

The Concept of *Mubâdalah* (Mutuality) and the Public Role of Wife to Prevent Domestic Violence

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Abstract: *The Concept of Mubâdalah (Mutuality) and the Public Role of Wife to Prevent Domestic Violence.* This research is motivated by the yearly increase in data on complaints and acts of violence against women/housewife. To respond to the phenomena, the author offers efforts to prevent domestic violence through a new perspective named *mubâdalah* which has been formulated by Faqihuddin Abdul Kodir. In this study, the concept of *mubâdalah* is used as an effort to prevent domestic violence. This research is a library research conducted by using data taken from the literature. The conclusions obtained are: First, *mubâdalah* offers the concept of preventing domestic violence through three efforts, namely: instilling *mubâdalah*'s perspective on married couples, eliminating powerlessness or inequality in women, and changing the structure of social culture. Second, as the role of the wife in the public sphere is very important to prevent or minimize acts of domestic violence, therefore, wives are encouraged not to depend on their husbands and to have a network of relationships that may become social *support* in eliminating powerlessness and inequality of women in the public and domestic spheres.

Keywords: domestic violence, the public role of the wife, *mubâdalah*

Abstrak: *Konsep Mubâdalah (Kesalingan) dan Peran Publik Istri dalam Upaya Pencegahan Kekerasan dalam Rumah Tangga.* Penelitian ini dilatarbelakangi oleh adanya peningkatan data pengaduan dan tindakan kekerasan terhadap perempuan/ibu rumah tangga setiap tahunnya. Untuk itu, pada tulisan ini penulis menawarkan upaya pencegahan KDRT melalui perspektif baru yaitu *mubâdalah* yang dirumuskan oleh Faqihuddin Abdul Kodir. Dalam studi ini konsep *mubâdalah* dijadikan sebagai salah satu upaya untuk mencegah kekerasan dalam rumah tangga. Penelitian ini bersifat kepustakaan (*library research*), yaitu penelitian yang dilakukan dengan menggunakan data yang bersumber dari literatur kepustakaan. Kesimpulan yang didapat adalah: Pertama, *mubâdalah* menawarkan konsep pencegahan KDRT melalui tiga upaya yaitu: menanamkan cara pandang *mubâdalah* pada pasangan suami istri, menghilangkan ketidakberdayaan atau ketidaksetaraan pada perempuan, dan mengubah struktur dan kultur di masyarakat. Kedua, peran istri dalam ranah publik sangat penting untuk mencegah atau meminimalisir tindak kekerasan dalam rumah tangga. Karena itu, istri didorong untuk tidak bergantung pada suami serta memiliki jaringan relasi yang bisa menjadi *support* sosial dalam menghilangkan ketidakberdayaan dan ketidaksetaraan kaum wanita dalam ranah publik maupun domestik.

Kata kunci: kekerasan dalam rumah tangga, peran publik istri, *mubâdalah*

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Introduction

Gender is a concept of a visible difference between men and women in terms of roles and behavior. The concept is also generally used to identify between men and women in terms of socio-culture, which makes the difference only in terms of mentality, characteristics, and emotions.¹ Gender is claimed to have created inequality between men and women because it differentiates roles and behavior between men and women in the social, political, economical, and cultural fields.² These differences cause women to continue to be left behind and neglected in their contribution to family, community, nation, and state life.³ This can be seen in the standardization of gender roles which refers to the husband as "head of the family" and the wife as "housewife" as can also be seen clearly in the Marriage Law Number 1 of 1974 Article 31 Paragraph 3 which states, "Husband is the head of the family and the wife is the housewife."⁴

The standardization of gender roles has represented a highly hierarchical power relationship which has led to subordination, marginalization, and excessive workload. In addition, power relations are also very vulnerable to triggering conflicts in the household which can lead to acts of domestic violence or gender-based violence (KDRT). The standardization of roles that places men in public positions and women in the domestic sphere ultimately creates stereotypes that men have a higher degree than women, both in aspects of social, political, and economic life and in other aspects.

To stop this inequality, a perspective known as *mubâdalah*, offered by Faqihuddin Abdul Kodir, can be used as an alternative solution. Although

¹ Rilla Sovitriana, *Kajian Gender dalam Tinjauan Psikologi* (Uwais Inspirasi Indonesia, 2020), p. 8.

² Psikolog Rilla Sovitriana, *Kajian Gender dalam Tinjauan Psikologi* (Uwais Inspirasi Indonesia, 2020), p. 8. See also Romli, Dewani, and Abdul Qodir Zaelani. "Counter Legal Drafting of the Islamic Law Compilation, A Gender Perspective." In *1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019)*, pp. 331-337. Atlantis Press, 2020.

³ Ikhlasiah Dalimoenthe, *Sosiologi Gender* (Jakarta: Bumi Aksara, 2021), p. 35.

⁴ Presiden Republik Indonesia, 'Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan', 1974, p. Pasal 31, Ayat 3.

the concept is still relatively new, its existence is in great demand and has been put forward in Islamic family law studies. This can be seen in some scientific literature that has been written by previous researchers, including Faisal Haitami and Nurun Najwah⁵, Anis Hidayatul Imtihanah and Lukman Budi Santosa,⁶ and Taufan Anggoro⁷ who study gender equality through the perspective of *mubâdalah*. Other studies such as those conducted by Wilis Werdiningsih, discussing the application of the concept of *mubâdalah* in the upbringing of children,⁸ also by M. Afiqu Adib and Natacia Mujahidah⁹ Ramdan Wagianto¹⁰ and Agus Hermanto who examines the concept of the *maslahah* family from the perspective of *qirâ'ah mubâdalah*¹¹; including Septi Gumindari and Ilman Nafi'a who discuss the concept of family resilience from the view of *mubâdalah*¹² Apart from that, there is also research studying the application of the theory of *qirâ'ah mubâdalah* to women; as conducted by Yulmitra Handayani and Muhammad Nur Hadi,¹³ Zaimatuz Zakiyah and

⁵ Faisal Haitami and Nurun Najwah, 'Pembacaan *Mubâdalah* Terhadap Hadist Perempuan Sebagai Aurat dan Implikasinya Terhadap Relasi Gender', *Islamika Inside: Jurnal Keislaman dan Humaniora*, 6.2 (2020): 112–39 <<https://doi.org/10.35719/islamikainside.v6i2.105>>.

⁶ Anis Hidayatul Imtihanah, 'Hukum Keluarga Islam Ramah Gender: Elaborasi Hukum Keluarga Islam dengan Konsep *Mubâdalah*', *Kodifikasia: Jurnal Penelitian Islam*, 14 (2020): 263–82 <<https://doi.org/10.21154/kodifikasia.v14i2.2197>>.

⁷ Taufan Anggoro, 'Konsep Kesetaraan Gender dalam Islam', *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies*, 15.1 (2019), 129–34 <<https://doi.org/10.18196/AIIJIS.2019.0098.129-134>>.

⁸ Wilis Werdiningsih, 'Penerapan Konsep *Mubâdalah* dalam Pola Pengasuhan Anak', *IJouGS: Indonesian Journal of Gender Studies*, 1.1 (2020), 1–16 <<https://doi.org/10.21154/ijougs.v1i1.2062>>.

⁹ M. Afiqu Adib and Natacia Mujahidah, 'Konsep *Mubâdalah* Faqihuddin Abdul Kodir dan Formulasinya dalam Pola Pengasuhan Anak', *Fokus: Jurnal Kajian Keislaman dan Kemasyarakatan*, 6.6 (2021): 171–92 <<https://doi.org/10.29240/jf.v6i2.3412>>.

¹⁰ Ramdan Wagianto, 'Konsep Keluarga *Mashlahah* dalam Perspektif *Qirâ'ah Mubâdalah* dan Relevansinya dengan Ketahanan Keluarga di Masa Pandemi Covid-19', *JURIS (Jurnal Ilmiah Syariah)*, 20.1 (2021); 1–17 <<http://dx.doi.org/10.31958/juris.v20i1.2889>>.

¹¹ Agus Hermanto, 'Menjaga Nilai-Nilai Kesalingan dalam Menjalankan Hak dan Kewajiban Suami Istri Perspektif Fikih *Mubâdalah*', *al-Mawarid: JSYH*, 4.1 (2022): 43–56 <<https://doi.org/10.20885/mawarid.vol4.iss1.art3>>.

¹² Septi Gumindari and Ilman Nafi'a, '*Mubâdalah* as an Islamic Moderating Perspective between Gender and Patriarchal Regimes in Building Family Resilience', *Jurnal Penelitian*, 17.2 (2020): 107–16 <<https://doi.org/10.28918/jupe.v17i2.2970>>.

¹³ Yulmitra Handayani and Mukhammad Nur Hadi, 'Interpretasi Progresif Hadis-Hadis Tema Perempuan: Studi Aplikasi Teori *Qirâ'ah Mubâdalah*', *HUMANISMA: Journal of Gender Studies*, 4.2 (2020): 157–76 <<http://dx.doi.org/10.30983/humanisme.v4i2>>.

Zainal Arifin,¹⁴ also by Hanif Al Fauzi Nur et al, discussing monogamy from *mubâdalah* perspective,¹⁵ and Siti Khoirotul Ula, whose research related to the concept of *qiwâmâ* in the household.¹⁶

Meanwhile, the Indonesian Women National Commission (Komnas Perempuan) indicates that most of the victims of domestic violence belong to wives who do not work or only play a role in the domestic sphere as housewives. In other words, housewives who do not work have a greater risk to undergo domestic violence (KDRT) than working wives. As Livia Iskandar, a psychologist and one of the founders of the Pulih Foundation, at a campaign event jointly organized by Magdalena, Lentera Sintas Indonesia, and Binus University at Fx Mall Jakarta, emphasized that career women tend not to experience domestic violence (KDRT) because they have bargaining power.¹⁷ These two studies provide an understanding that one way to prevent domestic violence against wives is to give them jobs so that the inequality that is considered a trigger for domestic violence can be minimized. To test the feasibility of whether or not the concept of having a wife's public role can be an alternative to preventing domestic violence (KDRT), however, a separate, more in-depth, and critical study is needed. It is for this purpose that this research was conducted.

Research Method

This type of research is classified as qualitative research carried out in the form of library research.¹⁸ The data used refers to secondary

¹⁴ Zaimatuz Zakiyah and Zainal Arifin, 'Pendekatan *Mubâdalah* Perspektif Faqihuddin Abdul Kodir dalam Pemaknaan Hadis Kepemimpinan Perempuan', 7.2 (2021): 347–66 <<http://dx.doi.org/10.21043/riwayah.v7i2.10172>>.

¹⁵ Hanif Al-Fauzi Nur Hanif Al and others, 'Monogami dalam Tinjauan *Mubâdalah*', *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 3.2 (2022): 93–108 <<https://doi.org/10.24042/el-izdiwaj.v3i2.14281>>.

¹⁶ Siti Khoirotul Ula, '*Qiwâmâ* dalam Rumah Tangga Perspektif Teori *Mubâdalah* dan Relevansinya di Indonesia', *Mahakim: Journal of Islamic Family Law*, 5.2 (2021): 135–48 <<https://doi.org/10.30762/mahakim.v5i2.138>>.

¹⁷ Eko Sutriyanto, 'Ibu Rumah Tangga Lebih Rentan Jadi Korban KDRT Dibanding Wanita Karier', *Tribunlifestyle*, 29 April 2016 <<https://www.tribunnews.com/lifestyle/2016/04/29/ibu-rumah-tangga-lebih-rentan-jadi-korban-kdrt-dibandingkan-wanita-karier>>.

¹⁸ Sovia, Sheyla Nichlatus, Abdul Rouf Hasbullah, Andi Ardiyan Mustakim, Mochammad

sources, namely books, articles in scientific journals, or certain documents, including the National Commission on Violence Against Women Annual Report which presents data on domestic violence in Indonesia. To analyze the extent to which a wife's public role can minimize acts of domestic violence, the author uses the *mubâdalah* concept initiated by Faqihuddin Abdul Kodir as an analytical knife for existing phenomena. From the results of this analysis using a deductive approach, the authors then conclude.

Domestic Violence and the Concept of *Mubâdalah*

The term Domestic Violence (KDRT) consists of 2 keywords "Violence" and "Household". Violence means an action or deed that brings power to exert pressure or coercion in physical or non-physical forms. While the word "household" has the meaning of a person or group of people living together in a building, either wholly or partly, and taking care of their daily needs as one unit. Thus what is meant Domestic Violence (KDRT) is an act or deed in the form of abuse or coercion, whether carried out physically or non-physically within the scope of the household.¹⁹

According to the Indonesian Dictionary (KBBI), domestic violence means "everything that is violent and is carried out by one or more people that causes injury or results in the death of another person or acts that cause physical harm or other people's property by force."²⁰ While according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence Article 1 Number 1, it is stated that "domestic violence is any act against other people, especially women, which results in misery, suffering both physically, psychologically, sexually, and even household neglect, including threats, coercion, and illegal deprivation of freedom in the household."

Agus Rachmatulloh Setiawan, Pandi Rais, and Moch Choirul Rizal. "Ragam Metode Penelitian Hukum." *Kediri: Lembaga Studi Hukum Pidana, Excellent* 12., pp. 135–36.

¹⁹ 'Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga'.

²⁰ Departemen Pendidikan, Kebudayaan, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1990), p. 425.

Domestic violence can happen to anyone in the household, such as wives, husbands, children, siblings, and even parents, but most of the victims are still none other than women. The form is not only in the form of disputes or quarrels between husband and wife, it can even get worse than that. This phenomenon arises as a result of the perspective constructed by society due to gender assumptions in the relationship between men and women which demeans human dignity, forms unequal relationships, and standardizes gender roles in a person.²¹

Two factors are very influential in the emergence of acts of domestic violence, namely internal factors, factors relating to the personality of the perpetrators of violence, and external factors, factors that come from outside the perpetrators of violence. Of the two factors above, external factors are more dominant in relating to power relations between husband and wife, economic dependence, and education, including the influence of patriarchal culture in society which views a wife as having to depend on her husband.²² At the next level, these external factors can develop into competition and inequality between husband and wife, in terms of mastery of the economy, education, social relations, and justice in the work environment and the wider community, which eventually results in acts of violence.²³ Meanwhile, the main motives for acts of violence against women can vary, ranging from issues of sexuality, gender, women's dependence on men, and so on.²⁴

It must be admitted that a good partner is not a couple whose household has no history of conflict, but a couple who can manage their household living in a good, harmonious and love each other.

²¹ Faqihuddin Abdul Kodir and Ummu Azizah Mukarnawati, *Referensi Bagi Hakim Peradilan Agama Tentang Kekerasan dalam Rumah Tangga* (Jakarta: Komnas Perempuan, 2008), p. 31 <[http://en. bookfi. org](http://en.bookfi.org)>.

²² St Rahmawati, 'Mainstreaming of Gender Equality in Islamic Family Law: Oppurtuneites and Challenges', *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 4.2 (2020): 360–74 (p. 360) <<http://dx.doi.org/10.22373/sjhk.v4i2.8110>>.

²³ Rosma Alimi and Nunung Nurwati, 'Faktor Penyebab Terjadinya Kekerasan dalam Rumah Tangga Terhadap Perempuan', *Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM)*, 2.1 (2021): 20–27 (pp. 23–24) <<https://doi.org/10.24198/jppm.v2i1.33434>>.

²⁴ Saptosih Ismiati, *Kekerasan Dalam Rumah Tangga (KDRT) & Hak Asasi Manusia (HAM) (Sebuah Kajian Yuridis)*, (Yogyakarta: Deepublish, 2020), p. 5.

This then makes family members, especially husbands, and wives, more trained in dealing with the problems of life. If a husband and wife fail to manage household difficulties, then a conflict between the two may arise which eventually leads to acts of domestic violence. There are four forms of domestic violence, namely: physical violence; psychological violence; sexual violence; and family abandonment. Of the four forms of violence that most often occur to wives is physical violence, for example, beatings.²⁵

Domestic violence can occur because each husband and wife feel they have rights that must be fulfilled by their partner, while their partner may feel that it is not their obligation. Differences of opinion in understanding rights and obligations can then trigger disputes and often end in violence.²⁶

Viewed from the perspective of *mubâdalah*, beatings or violence of any kind should not be used as a way of solving household problems. As Ibn Hajar Al-'Asqalani said, beatings will not improve the relationship between husband and wife they can cause injury and hatred between one another. In addition, the act of hitting is very contrary to the principle of marriage, namely in pairs (*zawâj*) by doing good to each other (*mu'âsyarah bil ma'rûf*).²⁷ For this reason, Ibn Assyur once suggested that the state issue a law prohibiting husbands from beating their wives.²⁸ Such a recommendation has been implemented by the Indonesian government by issuing the Law on the Elimination of Domestic Violence No. 23 of 2004.

Faqihuddin Abdul Kodir, the creator of the concept of *mubâdalah*, explained that all forms of violence, whether in the form of beatings or other violent acts, are not a solution to overcome various problems

²⁵ Helmi, p. 40.

²⁶ Muslim Muslim, 'Pencegahan Kekerasan Dalam Rumah Tangga (KDRT) Melalui Konsep Hak dan Kewajiban Suami Isteri dalam Islam', *Gender Equality: International Journal of Child and Gender Studies*, 5.1 (2019): 117–37 (p. 117) <<http://dx.doi.org/10.22373/equality.v5i1.5384>>.

²⁷ Ahmad bin'Ali Hajar Al-asqalani, 'Abd 'Aziz bin'Abdullah Ibn Baz, and Hafiz Thana'Allah Zahidi, *Fath al-Bâri Bi-Syarah Sahîh al-Bukhârî* (Beirut: Dâr al-Fikr, 1993), p. 304.

²⁸ Kodir, *Qir'ah Mubâdalah*, p. 414.

between husband and wife. The act of spanking is against the purpose of marriage, which is to create a peaceful, harmonious, happy, and loving relationship. Islam rejects all forms of violence in marital relations. This is because this action violates the principles and purpose of marriage, namely to build togetherness, happiness, and family harmony. The act of beating is also contrary to the spirit of compassion as taught by Rasulullah SAW in various hadith texts about husband and wife relationships.²⁹ Some hadith texts that expressly prohibit beating are as follows.³⁰

عن عائشة قالت ما ضرب رسول الله صلى الله عليه وسلم شيئا
قط بيده ولا امرأة ولا خادما

Aisha Ra. said Rasulullah SAW "never hit anyone at all, not his wife, not even a maid (servant)." (Sahih Muslim, No. 6195).³¹

عن عبد الله بن زمعة عن النبي صلى الله عليه وسلم قل لا يجلد
أحدكم امرأته جلد العبد ثم يجامعها في آخر اليوم

From Abdullah bin Zam'ah, from the Prophet Muhammad SAW said, "Don't one of you beat his wife, (think it's okay) like hitting a slave, (even though) than have sex with her in the afternoon" (Sahih Bukhari No. 5295).³²

عن فاطمة بنت قيس قالت خطبني خطاب منهم معاوية وأبو
الجهم فقل انبي صلى الله عليه وسلم إن معاوية ترب حفيف الحال
وأبو الجهم منه شدة على النساء أو يضرب النساء أو نحو هذا ولكن
عليك بأسامة بن زيد

²⁹ Faqihuddin Abdul Kodir, *Qir'ah Mubâdalah* (Yogyakarta: IRCiSoD, 2021), p. 414.

³⁰ Faqihuddin Abdul Kodir, 'Mafhum *Mubâdalah*: Ikhtiar Memahami Qur'an dan Hadits Untuk Meneguhkan Keadilan Resiprokal Islam dalam Isu-Isu Gender', *Jurnal Islam Indonesia*, 6. 2 (2016): pp. 6–7.

³¹ Kodir, *Qir'ah Mubâdalah*, p. 415.

³² Kodir, *Qir'ah Mubâdalah*, p. 415.

Fatimah bint Qaisy Ra. said, "Several people proposed to me. Among them, Mu'awiyah and Abu al-Jahm. The Prophet Muhammad advised him, 'Muawiyah is still neglected and poor, while Abu al-Jahm is hard on women, or likes to beat his wife or the like. Therefore choose Usmah bin Zaid'" (Sahih Muslim No. 3786).³³

عن معاوية بن حيدة القشيري قال أتيت رسل الله صلى الله عليه وسلم قال فقلت ما تقول في نساءنا قال أطعموهن مما تأكلون واكسوهن مما تكتسون ولا تضربوهن ولا تقبحوهن.

Muawiyah bin Hayadah al-Qusyiri Ra. Said, "I came to the Messenger of Allah and asked, 'What do you think of our wives?'" Rasulullah replied, 'Give them what you eat, give them what you wear, don't hit them, and don't badmouth them' (Sunan Abu Daud No. 2146).³⁴

عن لقيط بن صبرة رضي الله عنه قال: كنت وافد بني المنتفق أو في وفد بني المنتفق إلى رسول الله صلى الله عليه وسلم قال: قلت يا رسول الله إن لي امرأة وإن في لسانها شيئاً يعني البذاء. قال: "فطلقها إذًا". قال: قلت يا رسول الله إن لها صحبة ولي منها ولد. قال: "فمرها -يقول عظمها- فإن يك فيها خير فستفعل ولا تضرب طعينتك كضرب أميتك". (رواه أبو داود)

From Laqith bin Sabrah Ra. He said, "When I came as a messenger of Bani al-Muntafiq to meet the Messenger of Allah, I asked, 'O Messenger of Allah, my wife's tongue is very rough.' The Prophet replied, 'Then divorce her. I replied, 'But he also (good) gets along well and already has children with me.' The Messenger of Allah replied, 'Then advise

³³ Kodir, *Qir'ah Mubâdalah*, p. 416.

³⁴ Kodir, *Qir'ah Mubâdalah*, p. 416.

her, if she is good he will do it, don't beat your wife like you beat your servant. (Sunan Abu Daud No. 2142).³⁵

The hadiths above clearly prohibit husbands from being abusive to their wives, let alone committing violence. Even when a wife often spoke harshly, the Prophet Muhammad still asked her husband not to beat her.

Almost all contemporary scholars, in explaining the meaning of the beating as mentioned in al-Nisâ' (4:34), recommend not to hit, although it is permissible it is still considered a violation of honor (*khilâf al-awlâ*) or *makruh*. If you have to do it, you have to do it as advised, that you must be gentle and not hurt.³⁶

Mubâdalah encourages men and women not to be rude to each other because men and women have the same position. Husbands and wives must always look after each other's household integrity, creating a good marriage in the eyes of religion, society, and themselves. There is no higher position between husband and wife. If the wife is wrong, she should be reminded gently without using violence, and vice versa. In the end, this erodes and even eliminates the notion that men have a higher position,³⁷ and can take any action against their wife, including acts of violence.

Mubâdalah is a middle way between the mainstream of "gender analysis" and the patriarchal system that has existed so far. Islam does not view gender as a measure of one's goodness. Men are no better than women, and vice versa. In Islamic teachings the relationship between men and women is based on partnership and cooperation; In other words, both men and women are equally encouraged to become subjects that complement each other in managing/carrying out their daily lives.³⁸

³⁵ Kodir, *Qir'ah Mubâdalah*, p. 417.

³⁶ Kodir, *Qir'ah Mubâdalah*, p. 414.

³⁷ 'The degree or position of a man being higher than his wife is not interpreted as a form of a husband's power relation to his wife, but rather the courtesy and gentle attitude of the husband in dealing with a wife's more sensitive and emotional character. This is following the interpretation of Imam al-Ghazali.'

³⁸ Kodir, *Ma'fhum Mubâdalah: Ikhtiar Memahami Qur'an dan Hadits Untuk Meneguhkan Keadilan Resiprokal Islam dalam Isu-Isu Gender*, p. 11.

Faqihuddin Abdul Kodir said that the emergence of symptoms of subordination, marginalization, or, even, violence against women in the household, can occur due to three things, namely: perspective, powerlessness/inequality, and culture and social structures that are not friendly towards women. These three things often lead to inequality between men and women in the family and society at large.³⁹ Therefore, to prevent and minimize domestic violence, Faqihuddin Abdul Qodir offers three forms of solutions based on the three causal factors that have been presented previously.

First, change the perspective. The perspective of a person or society that places women in a lower position than men, or who views women as objects, so that they deserve/may be treated roughly, must be changed into an egalitarian view that places women or wives as fellow servants. God has the right to be treated equally in society. Men and women must view each other as creatures of Allah who have the same degree and dignity and deserve respect. The more knowledge and perspective, position, or money a person has, the wiser he should be so that it is not easy to insult, beat or do other things that are against religion. So that all attitudes and behavior will be directed towards positive action, such as protecting and respecting each other. This means that husband and wife must know each other's rights and obligations and cultivate a sense of affection.⁴⁰

The second way is to change powerlessness or inequality. Empowerment and equality of women here are very important to prevent and minimize acts of violence, both against women in general and in the household context. When a woman is not independent, does not know, or is physically weak, then she is vulnerable to being used as an object of violence. Therefore, women must be intelligent and independent in terms of the economy, and that means having a job is one of the women's efforts to be independent. With this independence, women are no longer dependent on men, they have an equal position economically, and this can prevent and minimize domestic violence.⁴¹

³⁹ Faqihuddin Abdul Kodir, Interview on June 18, 2022.

⁴⁰ Kodir, 'Interview on June 18'.

⁴¹ Kodir, 'Interview on June 18'.

The third way is to change the structure and culture of society. Changes in design and culture with changes in the legal and social systems in society can prevent and minimize domestic violence while eliminating the view that women are second creatures after men. Because even though women are strong, rich, intelligent, and structurally and culturally degraded, men will be vulnerable to committing violence against them. Therefore, Faqihuddin Abdul Qodir emphasized that these three methods are very important to prevent and minimize acts of violence.⁴²

Relationships in realizing a *sakinah* household must be accompanied by Islamic principles to create a life that is harmonious, prosperous, and without conflict. *Mubâdalah* comes by instilling a new perspective that is effective when applied in the household. It is a breakthrough that can be used to foster a reciprocal harmonious relationship between husband and wife. *Mubâdalah* offers five basic pillars that support a good household life, namely: commitment to a strong bond of promise as a mandate from Allah, the principle of pairing and cooperation (*zawâj*), the behavior of giving comfort to each other (*mu'âsyarah bil ma'rûf*), treating each other properly, and consult each other for the common good. This basic concept and point of view can be used as a reference to prevent and minimize the occurrence of various kinds of unwanted conflicts. If in a household there are no mutual attitudes and behaviors (*mubâdalah*), then the possibility of acts of violence will be very large. Therefore, it is important to ensure changes in society's perspective and cultural structure related to the concept of togetherness in the household. The task of all of us is to change society's perspective on the position of women so that they can be equal in the context of togetherness to create a harmonious family, based on Islamic principles.⁴³

⁴² Kodir, 'Interview on June 18'.

⁴³ Kodir, 'Interview on June 18'.

The Public Role of Wives as an Effort to Prevent Domestic Violence from a *Mubâdalah* Perspective

The role is the dynamic aspect of the position, a set of rights and obligations, the actual behavior of the holder of the position, and part of the activities played by a person.⁴⁴ Roles are different from tasks. Roles are public expectations that must be carried out by someone because of their status or position, while tasks are obligations that must be carried out to fulfill requests and shared commitments.⁴⁵

The role of women can be grouped into three, namely as a wife, as a mother, and as a member of society. The role of the wife and mother is the role of women in the household which can be categorized as a domestic role, while the role of a member of the community is a role outside the home which can be classified as a public role. The wife's public role is the role played by the wife outside the domestic sphere; This can take various forms and in various sectors, such as jobs that produce goods and services, work in government politics, or other jobs that can involve women in revitalizing the public sector.⁴⁶

Women's participation in the public sector is nothing new. The productive role of women can be found in several areas of life. especially in the field of work in the public sector. Unfortunately, in this sector, the number of working men is greater than the number of women. This happened partly because of ideological understanding, cultural structure, race, society, and politics, including the notion that women are not allowed to play a role in the public sphere because they are afraid it will cause chaos. The social chaos and inequalities that arise are often pinned on women, which in turn makes women's public roles even more of a burden due to various social stigmas towards their presence in the public space.⁴⁷

⁴⁴ Soerjono Soekanto, *Kamus Sosiologi* (Jakarta: PT RajaGrafindo Persada, 1993), p. 440.

⁴⁵ Nofianti, p. 52.

⁴⁶ Lisnawati R Purtojo, 'Menyeimbangkan Peran Publik dan Peran Domestik (Suatu Konsekuensi Atas Peran Ganda yang Dipilih oleh Perempuan)', *Indigenous: Jurnal Ilmiah Psikologi*, 3.1 (2007), p. 13. <<https://doi.org/10.23917/indigenous.v0i0.4547>>.

⁴⁷ Leny Nofianti, 'Perempuan di Sektor Publik', *Marwah: Jurnal Perempuan, Agama dan Jender*, 15.1 (2016): 51–61 (p. 52) <<http://dx.doi.org/10.24014/marwah.v15i1.2635>>.

The second concept/method offered by Faqihuddin above, namely changing powerlessness or inequality, is very relevant to today's needs. Efforts to eliminate powerlessness or inequality between wives/women and men/husbands can be started by stipulating that women and men have the same status. They can do anything without worry or doubt, of course, while upholding the principles of domestic life as taught by Islam.

Furthermore, as Faqihuddin Abdul Kodir emphasized, the public role played by women/wives will have a positive effect on family life, especially in efforts to prevent acts of violence. When women have careers (have a share in the public space), this can make women more independent, strong, and not looked down upon by men. So that when women have the same general space as men or higher than men, the wife is no longer dependent or easily deceived (in a negative sense) by her husband.⁴⁸ Women's work will place them in a stronger, independent position and have a more comprehensive range of friends and support systems so that they can eliminate the patriarchal system that existed before. Apart from that, women who have jobs directly or indirectly will also make a positive contribution to household economic resilience.⁴⁹

Women's leadership will provide positive mutual benefits for men and women in realizing a more harmonious life that is physically and mentally prosperous, and safe in this world and the hereafter.⁵⁰ However, women's leadership should not be misinterpreted as an attempt by women to take over the roles and positions of male leadership. Still, women and men have different positions and positions, but they can do it together without any gaps between them. As explained by Tutty Alawiyah, what is meant by women's leadership is not the domination of women over men. Women's leadership is interpreted as a concept of struggle in the form of thoughts and movements to strengthen freedom, equality, and justice for women in their position as human beings, as mothers, as wives, as children, and as members of society.⁵¹

⁴⁸ Kodir, 'Interview on June 18'.

⁴⁹ Gumiandari and Nafi'a, p. 111.

⁵⁰ Tutty Alawiyah, *Perempuan dan Masyarakat Pembelajaran* (Jakarta: Legasi, 2002), p. 63.

⁵¹ Alawiyah, p. 63.

The same view was expressed by Sheikh Mutawalli Asy Sya'rawi, that women are allowed to work to find out how much they are capable of having a career in the public sphere. As long as they do not neglect their obligations as a wife and mother who has to educate their children without violating religious rules.⁵² This is in line with the thoughts of Quraish Shihab who explained that women also have the right to work as long as the job requires them and they need the job. The result is carried out in an arrangement or atmosphere that does not harm them and their environment.⁵³

Work must be positioned as an alternative that can be chosen based on an agreement between husband and wife so that both of them can exchange tasks based on the principles of cooperation and cooperation. In a family, the husband and wife can act as breadwinners and work simultaneously in the household. Another requirement is that the wife is the breadwinner, with the husband doing household chores or vice versa, which generally happens.⁵⁴

Mansour Faqih said that equality is at the heart of the division of labor between men and women. The division of labor between men and women should not be based on gender. Men can take care of children, wash and cook, while women can work outside the home. The construction of the two works is based on the cultural construction that prevails in society. The wrong assumption that becomes the paradigm of society is that men have authority in public work while women are only limited to household work. Therefore, when discussing the issue of working relations between men and women, he stressed that it was not God's nature but a cultural construction.⁵⁵

⁵² Syaikh Mutawalli As-Sya'rawi, *Fikih Perempuan (Muslimah)* (Jakarta: Amzah, 2003), p. 3.

⁵³ M. Quraish Shihab, *Membumikan al-Quran: Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat* (Bandung: Mizan Pustaka, 2007), p. 275.

⁵⁴ Salmah Intan, 'Kedudukan Perempuan dalam Domestik dan Publik Perspektif Gender (Suatu Analisis Berdasarkan Normatisme Islam)', *Jurnal Politik Profetik*, 2.1 (2014): 1–16 (p. 12) <<https://doi.org/10.24252/profetik.v2i1a5>>.

⁵⁵ Mansour Fakih, *Analisis Gender & Transformasi Sosial* (Yogyakarta: Pustaka Pelajar, 1996), p. 27.

One of the causes of violence against wives is the biased view and understanding of the society in understanding the holy book or verses in the Qur'an. Often society or the husband considers the wife as a woman who is number two and has a lower position. The holy book demands the establishment of order and the building of a social life system that is just and does not tolerate any form of humiliation of human dignity and various other reasons. However, this teaching was later misinterpreted by some people through erroneous understandings that gave rise to patriarchal thoughts, giving birth to injustice, discrimination, subordination, marginalization, and attitudes that despise the dignity of women.⁵⁶

The *mubâdalah* perspective in the public space is to apply the equality of women and men as citizens in the eyes of the law. Thus, both of them have the same rights and obligations to help each other, strengthen and build an excellent social life for the whole community. In this case, the *mubâdalah* perspective has an important role to break the notion that women can not only operate in the domestic sphere but can also play an active role in the public sphere without setting aside other obligations.⁵⁷

Domestic violence which has increased every year in the last three years illustrates that there are still many married couples who have not been able to apply the concept of togetherness in various aspects of their household. Specifically in its annual records, Komnas Perempuan shares data that wives who are housewives are recorded as the most victims of domestic violence.⁵⁸ This is supported by Komnas Perempuan's annual records which show an increase in the number of complaints of acts of domestic violence every year, especially during a pandemic. There was a drastic increase of 60% from 1,413 cases in 2019 to 2,389 cases in 2020. Throughout 2020, there were 299,922 cases of violence against

⁵⁶ Kodir, *Qirâ'ah Mubâdalah*, p. 115.

⁵⁷ Kodir, *Qirâ'ah Mubâdalah*, p. 530.

⁵⁸ Komnas Perempuan, 'Catahu 2021: Catatan Kekerasan Terhadap Perempuan Tahun 2020', *Komnasperempuan.Go.Id*, 5 March 2021 <<https://komnasperempuan.go.id/siaran-pers-detail/catahu-2020-komnas-perempuan-lembar-fakta-dan-poin-kunci-5-maret-2021>>.

women. Consisting of 291,667 cases handled by the District Court/Religious Court. The Komnas Perempuan Partner Service Institution handled eight thousand two hundred and thirty-four cases. Komnas Perempuan's service and referral units handled 2,349 cases, with a record of 2,134 gender-based cases and 255 non-gender-based cases. The most prominent cases generally occur in the personal sphere or are called KDRT/RP (Domestic Violence/Private Domain), as much as 79%, with cases of violence against wives occupying the highest position, namely 50%, with the profession of the highest victims being housewives.⁵⁹

One of the causes of domestic violence is the assumption that places the wife in the shackles of a household role. Violence is committed because of the arbitrariness of those in power in various forms. This action is in the form of physical and psychological violence. In addition, there is a tendency towards domestic violence which is considered simple or should not have happened, making victims afraid to report their condition. The view of society and patriarchal culture that places heaven entirely in the hands of the husband further strengthens the structure and culture of society which considers that a wife who is disobedient to her husband is a wife who commits disobedience.⁶⁰

Many factors can cause acts of domestic violence, one of which is the economic factor. The economic dependence experienced by a wife on her husband can reflect the weakness of the wife in front of her husband and open wide opportunities for attacks on position and power.⁶¹ Moreover, if this happens continuously, the husband will likely cheat on his wife. In addition, this can lead to conflicts that lead to acts of violence both physically and psychologically. Therefore, it is necessary to understand or view *mubâdalah* in all aspects of life to uphold the concept of gotong

⁵⁹ Komnas.

⁶⁰ Mufidah Cholil and Sudirman Sudirman, 'Gender Equality in Islamic Family Law: Breaking the Chain of Domestic Violence to Achieve Harmonious Family', *Kafuah: Journal of Gender Studies*, 9.2 (2019): 131–46 (pp. 135–36) <<http://dx.doi.org/10.15548/jk.v9i2.270>>.

⁶¹ Melsi Syawitri& Afdal, 'Analisis Faktor-Faktor yang Mempengaruhi Relasi Kuasa Pelaku Kekerasan Dalam Rumah Tangga (KDRT)', *Jurnal Penelitian Guru Indonesia-JPGI*, 5.1 (2020): 37–45 (p. 40) <<https://doi.org/10.29210/02598jpgi0005>>.

royong as a way to prevent and minimize acts of violence that often occur in household life.

In the *mubâdalâh* perspective, women can not only be in the domestic sphere, but they can also participate in the public sphere. Both domestic and public spaces are open to men and women. With the pillars of *zawâj* and *mu'âsyarah bil ma'rûf*.⁶² Women/wives having careers and participating in carrying out public roles will increase their knowledge and experience, including, and networks, opportunities, and friendships. This can encourage women to become stronger, to avoid acts of discrimination, subordination, or marginalization. However, it also needs to be emphasized here, that the public role played by the wife cannot always prevent domestic violence even though it can at least be used as an effort to minimize cases of domestic violence. This means that changing the cultural perspective and structure of women in society is very important to do.

The concept and understanding of *mubâdalâh* are suitable for domestic life. The main value of the *mubâdalâh* perspective which states that men and women are equal subjects can emphasize the understanding that men cannot act arbitrarily towards women and vice versa. The application of the concept of gotong royong in *mubâdalâh* can make husband and wife solve various problems that arise in the household without the need for acts of violence. Furthermore, the wife's role as an actor in the public space can also help eliminate patriarchal culture in the household, without leaving other obligations inherent in the wife's life while still applying the basic principles of the household and the characteristics of a *sakînah* family.⁶³

With this perspective, all needs in the family, especially earning a living, are the shared responsibility of the husband and wife, and the assets generated by the husband and wife or one of them are also shared rights. *Mubâdalâh* combines a work perspective, with mutual respect and

⁶² Kodir, *Qirâ'ah Mubâdalâh*, p. 343.

⁶³ Nastangin Nastangin and Muhammad Chairul Huda, 'The Shortest and Longest Pregnancy Period According to Jurisprudence and Legislation of Muslim Countries', *Al-'Adalah*, 19.1 (2022), p. 123. <<https://doi.org/10.24042/al-'adalah.v19i1.11579>>.

does not view others as lower than himself. In household relations, if smiling, being friendly, serving, and all pleasant actions are good, then that can be done by the wife to her husband, and vice versa. If these principles are applied, they will have a positive impact on household life and avoid thinking quickly by solving problems or conflicts in the household using violence. However, there may be other forms of violence that the wife will experience if the husband cannot accept the *mubâdalah* concept and perspective. The forms of violence that may be experienced by wives can be in the form of psychological violence, such as ridicule, actions that cause fear, loss of ability to act, feelings of helplessness, and other severe psychological sufferings.

Thus the idea of *mubâdalah* necessitates equality and justice in the relationship between husband and wife, men and women, and encourages participatory, reciprocal, fair, and beneficial cooperation for both without discrimination. Public space should not only be built and created for men, and domestic space should not only be liberated and controlled by women. The presence of both in the public and domestic spheres must be open both in different ways and models. A perspective that respects human identity and dignity and an attitude that does not look down on others must be applied to every individual, family member, and society. At the same time, between men and women, there is no need to feel inferior in front of other people, because that perspective will give birth to attitudes and behaviors that respect, appreciate, and fulfill human rights.

Conclusion

Inequality and lack of independence are two types of situations that can make a wife vulnerable to becoming a victim of domestic violence. This arises partly due to a narrow understanding of the texts of the scriptures, a wife's economic dependence on her husband, as well as the structure and perceptions of a society that constantly places women in second-class positions.

To change this bad situation, one of the alternatives that can be taken is to apply the concept of mutuality (*Mubâdalah*) in husband

and wife relationships where they can cooperate in partnerships in running the household together. Apart from that, attitudes and views that are egalitarian and far from arrogance or power relations must be cultivated in household life while at the same time eliminating inequality and powerlessness of women in the domestic space through equal division of roles between husband and wife, both in the public and domestic spheres.

By encouraging the public role of wives through the work and economic sectors, it is hoped that husband and wife relations can avoid the practice of domestic violence. This is because a working wife can accompany her husband in supporting the household economy while reducing inequality and dependence on her husband. Even if a husband has a position as a leader and breadwinner, that position does not necessarily mean that he has the highest and most important position, including looking down on his wife just because of her very small role in domestic economic sector problems.

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