Eternal Love: An Exploration Of The Concept Of Qur'anic Marriage According To Ash-Sha‘rāwī In Tafseer Khawātir Ash-Sha‘rāwī (Thematic Approach)

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Submitted : 25 – 11 – 2023 Accepted : 23 – 06-2024 Published : 30 – 06 – 2024

Abstract
Conflict in the household is one of the causes of divorce that occurs today. This shows that some people do not fully understand the concept of marriage. In fact, marriage is a covenant so strong that it becomes one of the divine commitments called mītsāqan ghalīẓa (marriage bond). This study aims to examine how the concept of marriage according to Ash-Sha‘rāwī in his tafsir Khawatir Ash-Sha‘rāwī. This research method is descriptive and analytical through literature study with a thematic approach. The results showed that the concept of marriage according to Sha‘rāwī is an agreement taken by two parties, namely the marriage contract. This is not an ordinary agreement, but a strong agreement, which requires the husband to take responsibility and get along well. Therefore, the husband and wife or the bride and groom who are about to marry must know and understand the concept of marriage very well, which includes the nature of mītsāqan ghalīẓa, the rights and duties of husband and wife, and how to resolve family conflicts.

Keywords: As-Sya‘rāwī, Khawatir As-Sya‘rāwī, Marriage

Abstrak

Kata kunci: Asy-Sya‘rāwī, Khawatir Asy-Sya‘rāwī, Pernikahan.
A. INTRODUCTION

Humans were created by Allah SWT as creatures in pairs, namely men and women, for the continuation and perpetuation of life, Allah made the relationship between the two in a special way to realize this goal, namely the sacred relationship, the relationship that is approved by Allah Swt, namely marriage.¹ However, in this modern era, the principle of marriage has lost its sacredness.² Some married couples do not fully understand the nature and concept of marriage, so that in this era there are many conflicts that occur in households that lead to divorce due to lack of commitment to marriage, and some husbands and wives have not been able to deal with these conflicts properly. In fact, marriage is a great mandate for the bride and groom that must be guarded, and trust is a great task carried by humans, even the legit, earth and mountains refuses to carry it because of the magnitude of this responsibility.³

Some of the causes of divorce include: lack of harmony between husband and wife (continuous quarrels), domestic violence, disputes, infidelity, financial problems, poor communication between spouses, underage or young marriage, polygamy, forced marriage, No responsibility, moral crisis, jealousy, biological defects, third party interference, divorce, divorce, neglect, imprisonment, gambling, adultery, and so on.⁴ Among the biggest factors in divorce are ongoing disputes and arguments or disharmony between spouses. The number reached 284,169 cases or equivalent to 63.41% of the total causes of divorce cases in Indonesia.⁵ From here, it has not been seen where the commitment of marriage lies, and the essence and concept of marriage has not been implemented.

Based on data obtained by researchers in the Indonesian data, divorce cases from 2015 were 353,843 cases, in 2016 were 365,654 cases, in 2017 were 374,516 cases, in 2018 were 392,610 cases, in 2019 were 438 cases, in 2020 were 291,677 cases, in 2021

were 447,743 cases, and in 2022 were 516,344 cases. According to Indonesian statistical reports, the divorce rate in 2022 increased by 15.31% compared to 2021, which reached 447,743 cases. The year 2022 is the highest number of divorce cases that occur in Indonesia. In addition, the Bangkalan Religious Court reported that at the beginning of 2023, precisely in January, there were 340 incoming cases, and this number was dominated by divorce cases. According to BPS (Central Bureau of Statistics), the biggest cause of divorce in Indonesia is disputed and quarrels, the number is recorded in 284,169 cases or equivalent to 63.41%. This means that there are still many people who do not understand the nature of marriage and it is important to study it.

The researcher chose to study the figure of Mutawalli Ash-Sya'rāwī because he is a contemporary exegete who has produced several works of tafsir, including the tafsir entitled "Khawatir al-Sya'rāwī," Which has the characteristics of tafsir with a social approach. He was a scholar who was very sensitive to scientific matters of his time. Tafsir Asy-Sya'rāwī is different from other commentaries, because its main purpose is to reveal the miracle of the Qur'an and encourage its application in human life in this world. Therefore, the book is not written in a scientific research style, but rather in a lecture style, with language that is straightforward and easily understood by the general public. In addition, the researcher chose Ash-Sha’rāwī’s concept as the focus of the study because he extensively discusses the topic of marriage, and his interpretations are broad and have deep meanings.

Some previous studies related to the topic, namely. "The Purpose of Marriage in the Qur'an and Its Relevance to the Childfree Phenomenon (Maqashidi Tafsir Perspective)". This research is a library research, using the method developed by Abdul Mustaqim about tafsir maqashidi, with a historical approach. In this case there are similarities and differences with the research that researchers will do. The similarity is

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that researchers both discuss marriage using the literature method. While the difference is that the researcher discusses the concept of marriage by focusing on a specific discussion, namely using the thoughts of Mutawalli Asy-Sya’rāwī in his tafsir Khawatir Asy-Sya’rāwī, with a thematic approach and descriptive analysis type of research. Furthermore, "The Concept of Harmonious Marriage in the Qur’an (A Study of Tafsir Tarjumanul Mustafid, Tafsir An-Nur, and Tafsir Al-Azhar)."¹¹ This research is library research, with a comparative approach. The similarity is that researchers both discuss the concept of marriage using the literature method. While the difference is that the researcher discusses the concept of marriage by focusing on a specific discussion, namely using the thoughts of Mutawalli Asy-Sya’rāwī in tafsir Khawatir Asy-Sya’rāwī, with a thematic approach. And, the research entitled "The Concept of Nikah in the Qur’an (Toshihiko Izutsu’s Semantic Study)."¹² This research is library research, using Toshihiko Izutsu’s semantic analysis. The similarity is that researchers both discuss the concept of marriage. While the difference is that the researcher discusses the concept of marriage by focusing on a specific discussion, namely using the thoughts of Mutawalli Ash-Sya’rāwī in the interpretation of Khawatir Ash-Sya’rāwī, with a thematic approach.

Based on the previous research above, there are many differences with the research that will be conducted. Previous studies have discussed the concept of marriage with various differences in approaches and figures, but no research has been found by focusing on the discussion of the concept of marriage according to Mutawalli Ash-Sya’rāwī in his tafsir Khawatir Ash-Sya’rāwī.

Therefore, researchers can formulate the problems that will be studied in this study. How is the concept of marriage in the Qur’an according to Muhammad Mutawalli Ash-Sya’rāwī in Tafsir Khawatir Ash-Sya’rāwī? The main purpose of this research is to reveal the concept of marriage in the Qur’an according to Muhammad Mutawalli Ash-Sya’rāwī in Tafsir Khawatir Asy-Sya’rāwī. So that it can give birth to eternal love between husband and wife in the household.

B. RESEARCH METHODOLOGY

This research uses qualitative type through literature study. The method in this research uses descriptive-analytical method. While the data collection technique in this research is the documentation method. Data collection in this method is through written documents, namely using literature studies, namely research conducted by collecting data from various literature in libraries and so on. Primary sources used by researchers are tafsir Khawatir Asy-Sya’rawi Haula al-Qur’an al-Karim. While the secondary sources used in this research are tafsir Al-Munir, tafsir al-manar, as well as some literature such as books that support research, and others. The approach used is a thematic approach, which is a method of interpreting the Qur’an by discussing verses of the Qur’an according to a predetermined theme, by collecting all verses related to the topic.  

C. RESULTS AND DISCUSSION

1. The Concept of Marriage According to Muhammad Mutawalli Asy-Sya’rawi
   a. Mīṣāqan Ghalīza

   There are several definitions of the meaning of Mīṣāqan Ghalīza in terms of language and terms. The definition of Mīṣāqan Ghalīza comes from the words "Mīṣāq" and "Ghalīz". The phrase "Mīṣāq" is the maf’ulun bih, while the phrase "Ghalīz" is an attribute. Mīṣāq is derived from wa, tsa, qaf, and Ghalīz is derived from the words gha, lam, and za, which means hard or the opposite of soft.

   Allah SWT says in Surah an-Nisa verse 21:

   وَأَخَذْنَ مِي ْثَاقًا غَلِيْظًا

   And how could you take it (back) while you have gone in unto each other, and they have taken from you a firm and strong covenant?

   According to Muhammad Mutawalli As-Sya’rawi in his tafsir, "al- Mīṣāq " means an agreement taken by two parties, while "al-Ghildz" means not lenient. His opinion on Mīṣāqan Ghalīza is when you (the husband) recite the marriage contract to his guardian "Marry me" then he says: "I give you in marriage". That is when you make a covenant, and it is not an ordinary covenant but an extremely strong one. Allah SWT does not

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characterize a covenant with the adjective "Ghalīẓ" except for the covenant with the Prophets and the marriage covenant, because in this verse it is mentioned "afḍhā baḍukum ilā baḍin", while in another verse it is mentioned that each partner is clothing for the other "Hunna libāsul lakum wa antum libāsul lahunn". This indicates that the covenant is a heavy one, which requires the husband to be responsible for her and treat her well, Asy-Sya'rāwī forbade the husband from taking part of his wife's dowry, because the dowry is the price of the conjugal relationship that you have with her.15

Asy-Sya'rāwī also explains the wife's rights in Surah an-Nisa verse 4 about virtue (al-Fadhl). If there is a dispute between husband and wife, and the husband wants to take part of his wife's dowry to replace her with another, then virtue is better than justice. The meaning of justice here is if everyone takes his right. But it is a virtue if the husband waives his right to part of the dowry given to his wife, because the dowry is the wife's right.16

Allah SWT wants to provide evidence to us that the rights of a wife must be maintained. Therefore, when talking about husbands who want to take part of the dowry that their wives have given, Allah SWT uses Uslub at-Ta'ajjub (an exclamation sentence), namely "wa kayfa ta'khuzuñahu". This sentence is a proof that there is no reason that allows you to take part of your wife's dowry. As stated earlier, any agreement between two people does not result in anything but ordinary rights and does not include honor. This is very different from the marriage contract, which gives each spouse the right to honor.17

Likewise, Wahbah az-Zuhaili gave the same opinion regarding the meaning of Miṣāqan Ghaliẓa, which is a marriage contract that binds a man and a woman with a strong bond. This is an order of Allah SWT that must be maintained properly, or released in a good way. The use of the word "Ghalīẓ" here according to Wahbah az-Zuhaili aims to emphasize the sanctity and majesty of the agreement.18

The researcher argues that what is meant by a strong covenant or Miṣāqan Ghaliẓa is an agreement taken by a man and a woman, namely a marriage contract. This agreement is called a strong agreement because: First, Allah SWT has legalized for

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15 Muhammad Mutawallis As-Sya'rawī, Khawatir As-Sya'rawī Haula Al-Qur'an Al-Karim, Jilid 4, p. 2087.
16 Muhammad Mutawallis As-Sya'rawī, Jilid 4, p. 2088.
17 Muhammad Mutawallis As-Sya'rawī, Jilid 4, p. 2090.
husband and wife each other's private parts. Secondly, they have mixed with each other, and each partner is a garment and cover for the other, as mentioned in Surah al-Baqarah verse 187. Third, this covenant gives each spouse the right to honor. This verse also explains the prohibition of the husband to take part of the dowry that has been given to his wife, so that Allah commands the husband to protect the rights of the woman or wife, and Ash-Shā’rāwī gives an example of the wife’s rights by mentioning Surah An-Nisa, verse 4. Based on this understanding, marriage is not just a promise, but a covenant or a great agreement that is equivalent to the covenant of Allah with the Messenger, and the covenant of Allah with the Children of Israel. Through marriage is called a covenant, marriage is not a covenant that can be manipulated.

b. Rights and Obligations of Husband and Wife

In Islamic law, Allah gives rights to each partner and each has the same obligations. Men and women have equal status in worship, such as prayer, fasting and zakat. However they differ in some rights for women and men. Married couples each have rights and obligations towards the other, which are determined by law and detailed in great detail. If the relationship between husband and wife is at such a level of strength, and the rights of each partner over the other are very important, then one of the greatest obligations of husband and wife is to treat each other well. The rights and obligations of husband and wife are as follows:

1) Duties of Husband towards Wife

a) Providing a Living

What is meant by nafkah here is providing all the needs of the wife such as food, clothing and shelter even though the wife is rich. Providing maintenance is obligatory for the husband. Allah SWT says in Surah At-Thalaq verse 6:

أَسْكَنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَيَّقُوهُنَّ لِتُضَيَّقَ عَلَيْهِنَّ وَإِنْ كُنَّ أُولََاتِ حََْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتََّّ يَضَعُّنَ حََْلَهُن

Lodge them (the divorced women) where you dwell, according to your means, and do not harm them so as to straiten them (that they be obliged to leave your

house). And if they are pregnant, then spend on them till they lay down their burden.

According to Asy-Sya’rāwī, the meaning of min wujdikum is according to your (husband’s) ability. Allah SWT says in Surah at-Thalaq verse 7:

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\text{لِيُنْفِقْ ذُو سَعَةٍ مِنْ سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتََهُ اللََُّّ لََ يُكَل ِفُ اللََُّّ نَّسِيَّةً إِلَّا مَا آتََهَا}
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Let the rich man spend according to his means; and the man whose resources are restricted, let him spend according to what Allāh has given him. Allāh puts no burden on any person beyond what He has given him. Allāh will grant after hardship, ease.

According to Asy-Sya’rāwī, a wife’s right to maintenance from her husband must be granted if the following conditions are met: First, the marriage contract must be valid according to religion. Second, the wife has been handed over to her husband. Third, the husband can enjoy himself. Fourth, she does not refuse to move when she gets married. Fifth, the husband and wife can enjoy each other. If these conditions are not met, then the husband is not obliged to provide maintenance for his wife.²¹

According to the researcher, the husband is obliged to provide maintenance to his wife, because it is a valid value of the marriage contract, because the wife now has full rights over her husband, so that the husband can continue to enjoy pleasure with her.

b) Leading

Allah SWT makes men leaders over women, as governments over their people, with the physical and mental characteristics that Allah bestows on them, and with the financial obligations imposed on them. As Allah SWT says in Surah an-Nisa verse 34:

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\text{الرِّجَالُ قَوْمُونَ عَلَى النِّسَاءِ بَِِا فَضَّلَ اللََُّّ بَعْضَهُمْ عَلَى بَعْضٍ وَبَِِا أَن ْفَقُوا مِنْ أَمْوَالِِِمْ}
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\text{Men are the protectors and maintainers of women, because Allāh has made one of them to excel the other, and because they spend (to support them) from their means.}
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According Asy-Sya’rāwī, the meaning of Qawwām here is the assignment of duties to men, and in this verse men have been assigned the duty to take care of women and strive for their welfare and various other obligations contained in the notion of

²¹ Muhammad Mutawalli Asy-Sya’rawi, Shifāt Az-Zanj As-Shālib Wa Az-Zanjah As-Shālibah (Cairo: Al-Maktabah At-Taufiqiyah, t.t.).
leadership. The meaning of Qawwām here is also that they (men) work hard to fulfill all the needs of women, and Allah uses this word to indicate a job that has an element of effort and hard work. Similarly, according to Asy-Sya’rāwī, in this verse Allah uses the word Ar-Rijāl in a general sense, as well as the word An-Nisā\. In the next sentence, Allah makes a statement that applies to both, namely the virtues that Allah has given to each of His servants from men and women.

_Bimā Faḍḍalallāhu ba’ ḍahum ‘alā ba’diw_, According Asy-Sya’rāwī The advantages given to men are that they are required to work hard and may travel the earth in search of provisions for their lives. Muhammad ‘Abduh and Muhammad Rasyid Ridha also expressed the same opinion, that the advantage of men over women is that the duty of men is to lead women with sufficiency, attention, protection and care.

In the researcher's opinion, Asy-Sya’rāwī interpreted the phrase "Ar-Rijal” not only for husbands, but in general. Because men come with position, protection, leadership and responsibility. And he will lead continuously.

c) Treating well

Allah SWT says in Surah an-Nisa verse 19:

وجَاشَرُوهُنَّ بِِلْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ ف َعَسَى أَنْ تَكْرَهُوا شَي ْئًا وَيََْعَلَ اللََُّّ فِيهِ خَيًْْا كَثِيًْ

and live with them honourably. If you dislike them, it may be that you dislike a thing and Allāh brings through it a great deal of good.

According to Asy-Sya’rāwī regarding this verse, the phrase "Al-Makruf” has a broader meaning than the phrase "al-Mawaddah". Al-Mawaddah means that you are kind to the person you love and feel happy with him or her. Whereas the word Al-Makruf means that you do good to someone whom you do not necessarily love.

According to the researcher, the husband is obliged to treat his wife well even if he does not like it.

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22 Muhammad Mutawallī Asy-Sya’rāwī, _Shifāt Aẓ-Zaanj Aẓ-Shāliḥ Wa Aẓ-Zaanj Aẓ-Shāliḥah_ (Cairo: Al-Maktabah At-Taufiqiyyah, t.t), p. 22.
23 Muhammad Mutawallī Asy-Sya’rāwī, _Shifāt Aẓ-Zaanj Aẓ-Shāliḥ Wa Aẓ-Zaanj Aẓ-Shāliḥah_, p. 23.
26 Muhammad Mutawallī Asy-Sya’rāwī, _Shifāt Aẓ-Zaanj Aẓ-Shāliḥ Wa Aẓ-Zaanj Aẓ-Shāliḥah_, p. 150.
d) Teaching him the shar'i sciences

Allah SWT says in Surah at-Tahrim verse 6:

يَأَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نََرًا وَقُودُهَا النَّاسُ وَالِْْجَارَةُ

O you who believe! Ward off yourselves and your families against a Fire (Hell) whose fuel is men and stones,

The point here is to protect them from Hell by doing what He commands and avoiding what He forbids. Therefore, the husband should protect his family from entering Hell, teach them goodness and righteousness, and keep them away from evil.

2) Obligations of Wife towards Husband

a) Obeying Husband

Wives are obliged to obey their husbands because obedience creates love, happiness and pleasure. A woman’s obedience to her husband can protect the family unit from collapse and division, as well as arouse the husband’s sincere love for his wife, and deepen the bonds of affection and harmony between family members.

According to researchers, obedience to husband is the obligation of a married woman. With the wife’s obedience, the relationship between the two partners will last and remain harmonious, and the wife who obeys her husband is the best woman.

b) Take care of herself when her husband is not around

Allah SWT says in Surah an-Nisa verse 34:

فَالصَّالَِْاتُ قَانِتَاتٌ حَافِظَاتٌ لِلْغَيْبِ بَِِا حَفِظَ اللََُّّ

Therefore the righteous women are devoutly obedient (to Allâh then to their husbands), and guard in the husband’s absence what Allâh orders them to guard (e.g. their chastity, their husband’s property).

According to Asy-Syârawi opinion on this verse, Al-Qunût means permanent obedience to Allah. The woman who is obedient to Allah, she submits before Allah, meaning that she follows the Minhaj of Allah and accepts His commandment that He has ordained for her, that men are Qawwam of Women. While this hāfîzâtun lilghaib shows

28 Muhammad Mutawallî Asy-Syârawi, Shifât Az-Zanj As-Shâlib W’u Az-Zanjah As-Shâlibah, p. 70.
the integrity of purity.\textsuperscript{30} A wife is classified as a woman who guards herself in the absence of her husband not because of her own desire or choice, but because of the Minhaj established by Allah. The Minhaj is that she should protect the honor of herself and her husband’s property when he is not at home, by knowing what can cause fitnah in the family, so that she can prevent it.\textsuperscript{31}

c) Serve the husband

A good wife is one who serves her husband well. But if the wife needs a maid, there is no objection, as in the story of Fatima Radhiyallahu 'Anha, when Fatima asked her father for a maid, but her father did not give her a maid and did not hire her. Instead, he ordered her to make dhikr so that she would have the energy in her body and the strength to work in his house.\textsuperscript{32}

However, according to Asy-Sya’rāwī in his tafsir, there is no prohibition for the husband to perform some household duties in his spare time, following the example of his Prophet (SAW). The example of the Prophet Muhammad SAW in his home is a good example, meaning the best and most complete guidance. The Prophet SAW generally spent his time at home helping them with their work and being kind to them.\textsuperscript{33}

d) Guarding his property

A wife should not give away anything from her home except with her husband’s permission.

\begin{quote}
عَنْ أَبِي أُمَامَةَ البَاهِلِيِّ قَالَ: سَمَعَتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِِ خُطْبَتِهِ عَامَّ حَجَّةِ الوَدَاعِ يَقُولُ:
لَّا نَنْفِقُ امِرَأَةٌ شَيْئًا مِنْ بَيْتِ زَوْجِهَا إِلَّا بِِِذْنِ زَوْجِهَا، قِيلَ: يَا رَسُولَ اللَّهِ، وَلََ الطَّعَامُ، قَالَ: ذَاكَ أَفْضَلُ أَمْوَالِنَا.
\end{quote}

Abu Umamah Al Bahili reported: I heard the Messenger of Allah (peace and blessings of Allah be upon him) say in his sermon during the Farewell Hajj: "It is not permissible for a woman to spend anything from her husband's house except with his permission." He was asked: Does this include food, O Messenger of Allah? He replied: "It is the best of our wealth. (H.R Tirmidzi).

\textsuperscript{30} Muhammad Mutawalli Asy-Sya'rawi, \textit{Khawātir As-Sya'rawi Haula Al-Qur'an Al-Karim}, Jilid 4, p. 2195.
\textsuperscript{31} Muhammad Mutawalli Asy-Sya'rawi, \textit{Shifāt Az-Zauj As-Shālib Wa Az-Zaujah As-Shālibah}, p. 304.
\textsuperscript{33} Muhammad Mutawalli Asy-Sya'rawi, \textit{Shifāt Az-Zauj As-Shālib Wa Az-Zaujah As-Shālibah}, p. 365.
3) Rights of Husband towards Wife

a) Not leaving the house without the husband's permission

Allah SWT says in Surah al-Ahzab verse 33:

وَقَرْنَ فِي بُيُوتٍ وَلَا تَمَرَّنَ تَبَََّجْنَ تَبََُّجَ الَْْاهِلِيَّةِ الُْْولََ وَأَقِمْنَ الصَّلََةَ وَآتِينَ الزَّكَاةَ وَأطِعْنَ اللهَ وَرَسُولَهُ إِنَََّّّا يُرِيدُ اللََُّّ لِيُذْهِبَ عَنْكُمُ الرِّجْسَ أَهْلَ الْبَيْتِ وَيُطَهِّرَكُمْ تَطْهِيَّا

And stay in your houses, and do not display yourselves like that of the times of ignorance, and perform As-Ṣalāt (Iqāmat-as-Ṣalāt), and give Zakāt and obey Allāh and His Messenger SAW. Allāh wishes only to remove Arij (evil deeds and sins) from you, O members of the family (of the Prophet SAW), and to purify you with a thorough purification.

According to Asy-Sya'rāwī in his tafsir, the meaning of waqarna fī buyūtikunna here is that women should not go out often, as this is part of women's etiquette. Wa lā tabarrajna tabarrujal-jāhiliyyat-ulā, according to Asy-Sya'rāwī, the phrase tabarruj is taken from the word al-burju which means fortress or tower, and the meaning of tabarruj is that she walks out of the fortress of concealment (home) revealing the adornment and beauty that should be covered up.34

According to the researcher, Asy-Sya'rāwī prohibits a woman from leaving the house without her husband's permission, because it is part of a woman's etiquette. If a woman does so, then she will be cursed by the angels even if it is only for a second, and it is included in Nusyuz.

b) Not fasting sunnah, except with the permission of the husband

عَنْ أَبِِ هُرَي ْرَةَ رَضِيَ اللََُّّ عَنْهُ: أَنَّ رَسُولَ اللََِّّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ: لََ يََِلُّ لِلْمَرْأَةِ أَنْ تَصُومَ وَزَوْجُهَا شَاهِدٌ إِلََّ بِِِذْنِهِ، وَلََ تََْذَنَ فِِ ب َيْتِهِ إِلََّ بِِِذْنِهِ (متفق عليه)

"It is not permissible for a woman to fast and her husband is present except with her permission, nor is it permissible for her to enter his house except with his permission. (Muttafaqun ‘Alaih).

What is meant in the hadeeth above is a voluntary fast, for which there is no specific time, and this prohibition indicates that it is forbidden, because the husband has

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the right to enjoy himself on every day, and his right is directly obligatory, and cannot be abandoned because of something that is voluntary.\(^{35}\)

According to the researcher, it is haraam for a wife to fast Sunnah without her husband’s permission, because he has the right to enjoy himself with her every day.

c) Adorn for the husband

Allah SWT says in Surah an-Nur verse 31:

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\text{And tell the believing women to lower their gaze (from looking at forbidden things), and protect their private parts (from illegal sexual acts) and not to show off their adornment except only that which is apparent (like both eyes for necessity to see the way, or outer palms of hands or one eye or dress like veil, gloves, head-cover, apron, etc.), and to draw their veils all over their bodies, faces, necks and bosoms, and not to reveal their adornment except to their husbands, or their fathers, or their husband’s fathers, or their sons, or their husband’s sons, or their brothers or their brother’s sons, or their sister’s sons, or their (Muslim) women (i.e. their sisters in Islām), or the (female) slaves whom their right hands possess, or old male servants who lack vigour, or small children who have no sense of feminine sex.}
\]

According to Asy-Sya’rawi regarding this verse, when it says to the believers to lower their gaze, it means that there is something that they may see that is not permissible, as well as the believers. Most importantly, women should not make themselves attractive to men by being ostentatiously adorned. Although there are times when they may reveal some of their adornment both when inside and outside the house, according to the necessary level. Based on the above verse, it is permissible for women to adorn their hands with rings or wear eyeline or use bracelets. If Allah SWT has forbidden jewelry, then the part of the body where the jewelry is usually worn, becomes forbidden to be shown. Allah also explains that in society there are men whose faith is weak and

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when they see an amazing sight, their desire will arise, especially if the sight they see is filled with jewelry.36

Asy-Sya'rawi was once asked about the religious ruling on women who alter their appearance with dyes and other beauty tools. He replied that those who do so forget that beauty is a creation of Allah SWT that is given to creatures according to His will. Anyone who tries to change his or her appearance, whether male or female, is in fact defying the balance in Allah's creation, and such changes will not benefit him or her in any way; they are contrary to the nature with which Allah created every creature. So, a wife should adorn herself for her husband and display her adornments on condition that she does not change the shape that Allah has created.37

d) Straightening out a wife who has committed nusyuz

This is the wife’s right that protects her from the wrath of Allah SWT and hell. If she violates it in some way, then she must obey him. Evidence of a husband disciplining his wife is written in Surah at-Tahrim verse 66. Allah SWT says in Surah an-Nisa verse 34:

َّ وَاللََّتِِ تَََافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِِ الْمَضَاجِعِ وَاضْرِبُوهُن

As to those women on whose part you see ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly, if it is useful).

According to Asy-Sya'rawi, the phrase wallatī Takhāfūna Nusyūzahunna, implies that nusyuz is something that is feared but has not yet happened. The way to solve this problem is, first, bil mau'izotil hasanah. That is, when seeing her have the intention to nusyuz, then the husband should advise his wife gently and gently, by choosing a time when the feelings of the husband and wife are in the middle of merging and there is compatibility, not when the husband and wife are arguing.38 Second, Al-Hijr fil madāji’. This means avoiding or ignoring them in their bed. This means sleeping with them in the same bed, with the husband on one side and the wife on the other, so that the anger between them does not escalate. Third, Aḍḍarbu. Some scholars argue that beating is permissible provided that it does not cause blood flow or break bones,39 or with a light

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36 Muhammad Mutawalli Asy-Sya'rawi, Shifāt Az-Zanj' As-Shālibi‘ Wa Az-Zanjah Az-Shālibīha, p. 328.
38 Muhammad Mutawalli Asy-Sya'rawi, Shifāt Az-Zanj' As-Shālibi‘ Wa Az-Zanjah Az-Shālibīha, p. 146.
beating that shows that the husband is not pleased with his wife, which is why some scholars say that the husband may only beat her with a miswak.  

4) Wife's Rights to Husband
   a) Dowry

   Allah SWT says in Surah an-Nisa verse 4:

   وَآتُوا النِّسَاءَ صَدَقَاتِِِنَّ نِِْلَةً فَإِنْ طِبَْْ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

   And give to the women (whom you marry) their Mahr (obligatory bridal-money given by the husband to his wife at the time of marriage) with a good heart; but if they, of their own good pleasure, remit any part of it to you, take it, and enjoy it without fear of any harm (as Allāh has made it lawful).

   According to Asy-Sya'rawī, Shoduqātihinna means dowry, and nihlah means gift. It should be noted that dowry is not merely a gift, as it is a right for the wife and a reward for her bidh'un (vital organs) and is a form of honor to women.  

   The command wa ātū (give) can be addressed to the husband or the guardian. It indicates that the woman has become his wife, so he is required to give the dowry. Allah SWT first mentions the rights that must be fulfilled, when He speaks to husbands or guardians that the dowry is the wife's right. But after that, Allah SWT opens the door to virtue, which is that if the wife waives her rights, then the matter becomes different. Because it can strengthen and perpetuate the household, provided that it is done happily.

   b) Being fair to his wives When polygamous

   According to Asy-Sya'rawī, A husband will be considered an injustice to his wife if the polygamous husband only implements Allah's law (the permissibility of polygamy) for his own benefit. However, the husband does not want to fulfill Allah's command to be fair to his wives. Many members of the community do not agree with polygamy, because they see that if a husband marries another husband, he only pays attention to his new wife while the old wife and her children are neglected. In fact, what causes this issue to be polemic, is that the husband only takes and implements some of Allah's laws and leaves others. Therefore, husbands are required to be fair with regard to time, smiles,

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40 Muhammad Mutawallī Asy-Sya'rawī, Khwātir As-Sya’rawī hawa Al-Qur’an Al-Karim, Jilid 4, p. 2202.  
41 Muhammad Mutawallī Asy-Sya'rawī, Khwātir As-Sya’rawī hawa Al-Qur’an Al-Karim, Jilid 4, p. 2009.  
42 Muhammad Mutawallī Asy-Sya'rawī, Shifāt Az-Zauj As-Shālih Wa Az-Zaujah As-Shālihah (Cairo: Al-Maktabah At-Taufiqiyah, t.t) p. 160.  
maintenance, tenderness, and providing entertainment. Husbands can certainly do this. However, he may not be able to be fair with regard to his inclinations.\textsuperscript{44}

Allah SWT says in Surah an-Nisa verse 129:

وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلََ تََِيلُوا كُلَّ الْمَيْلِ وَإِنْ تُصْلِحُوا

وَتَّنْفِعُوا فَإِنَّ اللَّهَ كَانَ غُفُورًا رَحِيمًا

You will never be able to do perfect justice between wives even if it is your ardent desire, so do not incline too much (to one of them by giving her more of your time and provision) so as to leave (the other) hanging (i.e. neither divorced nor married). And if you do justice, and do all that is right and fear Allāh (by keeping away from all that is wrong), then Allāh is Ever Oft-Forgiving, Most Merciful.

According to Asy-Sya`rawi, this means that being fair in matters of love is impossible. So, there is a difference between the inclination of the heart, which is the desire of the soul, and the logical love based on rational considerations. The true inclination of the heart will not be mastered by anyone, so what Allah has commanded is for husbands to love their wives rationally. \textit{(Al-Hubb A-Aqli)} because emotional love \textit{(Al-Hubb Al-A`athifi)} forever has no legal instruments.\textsuperscript{45}

In the Qur’an, As-Sunnah, and Ijma’, the law of polygamy is permissible. However, in the view of Maqāshid Ash-Shari’ah, the permissibility of polygamy contains many wisdoms and benefits, including polygamy as a way to multiply Muslims, being a solution for women to get husbands, because the number of women is more than men in the last days, and being a solution to close the doors of adultery.\textsuperscript{46}

c) **Take care of their feelings**

قالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ مِنْ أَشَرِّ النَّاسِ عِنْدَ اللهِ مَنْ زَوَّجَ خَالَةً وَرَضَيْنَاهَا إِلَّا أَنْ يَأْخُذَ مَنْ زَوَّجَهَا وَيَتَّلِىَ خَالَةً وَرَضَيْنَاهَا إِلَّا أَنْ يَأْخُذَ مَنْ زَوَّجَهَا وَيَتَّلِىَ خَالَةً وَرَضَيْنَاهَا»

Rasulullah SAW said: "Indeed, the greatest trust in the sight of Allah on the Day of Resurrection will be that of a man who has intercourse with his wife, and the

\textsuperscript{44} Muhammad Mutawallī Asy-Sya’rawi, \textit{Shifāt Az-Zanj As-Shālih Wa Az-Zanjah As-Shālibah}, p. 165.

\textsuperscript{45} Muhammad Mutawallī Asy-Sya’rawi, \textit{Shifāt Az-Zanj As-Shālih Wa Az-Zanjah As-Shālibah}, p. 166.

wife has intercourse with her husband, and then he spreads the secret." (H.R Muslim).

The meaning of the hadith above is to keep and not spread the secret of marriage, because he is a human being who has his own demands, feelings, and demands.47

d) Be patient with him 48

Like the patience of the Prophet Muhammad SAW when Aisyah raised her voice against him, because of her jealousy of the Prophet Muhammad SAW.

In the researcher's opinion, married life is a joint relationship and a strong relationship between husband and wife, and this is not a momentary entertainment, game, or pleasure, not just lust and pleasure or a temporary relationship, but a great responsibility that requires struggle, patience, deliberation, wisdom, and determination to fulfill marital rights, and bear the responsibility of educating children properly. Therefore, before marriage we must know the difference between the rights and obligations of husband and wife, because by knowing the rights and obligations of husband and wife, and the fulfillment of all the rights of husband and wife, it will be easy to achieve a family that is sakinah, mawaddah and rahmah.

c. Shar'i Solution to Husband and Wife Disputes

Allah SWT says in Surah an-Nisa verse 35:

If you fear a breach between them twain (the man and his wife), appoint (two) arbitrators, one from his family and the other from hers; if they both wish for peace, Allâh will cause their reconciliation. Indeed Allâh is Ever All-Knower, Well-Acquainted with all things.

According to Asy-Sya’râwi, Allah’s word wa in khiftum syiqâqa bainihimâ implies that the dispute has not yet taken place, but there is a fear that there will be a dispute between the two. The word Ash-Shiqâq comes from the word Ash-Shaqqu. The verb shaqqa means to keep something away from something. So the phrase Shiqaq Bainahuma

indicates that the two have become one because of the marriage.\textsuperscript{49} As the Word of Allah written in Surah an-Nisa verse 20 and as confirmed also in Surah al-Baqarah verse 187, this shows that the wife has become part of the husband, the husband becomes a cover for his wife, and vice versa.\textsuperscript{50}

If there is something that separates them, Allah SWT says \textit{wa in khiftum syiqāqa bainihimā}, who cares about the affairs of his family? What is meant here is the immediate family environment. With this, Islam and the Qur’an seem to warn anyone who is around the family, whether fathers, brothers, or relatives who care about the integrity of the household of both, to always be aware of the psychological condition of the married couple and not let problems occur between the two so that it can lead to separation. Allah’s words \textit{wa in khiftum syiqāqa bainihimā}, referred to in this verse can also be addressed to the Waliyyul Amri (government) in general, if they have the ability to oversee the household situation of each family. However, in modern times, this is usually beyond the responsibility of the waliyyul amri. So, the possible supervisors are the elders of both husband and wife’s families, and one representative each called \textit{Hakam}.\textsuperscript{51}

Among the duties of a \textit{hakam} is to keep a close eye on the condition and course of the couple’s marriage, and then to assess and observe any problems that may cause a crisis before it occurs. Why should there be a \textit{hakam}? Because the two of them do not have any external problems and each of them does not have a certain assessment of the problems that arise between them. The husband and wife, on the other hand, tend to be subjective and see things from their own perspective. For this reason, the two hakams who have been appointed must agree in seeing the problems that occur between the two. If both see that the integrity of the household cannot be repaired except by divorce. Then both \textit{hakams} must decide that the husband and wife should be divorced. What is said by the two hakams must be implemented because the problems of husband and wife have become their right to decide, as it is said, \textit{In Yuridā Islāhan Yuwaffiqillahu Bainahumā}. This verse seems to emphasize that the main purpose of the two \textit{hakams} is to do \textit{Ishlah} (repairing the relationship between husband and wife). If Allah SWT has not given His guidance, it will be a sign that both of them no longer have the ability to make \textit{Ishlah}. Each hakam must fear for himself and try as sincerely as possible to make islah efforts to


\textsuperscript{50} Muhammad Mutawalli Asy-Sya’rawi, \textit{Shifāt Az-Zanj As-Shalih Wa Az-Zanjah As-Shalibah}, p. 371.

\textsuperscript{51} Muhammad Mutawalli Asy-Sya’rawi, \textit{Shifāt Az-Zanj As-Shalih Wa Az-Zanjah As-Shalibah}, p. 374.
reconcile the couple, otherwise the existing problems will actually give birth to other problems.\textsuperscript{52}

When Allah says, \textit{In Yurīdā Islāhan Yuwaffiqillahu Bainahumā}, then we must be careful not to be deceived by the hard work of the two \textit{hakams} or their ingenuity, because they are only intermediate causes. And Ash-Syā’rāwī always warns against being deceived by causes, because everything returns to Allah SWT all causes. We notice in this sentence \textit{Yuaffiqillahu bainahumā}, Allah SWT does not say "Undoubtedly the two \textit{hakams} will give guidance to the husband and wife", but Allah SWT emphasizes that giving guidance to the husband and wife is His business. Allah says, \textit{Innallaha kāna ‘alīman khabīrā}. This means that Allah knows the situation of the husband and wife, as well as the situation of the hakam of the husband and wife. They are both under his supervision. Therefore, each of them must pay attention to his actions, because he is responsible for every action and movement related to the existing problems.\textsuperscript{53}

Based on this, researchers argue that problems in the family are common. It is the lack of compatibility between spouses that causes discord. As discussed above, Ash-Syā’rāwī argues about the solution to disputes between husband and wife as mentioned in Surah an-Nisa verse 35, in fact, if there is a fear of dispute between the two, then waliyyul amri can oversee the situation of each household. However, in modern times, the responsibility of waliyyul amri has shifted to the elders of the husband and wife’s family called \textit{hakam}. And the purpose of the \textit{hakam} is to do \textit{ishlah} (repairing the relationship between husband and wife) to reunite the two. The \textit{hakam} is only an intermediary cause, because everything returns to Allah SWT all causes. It is Allah who gives guidance to the husband and wife, not the hakam, and Allah SWT emphasizes that giving guidance to the husband and wife is His business. Allah knows all the circumstances of the husband and wife, as well as the \textit{hakam} of the husband and wife.

D. CONCLUSION

The results of the study concluded that the concept of marriage according to Ash-Syā’rāwī is an agreement taken by two parties, namely the marriage contract, it is also something sacred so it is called \textit{mišāqan ghalīža}, this is not an ordinary agreement,
but a strong agreement, which requires the husband to be responsible and get along well. Therefore, the husband and wife or the bride and groom who are getting married must know and understand the concept of marriage, which includes the nature of \( \text{mišāqan ghalīža} \), the rights and obligations of husband and wife, and how to resolve family conflicts. By understanding the concept of marriage, it can minimize the divorce rate. In addition, married life will be eternal, harmonious and can realize the ideal family according to the guidance of Islamic law, as well as achieving a \( \text{sakinah, mawaddah and rahmah} \) home life. The researcher recommends to further researchers to perfect this research and examine the concept of marriage by referring to other mufassirs.
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