

Fikih Mubadalah and Its Challenges: A Study of Household Conflict Resolution in Lampung Province

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Abstract: This article is about the method of resolving conflict in the household through the application of mubadalah jurisprudence. The household conflict in question is like inequality in the division of tasks and responsibilities, as well as the lack of balance in decision-making which often becomes a source of disputes between husband and wife. The formulation of the problem in this article is how mubadalah jurisprudence can be applied as a solution to resolving household conflict and what are the obstacles faced in its implementation. The method used is qualitative with a phenomenological approach. Primary data was obtained through in-depth interviews with married couples who face conflict, community leaders, and family consultants. The location of the research was carried out in urban and rural areas in Lampung Province, Indonesia. Data analysis was carried out using the mubadalah theory which emphasizes the principle of mutuality in husband and wife relations. The results of the study indicate that the application of the mubadalah concept can be an effective solution in reducing household conflict, mubadalah prioritizes a more balanced husband and wife relationship. However, obstacles in implementing this principle include the strong patriarchal cultural factor and the weakness of society regarding the principles of mubadalah. The practical contribution of this research is to the understanding of society and institutions implementing Islamic law, such as the Religious Court and the Office of Religious Affairs, when making peace efforts or fostering the bride and groom to understand the importance of the principles of mubadalah.

Keywords: Fiqh Mubadalah, Household Conflict, Challenges

Abstract: Artikel ini tentang metode penyelesaian konflik dalam rumah tangga melalui penerapan fikih mubadalah. Konflik rumah tangga yang dimaksud seperti ketimpangan dalam pembagian tugas dan tanggung jawab, serta kurangnya keseimbangan dalam pengambilan keputusan yang sering kali menjadi sumber perselisihan antara suami istri. Rumusan masalah dalam artikel ini adalah bagaimana fikih mubadalah dapat diterapkan sebagai solusi penyelesaian konflik rumah tangga dan apa saja hambatan yang dihadapi dalam implementasinya. Metode yang digunakan adalah kualitatif dengan pendekatan fenomenologis. Data primer diperoleh melalui wawancara mendalam dengan pasangan suami istri yang menghadapi konflik, tokoh masyarakat, dan konsultan keluarga. Lokasi penelitian dilakukan di wilayah perkotaan dan pedesaan di Provinsi Lampung Indonesia. Analisis data dilakukan menggunakan teori mubadalah yang menekankan prinsip kesalingan dalam relasi suami istri. Hasil penelitian menunjukkan bahwa penerapan konsep mubadalah dapat menjadi solusi efektif dalam mengurangi konflik rumah tangga, mubadalah mengedepankan relasi suami istri yang lebih seimbang. Namun, hambatan dalam penerapan prinsip ini meliputi faktor budaya patriarkhi yang masih kuat dan lemahnya masyarakat tentang prinsip-prinsip mubadalah. Kontribusi praktis penelitian ini untuk pemahaman masyarakat serta para lembaga pelaksana hukum Islam, seperti Pengadilan Agama dan Kantor Urusan Agama, ketika melakukan upaya damai atau pembinaan pengantin agar memahami pentingnya prinsip-prinsip mubadalah.

Kata Kunci: Fikih Mubadalah, Konflik Rumah Tangga, Tantangan

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Introduction

Marriage in Islam is a sacred bond between a man and a woman based on the principles of love, respect, and mutual responsibility to maintain the harmony of family life (Pelu & Dakhoir, 2021). This is in accordance with the word of Allah in Q.S. Ar-Rum (30): 21 which states, "And among the signs of His power is that He created for you wives of your own kind, that you may feel at ease with them, and He made between you love and affection. Indeed, in such things there are signs for those who think" (Hermanto, 2022). However, in the course of the household, it is not uncommon for conflicts to arise that can threaten the stability of the husband and wife relationship (Reni Nur Aniroh, Khoiruddin Nasution, 2018) (Reni Nur Aniroh, Khoiruddin Nasution, 2018).

Household conflicts include communication problems, inequality of gender roles, injustice in the division of tasks, and disputes related to decision-making, which are often the main triggers of domestic tensions (Nur et al., 2023). This research was conducted in Lampung Province, which includes various layers of society to obtain diverse perspectives (Ministry of Religious Affairs of the Republic of Indonesia, 2010). The results of research observations conducted by researchers in Lampung Province show that household conflicts show a fairly high rate. The researcher quoted data from the source of the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia. Through SIMFONI PPA (Online Information System for the Protection of Women and Children) shows the number of cases based on the place of occurrence, the highest rank occurs in domestic places. Data on domestic violence amounted to 434 places, the number of victims of the scene showed 469 victims. From the data and figures of domestic violence, many perpetrators are committed by men with 647 male perpetrators, while female perpetrators are more likely to be few, namely 66 female perpetrators. This household conflict can also be categorized as domestic violence (KDRT). Conflict that occurs continuously has an impact on verbal violence.

The high number of household conflicts in Lampung Province has led some researchers to analyze that the most important factor is due to the unequal relationship between husband and wife, unbalanced in sharing roles, decisions, responsibilities and rights and obligations in the household. It can be said that the birth of household conflict is a conflict based on gender injustice. This gender-based injustice is due to the patriarchal ideology in society.

The word patriarchy is a scourge for women. The reason is that patriarchal culture is the main cause of injustice for women. Moreover, when patriarchy penetrates into Islam, the impression will arise that Islam is unfair to women (Arifin et al., 2024). Whereas Islam was revealed to liberate humans from the confinement and oppression of other human beings (Zalikho Su'ada, 2023). This means that it is impossible for Islam to tolerate the injustice experienced by its people, especially women. This is because Islam is a religion that emphasizes the importance of respect for humans and it can be seen from its teachings which are very accommodating to human values (Prawira Negara, 2022).

One solution in resolving household conflicts is the application of the concept of mubadalah. Mubadalah refers to the principle of equality between husband and wife, where both parties have equal rights and obligations without any gender-based discrimination. This concept is emphasized by (Faquhuddin Abdul Kodir, 2019a), which states that mubadalah is able to create a harmonious and fair marriage relationship, by promoting dialogue and mutual understanding. In this context, the application of mubadalah is important to overcome household conflicts that are often caused by injustice in gender roles and a biased

understanding of the rights and obligations of husband and wife (Abdul Kodir, 2019; Syamsuddin, 2021).

The reason why this research study is important is because the issue of domestic conflict has far-reaching implications for individuals, families and society. Household stability affects not only the happiness of the couple, but also the psychological development of the children in the family. With the increase in divorce cases in Indonesia, a new approach is needed that not only offers practical solutions but is also based on religious and cultural values. The concept of mubadalah has great potential to be a relevant approach, as it emphasizes justice and equality in the marriage relationship, so it can make a real contribution to Islamic family law and community life.

Previous research, related to household conflict has been conducted by several other researchers, including (Susanti, 2019), has discussed household conflict in a gender perspective, but has not specifically integrated the concept of mubadalah in their analysis. Another study by (Andriani, 2020), shows that the main factors of household conflict in Indonesia are gender inequality in the division of domestic responsibilities and the imbalance of power between husband and wife, which is often influenced by patriarchal culture. Other factors, such as economic problems, infidelity, and domestic violence, are also significant causes of household conflict (Andriani, 2020; Susanti, 2019). This is relevant to the use of the concept of mubadalah as a solution because this approach offers the principles of equality and justice in husband and wife relationships. The study of household conflicts was also conducted by (Habib Shulton Asnawi, 2004), this study explains that the factor of household conflicts is not only the strong patriarchal culture but also the existence of gender-biased regulations, one of which is the law on marriage. Shulton explains that law and legal theory are dominantly *patriarchal* and *masculine* men. So that the resulting legal products are gender biased and do not accommodate justice and protection of women's rights. For example, regarding the rules of polygamy, this rule seems pro-polygamy, all the reasons that allow husbands to practice polygamy are only seen from the perspective of the husband's interests, and do not consider the perspective of women's justice at all.

The difference between this research and previous studies lies in its focus on placing mubadalah as the main solution based on Islamic legal principles. This research seeks to fill the gap by offering the mubadalah approach as a conflict resolution method that is not only relevant but also applicable in various household contexts. This article aims to examine the application of mubadalah in Islamic law as a solution to household conflict resolution. The main focus of this research is on the principle of equality in husband and wife relationships and how the application of this concept can reduce tension, create harmony, and resolve conflicts fairly and wisely.

Methods

This research uses a qualitative method with a phenomenological approach to analyze household conflicts and the application of the concept of mubadalah as a solution. The research location was in Lampung Province, Indonesia, the research was conducted for three months, chosen because of cultural diversity and household relationship patterns that reflect conflict dynamics. Primary data sources were obtained through in-depth interviews with five married couples, two religious leaders, and a family consultant, who were purposively selected. The interviews aimed to explore conflict experiences, views on mubadalah, and the impact of its application in the household. In addition to interviews, direct observation was conducted to record the dynamics of husband and wife relationships, obstacles in the form of one informant's refusal to be interviewed were recorded as part of academic honesty, with the

replacement of relevant subjects to maintain data validity. This approach aims to understand in depth how the concept of mubadalah can be an effective solution in household conflicts. Other data sources such as documents like religious court records and local literature were collected as secondary data to enrich the legal and cultural context. Data sources on domestic conflicts were obtained from the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia through SIMFONI PPA (Online Information System for the Protection of Women and Children), which can be accessed online through the following link <https://kekerasan.kemenpppa.go.id/ringkasan>. The following is a diagram of the research method framework in this article



Results

Mubadalah as Household Conflict Resolution

Faqihuddin Abdul Kodir, who is familiarly called Kang Faqih, is a Muslim scholar who is diligent in voicing gender injustice. In this discourse, he offers a concept called mubadalah or interpreted as interconnection. Mubadalah further develops in certain views, about a concept of mutual understanding in relationships that holds the principles of equality, mutuality, equality, and other similar things (Faqihuddin Abdul Kodir, 2019b). Such equality is not limited to husband and wife, but more broadly between various social statuses such as children and parents, teachers and students, students and lecturers, and so on. This relationship of equality emphasizes the statement that there is no higher position in a partnership, and it is not justified to feel superior or commit injustice, hegemony, and immoral acts by dominating one another. Because the task for which humans were created is to be managers of the world, because of this, to succeed in this task, cooperation or equality between men and women is needed (Wijayati et al., 2023).

Mubadalah, a concept introduced by Faqihuddin Abdul Kodir, emphasizes harmony and equality in human relationships, including between husband and wife. This principle aims to eliminate gender inequality, which is often the root of domestic conflict. In Islamic law, the concept of mubadalah reflects justice by basing relationships on equal rights and obligations, such as deliberation in decision-making, division of domestic and economic responsibilities, and the right of each party to voice their aspirations.

The diction "Mubadalah" comes from Arabic which means to replace, change, exchange, rotate, exchange, and meanings around reciprocity. Then in Indonesian, the term mubadalah

can be interpreted as equality between men and women, in the sense that both benefit from each other (Lestari, 2020).

Mubadalah focuses on that smile, hospitality, administration, and all the pleasant work that a spouse should do to his or her partner, as well as a wife to her partner. The guidelines of muballāh (mutual aid) in its application include all the qualities and standards of justice and humanity. Balance and humanity are two important stances for recognizing advantage, goodness, and equality. By this standard, the man who needs to be considered for who he is, his decisions, his voice heard, and his every desire satisfied, the woman is something similar. Women also have the right to be seen, their decisions heard, their voices heard, and their desires satisfied (Werdiningsih, 2020).

This common perspective will create a view that purifies people. A view that encourages equal and compatible relationships for women, who live in society as a cash flow to carry out government assistance to men and the general public.

In addition, mubadalah offers practical guidance for building harmonious relationships in the household, as emphasized by Nur Rofi'ah who highlights the importance of reading religious texts in terms of interrelationship. Qur'anic verses such as Q.S. Al-Hujurat (49:13) and Q.S. An-Nisa (4:1) provide the foundation for applying this principle. Thus, mubadalah can serve as a solution in resolving household conflicts based on gender inequality, as well as a new paradigm in building a harmonious and equitable family.

This agrees with Nur Rofi'ah, quoted by Taufan Anggoro, asserting that mubādala is a view of human relations that is organizational and cooperative. The organization among people here is broad, whose purpose is the benefit of human existence. This technique practically tries to investigate the significance of the text (Al-Qur'an and hadith) with the aim that it tends to be applied to all types of people simultaneously. Furthermore, he explained, if a text only addresses one sexual orientation, a deeper investigation is needed to get implications that can be applied to both (Anggoro, 2019).

Mubadalah as a concept in Islamic law is actually not unfamiliar because Islam basically gives rights and obligations to men and women fairly. In the Qur'an, there are various verses that emphasize the importance of equality in human relations, both between men and women and in other aspects of life. Some of the verses that underlie this principle of equality are as follows:

1. Al-Qur'an Surah Al-Hujurat (49) verse 13

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۚ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۚ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ

Meaning: "O people, indeed We have created you from a man and a woman, and We have made you tribes and nations that you may know one another. Indeed, the noblest among you in the sight of Allah is the most pious among you. Verily, Allah knows best."

2. Al-Qur'an Surah An-Nisa (4) verse 1

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَتَمْنَعُ مِنْهُمَا رِجَالًا كَثِيرًا ۚ

Meaning: "O mankind, fear your Lord, who created you from a single person, and from him created his wife; and from them He multiplied many men and women..."

These verses illustrate that humans are created as equal beings, both men and women, with complementary roles. In the context of marriage, both have rights and obligations that should not be misinterpreted or disputed based on gender alone.

In the household, the application of mubadalah includes the principle of equality in several important aspects, such as the division of roles, rights and obligations, and decisions taken in the marriage relationship. This equality can be seen in several ways, including:

1. Division of Roles in the Household

In many societies, the domestic role in the household is often considered to be the responsibility of women, while the role of men is more dominant in the economic and public aspects. However, by applying the concept of mubadalah, both parties can share household duties and responsibilities, both in domestic and economic matters. For example, husbands and wives can help each other with household chores, childcare, and managing household finances.

2. Rights and Obligations of Husband and Wife

Islamic law gives clear rights and obligations to husbands and wives. The husband's obligation is to provide physical and mental sustenance to his wife, while the wife's obligation is to serve her husband lovingly and maintain the honor of the household. However, in the principle of mubadalah, this must be interpreted fairly and without oppression. Husbands and wives have the right to voice their opinions and make decisions together in matters concerning their lives, including family planning, children's education, and division of labor.

3. Joint Decision

One of the main principles of mubadalah is deliberation. In a household, decisions made by husband and wife should be through joint discussion, not unilateral. These decisions include various aspects of household life, such as finances, children's education, and other matters. This principle of equality provides space for wives to voice their opinions and aspirations in decision-making.

Household Conflict in Islam

Domestic conflict, known in Islamic law as *syiqaq*, refers to disputes that occur between husband and wife that cannot be resolved directly by both of them. This conflict arises when one or both parties do not fulfill their obligations in the household, either in the form of obligations to the rights of the spouse or family. *Syiqaq* is a state of crisis that culminates in a husband and wife relationship, characterized by deepening disagreements that cannot be resolved by the couple themselves.

According to the term, *syiqaq* can mean a mounting crisis that occurs between husband and wife in such a way that there is disagreement and quarrel between husband and wife, becoming two parties that are impossible to bring together and both parties cannot overcome it (Ghazali, 2003). According to the language, *Shiqaq* means dispute, or the division of husband and wife. If the Muslims see or witness *shiqaq* between husband and wife, they should try to reconcile by appointing a hakam from the man's family and a hakam from the woman's family (Al-Hafiz, 2008).

In the science of fiqh, namely a dispute between husband and wife, basically the husband is prohibited from beating his wife unless all his advice is not heeded, it is permissible to hit the wife who is educating the wife who is , then for her it is not entitled to be given maintenance and then brought to the peace table to consider whether the marriage is continued or terminated (Gayo, 2004). Meanwhile, according to the Syafi'i Madzhab, *syiqaq* means a dispute that occurs between two husband and wife who can no longer be reconciled (Mas'ud & Abidin, 2000).

Ibn Kathir's commentary states that the meaning of *shiqaq* is a dispute between husband and wife. So send an intermediary from the husband's family and an intermediary from the

wife's family, to determine the action that is considered by both of them to be beneficial (Ar-Rifa'i, 1999).

In this context, *shiqāq* is not just an ordinary quarrel, but a dispute that has reached a point where the two can no longer reach an agreement or peace privately. In fiqh, if the conflict is protracted, then the husband or wife, or both, are not entitled to maintenance and the household relationship will be brought to the peace table. The usual solution is to bring in a *hakam* (mediator) from the husband's family and a *hakam* from the wife's family to reconcile the two parties.

The factors that cause *shiqāq* in a household are generally related to various forms of *dhawabit* or wrongdoing committed by one party, whether in the form of hurtful words, injustice, or actions that harm the spouse. For example, physical or psychological violence perpetrated by a husband against his wife can worsen the relationship, increase tension, and lead to *syiqāq*. In these circumstances, the role of an outside party, such as the family or authorities, is needed to improve the situation.

If the internal dispute can still be handled by both parties, they should try to resolve the issue without involving others. However, if the conflict has reached an irreparable point and is affecting the well-being of the family, including the children, then temporary separation between husband and wife can be a solution to calm emotions and introspect the situation.

If the attempt to reconcile through *hakam* fails, then divorce becomes one of the permissible ways in Islam. According to *shara'* law, *shiqāq* is considered one of the valid reasons for filing a divorce suit, if the two parties are no longer able to live together in harmony and mutual benefit.

So, according to sharia law, *shiqāq* is the culmination of a husband-wife dispute that leads to division. After all peace processes have reached a dead end, then each of the husband and wife sends a *hakam*. Therefore, *syiqāq* is included in the law as one of the grounds for divorce.

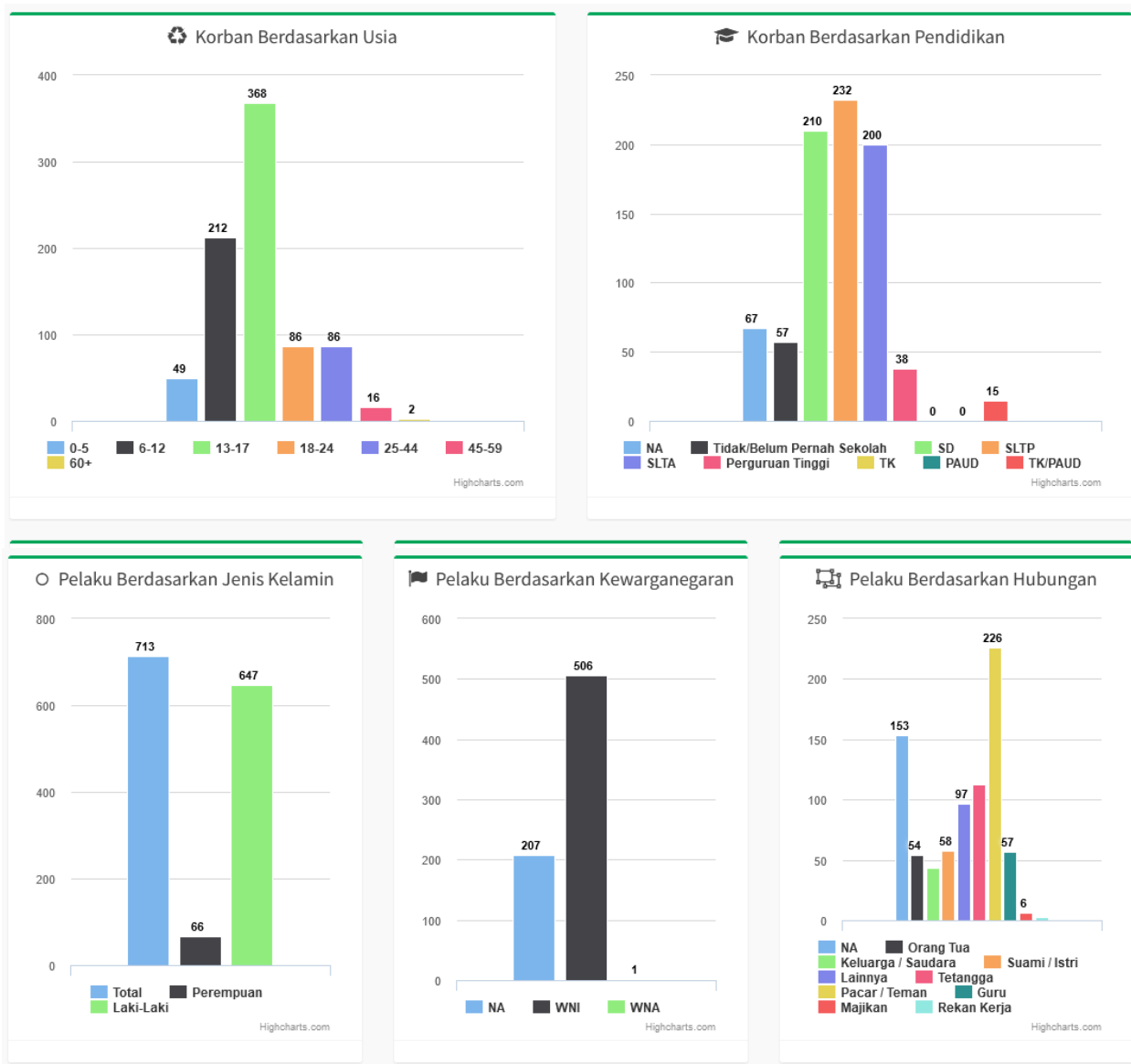
Data on Domestic Conflict Cases in Lampung Province

Based on research conducted by the author in Lampung Province, a fairly high rate of violence was found, but this violence data is comprehensive, the cases that occur are not only cases of domestic violence. However, this data shows that whatever the problem, this conflict can trigger the breakdown of household relationships. Because the data shows that domestic conflict has the highest rate compared to other conflicts.

The data below is quoted from the source of the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia through SIMFONI PPA (Online Information System for the Protection of Women and Children), which can be accessed online through the following link <https://kekerasan.kemenpppa.go.id/ringkasan>, SIMFONI PPA data presented is as follows:

1. Data inputted on January 1, 2024 until now (real time)
2. Data consists of:
 - a. Verified data, and
 - b. Unverified data (i.e. data inputted in the current month).





Based on the data above, it shows that Lampung Province in 2024 had 726 cases of violence. Bandar Lampung City has the highest level of violence or conflict with 171 cases. The data also shows that women have the highest number of violence cases compared to men with 667 female victims, while 152 male victims.

The number of cases based on the place of occurrence, the highest rank occurred in domestic places. Data on domestic violence violence amounted to 434 places, the number of victims at the scene showed 469 victims. From the data and numbers of domestic violence, the perpetrators are mostly male with 647 male perpetrators, while female perpetrators are more likely to be few, namely 66 female perpetrators.

Citing several previous studies, including (Yustika et al., 2022), explains that the position of women is still in subordination and inferiority in line with the safe space not yet owned by women. *Domestic violence* is a form of the absence of a safe space for women in the domestic sphere. Domestic violence is a form of gender injustice that is often experienced by women due to unhealthy gender relations (Herawati et al., 2021). It is explained that the relationship between women and men in the family unit is conditioned by property ownership resulting in men having control and authority over women (Bayu Wicaksono & Son Ashari, 2024).

Violence against women is any act that results in physical, sexual or psychological harm or suffering to women, including threats of certain actions, coercion or arbitrary deprivation of liberty, whether it occurs in public or in the private sphere of life (Nawawi, 2022). Often violence against women occurs because of gender inequality or injustice. Gender inequality is a difference in the roles and rights of women and men in society that places women in a lower status than men (Asnawi, 2012) (Asnawi, 2016). This "privilege" that men have seems to make women as "goods" owned by men who have the right to be treated arbitrarily, including by means of violence. Domestic violence has become a common agenda in recent decades (Yoki Pradikta et al., 2024). Facts show that domestic violence has a considerable negative effect on women as victims (Asnawi., 2024).

Discussion

Mubadalah as a Solution to Resolving Household Conflicts

The concept of relations or relationships between men and women as husband and wife has been regulated in Islam, as explained in the Qur'an and Hadith, which are the main basis for the formation of Islamic law (Mahmudah et al., 2022). In this framework, the values contained in the relationship are based on the principles of justice, compassion, and equality, with the aim of forming a harmonious family, full of love (*sakinah*), love (*mawaddah*), and grace (Jamilah, 2013).

The importance of these values as the foundation of the husband-wife relationship reflects Islam's commitment to justice and respect for the rights and obligations of each individual in the relationship. This equality in the relationship not only includes rights, but also underscores the importance of love and respect between spouses, creating a family environment filled with grace and peace.

The relationship between husband and wife in Muslim families is formed through a strong or good contract, which is referred to as *miṣaqan ghalīẓa* (Huda & Thoif, 2016). It is intended that a *sakinah* home life can be formed, created, and built through a good and balanced relationship between husband and wife. The Qur'an emphasizes the importance of balance in the lives of men and women as husband and wife, which includes a balance between the rights and obligations of both. By emphasizing this balance, the Qur'an creates a balanced and fair foundation in the relationship between husband and wife in Islam. The rights and obligations of husband and wife are carefully regulated to create harmony in the family. As part of this concept, *miṣaqan ghalīẓa* becomes a solid foundation in forming a husband and wife relationship that respects and supports each other (Shihab, 2007).

In marriage there are lessons about the obligations and rights of men and women as husband and wife. A man has rights and obligations towards his husband. The discussion of obligations and rights between men and women. This is linked to a discussion of how each of them, *mu'asyarah bi alma'ruf*, associate with each other in an impartial manner. Hence, *mu'asyarah bi alma'ruf* is used to frame the rights and responsibilities of husbands and wives (Harahap, 2013).

The relationship between husband and wife in the concept of Islamic family law is a description of when the husband and wife can fulfill their obligations and rights towards family development to achieve a *sakinah* family. Then it is also emphasized that the presence of Islamic family law is to regulate the mechanism of relationships that are reciprocal among family members with each other, including husbands or fathers, wives, children and other family members. So it can be said that the existence of Islamic family law can be a guideline and guide to regulate relations between family members (Summa, 2005).

Such a relationship or relationship greatly affects the harmony of a family. With this relationship, a good husband and wife relationship is when the husband and wife are able to carry out their individual roles and responsibilities. In that sense, husband and wife must complement each other and realize cooperation between husband and wife to achieve togetherness, closeness of relationships and a household full of happiness (Jamilah, 2013).

Thus the relationship between husband and wife is a relationship of partnership, equality, mutual need and complementarity (Nasution, 2008). So that the relationship between husband and wife is balanced, not like a servant and employer. As Islam has socialized a concept of relationship or the ideal relationship between wife and husband is a pattern of partnership, alignment or as well as a balanced and equal relationship. As the wife is likened to clothing for her husband, and vice versa, the husband is like clothing for his wife. Thus, the relationship or relationship between husband and wife is a complementary relationship and both are present to complement each other (Wulan, 2022). The relationship between husband and wife is divided into four forms according to Scanzoni:

1. *Ownership* relationship

In this relationship, when the husband and wife are in a proprietary relationship, the wife fully obeys the husband. Husbands as the first breadwinner of the family naturally control the relationship both through their influence, the power they have over their work and their authority. Many family decisions are made by husbands in authoritarian husbands

2. *Complementary* relationship

In this relationship pattern, as the husband always includes the wife in marital complementarity, the wife's position is still dependent on the husband, such as when making a decision in the family. Thus, the social situation, as the wife places herself as a role model for others outside the household as the wife can compensate or hide her husband's shortcomings.

3. *Hierarchical* relationship

In this relationship, as in the family hierarchy, the husband is the boss or superior and the wife is the subordinate. In this case, the hierarchical relationship between men and women does not mean a strong and one-sided relationship, but often a relationship or relationship that must be accepted as inevitable.

4. *Partnership* relationship

In this relationship, as a partnership between wife and husband or vice versa to establish family life or a partnership that maintains balance and equality can be applied, such as decisions made through discussion. In this relationship pattern, the partnership takes into account what each of them wants or needs. husbands tend to be needed to be loyal friends, cooperate and need each other this is also an effort to realize a harmonious relationship (Anita, 2015).

Domestic conflicts often arise due to inequalities in the division of roles and responsibilities between husband and wife. Inequality in the household can lead to tension, domestic violence, and even divorce. The application of the principle of mubadalah can be a solution to overcome this, among others by:

1. Improving Communication

Mubadalah encourages couples to listen and understand each other. With open and honest communication, married couples can more easily overcome problems that arise and find solutions together without the dominance of one party.

2. Reduces Tension

By applying the principle of equality in the distribution of duties and rights, husbands and wives do not feel pressured or oppressed. This can reduce tension and prevent prolonged disputes from arising.

3. Cultivating Piety and Compassion

The principle of mubadalah also teaches us to respect and love each other. In a household, mutual respect and support are very important to create peace and happiness together. By sharing roles, both husband and wife feel valued and understood.

4. Fair Conflict Resolution

The application of mubadalah will encourage couples to resolve any differences fairly without prioritizing each other's egos. Every decision taken must be based on the principles of justice and deliberation to reach an agreement that benefits both parties.

Obstacles in Applying Mubadalah in the Household

Mubadalah, as the underlying concept of equality in husband-wife relationships, offers a more just and respectful approach to spouses. However, the application of this principle in households is often faced with various obstacles and barriers, both in terms of cultural, social and religious understanding. One of the biggest obstacles is the influence of the patriarchal culture that is still dominant in many societies, including Indonesia. In many families, the husband's role as head of the family and leader is considered a natural thing, while the wife is often placed in a more subordinate position (Sembiring, 2020). The concept of mubadalah, which emphasizes equality, is often considered contrary to this traditional structure.

In addition, many couples still have a limited understanding of the principle of mubadalah. Many husbands and wives do not fully understand that equality in the household does not only include the division of domestic tasks, but also rights in making important decisions, the right to personal freedom, and respect for each other's roles in forming a harmonious family. In a study conducted by Faqihudin Abdul Kodir (2021), many couples only consider equality in the household as limited to the division of household chores without touching the emotional and intellectual aspects of their relationship. This causes the application of mubadalah to be more limited and not fully optimized (Faqihudin Abdul Kodir, 2021).

Apart from lack of understanding, another obstacle is socio-economic factors. Stressful economic conditions often make the burden of the household only borne by one party, which is usually the husband. When the husband feels that he is fully responsible for the financial aspect, the wife's role, which should be equal, is often neglected. This is contrary to the principle of mubadalah, which emphasizes equality and mutual support in various aspects of life. According to Nuraini (2020), economic problems are often the reason for couples not to apply mubadalah, because husbands feel that their main obligation is to provide a living, while wives focus more on domestic duties (Nuraini, 2020).

Besides cultural and socio-economic factors, another obstacle comes from different interpretations of religious texts. Although mubadalah has a strong basis in Islamic principles, as Faqihudin Abdul Kodir (2021) explains, more traditional interpretations of religious teachings may limit the implementation of mubadalah in households. For example, some of the more conservative fiqh views may assume that the husband's role as the leader of the family is unassailable, and wives are obliged to obey the husband. Such views may curb the wife's initiative and right to make joint decisions (Faqihudin Abdul Kodir, 2021).

Gender perception is also one of the obstacles in implementing mubadalah. Many people are still trapped in gender stereotypes, such as the assumption that the husband's job is to earn a living while the wife's job is to take care of the household. As a result, despite

efforts to implement equality in the division of tasks, acceptance of new roles in the household is often slow. According to research by Ahmad (2019), women who attempt to change their traditional roles in the household are often faced with criticism or disapproval from extended family or the community (Ahmad, 2019).

In addition, couples' unpreparedness to openly dialogue about their expectations and roles in the household is another barrier. Implementing mubadalah requires effective communication between husband and wife, yet many couples are not used to talking openly about their roles in the relationship. This is often due to fear of conflict or ignorance of how to express opinions in a constructive way. According to research conducted by Diah (2022), poor communication in the household is one of the factors that hinder the implementation of mubadalah (Diah, 2022).

A further obstacle is the influence of social media and popular culture, which often exacerbate gender stereotypes. Many representations in social media portray domestic relationships in an unrealistic way, where the roles of husband and wife are portrayed very rigidly. This reinforces society's view that the ideal household is one in which the husband holds full authority. For example, in an analysis by Suharto (2021), the media often promotes an image of the traditional family that is incompatible with the principles of mubadalah, leading to a disregard for the importance of equality in household roles (Suharto, 2021).

In the end, although the application of mubadalah in the household is ideal and can bring positive changes in the relationship between husband and wife, these obstacles require a more holistic and educative approach. According to Siti Fatimah (2023), to overcome these obstacles, more in-depth socialization of the concept of mubadalah is needed, both through religious education, communication training, and empowerment of women in various sectors. By understanding and overcoming these obstacles, the application of mubadalah in households can be more effective and have a positive impact on family relationships that are more balanced and harmonious (Siti Fatimah, 2023).

Gender-based Domestic Violence

From the analysis above, it is clear that household conflicts stem from gender inequality and injustice in the household. So gender justice as a principle of mubadalah is used as the basis of analysis in this problem, namely to encourage a paradigm shift towards household conflict with a question "Instead of asking why the man hits, there is a tendency to ask why the woman remains silent". Gender analysis encourages us not only to ask why men are violent, but also to ask why violence against women occurs and is accepted by many communities (Nur et al., 2023). *Restructuring* these questions is important for law reform, especially from a justice and human rights perspective. The key to understanding domestic conflicts that lead to domestic violence from a gender perspective is to appreciate that the root cause of such violence lies in the unequal power relations between men and women that occur in male-dominated societies (Nur et al., 2023).

Household conflicts that have an impact on domestic violence committed especially against women by their partners or close family members, sometimes also become problems that are never raised to the surface (Juliansyahzen et al., 2024). Although awareness of the experience of violence against women takes place all the time, the phenomenon of domestic violence against women is identified with the nature of private space issues (Susanti, 2019). From this perspective, violence is seen as a personal responsibility and women are interpreted as responsible for either rectifying a situation that is actually dictated by social norms or developing acceptable methods of invisible suffering. This basic understanding of domestic conflict as a private issue has limited the breadth of legal solutions to actively address the

problem (Hidayah, 2024). In most societies, domestic violence has not been accepted as a form of crime (Habib Ismail, 2020).

Citing the results of research (Asnawi., 2024), explains that the negative effects of domestic conflict and domestic violence are diverse and not only on family relationships, but also on the members in the family who are in it. In terms of serious physical and psychological injuries directly suffered by female victims, the continuity and endemic nature of domestic conflict ultimately limits women's opportunities to obtain equal legal, social, political and economic rights in society. Apart from the victimization of women, domestic conflict also results in the fracturing of family relationships and children which can then become a source of social problems (Mun'im et al., 2024).

In the author's opinion, one general approach to addressing this problem should be the role of the law. Thus, the best advocacy for women in Indonesia should be to improve legislation and policies that criminalize acts of domestic violence.

Conclusion

The conclusion of research conducted in Lampung Province shows that the number of cases based on the place of occurrence, the highest rank occurred in domestic places. Data on domestic violence amounted to 434 places, the number of victims at the scene showed 469 victims. From the data and numbers of domestic violence, the perpetrators are mostly male with 647 male perpetrators, while female perpetrators are more likely to be few, namely 66 female perpetrators. The strong patriarchal culture that has an impact on the unbalanced relationship between husband and wife in the household is the main factor, the position of women is still in subordination and inferiority in line with the safe space not yet owned by women. The principle of mubadalah can be an effective solution in resolving household conflicts by emphasizing equality, open communication, and fair division of roles between husband and wife. The application of mubadalah encourages mutual understanding and respect for the rights and obligations of each party, which in turn can reduce gender inequality and create a more harmonious relationship. However, the main obstacles in applying this principle are the influence of patriarchal culture, couples' unpreparedness for open dialogue, and lack of understanding about equality in the household. To overcome these obstacles, the author recommends a more educative and holistic approach, such as more intensive socialization of the principle of mubadalah, women's empowerment, and effective communication training for married couples, in order to create a more just, harmonious, and prosperous family.

Bibliography

- Abdul Kodir, F. (2019). *Mubadalah: Tafsir Relasi Gender dalam Islam*. IRCiSoD. <https://ircisod.com/product/qiraah-mubadalah/>
- Ahmad, S. (2019). *Persepsi Gender dalam Keluarga Modern*. Penerbit Edukasi.
- Al-Hafiz, A. (2008). *Kamus Ilmu Al-Qur'an*. Amzah.
- Andriani, D. (2020). Ketimpangan Gender dalam Rumah Tangga dan Dampaknya terhadap Stabilitas Keluarga. *Jurnal Gender Dan Sosial*, 8(2), 112–125.
- Anggoro, T. (2019). Konsep Kesetaraan Gender Dalam Islam. *Afkaruna: Indonesian Interdisciplinary Journal of Islamic Studies*, 15(1). DOI: <https://doi.org/10.18196/aiijis.2019.0098.129-134>

- Anita, R. (2015). Harmoni dalam Keluarga Perempuan Karir : Upaya Mewujudkan Kesetaraan dan Keadilan Gender dalam Keluarga. *Palastren*, 8(1), 1–34. DOI: <https://doi.org/10.21043/palastren.v8i1.932>
- Ar-Rifa'i, M. N. (1999). *Kemudahan dari Allah: Ringkasan Tafsir Ibnu Katsir*. Gema Insani.
- Arifin, B., Santoso, R., & Arsyad, M. (2024). Mubadalah in the Transformation of Identity Politics in Indonesia : Challenges and Opportunities. *Journal of Islamic Mubādalāh*, 1(1), 62–78. DOI: <https://doi.org/10.70992/j56wzj52>
- Asnawi., H. S. (2024). Mental Rehabilitation of Divorce Prohibition Victim Wives Through the Balancing Institution of Megou Pak Customary Pepung and its Implications Against Household Harmony. *COUNS-EDU: The International Journal of Counseling and Education*, 8(3). DOI: <https://doi.org/10.23916/0020230842630>
- Asnawi, H. S. (2012). Membongkar Patriarkhisme Islam Sebagai Kearifan Budaya Lokal: Sebuah Kritik Terhadap UU. No. 1 Tahun 1974 Tentang Perkawinan. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 13(2), 223. DOI: <https://doi.org/10.14421/esensia.v13i2.739>
- Asnawi, H. S. (2016). Tinjauan Kritis Terhadap Hak-Hak Perempuan Dalam UU. No. 1 Tahun 1974 Tentang Perkawinan: Upaya Menegakkan Keadilan Dan Perlindungan HAM Perspektif Filsafat Hukum Islam. *Mahkamah: Jurnal Ilmu Hukum Dan Hukum Islam*, 1(1). DOI: <https://doi.org/10.25217/jm.viii.27>
- Bayu Wicaksono, A., & Son Ashari, W. (2024). Analisis Perlindungan Islam Terhadap Perempuan Korban Kekerasan dalam Rumah Tangga dalam Tinjauan Maqashid Syariah. *Rayah Al-Islam*, 8(3), 888–904. DOI: <https://doi.org/10.37274/rais.v8i3.1027>
- Diah, N. (2022). *Komunikasi dalam Keluarga: Tantangan dan Solusi*. Pustaka Ilmu.
- Gayo, N. M. (2004). *Kamus Istilah Agama Islam*. Progres.
- Ghazali, A. R. (2003). *Fikih Munakahat*. Kencana Prenada Media Group.
- Habib Ismail, H. S. A. (2020). “Discrimination Against Wife In The Perspective of CEDAW and Islam Mubādalāh.” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 20(2). DOI: <https://doi.org/10.18326/ijtihad.v20i2.253-268>
- Habib Shulton Asnawi. (2004). The Ummah's Rejection of the Prophetic Message and Its Relevance in with Feminist Legal Theory's Criticism of the Marriage Law. *RADEN INTAN: Proceedings on Family and Humanity*, 1(2). <https://radenintan.pascasarjanauinril.com/index.php/radenintan/article/view/48>
- Harahap, R. D. K. A. (2013). Kesetaraan Laki-Laki Dan Perempuan dalam Hukum Perkawinan Islam. *Sawwa: Jurnal Studi Gender*, 8(2), 378. DOI: <https://doi.org/10.21580/sa.v8i2.662>
- Herawati, R., Pinilih, S. A. G., & Nurcahyani, A. S. (2021). Optimalisasi Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak Dalam Menangani Kasus Kekerasan Dalam Rumah Tangga. *Masalah-Masalah Hukum*, 50(2), 131–142. DOI: <https://doi.org/10.14710/mmh.50.2.2021.131-142>
- Hermanto, A. (2022). Menjaga Nilai-Nilai Kesalingan Dalam Menjalankan Hak Dan Kewajiban Suami Istri Perspektif Fikih Mubadalah. *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)*, 4(1), 43–56. DOI: <https://doi.org/10.20885/mawarid.vol4.iss1.art3>
- Hidayah, A. (2024). Implementation of The Principle of Justice in The Division of Joint

Property After Divorce According to Islamic Family Law. *IJTIHAD*, 40(1), 57–67.

- Huda, M., & Thoif. (2016). Konsep Keluarga Sakinah, Mawaddah, wa Rahmah Prespektif Ulama Jombang. *Jurnal Hukum Keluarga Islam*, 1(April), 68–82. <https://journal.unipdu.ac.id/index.php/jhki/article/view/610>
- Jamilah, R. A. (2013). Relasi Suami Istri dalam Konteks Keluarga Buruh Migran. *De Jure: Jurnal Syariah Dan Hukum*, 5(1), 79. DOI: <https://doi.org/10.18860/j-fsh.v5i1.2998>
- Juliansyahzen, M. I., Nurlaelawati, E., & Ocktoherrinsyah. (2024). Bargaining Equal Spousal Roles in Marital Life: The Phenomenon of Wife-Petitioned Divorce Among Middle-Class Muslims in Yogyakarta. *Ahkam: Jurnal Ilmu Syariah*, 24(1). DOI: <https://doi.org/10.15408/ajis.v24i1.34038>
- Kementerian Agama Republik Indonesia. (2010). *Kompendium Hukum Keluarga Islam di Indonesia*. Badan Litbang dan Diklat Kemenag RI.
- Kodir, Faqihuddin Abdul. (2019a). *Qiraah Mubadalah, Tafsir Progressif untuk Keadilan Gender dalam Islam* (Rusdianto (ed.)). IRCiSoD.
- Kodir, Faqihuddin Abdul. (2019b). *Qiraah Mubadalah*. IRCiSoD. <https://balaiyanpus.jogjaprovo.go.id/opac/detail-opac?id=309642>
- Kodir, Faqihudin Abdul. (2021). *Mubadalah dalam Perspektif Hukum Islam: Aplikasi dalam Rumah Tangga*. Pustaka Al-Azhar.
- Lestari, A. D. (2020). Qira'ah Mubadalah Dan Arah Kemajuan Tafsir Adil Gender: Aplikasi Prinsip Resiprositas Terhadap Alquran Surah Ali Imran : 14. *Muasarah: Jurnal Kajian Islam Kontemporer*, 13.
- Mahmudah, S., Sadari, S., Karimah, U., & Asnawi, H. S. (2022). Job Stress, Role Expectation Conflict, Co-Worker Support, and Work-Life Balance among Muslimah Scholars: A Study in the Indonesian Historical Women Political Movement Members. *Islamic Guidance and Counseling Journal*, 5(2). DOI: <https://doi.org/10.25217/igcj.v5i2.3000>
- Mas'ud, I., & Abidin, Z. (2000). *Fiqh Madzhab Syafi'i Edisi Lengkap Muamalat, Munakahat, Jinayat*. CV. Pustaka Setia.
- Mun'im, Z., Nasrudin, M., Suaidi, & Hasanudin. (2024). Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law. *Ahkam: Jurnal Ilmu Syariah*, 24(1). DOI: <http://dx.doi.org/10.15408/ajis.v24i1.34744>
- Nasution, K. (2008). *Hukum Perkawinan Islam I, dilengkapi Perbandingan UU Negara Muslim Kontemporer*. Academia.
- Nawawi, H. S. A. dan M. A. (2022). *Hegemoni Patriarkhisme Hak Keadilan Perempuan dalam Undang-Undang Perkawinan di Indonesia*. The Journal Publishing. <http://thejournalish.com/ojs/index.php/books/article/view/358>
- Nur, E. R., Mu'in, F., & Hamsidar, H. (2023). The Reconstruction of The Livelihood Concept from A Mubadalah Perspective in Lampung Province. *Samarah*, 7(3). DOI: <https://doi.org/10.22373/sjhk.v7i3.17613>
- Nuraini, F. (2020). *Ekonomi Rumah Tangga dan Peran Istri*. Penerbit Studi Sosial.
- Pelu, I. E. A., & Dakhoir, A. (2021). MARITAL PROPERTY WITHIN THE MARRIAGE LAW A

- Debate on Legal Position and Actual Applications. *Al-Jami'ah*, 59(2), 287–316. DOI: <https://doi.org/10.14421/ajis.2021.592.287-316>
- Prawira Negara, M. A. (2022). Keadilan Gender dan Hak-Hak Perempuan dalam Islam. *Az-Zahra: Journal of Gender and Family Studies*, 2(2), 74–88. <https://doi.org/10.15575/azzahra.v2i2.15840>
- Reni Nur Aniroh, Khoiruddin Nasution, A. S. (2018). The Bilateral Inheritance System in Islamic Family Law: Fairness, Equality, and Mutual Exchange Perspectives. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(2). DOI: <https://doi.org/10.22373/sjhk.v8i2.17630>
- Sembiring, H. (2020). *Pengaruh Budaya Patriarki terhadap Kesejahteraan Keluarga*. Al-Kautsar Press.
- Shihab, M. Q. (2007). *Pengantin Al-Qur'an: Kalung Permata buat Anak-Anakku*. Lentera Hati.
- Siti Fatimah, L. (2023). *Pendidikan Mubadalah dalam Keluarga*. Lintas Ilmu Press.
- Suharto, M. (2021). *Media Sosial dan Stereotip Gender dalam Rumah Tangga*. Pustaka Media.
- Summa, M. A. (2005). *Hukum Keluarga Islam di Dunia Islam*. PT. Raja Grafindo Persada.
- Susanti, E. (2019). Faktor-Faktor Penyebab Konflik Rumah Tangga di Indonesia. *Jurnal Hukum Keluarga Islam*, 6(1), 25–38.
- Syamsuddin, M. (2021). *Keadilan Gender dalam Perspektif Hukum Islam*. Pustaka Alvabet.
- Werdiningsih, W. (2020). Penerapan Konsep Mubadalah Dalam Pola Pengasuhan Anak. *IJouGS: Indonesian Journal of Gender Studies*, 1(1), 1–16. DOI: <https://doi.org/10.21154/ijougs.viii.2062>
- Wijayati, M., Nasrudin, M., Hamidah, T., Oktora, N. Dela, & Muchtar, I. H. (2023). The New Men: The Rahima's Experiences in the Gender Sensitivity Construction among Marriage Registrar in Lampung Indonesia. *Samarah*, 7(3). DOI: <https://doi.org/10.22373/sjhk.v7i3.17666>
- Wulan, N. (2022). Kesetaraan Gender pada Hubungan Pasutri Perspektif Mubadalah. *Jurnal Pendidikan Dan Konseling*, 4(5), 2990.
- Yoki Pradikta, H., Budianto, A., & Asnawi, H. S. (2024). History of Development and Reform of Family Law in Indonesia and Malaysia. *KnE Social Sciences*, 2024(4). DOI: <https://doi.org/10.18502/kss.v9i12.15863>
- Yustika, N., Yuhastina, Y., & Rahman, A. (2022). Analisis Gender Terhadap KDRT: Studi Kasus Perempuan Penyintas KDRT Yayasan Spek-HAM Surakarta. *SOSIOLOGI: Jurnal Ilmiah Kajian Ilmu Sosial Dan Budaya*, 24(2). DOI: <https://doi.org/10.23960/sosiologi.v24i2.356>
- Zalikho Su'ada, N. H. (2023). Pandangan Kongres Ulama Perempuan Indonesia terhadap Kekerasan Berbasis Gender Online di Media Sosial Twitter. *Az-Zahra: Journal of Gender and Family Studies*, 3(2). DOI: <https://doi.org/10.15575/azzahra.v3i2.20596>