for divorce just because of a small thing that ignites her anger or because of the ugliness of her husband that she cannot tolerate. This is because women's

habits are very impressionable compared to men, and less resistant to bear burdens than men. Therefore, it is easier for a woman to break the marriage bond because of any matter even if it is trivial. Islam gives divorce rights to men only. This is because a man with wisdom, sharpness of mind, and restraint on many things to build a married life is more willing to maintain his marriage with his wife.

A man with calculations and calculations in his mind who when remarried certainly requires greater funds than to maintain his marriage, especially material rights as a result of divorce, not to mention children who have been given by God and other things that men think about before deciding to divorce, in general, he after weighing whether to divorce or not prefers to keep the marriage. The fuqaha agree that a man who has the right to divorce, for his divorce to be valid must meet certain conditions, namely that he is a reasonable person, puberty, and of his own free will without any pressure or coercion [38].



Figure 4. Broken Home. Source: CNN Indonesia

Types of Divorce

The fuqaha' divide divorce into two types; divorce of the Sunnah and divorce of heresy.

1. Sunnah divorce is divorce done in the manner outlined in Islam, meaning that the husband divorces his wife at the right time and circumstances. A husband divorces his wife whom he has once when she is in a state of chastity or a state of unfucked. Sunnah divorce is counted once which can then be referred again, then the husband still has the opportunity to divorce his wife for the second time which can still be referred. After that, the divorced husband has a choice of whether to refer to his wife well or to let her go well. this is by God's provision in His word:

الطَّلَاقُ مَرَّتَانٍ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ

"The divorce is twice, (then after that), you can refer back to it in a ma'ruf way or divorce it well." QS. Al-Baqarah: 229

Sharia divorce is when the divorced wife can immediately face her 'iddah. This happens when a husband divorces his wife when she is in a state of purity from menstruation and puerperium and the husband has not had intercourse with her during that holy period.

Allah says:

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ

"O Prophet, if you divorce your wives, then divorce them when they can face their proper 'iddah. QS. Ath-Thalaq: 1

Because divorce imposed during menstruation or puerperium will make it difficult for the divorced wife to start her 'iddah period. Because the menstruation that a divorced woman is undergoing is not counted in 'iddah the 'iddah she lives is longer, and this is certainly troublesome. Similarly, if the husband divorces his wife in a state of chastity but during that time the husband has her, sometimes after the divorce, it turns out that the wife is pregnant, which causes the husband to regret, and the wife's vacancy is longer during pregnancy [39].

2. Divorce Heresy is one of the types of divorce. Divorce in Islam is forbidden at certain times. This aims to maintain the integrity of the family and provide opportunities for men and women at that time. the category of heretical divorce is divorce dropped when the wife is menstruating, divorce handed down to the wife when holy but has been interfered with and divorce dropped multiple times at once like saying a certain 3 times with one greeting [40].

Divorce that falls under the above conditions among the fuqaha' is called divorce heresy because it is contrary to Sharia and causes difficulties and misery. Scholars agree that divorce heresy is haram and the perpetrator sins. The Apostle has said: "Every heresy is heretical." Besides, there is no doubt that divorce under the above conditions contradicts the Qur'an al-karim and the sunnah of His Messenger [41-47].

CONCLUSION

Islamic family law is an important aspect of social life that has many principles and contexts in legislation and affects daily life, including marriage, divorce, and rights in the family. In the compilation of Islamic law, it is explained that marriage is a strong contract to obey the commandments of Allah the Exalted and carry them out as a form of worship, while the meaning of marriage according to Indonesian terms is the union of two people of different types, namely men and women who form a bond with a covenant or contract. The law of marriage itself is divided into several provisions namely obligatory, sunnah, mubah, makruh, and also haram. The pillars of marriage include the presence of a bride and groom, the presence of a guardian and two witnesses, and the existence of ijab and qabul, in addition to harmony, marriage also has certain purposes including, marriage is recommended by the prophet Muhammad, marriage to multiply this ummah, maintain the genitals, and create peace and tranquillity in oneself. Rights and obligations for married couples must be known by prospective spouses or married couples do not yet know their rights and obligations. The rights and obligations that must be fulfilled by a husband to his wife are, giving dowry or dowry, providing a living mentally and mentally, and associating the wife well. In addition, a wife also has obligations to her husband that she must fulfil including, completing the husband's shortcomings (a husband and wife must complement each other), obeying the husband and it is Allah's command to follow the husband's residence after marriage, maintaining self-honour and property, devoting herself to the husband in taking care of children, and covering the disgrace of the husband. Life within the frame of marriage must be lived with full awareness, affection, and mutual respect, able to keep each other's secrets and disgraces, and can complement each other. The husband's obligation is the wife's right, so when talking about the husband's obligation to the wife, it also means the wife's right to the husband. The concept of relationship in Islam husband and wife is one aspect that has been arranged in such a way that husbands and wives can fulfil their respective rights and obligations to build a happy family born and by Islamic law. Islam requires every marriage to last forever, but not infrequently many domestic cases end in divorce. Among the factors that trigger divorce include the wife not obeying her husband's orders, the wife not paying attention to her husband, children, and household, leaving the house a lot without her husband's knowledge, There is no mutual love and affection between the two parties, The husband's attitude is rude and does not respect his wife, Economic problems

(income that does not meet the needs of life), Excessive suspicion and jealousy towards each other's partners resulting in violence in the household.

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Author Contribution

All authors contributed equally to the main contributors to the study, all authors read and approved the final study, and all authors stated no conflict of interest (problems arising from individuals prioritizing personal interests).

Conflicts of Interest

All authors declare no conflict of interest.

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