

## The Role of Spouses Under Islamic Family Law

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### ARTICLE INFO

### ABSTRACT

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### KEYWORD

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This research work on the Role of Husband and Wife in Islamic Family Law is an important perfect of life to the Muslim community. It shows the obligations to be followed on the side of man and the women as a husband and wife in order to have a blessed matrimonial home. These highlighted the major requirement before the marriage contract and after the contract have been fully consummated. These include the right of the husband and wife, the role of the family and their relatives, the role of the entire community. Also the right of the children on the parents is highlighted. It is recommended that, all Muslim should have a first-hand understanding of the rights of both couples in order to have a peaceful matrimonial home.

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### 1. Introduction

Since 1970 the Law in Context series has been at the forefront of the movement to broaden the study of law. It has been a vehicle for the publication of innovative scholarly books that treat law and legal phenomena critically in their social, political and economic contexts from a variety of perspectives. The series particularly aims to publish scholarly legal writing that brings fresh perspectives to bear on new and existing areas of law taught in universities. A contextual approach involves treating legal subjects broadly, using materials from other social sciences, and from any other discipline that helps to explain the operation in practice of the subject under discussion.

A generation or two ago, family had a fairly clear connotation, although many people even then did not live in families that fit the standard image. Today, however, the meaning of family is contested across various realms of life. In 2017, for instance, only 19 percent of all household consisted of merried couples with children , down from 44 percent in 1960, and 30 percent consisted of merried without children, closer to the 31 percent in 1960.

The Muslim family or household is the most important institution in the lives of Muslims in general and Islamic manhaj in particular (Efendi 2005). and on every family needs it the existence of a leader or someone who can organize and supervise other individuals. Because is called family, then at least that is there is in it a husband and a wife, then children appear children and so on (Muttaqim, 2001).

Law in Islam is a carrier, for the most part, of its ethical norms and although certain lines of distinction are recognised between morality and law for purposes of adjudication and enforcement, essential harmony between the legal and ethical norms is necessary to ensure continuity of values and better prospects of public acceptance and enforcement.

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When the nexus between the law and ethics is broken, or when obvious discrepancies set in to disturb the desired equilibrium between them, measures should be taken to restore the balance. Some of the specific rulings of fiqh are often exposed to questions as to whether they stand in a state of tension with the broader guidelines of Islam on equity and justice.

## **2. Literature Review**

This section reviews related literature that explains the roles of husbands and wives in Islamic marriage. Some of the sources referred to include the Koran, the hadist of the Prophet, as well works of famous Islamic scholars.

### **a. The Role of the Husband in a Marriage**

In an Islamic home the husband has some roles or duties that must be carried out as conferred on him by the law. Men are tagged as the "QAWWAMUN" that is, the protectors and the maintainers of women, in the Qur'an. This is due to the maintenance responsibility imposed on men by Allah. This can be seen in Q4:34: "Men are in charge of women by (right of) what Allah has given one over the other and what they spend (for maintenance) from their wealth". Therefore, men have a greater and more difficult responsibility in supporting their families. It is the man, who can, through his wisdom, support his family and prepare the grounds for their happiness and it is he who can turn the house into a paradise and his wife to act as an angel. "The Prophet of Allah (S) stated: 'Man is the guardian of his family and every guardian has responsibilities towards those under his guardianship'." A man, who is supporting his family, should know that a woman is also a human being like a man. She also has desires and the rights of freedom and life. Marrying a woman is not hiring a servant, but it is a selection of a partner and a friend who would be able to live with for the rest of ones life. Man has to care for her and her desires. Man is not the owner of his wife and in fact a woman has certain rights upon her husband.

## **3. Methodology**

This research uses a qualitative approach with descriptive-analytical methods. The following are the methodological steps taken:

### **1. Data Collection**

- a. Primary Sources: This research relies on the Al-Qur'an and Hadith as The ultimate source for understanding the roles of husband and wife-in-law Islamic family.
- b. Secondary Sources: Apart from that, this research also refers to works scholars, books, and articles relevant with that topic.

### **2. Analysis Data**

- a. Data was analyzed descriptively to describe roles and responsibilities husband and wife are responsible according to Islamic law.
- b. Analysis is carried out by linking data obtained from sources primary and secondary to provide a comprehensive picture regarding the roles of husband and wife.

### **3. Theoretical Approach**

- a. This research uses a combined theoretical approach textual interpretation of the Qur'an and hadith with the views of scholars and Islamic jurist.
- b. The aim is to understand how Islamic law frames the role of husband and wife in the family context.

### **4. Data Validity**

Validation was carried out through an in-depth study of existing literature as well comparison with previous research to ensure accuracy and relevance of findings.

### **5. Presentation of Results**

- a. The research results are presented in a descriptive form that explains clearly detailed rights and obligations of husband and wife in Islamic marriage.
- b. The presentation also includes practical recommendations for the Muslim community can apply these principles in everyday life.

## **4. Results and Discussion**

Islam divides roles between a man and his wife. It also makes the role complimentary in many cases. The right of a party confers an obligation on the other and vice versa. This shows how far Islam respects women in the community of mankind and makes their impact a must -be-felt in the society. Men are not given absolute power in their home. Women also enjoy some power that can check that of the man in spite of the appellation given to man by Allah (qawwamun) that is the poles. This is epitomized in the life of the Prophet with his wives. He used to help them in carrying out house works as well as

give them honour that is rightly due. Marriage contract gives both the husband and wife the ability to satisfy their human desire and a way of gaining blessings of almighty Allah and have children that would help when the parents become old and help in the flow of future generation in a regulated manner. For the success of this contract, the parties have duties to abide by which the Islamic family highlighted such as duties of husband, duties of wife and the duties compulsory on both of them.

## 5. Conclusion

Generally, marriage has purposes in life. However, in Islam its purpose is more than mere acquisition of worldly gains. Islam considers it as part of one's religious duty that must be fulfilled to attain maximum piety. Procreation of offspring in Islam is a means for increasing Allah's servants on earth other than for gaining any advantage in this world. Through marriage a Muslim can come closer to his Creator by performing certain marriage responsibilities, showing tolerance, patience, and other virtues in the relationship. Therefore, marriage in Islam is a means of emotional and sexual satisfaction. It is a mechanism of tension reduction, a means of legitimate procreation, social placement and an approach to inter-family alliance and group solidarity. Most importantly, it gives chance for acts of Ibadah and acts of piety. Consequently, both the husband and wife should adhere to the rules, rights and privileges contained in Islamic family law to have a successful marriage. This research emphasizes the importance of understanding rights and obligations in marriage Islam to achieve a harmonious domestic life. It is hoped that with this knowledge, Muslims can build strong and blessed families.

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