

*Safdhinar M. An Noor¹, Arisy Abror Dzukroni², Nasrullah³,
Moh. Faza Rosyada⁴*

RETHINKING MU'ÂSYARAH BIL MA'RUF: A Maqâshid Syari'ah Cum-Mubâdalah Approach

^{1,3}UIN Maulana Malik Ibrahim Malang, Indonesia

²UIN Walisongo, Indonesia

⁴Universite Mohammed V Rabat, Marocco

Email: safdhinarmuhammad@gmail.com¹, 23090290052@student.walisongo.ac.id²,
nasrulloh@syariah.uin-malang.ac.id³, rosyadafaza.mohammad@gmail.com⁴

Received:

2023-12-04

**Received in revised
form:**

2024-02-10

Accepted:

2024-03-29

Available online:

2024-04-06

Abstract: *This article contends that the principle of mu'asyarah bil ma'ruf has been inadequately interpreted, primarily due to its frequent application solely to men, resulting in the neglect and discrimination against women in conceptual formulation and validation. By positioning both men and women as equal participants in defining maqâshid al-syarî'ah, a fairer understanding of mu'asyarah bil ma'ruf can be achieved. This qualitative research seeks to redefine the interpretation of mu'asyarah bil ma'ruf in the Qur'an through the Maqâshid Syari'ah cum-Mubâdalah approach, integrating the critical concept of mashâlih al-'ibâd in kulliyât al-khams and the Mubâdalah perspective. The Maqâshid al-Syarî'ah cum-Mubâdalah methodology entails merging Maqâshid al-Syarî'ah theory with a perspective emphasizing mutual respect between genders. This study adopts a library research methodology. The findings reveal that, through the Maqâshid al-Syarî'ah cum-Mubâdalah approach, it can be inferred that: 1) mu'asyarah bil ma'ruf extends beyond marital relations to encompass interactions that uphold human values for all individuals; 2) apart from hifdž al-nafs (preservation of life), mu'asyarah bil ma'ruf also encompasses other elements including hifdž al-din (preservation of religion), hifdž al-mal (preservation of wealth), hifdž al-'aql (preservation of intellect), and hifdž al-nasl (preservation of lineage); 3) adherence to the five elements of maqashid sharia is obligatory for both parties engaging in interactions, rather than being imposed solely on one party.*

Keywords: *mu'asyarah bil ma'ruf; humanism; maqâshid al-syarî'ah cum-mubadalah; and reciprocal.*

INTRODUCTION

Academic studies in the form of scientific research both related to the ideal relationship between husband and wife, as well as the rights and obligations of husband and wife in the household are always interesting to review. This is inseparable from the vital role of husbands and wives in building harmonious family relations (Dzukroni & Isnaini, 2023; Elliott, 2014; Khodarahimi, 2015; Moaddel, 2006; Smith, 1979). However, in the practice of domestic life, the roles of husband and wife do not always run smoothly. The harmonious and prosperous family life that is the hope, turns into a disaster and gives birth to various forms of domestic violence.

Cases of domestic violence, which include physical and psychological violence, neglect, exploitation, trafficking, and sexual violence, continue to increase. The Online Information System for the Protection of Women and Children (Simfoni PPA), which is under the Ministry of Women's Empowerment and Child Protection (KemenPPPA) notes that in 2022 cases of sexual violence will occur most frequently within the scope of domestic violence with a total of 11,016 cases, followed by violence physical with 9,019 cases, then psychological violence with 8,524 cases, neglect with 2,718 cases, trafficking with 443 cases, exploitation with 256 cases, and other cases with 3,170 cases (Santika, 2023).

Article 1 Law no. 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT) states that "Domestic violence is any act against someone, especially women, which results in physical, sexual, psychological misery or suffering, and/or domestic neglect including threats to committing unlawful acts, coercion or deprivation of liberty within the domestic sphere." Domestic violence itself only applies within a household or marriage that is legal and recognized by the state. In this way, the legal process for domestic violence can only be carried out if the marriage is legal according to the state (Rofiah, 2017).

Many factors cause domestic violence. Some of these factors include aggressive personality, gender bias, finances, power relations, intergenerational transmission, understanding of harmonious ideology, low self-control, alcoholism, and errors in understanding religion (Syawitri & Afdal, 2020). The factors show the importance of building good relationships between husband and wife. So far, the common division of roles is that the husband is the party who takes care of external affairs (earning a living), and the wife is the party who takes care of internal affairs (household and raising children). The role of the husband who makes money is considered to have a higher position than the wife (Asnawi, 2011). This kind of relationship then makes the wife depend on her husband for her life. Therefore, indirectly, the husband has more control and power over the wife. Husbands can act arbitrarily towards their wives (Ciciek, 2005).

A good relationship between husband and wife will be created if both understand the concept of *mu'asyarah bil ma'ruf* (mutual kindness) (Sciortino et al., 1996). This concept has been regulated in Islamic religious norms. *Mu'asyarah bil ma'ruf*, a popular concept in marriage that is often used as an operational basis for building good relationships between husband and wife, is often discussed by ulama and academics who also focus their studies on family and gender issues.

Some researchers who concentrate on the study of family and gender issues include Husein Muhammad and Quraish Shihab (Hamdani & Nurrohim, 2023). Husein Muhammad, for example, states in his research that *mu'asyarah bil ma'ruf* can be achieved with at least six things, namely: choosing a partner who has equal principles; dowry; living; pious/pious wife/husband; sexual relations; and *mu'asyarah* in humanitarian relations (Sa'adah, 2014). Husein Muhammad, a contemporary ulama with more attention to gender issues, seems to provide a slightly different point of view from most classical ulama. Quraish Shihab writes some of them in his work "Tafsir Al-Misbah," which describes various opinions of previous scholars regarding the interpretation of *mu'asyarah bil ma'ruf* contained in the QS. An-Nisal verse 19. Some scholars think that what is meant by this verse is a mandate to do good to the wife one loves. Meanwhile, other scholars argue that the meaning of *ma'ruf* is more than just doing good; it is also not disturbing other parties (Hilmi, 2023). In general, the opinions of these scholars emphasize the creation of *maslahah* in a household. This benefit will be created by considering *maqâshid al-syar'ah*. However, the author sees a need to re-read and update the concept of *mu'asyarah bil ma'ruf*, which has been adapted to the current context.

In November 2022, the Indonesian Women's Ulema Congress (KUPI) held a legislature, which inspired the birth of the concept of *maqâshid syar'ah cum-mubâdalab*. This concept, which Faqihuddin Abdul Kodir later popularized, combines the principles of *maqâshid al-syar'ah* with the principles of *mubâdalab* (reciprocity) to produce a religious principle that is not gender biased. It is based on the practice of *maqashid al-syariah*, which has tended to be oriented towards men, so it sometimes ignores the benefits of women (Kodir, 2023). This article attempts to rethink the concept of *mu'asyarah bil ma'ruf* using the *maqâshid syar'ah cum-mubâdalab*. In order to produce new meanings that are not gender biased and are based on the facts that occur in the field.

RESEARCH METHOD

This research was conducted using a descriptive-qualitative method using the *Maqâshid al-Syar'ah cum-Mubâdalab* approach, which was coined by Faqihuddin Abdul Kodir, namely by integrating the critical concept of *mashâlih al-'ibâd* in *kulliyât al-kebams* and the *Mubâdalab* perspective. The *Maqâshid al-Syar'ah cum-Mubâdalab* methodology refers to the integration of *Maqâshid al-Syar'ah* theory with the perspective of mutual respect between men and women. This type of research is library research, which aims to collect library data and information about *mu'asyarah bil ma'ruf* with the help of various materials available in the library and read several literary and tafsir books supported by other sources. Other sources include books, articles, journals, and notes relevant to this research. The author will first describe, in general, the concept of *maqâshid syar'ah cum-mubâdalab*, then explain the relevance and debate surrounding the interpretation of *mu'asyarah bil ma'ruf*, and analyze the concept of *mu'asyarah bil ma'ruf* using the *maqashid sharia cum-mubadalab* approach.

RESULT AND DISCUSSION

Maqashid Syariah Cum-Mubadalah: A Conceptual Approach

The embryo of this concept grew from an association of female ulama throughout Indonesia called the Indonesian Women's Ulema Congress (KUPI), which was held in 2017 at the Kebon Jambu Islamic Boarding School, Cirebon and in 2022 at the Hasyim Asy'ari Islamic Boarding School, Jepara. This concept was later popularized by Faqihuddin Abdul Kadir, a Muslim scholar and academic who actively studied gender issues. His book *Qir'ah Mubâdalah* has become typical consumption for academics studying gender issues from an Islamic perspective (Dzukroni, 2022). According to Faqihuddin, *maqâshid al-syarî'ah*, as religious knowledge, cannot escape the neglect of women's experiences. For him, it then became the beginning of discrimination against women, making the concept of *maqâshid al-syarî'ah* irrelevant and ineffective (Kodir, 2023).

Maqâshid al-syarî'ah consists of two words, namely *maqâshid* and *syarî'ah*. *Maqâshid* is the plural form of the words *maqshid* and *maqshad*. This word can be found in several verses in the Quran, with varying meanings according to the context of the verse, such as in QS. An-Nahl: 9, which means the straight path (Ath-Thabari, 2000), QS. At-Taubah: 42, which means an easy and known path (Al-Qurthubi, n.d.), and QS. Luqman: 19, which means simple and calm (Al-Baghawi, n.d.). The meaning of *syarî'ah* includes that conveyed by Ibn Taymiyah, namely the rules regarding all things established by Allah, both *aqidah* and *amaliyah* (Ibnu Taimiyah, n.d.). Al-Jurjani stated that *syarî'ah* is the path of religion (Al-Jurjani, n.d.). Dr. Manna' Al-Qathan has a complete definition by explaining that *syarî'ah* is things that have been established by Allah for his servants in the form of laws brought by the Prophet, whether related to faith, worship, *muamalah*, morals, or norms of life (Al-Qathan, n.d.). In this way, *maqâshid al-syarî'ah*, as defined by Ibn Asyur, is a guideline established by *syarî'ah* makers to realize beneficial human goals and maintain the general benefit of humans in their every action (Ibnu Asyur, n.d.). Al-Ghazali formulated *maqâshid al-syarî'ah* into five points, namely *hifdz al-dîn* (guarding religion), *hifdz al-nafs* (guarding the soul), *hifdz al-'aql* (guarding reason), *hifdz al-nasl* (guarding descendants), and *hifdz mulkiyyat* (protecting wealth) (Dzukroni, 2022). These five principles were later also known as *al-kulliyat al-khams*.

As stated above, Faqihuddin considers that *maqâshid al-syarî'ah* is inadequate for the development of contemporary jurisprudence which demands inclusiveness and responsiveness to the various needs of women. He argued that the current *maqâshid al-syarî'ah* tends only to accommodate the interests of men. It can be seen from how the ulama formulates examples of the male-centric application of *maqâshid al-syarî'ah*. *Maqâshid syarî'ah cum-mubâdalah* is expected to be the answer to this anxiety. *Mubâdalah* is interpreted as mutuality. *Mubâdalah* places men and women as equal objects and is equally addressed by the Quran. *Tafsir mubâdalah* seeks to eliminate the dominance of one party over another in a religious interpretation. This concept prioritizes balance and mutually beneficial relationships based on religious texts (Kodir, 2021). In this way, *Maqâshid syarî'ah cum-mubâdalah* is "the goal of Islamic law which is accompanied by the perspective that men

and women are full subjects of life and their relationship is one of mutuality and cooperation" (Kodir, 2023).

Maqâshid Syari'ah cum-Mubâdalab is applied by integrating *maqâshid al-syari'ah* and *mubâdalab* with two strategies. First, focus on the equality of men and women as complete human beings, servants of Allah, and *caliphs fi al-ardh*. Second, focus on the differences between women and men both biologically and socially. Women's biological experiences include menstruation, pregnancy, childbirth, and breastfeeding, while women's social experiences include marginalization, double burden, subordination and violence. This experience must be included in all forms of *maqâshid al-syari'ah* so that both men and women are equally responsible for this experience (Kodir, 2023).

As an illustration, we provide two simple examples of *maqâshid al-syari'ah cum-mubadalah* applications. In the principle of life protection (*hifdz al-nafs*), both men and women have the same right and obligation to protect their souls from death. One effort that can be made is to provide nutritious food. After that, ensure that the nutritional needs of both men and women are met in certain situations and conditions that neither of them experiences. For example, women who are pregnant and breastfeeding have more nutritional needs than when they are not breastfeeding or also compared to men because they have not experienced pregnancy and breastfeeding. An example of another principle is the protection of religion (*hifdz al-dîn*). Both men and women must ensure they can carry out their worship freely as servants of Allah. If men have the advantage of being freed from certain activities so that they can freely worship, then women also have the same right to be given freedom in worship. By understanding the experiences of men and women as a whole, *maqâshid al-syari'ah* will be able to help develop contemporary jurisprudence that is inclusive, more responsive, and appropriate to the current context.

Exploring the Mu'âsyarah bil Ma'rûf Interpretation Debate

The word *mu'âsyarah bil ma'rûf* consists of two words, namely *mu'âsyarah* and *ma'ruf*. In several sources, such as the Munawwir Dictionary and the Arabic-Indonesian Dictionary, the word *ma'ruf* is defined as goodness or benevolence (Munawwir & Yunus, 1984 & 1990). Meanwhile, according to al-Ashfahani, the term *ma'ruf* means all forms of action judged good by reason and *syara'* (Al-Ashfahani, 1961). According to scholars, the word *ma'ruf* has several versions of meanings and definitions. Some scholars interpret it as every good thing known to the soul that makes the soul happy and calm. Meanwhile, Raghîb al-Ashfahani's opinion defines it as every action whose good values can be known intellectually and religiously (Al-Ashfahani: 561).

Besides that, Al-Maraghi also defines *ma'ruf* as any action considered good by *syari'ah* and common sense (Al-Maraghi, 1985). Another definition expressed by Ibnu Mandzur is that *ma'ruf* is everything that is known, whether in the form of obedience to Allah, drawing closer to Him, doing good to fellow human beings, and including every good thing that religion recommends doing and abstaining from bad things. The point is that a matter is considered normal in society, and people do not deny it (Ibnu Manzhur, 1414).

Mu'asyarah comes from the word *'isbrab* which means gathering, connecting, and associating. Moreover, every association has relationships and associations. The word *'isbrab*, referred to here, is a relationship or association that includes a sense of mutual affection and a sense of togetherness between husband and wife. One version comes from the Hebrew word *'Usbrab*, which means "home" or "family". Even though it consists of two words, the phrase in *mu'asyarah bil ma'ruf* is best understood as an idiom; that is, the meaning is understood by looking at the statement comprehensively rather than trying to parse its parts (Hilmi, 2023).

Expert scholars and interpretive experts also provide different but complementary interpretations of the meaning of *mu'asyarah bil ma'ruf* so that this verse can be understood in a complex and comprehensive manner according to its context. In the main tafsir such as tafsir al-Thabari, tafsir Ibn Kathir, tafsir al-Qurthubi, tafsir al-Baghawi are explained in relation to the interpretation of the word *mu'asyarah*. Al-Thabari, in his interpretation, said that *mu'asyarah* means *mushābabab*, *mukhālabah*, and *mumāzajah*, namely association, relationship and interaction (Ibnu Jarir, 2000). Al-Sa'di, in his work on Tafsir al-Sa'di, revealed that the scope of *mu'asyarah* includes two, namely *qaulīyyah* (the aspect of speech) and *fi'līyyah* (the aspect of actions or attitudes) (Al-Sa'di, 2000).

Ibnu Katsir explains the interpretation of this verse that examples of commendable relationships between husband and wife are, for example, speaking good greetings, being gentle, providing a living, and always being happy. Apart from being a commandment in the Quran, it is also a habit of the Prophet SAW for his wives, who have different characters. The Prophet's statement confirms that the best people are kindest to their families (Ibnu Katsir, n.d.). Meanwhile, al-Qurthubi emphasized that the target of the discussion in this verse is aimed at everyone, whether husbands or guardians. However, what is desired in this command is generally a husband (Al-Qurthubi: 153). This opinion is in line with Al-Syaukani's interpretation of Fath al-Qadīr, which is that the target can be broader and more general depending on a husband's character and personal economy. The *kebatib* is for husbands, but sometimes it is also for others, and one version says to the saints (Al-Syaukani, n.d.).

Fakhruddin al-Razi, in his interpretation of Mafatih al-Ghaib, explains that the ancients did not have good interactions and relations with their wives. So, a verse was revealed that prescribes good behaviour in the interactions and relationships of wives (Al-Razi, 2000). Al-Alusi added that the target of this verse is people who interact badly with their wives. The interaction is providing a living, turning rights for his wives and speaking good words and behaviour (Al-Alusi, n.d.). According to M. Quraish Shihab in Tafsir Misbah, he explains that some scholars believe that the phrase *mu'asyarah bil ma'ruf* is a mandate to do good to one's wife. They expand the scope of the meaning of *ma'ruf* from just doing good to something more than that.

Al-Sya'rawi did not agree with this and expressed the opinion that the verse also covers couples no longer loved because he differentiates between *mawaddah* and *ma'ruf*, which is commanded. *Mawaddah* is doing good to him, being happy with his presence, and so on,

while *ma'ruf* does not need to be like that. *Mawaddah* cannot exist without love, but *ma'ruf* can still be done without love (Shihab, 2000).

According to Wahbah Zuhaili, it is obligatory for each husband and wife to get along and have good relationships with beautiful togetherness and refrain from hurting and avoid not fulfilling each other's obligations while they can fulfil these obligations, do not show a sense of compulsion when carrying out their obligations, but fulfill the obligations with a cheerful face and not mention the gift or hurt it, because this is a good thing commanded by Allah SWT as mentioned in QS an-Nisa: 19 and QS al-Baqarah: 228. It is Sunnah for each husband and wife to have good morals towards their partner and be gentle and patient with their partner's painful treatment and the ugliness of their character (Zuhaili, n.d.). al-Mawardi in al-Hâwî fi Fiqh Madzhab al-Imâm al-Syâfi'i states that a husband's obligations include providing food, living, clothing, a house and rotating between several wives (Al-Mawardi, n.d.).

Ibn Abbas once said, "Indeed I decorate for my wife as my wife decorates for me." Some scholars also believe that the husband must fulfil the wife's rights and benefits (interests). Likewise, wives fulfil their husband's rights and benefits. It shows that interactions and good relations are carried out unilaterally and are realized by both parties together with a sense of mutual realization of the principle of *mu'âsyarah bil ma'ruf*.

In the current context, it cannot be denied that a wife can act unfavourably towards her husband due to several factors and reasons surrounding her, such as social status, economics, relationships and educational aspects. This implication occurs because she feels like she does not have the burden of creating good relationships and interactions with her husband. This assumption is assumed to focus only on the husband's role without looking at the opposite.

This kind of perspective creates inequality, resulting in household problems. From several reviews and explanations from several expert interpretations regarding the meaning of the verse *mu'âsyarah bil ma'rûf*, it was found that, in substance, the interpretation of this verse from a linguistic perspective does show the meaning of mutuality, but generally speaking, it is directed at husbands. However, it does not rule out the possibility that every person, both wife and guardian, can realize the norms of *mu'âsyarah bil ma'rûf* in the context of the family and household environment by jointly carrying out and fulfilling their obligations.

With this pattern of thinking, the substance of the verse can be reinterpreted and redefined as intended so that it remains relevant to the current context of problem-solving in the household setting. With this *mubadalah* perspective, the concept of *mu'âsyarah bil ma'rûf* can continue to exist and be relevant to create a peaceful and harmonious family free from disputes and conflict. Then the primary goal of *maqashid syari'ah* will be well maintained and protected.

Revisiting the Concept of Mu'âsyarah bil Ma'rûf: A Fresh Perspective

One of the several pillars of the foundational principles of marriage emphasized by the Qur'an, apart from *zawaj*, deliberation and trading, is *mu'âsyarah bil ma'rûf*, namely the

concept of good relations and behaviour between husband and wife. Doing good in a relationship is necessary because, in whatever condition, a person is commanded to communicate well (Nasution, 2018). The principle of *mu'asyarah bil ma'ruf* is essential for families in navigating the household ship in order to create good relations between husband and wife so that a family is created that is decorated with a sense of *sakinah* (tranquillity), *mawaddah* (love) and *rahmah* (affection).

Linguistically and explicitly, the substance of the words *mu'asyarah bil ma'ruf* in the verse of the Qur'an QS. An-Nisa' [4]: 19: "And associate with them appropriately", already contains the meaning of *mufa'alab*, which means reciprocity, mutuality or reciprocity with each other. It means that this verse is normative-universal, so it applies to everyone, both Muslims and Muslim women. Even though khitob does good deeds aimed at husbands, the opposite also applies to wives. That way, the substance of the verse can be interpreted in a *mubâdalab* manner (Wagiato, 2021). Good interactions are not only directed at one party but at both parties. That way, the relationship that is created is not the domination of one party over another based on reasons of social status, capital, or even just gender. These are relationships of *zawâj* (partnership), *mubâdalab* (mutuality), *mu'âwanah* (partnership), and *musyâarakah* (cooperation).

The concept of *mubâdalab* is a concept of mutuality that emphasizes the relationship of togetherness between both parties to realize mutual benefits. In Islamic teachings, there are principles of balance, justice, integrity, and harmony between each other, which are very much considered (Kharismawati, 2021). Islam strictly establishes justice and equal rights between men and women, except for certain natural things that cannot be equalized.

The above statement is in line with the opinion of Faqihuddin Abdul Kodir who stated that, Qir'ah Mubâdalab was deliberately presented to complement the dynamics between text and reality in the Islamic tradition, which seeks to present the awareness that women are the same subjects as men. It is hoped that this can contribute constructive meaning to the reality of women's lives and raise the quality of the principles of relations between husband and wife within the household (Santoso, 2020).

The reality of domestic cases in the contemporary era is increasing, be it cases of sexual violence, divorce cases, domestic violence cases, and others. The causes and factors revolve around discussions of rights and obligations that have not been fulfilled optimally by one of the parties. The rights and obligations of husband and wife depend on three things, namely good relationships and interactions (*mu'asyarah bil ma'ruf*), livelihood, and sexual services. However, sometimes these rights and obligations have not been realized because of the perception and assumption that only one party has the rights and obligations without any sense of mutuality to fulfill them. It indicates that only the husband does *mu'asyarah bil ma'ruf*, there is no burden on a wife to do good to her husband, whereas practically, the manifestation of *mu'asyarah bil ma'ruf* can also occur from two directions, both husband and wife.

The above conditions are in line with Pandey's findings, which state that it is not impossible that men will carry out their role as fathers of the household (Pandey, 2020). Hence, the practice of *ma'ruf* within the household is not solely incumbent upon men or

husbands; it equally applies to wives. This entails ensuring the fulfillment of both the wife's rights and her benefits to the husband, alongside upholding the husband's rights and his contributions to the wife's well-being.

One thing that needs to be emphasized is a distinction between the definition of *mu'asyarah bil ma'ruf* and the *maqashid syari'ah cum-mubadalah* approach is that building good relationships is not only limited to husband and wife relationships but also to anyone on humanitarian grounds. The good relationship between husband and wife tends only to be described as one that prioritizes mental elements (*hifdz al-nafs*), such as biological needs and the division of domestic roles. However, *mu'asyarah bil ma'ruf* is also related to matters of religion (*hifdz al-din*), reason (*hifdz al-'aql*), wealth (*hifdz al-mal*), and descent (*hifdz al-nasl*).

In the *hifz al-din* element, for example, if the husband has the right to wear suitable and appropriate clothing for praying, like a sarong, then the wife has the same right to have a reasonable and appropriate mukena. Another example is when, in a relationship, it has been agreed that if the husband is on duty as a Friday prayer preacher, then the wife, who is not obliged to carry out Friday prayers even though she is allowed, has an obligation to guard the house against various unwanted things. Vice versa, if one day the wife has the task of teaching at an Al-Quran Education Park (TPA), then at the same time, the husband must guard the house from bad things that might happen. This case does not only concern matters of *hifdz al-din*, such as prayer, but also *hifdz al-'aql*, such as teaching, and *hifdz al-mal*, such as looking after the house.

As previously mentioned, *mu'asyarah bil ma'ruf* is not limited to the relationship between husband and wife but also society. An example is when the Village Head has determined which members will be in charge of the General Election (Pemilu), then the members who have been appointed must be ready to carry out the obligations they have undertaken. In return, the Village Head is obliged to provide incentives or appreciation to his members who have agreed to help carry out the General Election. Relationships based on humanity will ultimately provide benefits for both parties.

Through this *maqashid syari'ah cum-mubadalah* perspective, the substance of *mu'asyarah bil ma'ruf* is defined or reinterpreted to ensure the achievement of the principles and norms of *mu'asyarah bil ma'ruf* between husband and wife by *maqashid al-syari'ah al-khamsah* in the family, both in the context of *hifdz al-nafs* (protection of the soul) with the manifestation of increasing the sense of harmony between husband and wife is fulfilled. Likewise, with the context of *hifz al-din* (protection of religion and worship), the context of *hifdz al-'aql* (protection of reason and knowledge), the context of *hifdz al-nasl* (protection of offspring and reproductive rights), and the context of *hifdz al-mal* (protection of property and ownership). So, the norms of *mu'asyarah bil ma'ruf* can include men and women as a form of implementation of *mubadalah* (Kodir, 2021). The concept of *mubadalah* has an urgent role to be applied in the household realm to form good relationships to create a harmonious family. In this way, the concept of *mu'asyarah bil ma'ruf*, namely the relationship and interaction between husband and wife and society in general, can be achieved by the rules and teachings of the Islamic religion.

CONCLUSION

Based on the explanation of the discussion above, based on the *maqashid sharia cum-mubadalah* approach, it can be concluded that the manifestation of the principle of *mu'asyarah bil ma'ruf* is not only carried out by the husband but is also carried out by the wife. *Mubadalah* exists as a concept of mutuality, emphasizing the relationship of togetherness between both parties to realize mutual benefits. This concept has a role of urgency to be applied in the household realm to form good relationships and create a harmonious family. Through this *maqashid syari'ah cum-mubadalah* perspective, the substance of *mu'asyarah bil ma'ruf* is defined or reinterpreted so as to ensure the achievement of the principles and norms of *mu'asyarah bil ma'ruf* between husband and wife in accordance with *maqâshid al-syarî' ah al-kebamsab* in the family, both in the context of *hifdž al-nafs* (protection of the soul), the context of *hifdž al-dîn* (protection of religion and worship), the context of *hifdž al-'aql* (protection of reason and knowledge), the context of *hifdž al-nasl* (protection of offspring and reproductive rights), and the context of *hifdž al-mal* (protection of property and ownership). Implementing *mu'asyarah bil ma'ruf* norms can include men and women as a form of *mubadalah* manifestation. From this understanding, it is hoped that a sense of mutuality will be created between the two parties in realizing the principle of *mu'asyarah bil ma'ruf*. By comprehensively understanding *maqâshid syari'ah* with reading *mubâdalah*, it will be possible to help develop contemporary jurisprudence that is inclusive, more responsive, and in accordance with the current context. In this way, the conception of *maqâshid al-syarî' ah* becomes effective and adequate for women.

REFERENCES

- Al-Alusi, (n.d). *Ruh al-Ma'ani fi Tafsir al-Qur'an al-Adzim wa al-Sab'i al-Matsani*, vol. 3.
- Al-Asfahani, Raghīb. (1961). *al-Mufradat fi al-Gharib al-Quran*. Mesir: Mushthafa al-Rab al-Ahlabi.
- Al-Ashfahani, Raghīb. (1412). *Al Mufradât fî Gharîb al Quran*. Beirut: Dâr Al Qalam. Juz 1.
- Al-Baghawi. (n.d). *Ma'alim At-Tanzil fi Ma'alim Al-Quran*. Vol. 3.
- Al-Dimyathi, U. S. (n.d). *I'anah al-Thalibin 'ala Halli Alfadzî fath al-Mu'in*. juz 3.
- Al-Jurjani. (n.d). *At-Ta'rifat*.
- Al-Maraghi, Mustafa. (1985). *Tafsîr al-Maraghi*. Bairut: Dar Ihya' al-Tirats al-'Arabi. Jilid IV.
- Al-Mawardi, Ali. (n.d). *al-Hawi al-Kabir fi Fiqh Madzhab al-Imam al-Syafi'i*. juz 9.
- Al-Qaththan, Manna'. (n.d). *At-Tasyri' wa Al-Fiqh fi Al-Islam*.
- Al-Qurtubi. (n.d). *Tafsir Al-Jami' li Ahkam Al-Quran*. Vol. 8.
- Al-Qurtubi. (n.d). *Tafsir Al-Jami' li Ahkam Al-Quran*, vol. 8.
- Al-Razi, Fakhrudin. (2000). *Mafatih al-Ghaib au al-Tafsir al-Kabir*. Beirut: Dar Ihya' al-Turats al-'Arabi. vol. 10.
- Al-Sa'di, Abdurrahman. (2000). *Taisir al-Karim al-Rahman*. Muassasah al-Risalah. vol. 1.
- Al-Syaukani. (n.d). *Fath al-Qadir al-Jami' Baina Fannai al-Riwayah wa al-Dirayah min 'ilm al-tafsir*. vol. 5..
- Al-Thabari, Ibnu Jarir. (2000). *Jami' Al-Bayan fi Ta'wil Al-Quran*. Beirut: Dar Ihya' al-Turats al-'Arabi. vol. 8.
- Asnawi, Habib Shulton. (2011). HAM dalam ruang domestik: Studi terhadap UU. No. 23 tahun 2004 tentang PDKRT. *Al-Mawardi* 11, no. 2: 195–210.
- Asyur, Ibnu. (n.d). *Maqashid Syariah*.
- Ath-Thabari, Ibnu Jarir. (n.d). *Jami' Al-Bayan fi Ta'wil Al-Quran*. Vol. 8.
- Ciciek, Farha. (2005). *Jangan Ada Lagi Kekerasan: Ikhtiar Mengatasi Kekerasan dalam Rumah Tangga, Belajar dari Kehidupan Rasulullah SAW*. Jakarta: Gramedia Pustaka Utama: LKAJ: Asia Foundation.
- Dzukroni, Arisy Abror. (2022). The Polemic of Pig Kidney Xenotransplantation for Human Life Sustainability: An Overview of Islamic Legal Thoughts between Halal-Haram Principle and the Concept of Mashlahah. *Mazhabib: Jurnal Pemikiran Hukum Islam* 21, no. 1: 63–92.
- Dzukroni, Arisy Abror, dan Subi Nur Isnaini. (2023). Harmonizing Religious Discourse and Power in thr Implementation of Gender Equality. *Musawa* 22, no. 1: 1–13.

- Elliott, K. Ž. (2014). Morocco and Its Women's Rights Struggle: A Failure to Live Up to Its Progressive Image. *Journal of Middle East Women's Studies*, 10(2), 1–30.
- Hamdani, Wildan, dan Ahmad Nurrohimi. (2023). Mu'asyarah Bi Al-Ma'ruf Dalam Pandangan Hasbi Ash Shiddieqy, Hamka Dan Quraish Shihab. Universitas Muhammadiyah Surakarta.
- Hilmi, Ismi Latifatul. (2023). Mu'asyarah bil ma'ruf sebagai Asas Perkawinan (Kajian QS. Al-Nisa: 19 dan Qs. Al-Baqarah: 228). *Misykat al-Anwar Jurnal Kajian Islam dan Masyarakat*. 6, no. 2 (jurnal.umj.ac.id,155–73).
- Katsir, Ibnu. (n.d). *Tafsir al-Qur'an al-Adzim*. vol. 8.
- Manzhur, Ibnu. (1414). *Lisan al 'Arabiyy*. Beirut: Dâr al Shâdir. juz 9.
- Munawwir, A. W. (1984). *Kamus Al-Munawwir*. Surabaya: Pustaka Progresif.
- Nasution, K. (2018). Menghapus Kekerasan dalam Rumah Tangga dengan Kajian Normatif-Yuridis: Analisis Interdisipliner dengan Pembedaan Nash Objektif dan Temporal. *JURIS (Jurnal Ilmiah Syariah)*, 17(1). <https://doi.org/10.31958/juris.v17i1.1000>
- Kodir, Faqihuddin Abdul. (2023, 3 Mei). Menawarkan Gagasan Maqashid Syariah cum-Mubadalah. <https://mubadalah.id/menawarkan-gagasan-maqashid-syariah-cum-mubadalah/#:~:text=Untuk%20itu%2C%20tawaran%20Metodologi%20Maqashid,mereka%20adalah%20kesalingan%20dan%20kerjasama%20E2%80%9D>.
- . (2021). *Qir'ab Mubādalab (Tafsir Progresif untuk Keadilan Gender dalam Islam)*. IV. Yogyakarta: IRCiSoD.
- Kharismawati, R. N. (2021). Perlindungan Kaum Perempuan Dalam Perspektif Keislaman Dan Keindonesiaan, *Syriati Studies* VII, no. 02.
- Khodarahimi, S. (2015). The Role of Marital Status in Emotional Intelligence, Happiness, Optimism and Hope. *Journal of Comparative Family Studies*, 46(3), 351–371.
- Moaddel, M. (2006). The Saudi Public Speaks: Religion, Gender, and Politics. *International Journal of Middle East Studies*, 38(1), 79–108.
- Pandey, G. (2020). Men in the Home: Everyday Practices of Gender in Twentieth-Century India. *Feminist Studies*, 46(2), 403–430.
- Rofiah, Nur. (2017). Kekerasan Dalam Rumah Tangga dalam Perspektif Islam.” *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* 2, no. 1: 31–44.
- Sa'adah, Athiyatus. (2014). Pemikiran Kiai Husain Muhammad Tentang Mu'asyarah Bil Ma'ruf antara Suami-Istri Dalam Upaya Membentuk Keluarga Sakinah: Analisis Bimbingan dan Konseling Keluarga Islam. UIN Walisongo Semarang.
- Santika, Erlina F. (2023, 3 Februari). Kekerasan Seksual Jadi Jenis yang Paling Banyak Dialami Korban Sepanjang 2022.” *databoks* (blog). <https://databoks.katadata.co.id/datapublish/2023/02/03/kekerasan-seksual-jadi-jenis-yang-paling-banyak-dialami-korban-sepanjang-2022>.

- Santoso, L. B. (2020). Eksistensi Peran Perempuan Sebagai Kepala Keluarga (Telaah terhadap Counter Legal Draft-Kompilasi Hukum Islam dan Qira'ah Mubadalah)", *Marwah: Jurnal Perempuan, Agama dan Gender* (ejournal.uin-suska.ac.id. <http://ejournal.uin-suska.ac.id/index.php/marwah/article/view/8703>)
- Sciortino, R., Natsir, L. M., & Mas'udi, M. F. (1996). Learning From Islam: Advocacy of Reproductive Rights in Indonesian Pesantren. *Reproductive Health Matters*, 4(8), 86–96.
- Shihab, M. Q. (2000). *Tafsir Al-Misbah: Pesan, Kesan dan Keharmonisan Al-Qur'an* (1st ed.). Lentera Hati.
- Smith, J. I. (1979). Women in Islam: Equity, Equality, and the Search for the Natural Order. *Journal of the American Academy of Religion*, 47(4), 517–537.
- Syawitri, Melsi, dan Afdal. (2020). Analisis Faktor-faktor yang Mempengaruhi Relasi Kuasa Pelaku Kekerasan dalam Rumah Tangga (KDRT). *Jurnal Penelitian Guru Indonesia* 5, no. 1: 37–45.
- Taimiyah, Ibnu. (n.d). *Majmu' Fatawa*. Vol. 19.
- Wagianto, Ramdan. (2021). Konsep Keluarga *Maslahah* Dalam Perspektif *Qira'ah Mubadalah* dan Relevansinya Dengan Ketahanan Keluarga Di Masa Pandemi Covid-19", *JURIS (Jurnal Ilmiah Syariah)* (ojs.iainbatusangkar.ac.id. <https://ojs.iainbatusangkar.ac.id/ojs/index.php/Juris/article/view/2889>)
- Yunus, Mahmud. (1990). *Kamus Arab-Indonesia*. Jakarta: PT.Hidakarya Agung.
- Zuhaili, Wahbah. (n.d). *al-Fiqh al-Islami wa Adillatuhu*. juz 7.