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A CRITIQUE OF MISOGYNISTIC HADITH REASONING IN THE CASE OF MARITAL RAPE: A STUDY OF ABU HURAIRAH'S HADITH ON PROHIBITION OF WIFE REFUSING HUSBAND'S INVITATION

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Abstract: *Biological relations between husband and wife are an obligation and one of the factors of harmony in the household, in Islam it has been regulated in detail about this matter, one of which is regarding the husband's invitation to his wife to have sex has been regulated by naṣṣ shar'i both in the Qur'an and hadith, in the hadith narrated by Abu Hurairah the prophet once said that the wife who refuses the husband's invitation to have sex will be cursed by the angels. Many internal and external Muslims consider this hadith as a form of misogynistic and marital rape behavior. This paper seeks to address this feminist speculation as a misogynistic hadith. The research method used is descriptive-analytical technique with a normative-sociological approach and library research that examines in more depth the meaning of the naṣṣ hadith in question from the books of hadith experts as well as the views and ideas of the scholars regarding the hadith through takbrij hadith so that its quality and validity in fiqh are known. The results of this paper cite the view of the hadith scholars, the husband does not have full power over his wife, she can refuse her husband's invitation if she is sick, tired, menstruating and others, and the opposite applies that the husband must fulfill his wife's invitation if there is no urgent reason that allows him to refuse his wife's invitation to have intercourse, because the fulfillment of biological rights in the household is an obligation for both husband and wife.*

Keywords: *Critique of Reason; Misogynism; Marital Rape; Hadith Studies.*

INTRODUCTION

Nowadays, many problems arise in marriage that trigger the destruction of relationships to end in divorce. Among the things that trigger these problems are the non-fulfillment of rights and obligations for husband and wife, among the rights and obligations of husband and wife that must be fulfilled are biological needs for both husband and wife, both are entitled to the fulfillment of this right and agree to the existence of a will that leads to biological relations in a *makruf* way (Andy Litehua, 2022).

Specifically, biological relations between husband and wife are a form of harmony in the household and prevent haram deeds and damage to the integrity of the household, but in practice it often causes problems because in the fulfillment of rights and obligations there are still many who are wrong and not in accordance with religious teachings, as the data in 2022 according to the Annual Record of Woman Komnas Sexual Violence in the Personal Sphere occurred as many as 591 cases of sexual violence which included rape, sexual harassment, sexual exploitation, sexual slavery, forced abortion and forced contraception, which not only occurred in the personal and public spheres but also in the domestic sphere. (Komnas Perempuan CATAHU, 2022: November 28, 2023). The rights and obligations between husband and wife as formulated by Sayyid Sabiq can be categorized into three types, namely joint rights, the rights of the husband which are also the obligations of the wife and the rights of the wife which are the obligations of the husband (Muslimah, 2021).

a. Shared rights

What becomes a joint right after a legal marriage between husband and wife is the lawfulness of association between the two of them which both get the right to have fun in terms of fulfilling sexual desires, of course this does not escape what Islam teaches to associate in a way that is *makruf*. In addition, there is also the creation of a familial mahram relationship between the husband and wife's relatives; the wife becomes the mahram of the husband's father, grandfather, and so on up, and the husband becomes the mahram of the wife's mother, grandmother, and so on up. Thus, there is also a relationship of inheritance between the two relatives and the children resulting from the legal marriage.

b. The wife's rights that are the obligations of the husband

The rights of wives that must be fulfilled by husbands are of two kinds, material rights and rights other than material. What is meant by material rights is the provision of dowry and maintenance. *Mahar* is a mandatory gift in the form of property given by the husband to the wife after the marriage, *mahar* is also a full ownership for the wife that cannot be used by the husband without his permission. As for *nafkah*, it is the husband's provision to his wife in fulfilling all her needs which include food, clothing, shelter, medical treatment and so on, so it is the husband's responsibility as head of the family to prosper his wife for the sustainability of the household.

Meanwhile, what is meant by rights other than material things is in the form of the husband's attitude and service to his wife and in a way that is makruf as Allah says:

وَعَاثِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

Translate: "And deal with them (wives) in an appropriate manner. Then if you do not like them, (then be patient) for perhaps you dislike something, but Allah has made of it abundant good." (Q.S an- Nisa', 4: 19).

From the verse above, it can be seen that among the husband's obligations is to treat his wife properly, this includes the husband's treatment in terms of fulfilling sexual relations and protecting the wife's dignity by respecting, respecting teaching her religious knowledge, morals and necessary knowledge. This also applies in reverse for the wife because it is a mutual obligation as explained above.

c. Husband's rights that become wife's obligations

In contrast to the wife's rights to her husband in the form of property and other than property, the husband's rights that must be fulfilled by the wife are only in the form of treatment and obedience in the form of other than property because according to Islamic law a wife is not burdened with property rights for her family. As for the wife's right of obedience to her husband, such as obeying her husband's orders as long as it does not contradict the teachings of Allah and lead to something forbidden by Allah, besides that, the wife is also required to maintain family peace by not inviting someone without the husband's permission.

The religion of Islam in detail has provided guidance and laws in everyday life, not sparing for married couples, which in general Islam strongly encourages wives to obey their husbands as long as it is in line with Islamic teachings and does not lead to things prohibited by Allah. In terms of the husband's invitation to his wife to have sexual intercourse, it has also been regulated by *naṣṣ shar'i* both in the Qur'an and hadith, Allah says:

نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنْتُمْ شِينُكُمْ وَقَدِّمُوا لِأَنْفُسِكُمْ ۗ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مُلَاقُوهُ ۗ وَبَشِّرِ الْمُؤْمِنِينَ

Translate: "Your wives are like soil in which you cultivate, so come to the place where you cultivate as you wish, and do (good deeds) for you, and fear Allah knowing that you will meet Him one day. Then give glad tidings to those who believe". (Q.S al-Baqarah, 2: 223).

In addition, even in his hadith the Prophet emphasized that wives who refuse their husbands' invitations to have sex without a clear reason are cursed by the angels because basically in Islamic teachings, morals or morals have a high position, so that the high position of morals in Islam makes the Prophet ﷺ make it a barometer of faith, including in husband and wife relationships. The Prophet ﷺ said:

عن أبي هريرة رضي الله عنه عن النبي ﷺ: (إذا دعا الرجل امرأته إلى فراشه فأبت أن تجيء لعنتها الملائكة حتى تصبح).

Translate: "Abi Hurairah reported that the Prophet Muhammad ﷺ said: When a man invites his wife to his bed, and she does not come to him, the angels curse him until morning." (Bukhari, 2013: 396).

From this, many parties, both internal Muslims and external parties, speculate that Islam is very restrictive on the freedom of wives and makes men superior and considers it to have an impact on domestic violence, which in this case is called marital rape. In response to this, it is necessary to examine more deeply the meaning of the naṣ hadith in question whether the full power is indeed held by the husband and whether the wife has absolutely no right to refuse the husband's invitation in terms of having intercourse whether she is sick, tired and so on. Therefore, the author tries to find the understanding and meaning of the Hadith about the prohibition of wives to refuse their husband's invitation which is often considered as one of the misogynistic Hadiths by also examining the *takbrij* of the Hadith.

There are several previous studies that discuss marital rape both in terms of its law according to religion, state, feminism to the impact and legal protection of victims of marital rape, as for some of the research in question, among others:

1. Karina Martyana, Muhammad Syahrur Munir, "Marital Rape in the Perspective of *Maqāṣid al-Shari'ah*" (Martyana K, 2022). From this study it is known that marital rape is an act of violence and sexual activity categorized as direct violence that leads to physical and psychological attacks, in Indonesian positive law through the Criminal Code Law there are no regulations that specifically regulate this form of crime, only regulating regulations regarding rape in general in Article 285 of the Criminal Code. Meanwhile, in the Islamic view, this behavior is considered very contrary to the concept of *maqāṣid al-syari'ah* where marital rape does not reflect the purpose of marriage itself, especially *ḥifẓ an-nafs* and *ḥifẓ an-nasl*.
2. Nafisatul Mu'awwanah, "Hermeneutics of Hans-Georg Gadamer and its Relevance to the Understanding of Hadith on the Involvement of Angels in Sexual Relationships" (Mu'awwanah, 2018). Explaining that in understanding the hadith of the involvement of angels in sexual relations between husband and wife, it is necessary to study the hermeneutics of Hans-Georg Gadmer which emphasizes the merging of horizons so that meaningful sense is obtained which is very important to know for readers, especially in the context of this hadith which has implications for the importance of maintaining and maintaining the harmony of husband and wife relationships with sexual relations, of course in a good way and agreement of both parties.
3. Putri Ayu Sekar Fanny, R.B.Sularto, Umi Rozah, "Law Enforcement of the Crime of Marital Rape in View of Law 23 of 2004 concerning the Elimination of Domestic Violence (KDRT)" (Ayu: 2019). From the research conducted by Ayu, it can be seen that it is a clear picture and complement to Karina Martyana's writing which reveals the regulation of domestic violence in the Criminal Code which does not have specific regulations, but the perpetrators of these criminal acts can still be charged with Articles 8 and 46 of Law No. 24 of 2004 concerning the Elimination of Domestic

Violence. However, it is still considered difficult due to difficult proof, therefore the author considers the need to increase the capacity of law enforcers and new regulations to provide protection and security for victims.

4. Riskyanti Juniver Siburian, "Shifting the Paradigm Against the Criminalization of Domestic Rape" (Riskyanti Juniver Siburian, 2020). Through this research, the author tries to explain the meaning of forced sexual intercourse in marriage is a criminal act and includes rape as Article 284 of the Criminal Code, victims today are expected to be sensitive to this because marital rape is a criminal act and not the wife's obligation that must be fulfilled (right to sex), feminists have shifted the old perspective because according to him through the perspective of critical feminism criminology women in marital ties tend to be victims of crime, therefore there is a need for the state's role in overcoming this.
5. Evy Septiana Rachman, "Marital Rape in the Perspective of Islamic Law (Epistemological Study)" (Rachman, 2019). In an Islamic perspective, sexual intercourse is the obligation and right of each husband and wife, therefore the practice of marital rape is considered an unlawful behavior that interferes with individual rights because it causes harm to one of the parties. The teaching that is in accordance with sharia is by holding the principle of *mu'asyarah bi al-ma'ruf* to lead to a family that is *sakinah, mawaddah wa rahmah* as expected by all Muslims who are married.

The above studies have similarities with the research that the author is doing in terms of the substance carried out as the main discussion in the research, namely about marital rape, but what distinguishes them is that the above studies have not discussed and examined marital rape from the study of the original source al-kutub al-sittah contained in the book *ṣoḥīḥ Bukhārī*, *ṣoḥīḥ Muslim* and *Sunan Abi Dawūd*, in this case the hadith narrated by Abu Hurairah about the prohibition of wives refusing their husbands' invitations to have sex, which in this context many parties, especially feminists, consider this hadith as a form of misogyny and an initial factor in marital rape on marriage.

The author tries to review the context of the hadith related to the prohibition of wives refusing their husbands' invitations to have sex and the views of the hadith scholars on the hadith because basically Islam is very angry with all forms of abuse, especially against wives committed by husbands without any particular reason especially in this context, namely coercion in sexual relations which is categorized as a form of domestic violence. From there, it is hoped that the author can provide an objective conclusion, of course, by reviewing the opinions of scholars and experts regarding the Hadith of Abu Hurairah so that it can answer the accusation of the status of misogynistic traditions or hatred of women as widely understood by many parties. The author hopes that this research can complement the above studies so that readers can get a complete knowledge about marital rape.

RESEARCH METHOD

In writing this article, the author uses a descriptive-analytical research method which is a method that serves to describe or provide an overview of an object under study through data or samples that have been collected, with a normative-sociological legal approach and library research that examines in more depth the meaning of the *naṣ* hadith in question from the books of hadith experts namely Imam Bukhari, Imam Muslim and Imam Abu Dawud and their views and hadith scholars after them such as Imam Shafi'i, Ghazali to Ibn Hajar al-'Asqolani. This study uses the Hadith books *ṣoḥiḥ Bukhārī*, *ṣoḥiḥ Muslim* and *Sunan Abi Dawud* as primary materials and other supporting books that identify the truth of the Hadith which are then studied such as the analysis of ideas, procedures, legal rules, as well as the laws of its regulation which are often associated with misogynistic Hadith by some groups. Thus, it is hoped that the author can provide an objective conclusion by reviewing the opinions of scholars and hadith experts regarding marital rape behavior in fulfilling the sexual needs of husband and wife. Of course, the author hopes that this research can complement the above studies so that readers can gain complex knowledge about the concept of marital rape in Islam and the validity of the meaning of the hadith contained in Abu Hurairah's hadith about the prohibition of wives refusing their husbands' invitations which is often associated with misogynistic hadith and a form of discrimination against women.

RESULTS AND DISCUSSION

The Emergence of Marital Rape Reasoning in Islamic *Fiqh Mu'āsyarah*

In *fiqh*, marriage is understood in two perceptions '*aqdu al-ibābah* and *ā*. First, '*aqdu al-ibābah* (a contract that allows), from this understanding it can be understood that marriage is an act of worship which then leads to the husband's permission to have sex with his wife or get mutual biological pleasure between husband and wife with procedures that have been taught by *syara'* (Muhammad Zuhaili: 2013). Second, marriage is understood as '*aqdu al-tamlik* (contract to own), which implies a reasoning that gives men the right to own their wives as a whole. As the owner, the man feels entitled to treat his wife as he pleases without any decision for the wife to bargain (bargaining position) in making a choice that suits her wishes. (Umi Sumbulah, 2012). The most distant implication of understanding marriage with this perception is the emergence of the assumption that a husband has made a purchase transaction of sexual fulfillment devices as a means of fulfilling lust and continuing the lineage of the woman he married, this is what raises the vulnerability of domestic violence (KDRT) to marital rape, even with this reasoning some people then justify Islam as a religion whose teachings trigger marital rape in marriage.

This relative inequality is also often closely associated with the notion of a wife's absolute obedience to her husband in the Qur'an, based on Allah's words which recited:

الرَّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنَاطُتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Translate: "The man (husband) is the protector of the woman (wife), because Allah has preferred some of them (men) over others (women), and because they (men) have provided from their wealth. So the virtuous women are those who obey Allah and guard themselves in the absence of their husbands, for Allah has guarded them. Those women whom you fear may be unfaithful, advise them, leave them in their beds, and (if necessary) beat them. But if they obey you, then do not look for reasons to trouble them. Indeed, Allah is the Most High, the Most Great." (*Q.S An-Nisa (4): 34*).

The understanding of the verse above indicates the concept of obedience in the household that must be obeyed by the wife towards her husband. The concept of wives' obedience to their husbands can be interpreted as part of the traditional role in the family to mean absolute obedience. This may include the understanding that wives are expected to support and respect their husbands in every circumstance. This is what is understood by feminists and most people in general, especially always attributed to Muslims because they have a reference to the *naş* of the Qur'an as in the verse above.

In addition, it is also based on a very popular hadith about the prohibition of wives to refuse their husbands' invitations narrated by Abu Hurairah. The Hadith narrated by Bukhari is a *şohih* Hadith and is often used as a basis for some people, especially ordinary people, to act arbitrarily towards their wives. This is evident in the number of cases of contested divorce filed by wives on the grounds of marital rape. Ironically, the husbands who are the perpetrators and defendants always argue that this is the wife's obligation to her husband and will get the curse of angels as he understands the hadith himself (Muhammad Itham et al., 2021). Therefore, there is a need for a more in-depth review of the hadith which is always used as the basis for the perpetrators of marital rape to treat their wives arbitrarily in terms of sexual actions.

Tracing the Source and Quality of the Hadith about the Prohibition of Wives Rejecting Their Husbands' Invitations Through Takhrij Hadith

1. Hadith text and translation

حدثنا محمد بن بشار حدثنا ابن أبي عدي عن شعبة عن سليمان عن أبي حازم عن أبي هريرة رضي الله عنه عن النبي ﷺ قال: (إذا دعا الرجل امرأته إلى فراشه فأبت أن تجيء لعنتها الملائكة حتى تصبح).

Translate: "Muhammad bin Bassyar told us Ibn Abi 'Adiy told us from Shu'bah from Sulaiman from Abi Hazim from Abi Hurairah, may Allah be pleased with him, that the Prophet Muhammad ﷺ said: When a man invites his wife to his bed and she does not come to him, the angels curse him until morning." (Bukhari 2013).

In the book of *Ṣoḥīḥ Bukhārī* there is also a similar *hadīth* but with different words and narrators in explaining the invitation of the husband to the wife to have bed. The Hadith in question is:

حَدَّثَنَا مُحَمَّدُ بْنُ عَزْرَةَ حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ عَنْ زُرَّارَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا بَاتَتْ الْمَرْأَةُ مُهَاجِرَةً فِرَاشَ زَوْجِهَا لَعَنَتْهَا الْمَلَائِكَةُ حَتَّى تَرْجِعَ

Translate: "Muhammad ibn 'Ar-'Arah narrated to us Shu'bah from Qatadah from Zurarah from Abu Hurayrah who said: The Prophet (blessings and peace of Allah be upon him) said: If a woman spends the night and does not meet her husband's invitation to bed, the angels curse till morning." (Bukhari, 2013: 3956).

In addition to *Ṣoḥīḥ Bukhārī*, this hadith is also found in several other books of *hadīth al-mu'tabarab* hadith scholars such as Muslim in his book *Sabīḥ Muslim*, Abu Dawud in his book *Sunan Abi Dawud*. The wording of the hadith listed in the book of hadith in question is:

a) Imam Muslim in *ṣoḥīḥ* Muslim

حدثنا أبو بكر بن أبي شيبة وأبو كريب قالوا: حدثنا أبو معاوية. ح وحدثني أبو سعيد الأشج. حدثنا وكيع. ح وحدثني زهير بن حرب (واللفظ له) حدثنا جرير. كلهم عن الأعمش، عن أبي حازم عن أبي هريرة قال: قال رسول الله ﷺ (إذا دعا الرجل امرأته إلى فراشه فلم تأت، فبات غضبانَ عليها، لعنتها الملائكة حتى تصبح).

Translate: "Abu Bakr ibn Abi Shaibah and Abu Kuraib both said: Abu Mu'awiyah and Abu Sa'id al-Asyajj have narrated to me. Waki' told us. And Zuhair ibn Harb (by his words) told us Jarir. All from A'masy from Abi Hazim from Abi Hurairah may Allah be pleased with him from the Prophet Muhammad ﷺ said: "When a man invites his wife to his bed, and she does not come to him, until he spends the night angry with her, the angels curse him until morning." (Muslim, 2013: 358).

حدثنا ابن أبي عمرو. حدثنا مروان عن يزيد (يعني ابن كيسان) عن أبي حازم عن أبي هريرة قال: قال رسول الله صلى الله عليه وسلم: (والذي نفسي بيده! ما من رجل يدعو امرأته إلى فراشها، فتأبى عليه، إلا كان الذي في السماء ساخطا عليها، حتى يرضى عنها).

Translate: "Ibn Abi 'Amr told us Marwan from Yazid (i.e. Ibn Kaisan) from Abi Hazim from Abi Hurairah, may Allah be pleased with him, that the Prophet Muhammad ﷺ said: By the One in Whose hand is my soul, no man invites his wife to bed and she refuses, but the One in the heavens is angry with him until he forgives her." (Muslim, 2013: 358).

b) Abu-Daud in *Sunan Abi Daud*

حدثنا محمد بن عمرو الرازي. ثنا جرير عن الأعمش عن أبي حازم عن أبي هريرة عن النبي صلى الله عليه وسلم قال: (إذا دعا الرجل امرأته إلى فراشه فأبت فلم تأتته، فبات غضبانَ عليها لعنتها الملائكة حتى تصبح).

Translate: "Muhammad ibn 'Amr ar-Razi Jarir reported to us from A'masy from Abi Hazim from Abi Hurairah, may Allah be pleased with him, that the Prophet Muhammad ﷺ said: When a man invites his wife to his bed, and she refuses and does not come to him, the angels curse her until morning." (Abu Dawud, 2013: 110).

From the texts of the above traditions found through the dictionary of hadith discovery (Arent Jan Wensinck, 1967) it can be concluded that the text of the hadith about the prohibition of wives refusing their husbands' invitation is *lafzi* because the source of the hadith in all reference books comes from the Companion Abu Hurairah and the redaction of the hadith also has no difference except for one or two words that do not change the meaning or substance of the hadith.

2. Hadith Narrators

Table 1

Data analysis of hadith narrators

<i>Rawi</i>	Reference Books		
	<i>Ṣoḥiḥ Bukhari</i>	<i>Ṣoḥiḥ Muslim</i>	<i>Sunan Abi Dawud</i>
1.	Muhammad bin Bassyar	Abu Bakr bin Abi Syaibah dan Abu Kuraib	Muhammad bin 'Amr ar-Razi
2.	Ibnu Abi 'Adiy	Abu Mu'awiyah	Jarir
3.	Syu'bah	Abu Sa'id al-Asyajj	A'masy
4.	Sulaiman	Waki'	Abu Hazim
5.	Abu Hazim	Zuhair bin Harb	Abu Hurairah
6.	Abu Hurairah	Jarir	
7.		A'masy	
8.		Abu Hazim	
9.		Abu Hurairah	

3. Biographies and Qualities of the Narrators

The biographies and quality of the narrators are taken from several books of *Jarḥ wa al-ta'dil* of the rijal al-hadis including the book *Tahzīb al-Kamal fī Asmā' al-Rijāl* by *Jamāl al-Dīn Abū al-Hajjāj Yusuf al-Maẓẓī* and the book *Tahzīb al-Tabzīb fī Rijāl al-Hadīs* by Imam *Ibn Hajar al-'Asqolāni*.

Table 2

Data on the year of birth and death of the narrator and the quality of his narration

No.	Narrator's Name	Born dan wafat		Jarḥ wa al-ta'dīl
		Born	Wafat	
1.	Abu Hurairah (‘Abdullah bin Shokhr)(Al-‘Asqolani, 2004: 523).	-	57 H	قال ابن عمر: أبو هريرة خير مني وأعلم
2.	Salman Abu Hazim al-Asyja'i (Al-Mazzi, 1998: 529).	-	99 H	قال عبد الله بن أحمد بن حنبل: ثقة
3.	Sulaiman ibn Mihran al-A'masy	-	148 H	قال النسائي: ثقة، ثبت
4.	Jarir bin ‘Abdul Hamid	107 H	188 H	قال محمد بن سعد والنسائي: ثقة
5.	Zuhair bin Harb	160 H	234 H	قال معاوية بن صالح: ثقة
6.	Syu'bah ibn Hujjaj al-‘Atki	82 H	160 H	قال محمد بن سعد: ثقة، مأموناً، ثبتاً
7.	Abu Sa'id al-Asyajj al-Kindiy	-	257 H	قال أبو حاتم: ثقة، صدوق
8.	Mumammad bin Ibrahim Ibnu Abi ‘Adiy		194 H	قال أبو حاتم والنسائي: ثقة
9.	Muhammad bin Hazim Abu Mu'awiyah al-Tamimi	113 H	195 H	قال النسائي: ثقة في الأعمش
10.	Muhammad bin Bassyar	-	252 H	قال العجلي: ثقة، وأبو حاتم: صدوق
11.	Abu Bakr bin Abi Syaibah		235 H	قال أبو حاتم وخرائش: ثقة
11.	Abu Kuraib bin Abi Muslim		96 H	قال ابن سعد والنسائي: ثقة
12.	Muhammad bin ‘Amr ar-Razi		241 H	قال ابن حبان وأبو حاتم: ثقة

4. Quality of Hadith

From the table above, it is known that the quality of all the narrators is assessed as *ṣiqah* by the scholars of hadith and the quality of the matan of the hadith is also connected as evidenced by the narrators who took and retrieved the hadith are connected to each of the narrators above (*Jamāl al-Dīn Abu al-Hajjaj Yusuf al-Maẓẓī, 1988*). Therefore, it can be concluded that the Hadīth about the prohibition of wives refusing their husbands' invitations belongs to the category of ahad Hadīth because the average number of narrators per-*thobaqoh* is one. In terms of the text, it is a *marfu'* *quliy* hadith because it is the saying of the Prophet ﷺ. In terms of sanad, it is a *muttaṣil*

because its sanad is connected, i.e., the student and teacher narrators in the sanad meet (*liqā'*) because they are contemporaries, locals, and hadith professionals.

The above Hadith in terms of quantity does not reach the mutawatir Hadith because it does not meet the criteria of the mutawatir Hadith, which is narrated by a large number of people (*Ibn Hajar al-'Asqolāni*, 2004), the existence of a large number at each level (*tobaqah*) *muttaṣil* to be agreed upon lying and relying on the senses (Khon, 2011). Hadith reports that are acquired are not sensory in nature (heard or seen), as for the form of hadith phrases that are acquired sensually, such as the hadith that uses the phrases *سمعنا، رأينا أو لمسنا*. Although this tradition is found in the sahih books of Bukhari and Muslim, its quality must still be scrutinized because even sahih Bukhari has been criticized by scholars of hadith who say that there are about eighty narrators who are doubtful because they fail to meet the high standards set by Bukhari. (Muhammad Musthafa Azami, 2000). In terms of the text, it can be recognized as a *marfu' quliy* hadith because it is the direct words of the prophet the companions and the *tabi'in*.

5. Mufradat Meaning

In the above Hadith there are several words or mufradat that the author thinks need to be explained because they contain kinayah meaning and need explanation that cannot be interpreted lafaz, as for the mufradat in question are:

a. فراش: Mattress

In the language of فراش if interpreted according to the lafazah means mattress, but what the prophet meant in this Hadith is its kinayah meaning which means *الجماع* (having sex) for married couples, as explained by Ibn Abi Hamzah:

قال ابن أبي حمزة: الظاهر أن الفراش كناية عن الجماع، ويقويه قوله (الولد للفراش) أي لمن يبطأ في الفراش، والكناية عن الأشياء التي يستحي منها كثيرة في القرآن والسنة.

Translate: "That the word firash is a form of kinayah that refers to sexual intercourse is confirmed by the words of the Prophet (peace be upon him), which means the one who has sexual intercourse in bed. The kinayah meaning of things that are considered shy to be expressed in this way is also found in many places in the Qur'an and hadith." (*Al-'Asqolani*. 2004).

b. لعن: Cursing

The curse is a form of retribution given by Allah to people who have committed sin or sin, in terms of the curse means *البعد من رحمة الله*: kept away from the mercy of Allah (*Abdullah al-Harari*, 2008). It can be concluded that in essence, curse means to keep away and expel, that is, people who are cursed by Allah. will be kept away from all goodness and mercy.

A Critique of the Misogynistic Hadith Reasoning of Abu Hurairah's Hadith on the Prohibition of Wives to Refuse Their Husbands' Invitations and Its Validity and Legal Products

Based on the explanation above, it can be seen that the hadith regarding the prohibition of wives rejecting their husbands' invitations to have sex is still in accordance with Islamic teachings, although the hadith is cornered at first glance and is dangerous for women, but if you look closely there is wisdom contained in it, especially in maintaining family harmony. The rejection of a husband's or wife's invitation to have sex has many negative implications, including feelings of male inferiority and female unfaithfulness, and a woman's or man's lack of attention to their partner's biological needs causing problems and discord in the home. In addition, it is also to anticipate the dangers that will occur if sexual desire is not channeled into place. Even according to Gadamer through his hermeneutic theory of meaningful sense in the hadith "the involvement of angels in sexual relations", the accepted meaning is "maintaining and maintaining the harmony of husband-wife relationships". Meanwhile, the application is based on an agreement between the two parties or between husband and wife by not burdening one of the two. (Mu'awwanah, 2018).

From the theoretical understanding that has been explained, marital rape committed by a husband against his wife can be formulated into the category of marital rape. Not only coercion, marital rape can also take the form of physical and psychological violence or threats which generally occur to wives (Martyana K, 2022).

The forms of marital rape are as follows (Nairazi, 2018).

- 1) Sexual intercourse that the wife does not want because of the wife's unpreparedness in physical and psychological form.
- 2) Sexual intercourse that the wife does not want, for example, having sex while the husband is drunk.
- 3) Having sexual intercourse with the wife while she is sleeping.

Marital rape is the result of unequal sexual relations between men and women, such as the understanding that sexual relations are the woman's obligation or only the man's right, not the obligations and rights of both. Therefore, a perception arises where it is permissible for the husband to use force to obtain his rights. Conversely, the wife cannot refuse the invitation even if she is in a condition that does not allow her to accept it, for example when she is sick, tired, menstruating and the like. What is meant by marital rape is any act that includes sexual harassment, physically forcing the wife to have sexual intercourse and or having sexual intercourse without her consent and when she does not want it, having sexual intercourse in ways that are unnatural or disliked by the wife, or keeping away or not fulfilling the wife's sexual needs (Djannah, 2003).

Therefore, the wife never feels inner satisfaction because of the impact of the husband's uncomfortable treatment during sexual intercourse in the form of coercion while the wife is sick or in a state of menstruation (Martyana K, 2022). In addition, the husband's invitation to his wife to have intercourse is also not justified in an arbitrary and

arbitrary way, but must consider the wife's condition whether she is willing and in good condition to have intercourse, this has been explained by Allah in the Qur'an:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرْتَدُّوا النِّسَاءَ كَرْهًا وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا ءَاتَيْتُمُوهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُّبِينَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

Translate: "You Allah who have believed, it is not lawful for you to take women by force, and you should not trouble them in order to take back some of what you have given them, except when they have done manifestly abominable deeds. And deal with them properly. Then if you do not like them, (then be patient) for perhaps you dislike something, but Allah has made of it much good." (An-Nisa (4): 19).

In the verse above, Allah explains that in treating wives, husbands should fulfill them in a good way, whether it is in terms of fulfilling material needs or even biological needs. Likewise, if you invite your wife to have sex, you should see the wife's condition whether she is in a good condition for intercourse and not get angry quickly if the wife refuses because there may be reasons that cause the wife not to accept the husband's invitation because in the hadith the prohibition of wives rejecting their husbands' invitations in the book *Fatḥh al-Bārī 'alā syarḥ ṣaḥīḥ bukhārī* is explained:

... لأنها حينئذ يتحقق ثبوت معصيتها، بخلاف إذا لم يغضب من ذلك فإنه يكون إما لأنه عذرها وإما أنه ترك حقه من ذلك

Translate: "The curse is incurred because of the sin involved in the refusal, but it is different if the husband is not angry at the refusal, whether it is based on fear of harming the wife or simply because the husband is ignoring his rights at that time, then the wife does not incur the curse." (Al-'Asqolani, 2004).

According to Shaf'i, he is also of the opinion that it is not allowed to have sexual intercourse if it can cause harm to his wife. The husband is obliged to have sexual intercourse with his wife because basically a husband who has sexual intercourse with his wife is based on lust and cannot be forced. Therefore, the wife should not reject the husband's invitation, and the husband should not reject the wife's invitation. (Ghozali, 1997).

So it can be concluded that the prohibition of the wife not to refuse the husband's invitation actually depends on the conditions faced if there are shar'i reasons that make it burdensome for the wife to accept the invitation, the wife may refuse, but if the wife is in prime condition and there is no reason either in terms of physical, mental or other health that can have a negative impact on the wife, the wife must serve her husband because it is an obligation of the wife that must be fulfilled and also so that a harmonious family is created by fulfilling one of the inner needs. In addition, it should be underlined that this provision does not apply only to wives but also to husbands, who in this context are obliged to provide biological needs to their wives, especially if their wives ask for it at any time as long as there are no obstacles. In essence, Islam in addressing sexual relations

between husband and wife must be done properly in accordance with the principle of *mu'asyarah bi al-ma'ruf*, namely having sexual intercourse in a good way, not arbitrarily and by force, must think about the conditions and conditions of each whether in prime condition or otherwise. Because of this, this can be an answer to the assumptions and accusations of some people who consider Islam as a religion that does not favor women and still makes men superior, especially in the context of this hadith which is often considered as a misogynistic hadith.

CONCLUSION

The threat of the angel's curse for the wife who refuses her husband's invitation to have sex in the *ṣohih* hadith narrated by Abu Hurairah is often justified as a misogynistic hadith as a form of discrimination against women and triggers the emergence of marital rape criminal behavior. Ironically, the Hadith is also often used as a basis for some ordinary people to demand obedience and act arbitrarily towards their wives in family relationships. Many think that Islam is very restrictive on women and gives full power to men in the family, especially in terms of the wife's obedience if invited to have sex, but in fact the hadith narrated by Abu Hurairah, if the redaction is studied more deeply, does not absolutely impose absolute obedience on the wife, The wife also has the right to refuse if she is in a condition that does not allow her to accept her husband's invitation such as the reasons above and if it can cause danger to her as explained by hadith scholars such as Imam Shafi'i and Ibn Hajar al-Asqolani in his book in providing an explanation of the hadith.

In short, the fulfillment of biological rights is an obligation for both husband and wife, of course in terms of its purpose there are a lot of wisdom if this need is met both in terms of health, integrity and harmony of the household as well as a form of our obedience to Allah as a servant. Therefore, the wife should be willing to be intimate with her husband as well as the husband to have sex with his wife because it is a fitrah for humans, but what needs to be underlined is that in terms of having sex, both of them are required in a good and proper way, which means that in conditions where both of them both want it, not with the coercion of one of the parties or even to force and harm because this can bring the wrath of Allah.

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