

Resolution Of Household Conflicts Due To Different Choices Of Presidential Candidates Perspective Of Islamic Law

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Abstract

Islam indeed requires wives to be obedient to their husbands. However, is this obedience absolute, such that all decisions and commands of the husband must be followed by the wife, including in choosing a presidential candidate? Meanwhile, the state guarantees the right to vote and be elected for all citizens, and any form of restriction constitutes a violation of human rights. This study can provide both theoretical and practical benefits, especially in the context of conflict management and preventing domestic violence arising from differences in political views. This is a qualitative study employing a descriptive analysis approach in the context of a case study. The research predominantly uses secondary data sources obtained from published scholarly works relevant to this study. Data analysis was conducted by gathering information from various secondary literature sources such as journals, articles, and other academic works related to the topic discussed. The data was then analyzed by compiling an initial description from the collected data, followed by further analysis to answer the research questions. The findings of this study conclude that the obligation of a wife's obedience to her husband is not absolute. Similarly, in determining a presidential candidate, the wife may vote according to her conscience. A wife will not be classified as disobedient or rebellious to her husband solely because of differing political preferences. If household conflicts arise due to differences in presidential candidate preferences, solutions include open communication, setting privacy boundaries regarding politics, not easily believing hoaxes, and reminding each other that household harmony is more important than politics.

Keywords: Choice Differences; Conflict Management; Islamic Law; Nusyuz.

Abstrak

Islam memang mewajibkan para istri untuk patuh kepada suaminya. Namun, apakah kepatuhan ini bersifat mutlak, sehingga semua keputusan dan perintah suami wajib diikuti oleh istri, termasuk dalam hal memilih calon presiden. Sedangkan negara telah menjamin hak untuk memilih dan dipilih bagi semua warga negara, dan setiap bentuk pembatasan merupakan pelanggaran hak asasi manusia. Penelitian ini dapat memberikan manfaat baik secara teoritis maupun praktis, terutama dalam konteks

manajemen konflik dan mencegah kekerasan rumah tangga yang timbul akibat perbedaan pandangan politik. Penelitian ini merupakan jenis penelitian kualitatif dengan menggunakan pendekatan analisis deskriptif dalam konteks studi kasus. Penelitian ini secara dominan menggunakan sumber data sekunder yang diperoleh dari karya ilmiah yang telah dipublikasikan dan memiliki relevansi dengan penelitian ini. Analisis data dilakukan dengan cara mengumpulkan data dari berbagai sumber literatur sekunder seperti jurnal, artikel, dan karya ilmiah lain yang relevan dengan topik yang dibahas. Data kemudian dianalisis dengan menyusun deskripsi awal dari data yang dikumpulkan, kemudian dianalisis untuk menjawab pertanyaan penelitian. Hasil dari penelitian ini mendapatkan kesimpulan bahwa kewajiban kepatuhan istri kepada suami tidaklah mutlak. Demikian pula, dalam menentukan pilihan calon presiden, istri dapat memilih sesuai dengan hati nuraninya. Seorang istri tidak akan diklasifikasikan sebagai tidak patuh atau memberontak kepada suami hanya karena perbedaan pilihan politik. Jika terjadi konflik rumah tangga akibat perbedaan pilihan calon presiden, solusi yang dapat dilakukan adalah dengan komunikasi terbuka, membatasi privasi politik, tidak mudah mempercayai hoaks, dan saling mengingatkan bahwa keharmonisan rumah tangga lebih penting dibandingkan politik.

Kata Kunci: Nusyuz; Penyelesaian Konflik; Perbedaan Pilihan; Hukum Islam

INTRODUCTION

Family is a fundamental element in society, thus playing a significant role. Islam has provided comprehensive guidelines to form a harmonious and quality family.¹ Everyone certainly hopes for a harmonious marriage.² Conflict in the household can come at any time, either because of trivial problems to serious problems. Often conflicts between husband and wife are caused by ignoring the rights and obligations that have actually been stipulated by Sharia, as a result of nusyuz behavior that destroys household harmony.³ There are many factors that can cause conflict in the family, such as economic problems, not fulfilling rights and obligations⁴, to differences in

¹ Dedisyah Putra and Nuriza Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violences," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 26, 2023): 1–16, <https://doi.org/10.22373/ujhk.v6i1.18511>.

² Muhammad Khusaini et al., "Creating a Harmonious Family Through Social Media Facebook in West Lampung," *El-Mashlahah* 12, no. 2 (December 31, 2022): 139–52, <https://doi.org/10.23971/el-mashlahah.v12i2.3937>.

³ Alex Kusmardani et al., "Nushūz In Islamic Family Law: A Critical Study of Hadith Exegesis and Religious Court Verdicts," *Mawaddah: Jurnal Hukum Keluarga Islam* 2, no. 1 (May 1, 2024): 1–31, <https://doi.org/10.52496/mjhki.v1i2.6>.

⁴ Moh Subhan, "RETHINKING KONSEP NUSYUZ RELASI MENCIPTAKAN HARMONISASI DALAM KELUARGA," *Al-'Adalah : Jurnal*

viewpoints, principles and choices. Differences of opinion that occur in the household are caused by each partner bringing different needs, desires, and backgrounds.⁵ For example, differences in choices in terms of choosing presidential and vice presidential candidates during the election period. General elections (elections) are a milestone of democracy in a nation and play a crucial role in determining the future of a country.⁶ Indonesia itself, which is a democratic country, provides equal rights and opportunities for all citizens to choose who is considered appropriate to lead the country.⁷ The excitement of the campaign period does not only occur among politicians and academics, but has flowed into a topic that is always discussed at every level of society and has even entered the topic of household chatter. It is not uncommon to find people who experience tension between the political camps they support, which can lead to conflict and division and even lead to violence.

As experienced by a wife with the initials NO in Batu Aji District, Batam, Riau Islands who was persecuted by her husband with the initials AJ, this persecution was caused by differences in the choice of presidential candidates in the 2024 election last February. Reporting from *detiknews.com* AJ, the husband of NO, committed domestic violence against his wife until she was battered, this was confirmed by the Criminal Investigation Unit of Batu Aji Police, Iptu Yudha Firmansyah. According to him, the incident occurred the day after the voting day, on February 15, 2024. The chronology is that before voting the husband had reminded and told his wife to vote for presidential candidate number 1, but after voting was carried out the wife then told

Syariah Dan Hukum Islam 4, no. 2 (December 10, 2019): 194–215, <https://doi.org/10.31538/adlh.v4i2.542>.

⁵ Rama Dhini Permasari Johar and Hamda Sulfinadia, “Manajemen Konflik Sebagai Upaya Mempertahankan Keutuhan Rumah Tangga (Studi Kasus Di Desa Lempur Tengah Kecamatan Gunung Raya Kabupaten Kerinci),” *Jurnal Al-Ahkam* 11, no. 1 (2020): 34–48, <https://doi.org/10.15548/alakhkam.v11i1.1476>.

⁶ Nesya Desriany Mustapa, Nara Rafi Zulfikar, and Muhammad Alif Athaariq, “Peran Pers Dalam Menanggulangi Hoaks Pemilu,” *Gunung Djati Conference Series* 39 (January 24, 2024): 107–14, <https://www.conferences.uinsgd.ac.id/index.php/gdcs/article/view/2086>.

⁷ Zico Junius Fernando, Wiwit Pratiwi, and Putra Perdana Ahmad Saifulloh, “Model Penanaman Nilai-Nilai Pancasila Dalam Menghadapi Ancaman Polarisasi Politik Pemilu 2024 Di Indonesia,” *Prosiding Seminar Nasional Program Doktor Ilmu Hukum*, December 12, 2022, 120–32, <https://proceedings.ums.ac.id/index.php/pdih/article/view/2914>.

her husband honestly that she did not vote for presidential candidate number 1 but presidential candidate number 2. Because he felt that his wife did not obey his orders, AJ immediately slapped his wife from the back of the head. Feeling unsatisfied, he also beat his wife three times until she was injured". Seeing this fact makes us realize that the social effects of elections not only divide community groups but can also threaten the integrity of households.

Conflicts that occur in families due to differences in presidential choices occur because of friction between family members who have different political choices, so that these differences result in domestic conflicts.⁸ Even reported by BBC.com shows that during the election period there were many cases of divorce for reasons of different political choices. In 2009, 402 divorce cases were found due to political issues, although it was reduced in 2010 to 334 cases, but in 2011 divorce cases motivated by political issues reached 650 cases. Divorce due to differences in political views is very likely to occur, because each person certainly has a different level of fanaticism.⁹ Differences in views, principles and choices are commonplace. But what if the difference in choice occurs between husband and wife, does the wife have to submit and obey the husband's choice in any case, including in her right to political choice? is different choice with the husband included in the category of nusyuz wife? What if the husband imposes his will on the wife to vote for the same presidential candidate as the husband's choice? Hasn't the state guaranteed that everyone has the right and freedom to make their choices, and the right to elect and be elected is a basic right for every citizen. The equal rights to participate in the public sphere and voice opinions are often disregarded by certain groups who misuse religion as a justification for their truth.¹⁰

⁸ Nandorari Saptenly Buling and Aloysius L. S. Soesilo, "KOMUNIKASI DALAM KELUARGA TRADISIONAL YANG MENGALAMI KONFLIK KARENA PILKADA DI KABUPATEN ALOR," *Jurnal Psikohumanika* 13, no. 1 (June 9, 2021): 1–21, <https://doi.org/10.31001/j.psi.v13i1.1144>.

⁹ Lusi Andriyani et al., "Relasi Kuasa Elit Lokal Dan Pemerintah Lokal Dalam Penangan Konflik Sosial Paska Pilkada Dalam Mendukung Ketahanan Sosial," *Jurnal Ketahanan Nasional* 27, no. 1 (June 21, 2021): 39–64, <https://doi.org/10.22146/jkn.61155>.

¹⁰ Angraini binti Ramli and Radwan Jamal Elatrash, "Woman Participation in Politics: Toward an Ideal Model in the Perspective of Siyasa al-Shar'iyya," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 21, no. 1 (June 30, 2021): 1–11, <https://doi.org/10.30631/alrisalah.v21i1.564>.

Therefore, this study aims to analyze how the concept of obedience and obedience of wives to husbands, and whether different choices with the husband's wishes are included in the category of nusyuz for wives. To show that this research is different from previous research, the author includes a study of previous literature to see the novelty of the research being conducted with previous research. First, the writings of Arif Sugitanata and Muannif Ridwan, this research suggests that conflict resolution due to politics is done by understanding each other, good communication, filtering news carefully, tolerance, and maintaining privacy.¹¹ Although it has similarities with the research that the author did, the author analyzes conflict resolution solutions based on the perspective of Islamic law. Second, Muhil Mubarak's writing, this study reveals that the reasons for divorce due to differences in political choices are because the two spouses both cling to their respective political ideologies, kinship politics, and because the wife has a stronger social role than the husband.¹² Third, written by Moch. Azis Qoharuddin, this research suggests several strategies in dealing with political disagreements in the household, including opening discussions, understanding each other's opinions, focusing on finding common goals, and selecting the sources of information received.¹³ Fourth, the writing of Nandorari Saptenty Buling, Aloysius L.S. Soesilo, this research reveals that the consequences of political differences in the elections in Alor have affected communication in a family.¹⁴ Fifth, the writing of Sarip Hidayat, the results of this study reveal that if the household conflict is caused by the wife doing Nusyuz, then the settlement is done through

¹¹ Arif Sugitanata and Muannif Ridwan, "Menuju Keluarga Yang Harmonis: Manajemen Konflik Politik Dalam Keluarga Di Tengah Perbedaan Pilihan Politik," *Jurnal Indragiri Penelitian Multidisiplin* 4, no. 1 (January 31, 2024): 67–74, <https://doi.org/10.58707/jipm.v4i1.706>.

¹² Muhil Mubarak, "Perceraian Karena Perbedaan Perspektif Pilihan Politik Teori Konflik Di Kabupaten Tangerang," *Journal of Islamic Law and Family Studies* 4, no. 1 (September 13, 2021): 59–73, <https://doi.org/10.18860/jilfas.v4i1.13336>.

¹³ Moch Azis Qoharuddin, "Pemilu Dan Konflik Dalam Keluarga: Menjaga Harmoni Dalam Perbedaan Pendapat," *Indonesian Journal of Humanities and Social Sciences* 3, no. 3 (November 30, 2022): 379–92, <https://doi.org/10.33367/ijhass.v3i3.3818>.

¹⁴ Buling and Soesilo, "KOMUNIKASI DALAM KELUARGA TRADISIONAL YANG MENGALAMI KONFLIK KARENA PILKADA DI KABUPATEN ALOR."

mediation by seeking a win-win solution.¹⁵ Sixth, the writing of Mahyuddin, Emilia Mustary, and Nisar entitled "The Power Of Emak-Emak: Women in the Vortex of the 2019 Presidential Election Political Campaign", this research focuses on analyzing the forms of women's participation in the 2019 presidential election, it was found that the contribution of women in the democratic process in 2019 was increasingly evident, such as engaging in innovative joint campaigns, participating in monitoring the government, and asserting the rights of women in choosing the president.¹⁶

From the literature study that the author has described above, no similar research has been found that discusses the Nusyuz actions of husbands due to differences in the choice of presidential candidates during the election. So here the author tries to overcome these limitations by presenting a research entitled "Politics In The Family: An Islamic Law Solution For Household Conflict Management In The Election Era." This study aims to analyze how the concept of obedience and obedience of wives to husbands is actually, and whether different choices with the husband's wishes are included in the category of nusyuz for wives.

RESEARCH METHODS

This research is a type of qualitative study with a descriptive analysis approach in the context of a case study. Descriptive analysis involves analyzing data by illustrating and explaining the data obtained using words or sentences, allowing conclusions to be drawn. This approach is used by the author because it can provide a detailed explanation of how differences in political preferences can lead to conflicts within the household from an Islamic law perspective. To achieve the research results, data analysis was conducted by collecting data from various secondary literature sources, such as books on marriage fiqh, journals, articles, and legal regulations such as the Law on Domestic Violence, as well as other relevant academic works

¹⁵ Sarip Hidayat, "Korelasi Tindak Pidana Kekerasan dalam Rumah Tangga Menurut Undang-Undang Nomor 23 Tahun 2004 dengan Konsep Nusyuz dan Penyelesaian Sengketanya," *Logika : Jurnal Penelitian Universitas Kuningan* 13, no. 02 (December 17, 2022): 181–91, <https://doi.org/10.25134/logika.v13i02.7111>.

¹⁶ Mahyuddin Mahyuddin, Emilia Mustary, and Nisar Nisar, "The Power of Emak-Emak: Perempuan Dalam Pusaran Kampanye Politik Pemilihan Presiden 2019," *AL-MAIYYAH: Media Transformasi Gender Dalam Paradigma Sosial Keagamaan* 12, no. 2 (2019): 1–15, <https://ejurnal.iainpare.ac.id/index.php/almaiyyah/article/view/8578>.

supporting the research. The data collection technique involved tracing various literature, both online and offline, such as accessing articles from scientific journals with research topics similar to this study. The collected data was then analyzed by compiling an initial description, followed by further analysis to answer the research questions. The data was analyzed using a thematic analysis method, where themes relevant to the research topic were identified and further explored. This technique helps in drawing conclusions based on various literature and Islamic legal perspectives on the obligations and limitations of a wife's obedience to her husband in the context of political differences.

RESULTS AND DISCUSSION

Domestic Conflict and Its Resolution

Looking at the case previously described, in Islam, the actions taken by AJ against his wife NO can be classified as an act of nusyuz by a husband against his wife. In language, nusyuz means "land that is lifted up".¹⁷ In terms, nusyuz is an act of disobedience from one party.¹⁸ Nusyuz is a conflict in a household caused by one party not carrying out their obligations as they should, so that the other party, either the wife or the husband, does not get their rights.¹⁹ Nusyuz is an act that leads to syiqaq, meaning that it has not yet led to divorce, because nusyuz means speech or behavior that disobeys obligations, does not feel guilty and feels better than your partner, while syiqaq is a quarrel that leads to divorce or one of the parties has asked for separation.²⁰ Nusyuz is not only committed by the husband, but there are also actions that are classified as nusyuz by the wife.²¹

¹⁷ Risma Handayani Lubis and Lailatusy Syifa Sirait, "Istri Nusyuz Dan Suami Dayyus," *Ahlana: Jurnal Hukum Dan Hukum Keluarga Islam* 1, no. 1 (2024): 26–38, <https://jurnal.uinsu.ac.id/index.php/ahlana/article/view/19181>.

¹⁸ Eka Rahmi Yanti and Rita Zahara, "Hak Dan Kewajiban Suami Istri Dan Kaitan Dengan Nusyuz Dan Dayyuz Dalam Nash," *Takammul : Jurnal Studi Gender Dan Islam Serta Perlindungan Anak* 9, no. 1 (February 11, 2022): 1–22, <https://doi.org/10.22373/takamul.v9i1.12562>.

¹⁹ Dewi Cahyati, "Peran Ganda Istri Dan Pengaruhnya Terhadap Nusyuz," *Jurnal Riset Hukum Keluarga Islam*, December 22, 2022, 111–14, <https://doi.org/10.29313/jrhki.vi.1547>.

²⁰ Ahmad Ahmad and Rozihan Rozihan, "Analisis Metode Mafhum Mubadalah Faqihuddin Abdul Kodir Terhadap Masalah Nusyuz Suami," *BUDAI: MULTIDISCIPLINARY JOURNAL OF ISLAMIC STUDIES* 1, no. 1 (December 29, 2021): 13–23, <https://doi.org/10.30659/budai.1.1.13-23>.

²¹ Hidayat, "Korelasi Tindak Pidana Kekerasan dalam Rumah Tangga Menurut Undang-Undang Nomor 23 Tahun 2004 dengan Konsep Nusyuz dan Penyelesaian Sengketa.".

A wife is considered to have acted nusyuz to her husband if she does not want to carry out her obligations as referred to in Article 83 Paragraph 1 KHI (Compilation of Islamic Law) except with valid reasons. The actions of the wife that are categorized as acts of nusyuz include: Wives who refuse to dress up for their husbands, refuse their husbands' invitations to sleep together while this is the husband's right, deny the good that the husband has done, leave the house without the husband's permission, tear the husband's clothes, pull the husband's beard as a form of contempt for him, speak harshly and revile the husband, refuse to establish relations with the husband's family.²² Meanwhile, the forms of husband's nusyuz can be divided into two, namely: First, Nusyuz of words, namely husbands who silence their wives, speak with harsh and hurtful words, reproach and mention the disgrace of their wives, have prejudice and do not invite their wives to sleep together, and order their wives to commit immoral and unlawful acts. Second, Nusyuz actions, which are the actions of the husband in the form of not having sex with his wife without an excuse and a clear reason, mistreating his wife such as hitting and harming his wife, not providing maintenance, and staying away from his wife because of his illness unless there is an excuse.²³

When the wife's nusyuz occurs, based on Q.S An-Nisa 34, three stages are explained in its resolution, namely: First, with advice, what is meant by advice in this case is in the form of words from the husband to the wife such as "Fear Allah!, Do not continue what you are doing. Know that you must obey me!". Husbands are required to treat their wives well when their wives behave badly, this is what is meant by Nawawi al-Bantani who refers to the hadith of the prophet SAW, that "The one who is patient with his wife's bad character, then Allah will give him a reward like what He gave to Job who was patient with His test".²⁴ Second, separate the beds. If the first method still cannot bring the wife back to obey the husband, then Islam recommends separating

²² Yanti and Zahara, "HAK DAN KEWAJIBAN SUAMI ISTRI DAN KAITAN DENGAN NUSYUZ DAN DAYYUZ DALAM NASH."

²³ Abdul Munib, "Batasan Hak Suami Dalam Memperlakukan Isteri Pada Saat Nusyuz Dan Kemungkinan Sanksi Pidana," *VOICE JUSTISIA : Jurnal Hukum Dan Keadilan* 3, no. 2 (2019): 26–51.

²⁴ Ahmad Fadhil, "Tafsir Al-Sayis Dan Al-Zuhayli Terhadap Ayat Nusyuz Dan Syiqaq Serta Dan Penyelesaiannya: Analisa Teologis Normatif, Psikologis, Dan Sosiologis," *Syaksia : Jurnal Hukum Perdata Islam* 22, no. 2 (December 31, 2021): 235–56, <https://doi.org/10.37035/syaksia.v22i2.5536>.

the beds, if the wife sleeps in the room, the husband sleeps on the sofa or other as long as it is not in the same place, as a form of rebuke to the wife.²⁵ The purpose of separating the beds is to not have sexual intercourse or leave her alone in the room and include not communicating for a maximum of only 3 days.²⁶ However, there are other interpretations of separation from the bed, which means not having intercourse with the wife or turning her back when sleeping. Separating the bed does not mean not communicating with the wife, because Islam prohibits not exchanging greetings for more than 3 days, meaning that the husband is only not allowed to sleep together, not not communicating with his wife. Scholars agree that the length of separation from bed when dealing with a nusyuz wife is one month.²⁷ Third, with a blow. Scholars agree that it is permissible to hit with blows that do not hurt and try to be as light as possible. More specifically, the scholars stipulated that the blows should not be carried out in succession in one place, should not hit the face, should not use whips or sticks. However, it should be avoided as much as possible, because avoiding it is better. This is according to the hadeeth narrated by Jabir ibn 'Abdullah and the atsar of 'Atha: "A blow that does not injure with a miswak or something similar." Ibn 'Abbas said this and Qatadah said, "A blow that does not harm."²⁸

However, if the one who commits nusyuz is the husband then as explained in Q.S An-Nisa: 128 that if the husband's nusyuz occurs, the way to resolve it is by Islah (peace). This means that when a husband's nusyuz occurs, there are no sanctions or actions that can be taken by the wife other than peace. This shows the advantages that a husband has over his wife.²⁹ To make peace, a mediator is appointed to mediate or reconcile the two disputing parties. In Q.S An-Nisa: 35, this verse is

²⁵ Abd Jalil, "Nusyuz Penyelesaian Konflik Keluarga Dalam Hukum Islam (Teori Dan Praktinya Di Indonesia)," *JURISY: Jurnal Ilmiah Syariah* 1, no. 2 (September 15, 2021): 15–32, <https://doi.org/10.37348/jurisy.v1i2.135>.

²⁶ Fadhil, "Tafsir Al-Sayis Dan Al-Zuhayli Terhadap Ayat Nusyuz Dan Syiqaq Serta Dan Penyelesaiannya."

²⁷ Jalil, "Nusyuz Penyelesaian Konflik Keluarga Dalam Hukum Islam (Teori Dan Praktinya Di Indonesia)."

²⁸ Fadhil, "Tafsir Al-Sayis Dan Al-Zuhayli Terhadap Ayat Nusyuz Dan Syiqaq Serta Dan Penyelesaiannya."

²⁹ Khairuddin Khairuddin and Abdul Jalil Salam, "Konsep Nusyuz Menurut Al-Qur`An Dan Hadis (Kajian Hak Dan Kewajiban Suami-Istri Dalam Rumah Tangga)," *El-Usrah: Jurnal Hukum Keluarga* 4, no. 1 (June 30, 2021): 182–97, <https://doi.org/10.22373/ujhk.v4i1.10096>.

addressed to al-hukkam or al-qadhi (state or religious court). The hakam referred to in the verse does not necessarily come from the families of both parties, meaning that it is allowed not to be from the family as long as the aim is to reconcile. Then the question arises whether the hakam has the authority to make its own decisions or there must be permission from the party represented, the scholars differ in opinion on this matter, according to Ibn 'Abbas, al-Shafi'bi and Imam Malik argued that the hakam has the right to decide by considering the interests independently without permission from the party he represents, provided that the hakam is a person appointed by the state. Meanwhile, according to al-Hasan and Abu Hanifah and their students, the hakam is not allowed to decide on divorce without the permission of both parties, because the hakam only acts as a representative.

The Limit of Wife's Obedience to Husband According to Islam

Marriage is a strong and sacred bond between a legal husband and wife, therefore to keep this relationship harmonious, each partner has their own rights and obligations that must be fulfilled.³⁰ The husband is the main figure for a wife, so the husband must be respected and appreciated. Wives have an obligation to obey and serve the needs of their husbands.³¹ There is even one of the prophet's hadiths which says that "if I were to order humans to bow down to humans, then I would order the wives to bow down to their husbands". This is because of the great rights of husbands towards their wives.³² In addition, the husband is also responsible for his wife and is the leader of his wife. However, this does not necessarily make the husband absolute to be obeyed. Because wives also have a central role in realizing family resilience in order to remain harmonious.³³ A wife should not obey her

³⁰ A. Kumedi Ja'far and Agus Hermanto, "Reinterpretation of the Rights and Duties of Contemporary Husbands and Wives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (December 26, 2021): 648–67, <https://doi.org/10.22373/sjhk.v5i2.9124>.

³¹ Ja'far and Hermanto.

³² Rizqi Nur Azizah and Muhammad Yassir, "Hak Dan Kewajiban Suami Istri Perspektif Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Dan Hukum Islam," *Asy-Syari'ah: Jurnal Hukum Islam* 10, no. 1 (February 16, 2024): 48–64, <https://doi.org/10.55210/assyariah.v10i1.1409>.

³³ Tri Wahyu Hidayati, Ulfah Susilawati, and Endang Sriani, "Dynamics of family fiqh: the multiple roles of women in realizing family resilience," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (December 14, 2022): 219–38, <https://doi.org/10.18326/ijtihad.v22i2.219-238>.

husband's orders in matters of sin³⁴, things that are harmful and not in accordance with common sense. This means that the husband cannot control and act arbitrarily towards the wife.³⁵ The scholars agree that the wife's obedience and obedience to her husband is obligatory, except that this obligation is not absolute and unlimited. This means that the obligation to obey and obey the husband is muqayyad or limited. This is as explained below:

اتَّفَقَ الْمُفْهَمَاءُ عَلَى أَنَّ طَاعَةَ الزَّوْجِ وَاجِبَةٌ عَلَى الزَّوْجَةِ، لِقَوْلِهِ تَعَالَى الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ وَلِقَوْلِهِ تَعَالَى وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ، وَاتَّفَقُوا كَذَلِكَ عَلَى أَنَّ وَجُوبَ طَاعَةِ الزَّوْجَةِ زَوْجَهَا مُقَيَّدَةٌ بِأَنْ لَا تَكُونَ فِي مَعْصِيَةِ اللَّهِ تَعَالَى. لِأَنَّهُ لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ لِقَوْلِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ "لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ اللَّهِ عَزَّ وَجَلَّ

Meaning: The scholars agree that the wife's obedience to her husband is obligatory based on the words of Allah SWT, 'men are leaders for women because of some advantages that Allah has given to some others and because of some of the wealth they spend'. and the words of Allah SWT, 'They have rights equal to the obligations they bear well. While the men have an advantage of one level over them (women)'. The scholars also agree that the wife's obedience to her husband is not absolute (absolute, unlimited), but is muqayyad (limited), namely as far as obedience is in the form of disobedience to Allah. The reason is, a rule says that there is no obedience to fellow creatures regarding disobedience to Allah according to the words of the Prophet Muhammad SAW, 'There is no obedience to fellow creatures regarding disobedience to Allah'.³⁶

³⁴ Juhaepa Juhaepa, Hasbi Indra, and A. Rahmat Rosyadi, "Program Bimbingan Dan Konseling Pada Pasangan Rawan Perceraian Menurut Pemikiran Wabwah Az-Zuhaili," *Tawazun: Jurnal Pendidikan Islam* 14, no. 2 (August 31, 2021): 116–32, <https://doi.org/10.32832/tawazun.v14i2.4517>.

³⁵ Marhani Malik and Andi Alda Khairul Ummah, "KETAATAN ISTRI TERHADAP SUAMI PERSPEKTIF NABI SAW. (SUATU KAJIAN TAHLILI)," *Jurnal Ushuluddin: Media Dialog Pemikiran Islam* 23, no. 1 (February 22, 2021), <https://doi.org/10.24252/jumdpi.v23i1.19580>.

³⁶ Syaiful Mudai, "BATASAN KETAATAN ISTRI TERHADAP SUAMI DALAM MENGGAPAI RUMAH TANGGA SAKINAH MAWADDAH WA

The wife's obedience to her husband must also take into account the wife's ability, so that if the husband's order or desire is beyond the wife's ability, she does not need to fulfill it. Because the wife is obliged to obey her husband in matters that she can do. The wife's obedience is obligatory in matters of the husband's rights in marriage and its derivatives. The most important right of the husband is sexual intercourse, and its derivatives, such as looking attractive and beautiful in front of the husband. Then the wife must obey her husband in matters that are in accordance with the wife's nature as a woman, as Allah SWT says in Q.S Al-Isra: 84 "Say: each person does according to his own circumstances. The meaning of the words "each situation" is according to the nature or characteristics of its creation.³⁷ Women's nature includes feelings, tenderness, affection, a weaker body than men and so on. Therefore, if the husband orders his wife to do work that is contrary to her nature as a wife and as a woman, she does not need to obey the order. For example, if a husband orders his wife to climb onto the roof to fix a leaky roof, or if a husband orders his wife to climb a tall coconut tree and she is able to do so, she does not have to obey him.

Therefore, it is not permissible to impose a will that cannot be implemented by the wife. The verse in Q.S An-Nisa: 34 that says it is permissible for a husband to beat his wife is often used as an excuse and justification for husbands who abuse their wives under the pretext of educating their wives, because husbands are leaders over their wives, especially for those who live in a patriarchal culture. They tend to interpret the word "*daraba*" with the meaning of 'hitting', so that the fiqh understanding that develops allows husbands to beat their wives, especially when the beating is accompanied by emotion and household conditions that are not harmonious.

In verse 34 Q.S An-nisa there is also the phrase "feared of nusyuz" this verse does not mean that this allows the husband to give punishment to the wife because of anxiety by predicting that his wife will behave badly or something that he does not want in the future, while the nusyuz has not yet occurred. So that punishment of the wife

RAHMAH DALAM PANDANGAN ISLAM," *JAS MERAH: Jurnal Hukum Dan Ahwal al-Syakhsyiah* 1, no. 2 (May 30, 2022): 80–100, <https://ejournal.staidapondokkrempyang.ac.id/index.php/jmjh/article/view/144>.

³⁷ Sheikh Zain Al Abedeen Ibrahim Ibn Najeem Al Misri, *Bahr Ar Raiq Sharah Kanz Ad Daqaig* Vol 1, 1893, <http://archive.org/details/in.ernet.dli.2015.324087>.

can only be given if it has been proven that she has committed nusyuz and has committed this mistake continuously. If the husband is worried that his wife will be nusyuz, the punishment is in the form of advice, while the other two punishments are applied when nusyuz has actually occurred.

One of the important efforts made to get a correct understanding of Islam and avoid discriminatory understanding is to classify the nash. Nash needs to be divided into two, namely: First, the general text that is applicable and suitable for all times, all places and conditions and becomes the ultimate goal, the main goal. Second, the particular text that is applicable and suitable only for a certain time, a certain place and a certain condition, but not necessarily suitable for other times, other places, and certain other conditions, and becomes an intermediate goal to achieve the ultimate goal.³⁸

Household Conflict Management Due to Differences in Presidential Choice

The wife's obedience to her husband is limited, because the relationship between husband and wife is not a superior and subordinate relationship, but a partnership relationship. If in a country there is a president and his deputy, in a university there is a rector and his deputy, in a company there is a director and deputy director, then in a household there is a husband and wife. Differences of opinion and principles between husband and wife are commonplace. The same applies to the issue of different choices of presidential candidates between husband and wife. It is like when a husband and wife come to a restaurant and want to order food, then the husband does not need to dictate to the wife what she should eat or choose the same food as her. It would be nice if the husband let his wife order what she likes and according to her wishes.

For wives who choose a presidential candidate according to their heart's desire is not included in the category of disobeying their husbands. Wives can make their choices in politics according to their conscience without worrying about being considered a disobedient

³⁸ Khoiruddin Nasution, "MENGHAPUS KEKERASAN DALAM RUMAH TANGGA DENGAN KAJIAN NORMATIF-YURIDIS: ANALISIS INTERDISIPLINER DENGAN PEMBEDAAN NASH OBJEKTIF DAN TEMPORAL," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 1 (June 30, 2018): 35–46, <https://doi.org/10.31958/juris.v17i1.1000>.

wife.³⁹ This difference does not exclude the wife from the obedience and obedience ordered by Islam. In other words, a wife who chooses to differ with her husband in political choices does not tarnish her image as a pious wife. A wise and prudent husband can allow his wife to choose a presidential candidate according to the wishes of her conscience. This refers to the Decision of the 1999 NU Congress and the 1997 NU National Conference regarding the position and public role of women, it is advisable for husbands and wives to respect and respect each other's political choices and views. And it is advisable for both of them not to intimidate each other's political choices with religious arguments or on behalf of others.

Differences in political choices between husband and wife should not make it a division in the family. Because the right to choose and be chosen is a human right owned by every citizen and guaranteed by the state.⁴⁰ As the Constitutional Court Decision Number 011-017/PUU-I/2003 which states that: "Considering, that the constitutional right of citizens to vote and to be elected (right to vote and right to be candidate) is a right guaranteed by the constitution, laws, and international conventions, the limitation, distortion, elimination, and elimination of the right is a violation of the human rights of citizens." In line with this regulation, Law Number 30 of 1999 concerning Human Rights also explains that: "every citizen has the right to vote and to vote in general elections based on equal rights through direct, general, free, secret, honest and fair voting in accordance with the provisions of laws and regulations".

Regarding the case against NO, it can be categorized as husband's nusyuz in the form of maltreatment or domestic violence and the husband can be punished. The violence committed by AJ cannot be justified as an excuse or justification for committing domestic violence. Violence is behavior that cannot be justified in Islam or in the context of law and human values. Different political choices should not be used as an excuse to violate human rights, including the wife's right to live free from violence. Domestic violence is regulated in Law Number 23 of 2004 concerning the Elimination of Domestic Violence by

³⁹ "Asas Berimbang Hak &Kewajiban Suami Istri Serta Penyesuaiannya Dengan Budaya Lokal Menurut Hukum Islam | Al-Manhaj: Journal of Indonesian Islamic Family Law," June 26, 2022, <https://doi.org/10.19105/al-manhaj.v4i1.6263>.

⁴⁰ Dwiganura Apu, "Belis Dan Perilaku Memilih Perempuan Di Kabupaten Nagekeo, Flores, Nusa Tenggara Timur," *PERSPEKTIF* 10, no. 1 (January 6, 2021): 1–9, <https://doi.org/10.31289/perspektif.v10i1.3844>.

considering that all forms of domestic violence are a violation of human rights.⁴¹ In addition, the state is obliged to realize the protection and guarantee the rights of women in society, especially within the scope of the family. It needs to be emphasized that no domestic violence can be justified in any way, whether from a religious, cultural, or societal perspective.⁴²

Men and women have the freedom to make their own political choices. It is not permissible for anyone to limit, force or even prohibit their spouse to choose a Presidential Candidate according to their choice. Forcing the will and intimidating someone to choose a candidate is a violation of the constitution. If there is tension between husband and wife regarding differences in political views, it is very important for both partners to resolve this problem through good communication so that it does not become a prolonged problem. Using violence as an alternative to solving problems is not in accordance with the face of Islam or humanitarian norms.

Islam teaches the importance of patience, mutual respect and respect for every difference of opinion. If there is a dispute in the family, it is advisable to seek professional help such as a mediator or family counselor who is competent in solving the problem. Because every problem that comes certainly has a way out. It all depends on how both partners respond and solve the problem. When conflicts in the household are faced by prioritizing each other's ego, it is difficult to find a point of resolution, otherwise if faced with a cool head and a calm heart, a peaceful and prosperous family atmosphere will be created.

Husbands and wives must be able to maintain household harmony during the democratic party and prevent household conflicts due to differences in political choices. In this case, there are several conflict management alternatives that can be done, namely:

First, open communication that involves understanding and respecting the other party's opinion, starting an open and empathic dialog is

⁴¹ Felani Ahmad Cerdas and Hernadi Afandi, "Jaminan Perlindungan Hak Pilih Dan Kewajiban Negara Melindungi Hak Pilih Warga Negara Dalam Konstitusi (Kajian Kritis Pemilu Serentak 2019)," *SASI* 25, no. 1 (August 24, 2019): 72–83, <https://doi.org/10.47268/sasi.v25i1.142>.

⁴² Nur Faizah, "The Spiritualization of Domestic Violence in the Digital Era: Examining the Cathartic Role of Religious Institutions in Empowering Victims," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 29, 2023): 251–67, <https://doi.org/10.18860/j-fsh.v15i2.23297>.

important. It is important to listen carefully to the opinions of others without rushing to respond or defend one's own views. Through this approach, healthy and open communication can be created. Choosing the time to have a discussion is also something that must be considered, for example during tea time in the afternoon when you are in a relaxed atmosphere, and make sure that the person you are going to discuss with is in a good mood. Because discussions when the mood is not good will have a bad impact on the communication process, moreover political issues are sensitive for some people. Second, it is important to set privacy boundaries when talking about politics, especially when at home, such as stopping the conversation if the discussion gets heated. This is the best alternative for both husband and wife to avoid conflict when it is felt that the discussion is no longer conditioned. If possible, slowly divert or change the direction of the discussion that is being discussed from topics that make the atmosphere even murkier, or by making jokes to break the ice. Third, it is important to always check the truth of information before believing it, especially from social media, never easily believe the hoaxes that spread in cyberspace. Besides that it is important to always filter every information that is obtained both offline and online. Fifth, an important step in this regard is to remind both parties that household harmony is more important than presidential election politics. Both the husband and wife should be able to remind each other that it is more important to maintain household harmony than to make fanatic decisions when choosing to support a particular presidential and vice-presidential candidate, so that conflicts within the household can be avoided.

CONCLUSION

Islam does require wives to obey and obey their husbands' orders, but this obedience does not mean that the husband can order anything to his wife, but the obedience is *muqayyad* or limited. This obedience is limited to matters that are not contrary to the provisions in Islamic law. A wife may not obey her husband's orders in matters of disobedience, things that endanger the wife, and something that is contrary to the wife's nature as a woman. According to Islamic law, in determining the choice of presidential candidates, the wife is given the freedom to choose according to her conscience. The wife is given the freedom to choose a presidential candidate according to her heart's desire, this is not included in the category of disobedience to her husband. Wives can make their choices in politics according to their conscience without worrying about being considered a disobedient wife.

This difference does not exclude the wife from the obedience and obedience ordered by Islam. In other words, a wife who chooses to differ with her husband in political choices does not tarnish her image as a pious wife. If there is a household conflict due to differences in the choice of presidential candidates, the solutions that can be done in resolving these problems include open communication, implementing privacy limits regarding politics, and not easily believing in hoaxes. This research is highly relevant to the current socio-political conditions in Indonesia, which is a democratic country. It addresses domestic conflicts arising from political differences within families, a topic that is often overlooked in academic discourse. However, the author acknowledges some limitations in this study. The research primarily relies on secondary literature as the main data source, which, although valid, could be expanded by incorporating field studies or interviews with couples experiencing similar conflicts to obtain primary data. This would enrich perspectives and provide more concrete empirical data. Future research could also explore the factors influencing the dynamics of domestic conflicts and offer more comprehensive solutions in the context of resolving household conflicts.

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