

RECONSTRUCTING SHEIKH NAWAWI AL-BANTANI'S THOUGHT ON SPOUSAL RIGHTS AND OBLIGATIONS: A CONTEXTUAL APPROACH TO CONTEMPORARY INDONESIAN FAMILY LAW

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ABSTRACT

Sheikh Nawawi al-Bantani's thought on the rights and obligations of husband and wife holds an important position in the discourse of Islamic family law because it stands at the intersection of classical Islamic jurisprudence, the pesantren scholarly tradition, and the Indonesian marriage system. This study aims to analyze the substance of Sheikh Nawawi's thought on the rights and obligations of husband and wife, assess its relevance in the context of contemporary family life, and examine its implementation within the Indonesian marriage law system. This research employs a qualitative approach with an interpretive case study design supported by normative document analysis. The data were obtained through an examination of Sheikh Nawawi's works, particularly *'uqud al-hujayn*, *Marah labid*, and *Nibayat al-ḥayn*, as well as Indonesian marriage regulations, including the Compilation of Islamic Law, the Marriage Law, and the Law on the Elimination of Domestic Violence. The findings show that Sheikh Nawawi's concept of the rights and obligations of husband and wife includes *mu'asyarah bi al-ma'ruf*, maintenance, dowry, religious education, biological relations, the wife's obedience, the husband's permission, and the handling of *nusyuz*. These concepts are grounded in shar'i evidence, public benefit, and the orientation of *maqasid al-syari'ah*. Most of his ideas remain relevant, especially when read contextually through the principles of justice, protection, mutuality, and the prevention of violence. This study affirms that Sheikh Nawawi's thought can contribute to strengthening Muslim family ethics and reforming Indonesian marriage law toward greater public benefit.

Keywords: *Sheikh Nawawi al-Bantani; rights and obligations of husband and wife; Islamic family law; Indonesian marriage; maqasid al-syari'ah.*

ABSTRAK

Pemikiran Shekh Nawawi al-Bantani tentang hak dan kewajiban suami istri memiliki posisi penting dalam diskursus hukum keluarga Islam karena berada pada titik temu antara otoritas fikih klasik, tradisi pesantren, dan sistem perkawinan Indonesia. Penelitian ini bertujuan menganalisis substansi pemikiran Shekh Nawawi tentang hak dan kewajiban suami istri, menilai relevansinya dalam konteks keluarga kontemporer, serta mengkaji implementasinya dalam sistem hukum perkawinan Indonesia. Penelitian ini menggunakan pendekatan kualitatif dengan desain studi kasus interpretatif yang didukung analisis dokumen normatif. Data diperoleh melalui kajian terhadap karya-karya Shekh Nawawi, terutama *'uqud al-hujayn*, *Marah labid*, dan *Nibayat al-ḥayn*, serta regulasi perkawinan Indonesia, seperti Kompilasi Hukum Islam, Undang-Undang Perkawinan, dan Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga. Hasil penelitian menunjukkan bahwa konsep hak dan kewajiban suami istri menurut Shekh Nawawi mencakup *mu'asyarah bi al-ma'ruf*, nafkah, mahar, pendidikan agama, pelayanan biologis, ketaatan istri, izin suami, dan penanganan *nusyuz*. Konsep tersebut bertumpu pada dalil syar'i, kemaslahatan, dan orientasi *maqasid al-syari'ah*. Mayoritas pemikirannya masih relevan, terutama ketika dibaca secara kontekstual melalui prinsip keadilan, perlindungan, kesalingan, dan pencegahan kekerasan. Penelitian ini menegaskan bahwa pemikiran Shekh Nawawi dapat berkontribusi dalam penguatan etika keluarga Muslim dan pembaruan hukum perkawinan Indonesia yang lebih maslahat.

Kata Kunci: *Shekh Nawawi al-Bantani; hak dan kewajiban suami istri; hukum keluarga Islam; perkawinan Indonesia; maqasid al-syari'ah.*

INTRODUCTION

Sheikh Nawawi al-Bantani's thoughts on the rights and obligations of husbands and wives merit recognition as a topic for international research, as they lie at the intersection of classical textual authority, pesantren tradition, and the transformation of Indonesian family law. His significance is not merely historical, for *'uqud al-lujayn* is still read as an ethical reference for family life and serves as a gateway to the development of legal consciousness among Indonesian Muslims. Sanusi et al. (2024) assert that the interpretation of this text is directly linked to the formation of a harmonious family, while Rachman (1996) and Burhanudin (2022) highlight Nawawi's pivotal role in the transmission of pesantren scholarship and classical texts across Southeast Asia. This study is important because the relevance of Nawawi's thought cannot be measured solely through the text but also through its vitality within contemporary social and marital legal structures.

Major academic debates arise when the concept of spousal rights and obligations in classical fiqh is interpreted between two poles: normative authority and critiques of gender equality. Formulations regarding *nusyuz*, a wife's obedience, maintenance, and the husband's leadership are often understood as the foundation of family order, yet simultaneously criticized for potentially perpetuating subordinate relationships. (Salam, 2021) demonstrates that *nusyuz* is a crucial arena in the study of spousal rights and obligations. At the same time, Farida & Kasdi (2021) assert that the teaching of classical texts in Islamic boarding school's shapes perspectives on women's roles. (Habudin, 2019) highlights feminist debates within Islamic family law, and (Bukido et al., 2025) links these to gender justice in divorce. These debates demand an analysis capable of distinguishing normative substance from patriarchal social expressions.

Social realities in Indonesia underscore the urgency of this research, as family issues extend beyond doctrinal matters and manifest in divorce, violence, child marriage, and unequal access to justice. The National Commission on Violence Against Women (Komnas Perempuan, 2025) recorded 35,533 reports of violence against women throughout 2024, including 7,587 cases of domestic violence, making the issues of wives' rights and husbands' responsibilities an ongoing empirical concern. The National Commission on Human Rights (2025) cites 2024 BPS data indicating that the proportion of women aged 20–24 who married before age 18 decreased to 5.9%, while in West Nusa Tenggara (NTB), the rate rose from 14.68% to 17.32%. The Religious Courts Case Data Center also recorded 315,457 cases received as of June 6, 2026 (Directorate General of Religious Courts, 2026). This data

indicates that the ethics of spouses' rights and obligations must be tested within a constantly evolving social reality.

Indonesia's marriage system seeks to balance religious norms, legal certainty, and citizen protection, but its implementation still creates tension between the ideal of a harmonious family and legal practice. The Marriage Law, changes to the marriage age limit, and the Compilation of Islamic Law do not merely adopt fiqh; they also translate religious values into state instruments. Rosa et al. (2024) demonstrate that Constitutional Court rulings have helped shape marriage law reform, while Pelu and Dakhoir (2021) highlight the debate over joint property as a spouse's economic right. Caniago (2019) and Hadi et al. (2023) highlight issues related to divorce and polygamy in judicial practice. The implementation of Nawawi's thought must therefore be tested through the principles of justice, public interest, and legal protection, not merely through textual acceptance.

Previous research has identified three main areas of study, but has not fully addressed the relationship between Nawawi's thought, contemporary issues, and the Indonesian legal system. The first theme discusses Nawawi directly through the rights and obligations of husbands and wives, the integration of fiqh and tasawwuf, and moral education (Sanusi et al., 2024; Ihsan et al., 2024; Abitolkha, 2022). The second theme situates Nawawi within the intellectual tradition of Islamic boarding schools and Southeast Asian Islamic scholarship (Rachman, 1996; Burhanudin, 2022). The third theme addresses issues in Indonesian marriage law, such as monogamy, child marriage, itsbat, and marriage dispensations (Fadhilah et al., 2023; Burhanudin, 2022; Hidayat, 2022; Agustina, 2022; Sanusi & Nurpiah, 2020). The separation of these themes opens up opportunities for integrative research.

The research gap lies in the absence of a systematic analysis of the substance of the rights and obligations of husbands and wives, as articulated by Sheikh Nawawi, through the lens of the legal needs of contemporary Indonesian families. Existing studies tend to stop at describing the book, offering gender critiques, or analyzing regulations in isolation, thus failing to explain the conceptual mechanisms linking *'uqud al-lujayn* to the Marriage Law, the Compilation of Islamic Law, and religious court practices. This gap is significant because recent studies highlight the need for legal reform grounded in public interest, women's protection, and the proportionality of spousal rights (Nugroho et al., 2025; Pelu & Dakhoir, 2021; Hadi et al., 2023). The research questions can be formulated as follows: what is the substance of Nawawi's thought regarding the rights and obligations of husbands and wives,

to what extent is it relevant in the contemporary era, and how is it implemented within the Indonesian marriage system?

RESEARCH METHOD

This study employs a qualitative field research approach using an interpretive case study design supported by normative document analysis. This choice is relevant because the article examines how Syekh Nawawi al-Bantani's views on the rights and obligations of husbands and wives are understood, negotiated, and implemented within the Indonesian marriage system, rather than merely measuring the frequency of the public's legal attitudes. The qualitative approach places meaning, context, and the actors' experiences at the center of scientific explanation (Creswell & Poth, 2018), while the case study allows researchers to interpret legal phenomena within a real-world social context (Yin, 2018). The research is descriptive-analytical and socio-legal in nature, as the study connects fiqh texts, state norms, and the practices of Muslim families. Primary data sources include in-depth interviews with Religious Court judges, heads or officiants of the KUA (Religious Affairs Office), religious counselors, Islamic law scholars, pesantren (Islamic boarding school) administrators, and Muslim couples or families with experience in marriage counseling. Secondary data sources include '*nqud al-lujayn*, Articles 77–84 of the Compilation of Islamic Law, the Marriage Law, court rulings, journal articles, and relevant books; these documents are analyzed as institutional traces that can reinforce field data (Bowen, 2009).

Data collection techniques included semi-structured interviews, limited observation of marriage counseling practices and family consultations, and documentary analysis. Informants were selected purposively based on their authority, experience, and proximity to issues of spousal rights and obligations; informant recruitment may employ snowball sampling until substantive data saturation is reached, as discussed (Guest et al., 2006). Data analysis began during data collection and proceeded through five steps. The researcher transcribed the interviews and field notes, assigned initial codes to themes such as maintenance, leadership, obedience, consultation, justice, protection, and power relations, grouped the codes into categories of fiqh, legal norms, and social practices, presented a matrix of relationships between Nawawi's thought and the marriage legal system, and then drew conclusions through verification. This process follows the model of data condensation, data presentation, and the drawing and verification of conclusions (Miles et al., 2014), aided by thematic analysis that requires the systematic identification of patterns of meaning (Braun

& Clarke, 2006). Data validity is ensured through source triangulation, methodological triangulation, limited member checking, audit notes, and negative case analysis to ensure that conclusions do not merely rest on normative justification but instead yield a critical assessment of the relevance and limits of applying Nawawi's thought to contemporary Muslim families (Lincoln & Guba, 1985; Nowell et al., 2017).

FINDINGS AND DISCUSSIONS

Biography of Sheikh Nawawi Al-Bantani:

Sheikh Muhammad Nawawi ibn Umar al-Bantani al-Jawi was a nineteenth-century scholar from the Indonesian archipelago whose scholarly identity originated in Tanara, Banten, and later flourished within the intellectual circles of Mecca. He was born in the village of Tanara in 1230 AH/1814 CE into a family of scholars and religious leaders, so his religious foundation was shaped by the pesantren environment, mosque traditions, and the elite networks of the Sultanate of Banten (Amin, 2011; Ma'rifah, 2023). The designation "al-Bantani" serves as both a geographical marker and a distinction from Imam al-Nawawi al-Dimashqi, while his lineage, through KH. Umar bin 'Arabi connects him to Maulana Hasanuddin and Sunan Gunung Jati (Chaidar, 1978; Nasution, 1988). Nawawi passed away in Mecca on the 25th of Shawwal 1340 AH at an advanced age and was buried in Ma'la. This location reinforces his position in the collective memory of the Hijaz-Nusantara scholarly tradition and the broader intellectual network of Muslims across the islands of Southeast Asia (Ramli, 1399).

Nawawi's education demonstrated a continuity between the local traditions of Banten and the scholarly authority of the Middle East. He acquired the fundamentals of grammar, morphology, jurisprudence, monotheism, and exegesis from his father, then studied under KH. Sahal in Banten, Raden Haji Yusuf in Purwakarta, and several pesantren in West Java before embarking on the Hajj and pursuing further studies in Mecca at a young age (Steenbrink, 1984; Amin, 2011). In Mecca, he studied under scholars from the Nusantara and the Middle East, including Sheikh Ahmad Khatib Sambas, Sheikh Abdul Gani Bima, Sayyid Ahmad al-Masrafi, and Sheikh Ahmad bin Zaini Dahlan (Ma'rifah, 2023). His return to Banten brought him into conflict with colonial authorities, as his da'wah activities stirred religious consciousness and national pride. His decision to settle again in Mecca opened up broader opportunities for teaching, aligning with the network of Jawi scholars that, according to Azra, facilitated cross-regional knowledge transmission (Azra, 2013; Burhanudin, 2022).

Nawawi's intellectual legacy is evident in the breadth of his works, his pedagogical authority, and the influence of his students in shaping Indonesia's Islamic tradition. His works span fiqh, tawhid, tasawwuf, hadith, history, Arabic language, and tafsir, including *'uqud al-hujayn*, which serves as a key reference in discussions of the rights and obligations of husbands and wives (Sanusi et al., 2024; Rachman, 1996). This productivity underscores his role as a bridge between classical Islamic texts, pesantren education, and the religious needs of Muslim communities in Nusantara (Firdaus & Imawan, 2024). His students included KH. Hasyim Asy'ari, KH. Kholil Bangkalan, KH. Ahmad Dahlan, Kiai Mahfudz Termas, and several Banten ulama who played roles in education, da'wah, and social-religious resistance. This network of students demonstrates that Nawawi's ideas did not remain merely as classical texts but have been transmitted through pesantren institutions, Islamic organizations, and the religious practices of modern Indonesian society, which continue to adapt in the face of social change (Muthalib & Khairuddin, 2025).

Sheikh Nawawi Al-Bantani's Views on the Rights and Obligations of Husband and Wife

The concept of the rights and obligations of husband and wife from Sheikh Nawawi Al-Bantani's perspective includes *mu'asyarah bi al-ma'ruf* (good treatment), the issue of a wife's maintenance (expenses), dowry (mahar), sexual relations, a wife's obedience to her husband, teaching religious knowledge to the wife, matters of the husband's permission, and the issue of dealing with a disobedient wife (*nusyuz*).

The Concept of *Mu'asyarah bi al-ma'ruf* (Good Conduct)

The concept of *mu'asyarah bi al-ma'ruf* in Sheikh Nawawi's thought positions the husband-wife relationship as an ethical bond that must be conducted fairly, courteously, and free from darar. His exegesis of Surah al-Nisā' [4]:19 and Surah al-Baqarah [2]:228 emphasizes three main elements: fairness in the rotation of time for polygamous families, the provision of maintenance according to one's ability, and kind speech (Nawawi, 1997; Nawawi al-Bantani, 2015). The meaning of ma'ruf does not stop at the husband's obligations but operates reciprocally, as the pattern of *mufa'alab* in the term *mu'asharah* implies mutuality. This position aligns with the concept of *mubadalah*, which emphasizes the marital relationship as a moral partnership rather than one-sided domination (Kodir, 2019). The five pillars evident in Nawawi's formulation are justice, financial support, compassion, the balance of rights and obligations, and noble character. This formulation reflects the orientation of *maqasid al-usrah*,

particularly the preservation of religion, lineage, property, and the welfare of the family (‘Atiyah, 2001; Sanusi et al., 2024).

The Wife’s Right to Maintenance (Expenses)

In Sheikh Nawawi’s thought, the wife’s right to maintenance encompasses al-nafaqah, al-kiswah, and al-iskān as basic family needs that the husband is obligated to fulfill. This obligation is based on QS. al-Ṭalāq [65]: 7 and the hadith regarding a wife’s right to food, clothing, and treatment that does not degrade her dignity (Nawawi, 2022; Abū Dāwud, n.d.). The amount of maintenance depends on the husband’s economic capacity, categorized as wealthy, middle-class, and poor, ensuring that the law does not detach fiqh norms from social reality. Nawawi also places maintenance within the framework of *mu’awadah fi muqabalah al-tamkin*, that is, a reciprocal relationship between the husband’s economic responsibility and the wife’s readiness to build a household (Nawawi, 2013; al-Zuhaylī, 1985). The obligation of maintenance, which does not lapse over time, demonstrates the protection of women’s economic rights. This formulation is relevant to the Indonesian marriage system because Article 34 of the Marriage Law and Article 80 of the Compilation of Islamic Law (KHI) also designate the husband as the provider of family maintenance without negating the wife’s dignity as a legal subject (Law No. 1 of 1974 on Marriage, 1974).

The Right to Receive a Dowry (mahar)

The right to receive a dowry in Sheikh Nawawi’s thought is grounded in the Quranic Surah al-Nisā’ [4]: 4, which commands the giving of saduqat to women as a *nihlah*. Nawawi interprets *nihlah* as a faridah min Allah a religious obligation inherent in the marriage contract rather than a price for the body or sexual compensation (Nawawi al-Bantani, 1997). This clarification is important because the dowry is often misunderstood as a tool for legitimizing the husband’s dominance. In contrast, Nawawi positions it as the wife’s right of ownership and a symbol of the exaltation of women. Mentioning the dowry during the marriage contract is a strongly recommended sunnah because it prevents disputes, provides legal clarity, and affirms the seriousness of the marriage agreement (Nawawi, 2022). The recommendation regarding the minimum limit and appropriateness of the dowry demonstrates fiqh’s concern for balancing sharia norms with the prospective husband’s socio-economic capacity. From a maqāṣid perspective, the dowry provisions safeguard wealth, religion, and the order of gender relations within the family (Sanusi et al., 2024).

The Obligation to Fulfill Biological (Sexual) Needs

The obligation to fulfill biological needs in Sheikh Nawawi's thought must be understood within the framework of shared rights between husband and wife, not merely as a one-sided demand on the wife. Nawawi does indeed emphasize the wife's obligation to comply with her husband's request as long as she is not in a prohibited state, such as menstruation, postpartum bleeding, illness, or the presence of coercion that violates the principle of *mu'āsharah bi al-ma'ruf*. This interpretation is grounded in Quranic verse al-Baqarah [2]: 187, which describes husband and wife as garments for one another, implying that the biological relationship encompasses dimensions of protection, comfort, and emotional closeness. Al-Ghazālī explains that marriage channels biological urges, making them acts of worship and preserving human dignity (Al-Ghazali, 2015). The conditional nature of this view, as articulated by Nawawi, indicates that sexual fulfillment must not lead to harm, violence, or the degradation of dignity. Its relevance lies in the orientation toward *sakinah*, *mawaddah*, and *rahmah* as the goals of marriage that bind biological aspects with family ethics.

A Wife's Obedience to Her Husband

In Sheikh Nawawi's view, a wife's obedience to her husband stems from the interpretation of Quranic verse 4:34 regarding righteous women as *qānitāt* that is, those who are obedient to Allah and fulfill their family obligations in a balanced manner (Nawawi, 2015). The concept of *qawwām* does not merely indicate male superiority but refers to a leadership role grounded in the responsibilities of providing for the family, protection, education, and household management. This obedience is not absolute, as Nawawi rejects obedience that leads to disobedience to Allah or harm. This principle aligns with the maxim *lā ṭā'ata li makhluqin fi ma'ṣiyat al-Khāliq*, meaning there is no obedience to a creature in disobedience to Allah (Ibn Mājah, 2001). Al-Shātībī emphasizes that the Sharia aims to bring about human welfare in this world and the hereafter (al-Shātībī, 1424). Nawawi's formulation can be understood as a legitimate functional relationship when carried out justly, free from violence, and in accordance with the *maqasid al-usrah*.

Teaching Religious Knowledge to One's Wife

The obligation to teach religious knowledge to one's wife holds a *daruriyyah* status in Sheikh Nawawi's thought, as the family cannot achieve well-being without knowledge of the Sharia. His interpretation of QS. al-Taḥrīm [66]: 6 reads the command to protect the family from the fire of Hell as the obligation of *faqihūhum* and *addibūhum*, namely providing religious understanding and shaping family etiquette (Nawawi, 2015). The subjects taught

include the obligations of worship, ethics, the rights and duties of husbands and wives, as well as knowledge that supports family life. This position indicates that religious education is not merely a domestic accessory but an instrument for family protection. Nawawi even allows a wife to leave the home to seek religious knowledge when her husband is unable to teach it, as *hifz al-dīn* holds a primary place among the *maqasid al-syari'ah*. Al-syatibi places the preservation of religion as the foundation of the order of public interest (al-syatibi, 1424). This concept is relevant to contemporary families because the quality of the husband-wife relationship is largely determined by religious literacy, ethics, and shared responsibility.

Husband's Permission for the Wife's Activities

In the thought of Sheikh Nawawi Al-Bantani, the husband's permission regarding the wife's activities rests on two areas: permission for voluntary acts of worship and permission to leave the home. The stipulation regarding voluntary fasting when the husband is present refers to a hadith that positions the relational rights of husband and wife as an ethical consideration within the household (Al-Bukhari, n.d., no. 5195; Nawawi, 2015). Nawawi's view is not rigid, as he distinguishes between ordinary activities and those of an urgent nature, particularly the pursuit of religious knowledge when the husband is unable to teach it. The permissibility of a wife leaving the home to seek knowledge indicates that *hifz al-din* falls under the category of *daruriyyat* and can transform an original prohibition into a permission based on the principle of urgent necessity (AL-Jaizani, 1420). Requirements regarding attire, public spaces, and social prudence should be understood as means that can adapt according to the times, place, security, and customs (Qayyim, 1423; Sanusi et al., 2024).

Handling a Disobedient Wife

The handling of a disobedient wife demonstrates that Sheikh Nawawi Al-Bantani interprets Surah an-Nisa [4]:34 through a multi-tiered resolution process: counsel, separation of beds, and limited physical discipline when deemed beneficial (Nawawi, 1997; Nawawi, 2015). This formulation cannot be understood as legitimizing domestic violence because Nawawi emphasizes *al-sabr* and *al-afw* as the more preferable attitudes when physical action yields no benefit. The limitation of the striking instrument to a folded handkerchief indicates a symbolic, not destructive, orientation; thus, its normative goal is to restore family harmony and halt disobedient behavior without undermining the wife's dignity. Contemporary interpretations must link this concept to *mu'asarah bi al-ma'ruf*, *maqasid al-usrah*, and the principle of protection from harm (Kodir, 2019a; al-Zuhayli, 1985). This framework

positions forgiveness, dialogue, and the resolution of mutual interests as the core of the relevance of Nawawi's thought within the Indonesian marriage system (Sanusi et al., 2024).

The Relevance of the Concept of Spousal Rights and Obligations from the Perspective of Sheikh Nawawi in the Contemporary Era

The concept of *mu'asyarah bi al-ma'ruf* in Sheikh Nawawi's thought positions the spousal relationship as an ethical bond that must be conducted with justice, gentle speech, the provision of financial support, and the prevention of harm. His interpretation of Surah al-Nisā' [4]: 19 and Surah al-Baqarah [2]: 228 indicates that good conduct involves not only legal propriety but also emotional balance and moral responsibility between spouses (Nawawi, 2015). This principle is relevant to Article 77(2) of the KHI, Articles 33–34 of the Marriage Law, and the Domestic Violence Law, which prohibit physical, sexual, and psychological violence within the household (Abdurrahman, 1992); (Law No. 1 of 1974 on Marriage, 1974, Articles 1, 5, 8). Its relevance lies in the shared orientation: building a family through love, respect, physical and emotional support, protection of the spouse's dignity, communication ethics that prevent conflicts from escalating into violence, and the awareness that a household is built through shared moral effort.

Sheikh Nawawi's thoughts on maintenance stem from the husband's obligation as the *qawwām* to bear the costs of living, clothing, housing, iddah maintenance, and *mut'ah* according to his economic capacity. He emphasizes that maintenance is a consequence of the *mu'awadah* contract; the husband is obligated to provide maintenance, while the wife retains her economic rights, which do not lapse merely with the passage of time (Nawawi, 2022). This concept remains relevant because both Islamic law and Indonesian positive law still designate the husband as the primary provider for the family's maintenance, as evident in QS. al-Baqarah [2]: 233, QS. al-Nisā' [4]: 34, KHI Article 80, the Marriage Law Article 34, and the Domestic Violence Law Article 9 (Abdurrahman, 1992; Law No. 1 of 1974 on Marriage, 1974 Article 9). A wife's economic contribution can be understood as voluntary support, not a mandatory burden that adds to the domestic, reproductive, and caregiving work she has already undertaken. This interpretation upholds role equity without precluding opportunities for family economic cooperation.

The obligation to teach religious knowledge to one's wife and family holds a central position in Sheikh Nawawi's thought, as he interprets Quranic Surah al-Taḥrīm [66]: 6 as the command “*faqqihūhum*” and “*addibūhum*” that is, equipping the family with knowledge of Islamic law and etiquette. He does not view religious education merely as a formal obligation,

but rather as the foundation of the family's salvation in this world and the hereafter (Nawawi, 2015). Its relevance is strong in the contemporary era because families face the penetration of materialism, digital transformation, and a crisis of values that demands both religious literacy and moral maturity. This position aligns with the *maqasid al-syari'ah*, particularly *hifz al-dīn* as a primary need (al-syatibi, 1424). The allowance for wives to go out in search of religious knowledge demonstrates Nawawi's support for women's right to education. The principle "*li al-wasā'il hukm al-maqāsid*" asserts that the means to an obligation derive their legal status from the intended purpose (Al-Qahtani, 2000). This principle reinforces the family as an educational space, not merely a biological and economic unit.

The concept of a wife's obedience to her husband in Sheikh Nawawi's thought is grounded in the interpretation of Quranic Surah al-Nisā' [4]:34 regarding the righteous woman who is *qānitāt* that is, obedient to Allah and her husband as long as it does not involve disobedience. He interprets *qawwām* as the functions of leadership, management, education, and protection inherent in the husband, stemming from his obligations regarding maintenance and dowry (Nawawi, 2015). This obedience is not absolute, as the principle *la ta'ata li makhluqin fi ma'siyat al-khaliq* limits human authority when it conflicts with sharia (Ibn Mājah, 2001). This framework is relevant when understood as family governance rather than patriarchal domination. Obedience serves to maintain harmony, the division of roles, and shared responsibility, provided the husband exercises leadership fairly, without abuse, and remains subject to the principle of *mu'asyarah bi al-ma'ruf*. These limitations give obedience ethical value, rather than merely a power dynamic that silences the wife's voice.

The advancement of women in education, professions, the economy, and public office calls for a more balanced interpretation of the concepts of *qawwām* and obedience. Many wives now possess intellectual competence, income, and social roles comparable to those of men, but this change does not automatically eliminate the husband's religious responsibility as the primary provider. The *mubādalah* perspective emphasizes that the husband-wife relationship must be understood as reciprocal, particularly regarding household work, child-rearing, and economic support (Kodir, 2019). Nawawi's thought remains relevant when the husband's leadership is understood as a functional trust, not a privilege to control his wife. Contemporary gender criticism sets an important boundary to ensure that *qawwām* does not become a justification for male superiority, but rather a mechanism of responsibility that protects the family (Sanusi et al., 2024). The relevance of this concept depends on the ethics of leadership, financial justice, respect for women's

contributions, the couple's willingness to share domestic burdens with dignity, and the ability to negotiate family decisions fairly.

According to Sheikh Nawawi, the handling of a rebellious wife follows the three stages outlined in QS. al-Nisā' [4]: 34, namely counsel, separation of beds, and severely restricted physical discipline. Counseling takes precedence because counsel characterizes religion itself, while separation of beds must not sever the communication necessary to repair the relationship (Nawawi, 1997). He permits physical discipline only if it serves a purpose, does not cause injury, and is carried out with a soft object such as a folded handkerchief. The principles emphasized more strongly are al-sabr and al-'afw, as forgiveness aligns more closely with the ethics of the righteous (*muttaqīn*) and treating others with kindness (*mu'asyarah bi al-ma'ruf*) (Nawawi, 2015). The relevance of this concept lies in its focus on conflict resolution rather than punishment. Ideally, a husband should choose dialogue, emotional control, and reconciliation before taking actions that risk damaging his wife's dignity. These stages also indicate that family reconciliation requires a gradual, proportional process one that avoids hasty punishment while maintaining the couple's psychological well-being.

Criticism of the corporal punishment aspect within the concept of *nusyuz* is significant because the contemporary era has a legal framework that strictly prohibits domestic violence. The Law on Domestic Violence (UU PKDRT) views physical, psychological, sexual, and neglectful violence as acts that degrade the victim's dignity. At the same time, the modern family law paradigm prioritizes the safety of family members as the primary concern (Republic of Indonesia, 2004, Articles 5–9). Nawawi's stipulation regarding the handkerchief demonstrates caution to ensure the action does not cause harm; however, the list of situations permitting corporal punishment must be reinterpreted in light of the *maqasid al-syari'ah* and the principle of adapting fatwas to changes in time, place, circumstances, intent, and customs (Qayyim, 1423). A reinterpretation of al-darb can be directed toward non-violent corrective actions, such as mediation, emotional breaks, family counseling, or the provision of attention that fosters awareness. Its contemporary relevance lies in the goal of *ishlah*, not in the physical form of the action. This orientation is more in line with modern legal protections and family ethics.

The fulfillment of biological needs in Sheikh Nawawi's thought relates to the purpose of marriage to channel sexual desire lawfully, preserve honor, and build domestic harmony. He obligates the wife to comply with her husband's request as long as there are no sharia

prohibitions, such as menstruation, postpartum bleeding, illness, or conditions causing harm (Nawawi al-Bantani, 2015). This perspective must be interpreted in conjunction with the principle of *mu'asyarah bi al-ma'ruf* and Quranic verse al-Baqarah [2]: 187, which describes husband and wife as garments for one another. Sexual relations are not an arena of domination, but a shared right that demands consent, tenderness, and respect for the partner's body (Al-Ghazali, 2015; Muhammad, 2021). The Domestic Violence Act (UU PKDRT) and the Act on the Prevention and Eradication of Violence Against Women (UU TPKS) establish legal boundaries against the coercion of sexual relations within the household (Republic of Indonesia, 2004, Article 8; Republic of Indonesia, 2022, Article 6). Their relevance becomes evident when biological obligations are understood as a partnership free from coercion, exploitation, and disregard for the partner's psychological well-being.

Sheikh Nawawi's view on a husband's permission for voluntary acts of worship and activities outside the home is based on two reasons: maintaining the husband's satisfaction and preventing social harm that, in his time, threatened women's safety. He permitted wives to go out to seek religious knowledge when their husbands were unable to teach it, because seeking knowledge is a path to *hifz al-din* (Nawawi, 2015; al-syatibi, 1424). Its relevance in the contemporary era needs to be reconstructed because women are now widely involved in education, work, childcare, *da'wah*, and public affairs. Permission should no longer be understood as the husband's absolute authority, but rather as communication, consent, and family coordination. The principle of *al-'adah muhakkamah* and the default rule of *muamalah* that something is permissible support this adjustment as long as the wife's activities serve the public interest, preserve honor, and do not cause harm to the marital relationship (al-Qarḍāwī, 2009; al-Raḥmān, n.d.). The informative model is better suited to modern families that prioritize mutual trust.

The Implementation of the Concept of Spousal Rights and Obligations from the Perspective of Sheikh Nawawi in the Indonesian Marriage System.

As is well known, the works of Sheikh Nawawi Al-Bantani, such as *Nihāyah al-Zain, Syarh "uqud al-hujayn, Marāb Labid*, and others, serve as primary sources and references for *fiqh* in Indonesian Islamic boarding schools (*pesantren*). Consequently, the thought of Sheikh Nawawi Al-Bantani has become familiar among scholars and students. It has gained widespread popularity among the general public, as religious leaders and students use these texts as references in providing religious education to the community.

In compiling the Compilation of Islamic Law (KHI), several approaches were employed, including engaging Islamic boarding schools through the study of classical Islamic texts and interviews with scholars (Abdurrahman, 1992). Therefore, it is clear that Sheikh Nawawi Al-Bantani's thought influenced the compilation of the KHI in Indonesia. Sheikh Nawawi's concept of the rights and obligations of husband and wife, as articulated in *Nihāyah* and "*uqud al-hujayn*" as well as other works, is reflected in the KHI articles concerning maintenance, and the rights and obligations of husband and wife.

An example of the implementation/contribution of Sheikh Nawawi Al-Bantani's thought in the KHI is reflected in the wording of Article 77, Paragraph 2, which obligates spouses to love and respect one another and to provide mutual physical and emotional support. Sheikh Nawawi has elaborated on this obligation for husbands and wives to love and respect one another, stating that a believer whose faith is perfect is one of the best in character, by practicing all noble traits and abandoning all evil and despicable deeds. They also treat their wives, children, and relatives with kindness and affection. A wife must also show her love for her husband when he approaches her (Nawawi, 2015).

Under Article 79, paragraph (1), of the KHI, the husband is the head of the household, and the wife is the homemaker. The positions of husband and wife in this article have been explained by Sheikh Nawawi, who states that a husband is the leader of the family (wife and children). As for a wife, she holds the position of leader in her husband's home; she must be able to manage her husband's household, must be able to manage the household's livelihood well, must treat her husband kindly, show affection toward her husband, be trusted by her husband, and safeguard her husband's property and that of their children (Nawawi, 2015).

Article 80, paragraphs (1) through (7) of the KHI state that the husband is the guide for his wife and household; he is obligated to protect his wife and provide for all the necessities of married life according to his ability, is obligated to provide religious education to his wife and give her opportunities to learn, according to his ability, he must provide for her maintenance, clothing, and housing, household expenses, care costs, and medical expenses for his wife and children, as well as educational expenses for the children. The husband's obligations mentioned above take effect after his wife has fully consented to the marriage. The husband's obligations as referred to in paragraph (2) cease if the wife is disobedient. Article 81: In addition to Article HKI, Article 34(1) of the Marriage Law No. 1

of 1974 also states that a husband is obligated to protect his wife and provide for all the necessities of married life in accordance with his ability.

Sheikh Nawawi's views are reflected in Articles 80 and 81 of the KHI mentioned above. As is known, he interpreted verse 34 of Surah al-Nisa, *al-Rijalu Qawwamuna 'ala al-nisa'* (men are the protectors and maintainers of women), where *Qawwamuna* means: *musallitun 'ala adb al-nisa'*, meaning that a husband may oversee and manage his wife's needs, including guiding her moral conduct (Nawawi, 1997). In interpreting the phrase *Qu anjusakum* in verse 6 of Surah Al-Tahrim, according to him, it means *faqqihahum* that is, teach them the sciences of Sharia (religion) and it also means *addibuhum* that is, teach them good character and manners (Nawawi, 2015).

Regarding maintenance, according to Sheikh Nawawi, a husband is obligated to provide his wife with three things: nafaqah, kiswah, and iskan (food, clothing, and shelter). This applies to wives and former wives during the iddah period, whether they are mu'taddah raj'i or ba'in who have completed the tamkin al-tam. This obligation to provide maintenance does not apply to a wife who commits nusuz (Nawawi, 2022).

Meanwhile, Article 83, paragraphs (1) and (2) of the KHI require a wife to be dutiful to her husband in both word and deed in matters permitted by Islamic law and to manage household affairs properly. In addition to the KHI, the Marriage Law No. 1 of 1974, Article 33 and Article 34, paragraphs (1) and (2), also require husbands and wives to love, respect, and provide mutual physical and emotional support to one another. The husband is obligated to protect his wife and provide for all household needs. Meanwhile, the wife must manage household affairs properly.

Sheikh Nawawi's teachings are reflected in Article 83 of the HKI and Articles 33 and 34 of the Marriage Law, which mandate that a wife must obey her husband, as the husband's position is that of a *Qawwam* (leader/protector) for his wife. And also because the husband provides for his wife. Sheikh Nawawi's teachings are also reflected in the Law on the Prevention of Domestic Violence (P-KDRT), Article 1, paragraphs (1) and (2), which prohibit acts of violence resulting in physical, sexual, or psychological suffering or distress.

As discussed earlier, Sheikh Nawawi strongly discourages any acts of violence within the framework of the rights and obligations between husband and wife. Physically, he prohibits striking the face and deems it haram. If one is compelled to strike a wife who is disobedient (*nusyuz*), the instrument used must be a folded handkerchief. However, Sheikh Nawawi recommends forgiveness over physical punishment, as the latter contradicts the

principle of *mu'asyarah bi al-ma'ruf*. Psychologically, he forbids a husband from speaking harshly to his wife, and sexually, he prohibits demanding sexual services from a wife beyond what is permitted by Islamic law.

Furthermore, Sheikh Nawawi's views are reflected in Regulation No. 1 of 2008 of the Supreme Court of the Republic of Indonesia on Mediation Procedures in Courts. Article 1, point 7, and Article 2, paragraph (2), encourage the resolution of disputes through negotiation, and every judge, mediator, and party is obligated to follow the mediation procedures. Failure to participate in the mediation process renders the judgment null and void. The purpose of issuing this PERMA is to reduce the number of court cases. This means that disputes arising from the failure to fulfill the rights of one party (husband or wife) should ideally be resolved through negotiation/amicably and not immediately brought to the legal/litigation arena. Regarding this, Sheikh Nawawi advises against bringing such matters to court, as it will cause *masyaqat* or hardship (burden) and *'aib* or disgrace (stigma)/a bad impression, as well as ruin the happiness of the married couple and destroy harmony (Nawawi, 2013). Indirectly, Sheikh Nawawi's perspective aims to minimize court disputes and advocates mediation as a solution to problems between husband and wife.

CONCLUSION

Sheikh Nawawi al-Bantani's thoughts on the rights and obligations of husbands and wives form the foundation of family ethics, grounded in sharia principles, the maqāṣid al-sharī'ah, and the welfare of the household. This concept encompasses *mu'asyarah bi al-ma'ruf*, financial support, dowry, religious education, sexual relations, a wife's obedience, a husband's permission, and the handling of a wife's disobedience. All these elements do not stand as isolated rules but are interconnected within the framework of protecting the family's religion, lives, lineage, honor, and property. Nawawi's thought also exhibits a proportional character, positioning the husband as the *qawwam* who bears responsibility for financial support, protection, education, and guidance. At the same time, the wife possesses economic rights, the right to respect, the right to religious education, and a moral standing as a partner in building the family. An analysis of *Uqud al-Lujain*, *Marah Labid*, and *Nihāyat al-Zayn* reveals that rights and obligations function as a balancing mechanism rather than as instruments of absolute subordination. The principles of patience, forgiveness, justice, and noble character form the core of contemporary marital relationships and can prevent domination, violence, and the neglect of a spouse's rights.

The relevance of Sheikh Nawawi's thought in the contemporary era is evident in its ability to provide a normative foundation for Indonesia's marriage system, particularly in the Compilation of Islamic Law, the Marriage Law, and regulations on domestic violence protection. The concept of *mu'asyarah bi al-ma'ruf* aligns with the obligation of husband and wife to love, respect, and support one another both physically and emotionally. The ideas of financial support, religious education, and the husband's leadership are reflected in the provisions governing the head of the household's responsibilities, the guidance of the wife, and the fulfillment of household needs according to one's ability. Some aspects of Nawawi's thought, particularly regarding permission for a wife's activities and the handling of *nusyuz*, require re-examination to ensure they do not conflict with the principles of women's protection, proportional equality, and the prohibition of violence. This reconstruction does not reject the substance of fiqh. Still, it reaffirms its fundamental purpose: to build a family characterized by *sakinah*, *mawaddah*, and *rahmah* through dialogue, responsibility, respect for dignity, and the fair and beneficial resolution of conflicts. This finding confirms that Nawawi's legacy remains relevant when read contextually, critically, and with a focus on protecting Indonesian Muslim families.

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