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# RIGHT AND OBLIGATION HUSBAND WIFE IN PERSPECTIVE ISLAM AND STATE LAW

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#### **ABSTRACT**

Marriage is a legal act performed by husband and wife to perform worship to God, as well as creating civil legal consequences between them. Because the main purpose of marriage is to build a happy, lasting household based on faith in God Almighty, it is necessary to regulate the rights and obligations that must be fulfilled by husband and wife. This research is a literature research based on qualitative descriptive data about the rights and obligations of husband and wife. Research sources are obtained from various references such as legislation, books, journals and other references that discuss the rights and obligations of husband and wife. in managing and living life as husband and wife to achieve the goals of marriage, Islam has regulated the rights and obligations of both. When they fulfill their obligations and carry out their responsibilities as husband and wife, they will feel peace and tranquility in their hearts, so that happiness in the relationship between husband and wife can be fully achieved. The rights of husbands and wives include the right to love and respect each other, communicate openly, and receive emotional and financial support from their spouse. On the other hand, their obligations include being faithful to each other, supporting each other in their daily lives, and caring for and educating their children (if any), thus providing a strong foundation on which to build a balanced and sustainable marital relationship.

Keywords: Rights, Obligations, Husband, Wife

#### **ABSTRAK**

Pernikahan adalah tindakan hukum yang dilakukan oleh suami dan istri untuk melaksanakan ibadah kepada Tuhan, sekaligus menciptakan konsekuensi hukum perdata di antara mereka. Karena tujuan utama pernikahan yang sangat mulia adalah untuk membangun rumah tangga yang bahagia, abadi, dan berdasarkan keyakinan kepada Tuhan Yang Maha Esa, maka diperlukan pengaturan mengenai hak dan kewajiban yang harus dipenuhi oleh suami dan istri. Penelitian ini merupakan penelitian kepustakaan yang dibuat berdasarkan data deskriptif kualitatif tentang hak dan kewajiban suami istri. Sumber penelitian diperoleh dari berbagai referensi seperti perundang-undangan, buku, jurnal dan referensi lainnya yang membahas tentang hak dan kewajiban suami

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Istri. dalam mengelola dan menjalani kehidupan sebagai suami istri untuk mencapai tujuan pernikahan, agama Islam telah mengatur mengenai hak dan kewajiban keduanya. Ketika mereka memenuhi kewajiban dan mengemban tanggung jawabnya sebagai suami istri, mereka akan merasakan kedamaian dan ketenangan dalam hati, sehingga kebahagiaan dalam hubungan suami istri dapat tercapai sepenuhnya. Dengan demikian tercapailah keluarga yang sesuai dengan ajaran agama dan undang-undang. Hak-hak suami dan istri termasuk hak untuk saling mencintai dan berkomunikasi dihormati, secara terbuka, mendapatkan dukungan emosional dan finansial dari pasangan mereka. Di sisi lain, kewajiban mereka termasuk saling setia, mendukung satu sama lain dalam menjalani kehidupan sehari-hari, serta merawat dan mendidik anakanak mereka (jika ada), sehingga menjadi fondasi yang kuat untuk membangun hubungan pernikahan yang seimbang dan berkelanjutan.

Kata Kunci: Hak, Kewajiban, Suami, Istri

# 1. INTRODUCTION

Wedding is action law Which done by husband And wife For carry out worship to Lord, at a time create consequence law civil in between they. Because of purpose main wedding Which very glorious is For build House ladder Which happy, eternal, and based on belief in God Almighty, then regulations regarding right And obligation Which must fulfilled by each husband And wife. If right and obligations they fulfilled in journey life House ladder, so will arise love feeling And love Darling Which produce family Which happy. In Chapter 30 until 36 Law Number 1 of 1974 regulates the rights and responsibilities that must be obeyed by husband and wife. Article 30 in the law explains that husbands and wives have the noble duty to maintain household stability which is the main foundation in the social structure (Mamahit, 2013: 12).

Husband and wife have rights and obligations Which equal and fair within distribution of rights and obligations in the household, in accordance with the instructions contained in the Al-Quran regarding the husband's obligation to provide support for his wife. The Islamic religion has also determined a number of rule about not quite enough answer husband And wife in family. By In principle, providing support for the family is the husband's responsibility, and this is part of the business For guard unity And continuity family. Obligation give living This begins from the moment the marriage agreement is entered into. After a legal marriage, rights and obligations will arise for husband and wife as legal consequences. The rights and obligations of husband and wife in married life must be respected by both parties, in order to create a family Which harmonious And intact. Furthermore, explanation about right And obligation husband and wife will discussed in chapter next, Which outlined that in wedding there is rights and obligations that must be fulfilled physically and emotionally.

However, in the current era, where many wives also have careers, the task of financial support is no longer exclusively the husband's responsibility, because wives are also involved in the world of work to support the family. Even though the wife has responsibility for the children, the husband's obligation to provide support must still be

carried out, whether the wife asks or not (Said, 2020: 272). It is possible that a wife who works together with her husband does not need financial support from her husband, either because her income is sufficient or because of her family Which rich, However matter This No change fact that husband Still responsible responsible for providing a living.

#### 2. RESEARCH METHODE

This research is library research based on qualitative descriptive data about right And obligation husband wife. Source study obtained from various references such as legislation, books, journals and other references that discuss the rights and obligations of husband and wife.

# 3. RESULT AND ANALYSIS

#### Understanding Right And Obligation Husband Wife

Etymologically, rights have the meaning of ownership, ownership and authority. In its definitive context, rights are normative elements that act as guidelines for behavior, safeguard freedom and protection, and ensure that there is an opportunity for individuals to maintain their dignity and honor (Mamahit, 2013: 221). In managing life partner husband wife For reach objective wedding, religion regulate their rights and responsibilities as husband and wife. Rights in this context refer to things that are the property or ownership of husband and wife obtained from their marriage bond. This right can only be fulfilled through fulfillment, payment, or can even be lost if the party entitled to it is willing if the right is not fulfilled by the other party.

Obligation, originate from say "must" Which means something matter Which must done. In Indonesian, obligations can be explained as required actions, tasks that must be carried out (Lase and Halawa, 2022: 199). Therefore, in the context of the husband's relationship wife, obligation refers on all action or obligation Which done by one partner to fulfill the rights of the other partner.

Carry out obligation in Islam is aspect Which very important, because Islam was given to bring happiness to humans. This indicates that carrying out obligations is a form of happiness. This is due to the fact that carrying out obligations means giving rights to others, and when all rights have been given, there can be no injustice. Thus, the relationship between rights and obligations is interrelated and cannot be separated, where there are rights, there are obligations. Because What Which considered right by somebody, become obligation for person other. Every individual is not free from rights and obligations. Everyone has their own rights and obligations.

Based on the opinion above, it can be concluded that in managing and living life as husband and wife to achieve their marriage goals, Islam has regulated the rights and obligations of both. When they fulfill their obligations and carry out their responsibilities as husband and wife, they will feel peace and tranquility in their hearts, so that happiness in the husband and wife relationship can be fully achieved. In this way, a family is achieved that is in accordance with religious teachings, namely "Sakinah, Mawaddah, and Warahmah".

#### Base Law Right And Obligation Husband and wife

If both parties enter into a marriage agreement, both the man who becomes the husband and the woman who becomes the wife will definitely have certain rights in their Journal Analytica Islamica □ 253

new family life. Apart from that, they also have responsibilities Which must they fulfill as consequence from bond marriage they (Demak, 2018: 123).

Regarding the rights and responsibilities of husband and wife, there are two types of rights that must be considered, namely material responsibilities and non-material responsibilities. Material responsibility refers to obligations related to physical aspects or property, such as dowry and meeting financial needs. Meanwhile, non-material responsibility refers on obligation emotional And spiritual husband to wife, like interact well, providing guidance, and supporting his wife and children emotionally (Asnawi, 2019: 142).

In Islamic studies, to determine law regarding a problem, it must refer to Al-Qur'an And hadith prophet. Second source This must become reference main in determining legal status in Islam. The general provisions contained in the Qur'an can sometimes be explained by the Qur'an itself, sometimes also from the hadith of the prophet as a means of explanation, but sometimes there is no explanation from these two main sources (Mahfudin, 2021: 1).

Lots explanation Which available regarding rights And obligation husband and wife in household, both in terms of its principles and in terms of detailed explanations. Rights and obligations husband wife in House ladder explained in Letter Women' paragraph 19 (Muhammad, 2022: 3):

يَّأَيُّهَا ٱلَّذِينَ ءَامَنُواْ لَا يَحِلُّ لَكُمْ أَن تَرِثُواْ ٱلنِّسَآءَ كَرَهٗٱ ۗ وَلَا تَعۡضُلُوهُنَّ لِتَذَهۡبُواْ بِبَعۡضِ مَاۤ ءَاتَيۡتُمُوهُنَّ إِلَّاۤ أَن يَأْتِينَ بِفَحِشَةٖ مُّبَيِّنَةٌ وَعَاشِرُوهُنَّ بِٱلۡمَعۡرُوفَ بِبَعۡضِ مَاۤ ءَاتَيۡتُمُوهُنَّ فَعَسَىٰۤ أَن يَكۡرَهُواْ شَيۡ يُّزَا وَيَجۡعَلَ ٱللَّهُ فِيهِ خَيۡرُا كَثِيرًا ١٩ أَن كَذَرَهُواْ شَيۡ يُّزُا كَثِيرًا ١٩ أَنْ ثَكۡرَهُواْ شَيۡ يُرَا عَثِيرًا ١٩ أَنْ لَكُونِ فَعَسَىٰ أَن تَكۡرَهُواْ شَيۡ يُرَا اللّٰهُ اللّٰهُ فِيهِ

It means:

"Hai you who believe, it is not lawful for you to lust after women by force and do not give them trouble because they want to take back some of what you have given them, unless they do truly evil work. And hang out with they in a way proper. Then when You No like they, (so be patient) because maybe you don't like something, even though Allah has made it a lot of good."

Besides That, in Surah Al-Baqarah verse 228, Allah also revealed with His words read (Hilmi, 2023: 165):

وَٱلْمُطَلَّقُتُ يَثَرَبَّصَنَ بِأَنفُسِهِنَّ ثَلَٰتَهَ قُرُوٓ ۚ وَلَا يَحِلُّ لَهُنَّ أَن يَكَثُمَنَ مَا خَلَقَ ٱللَّمُ فِيَ أَرۡحَامِهِنَّ إِن كُنَّ يُؤۡمِنَ بِٱللَّهِ وَٱلۡيَوۡمِ ٱلۡأَخِرَ وَبُعُولَتُهُنَّ أَحَقُ بِرَدِّهِنَّ فِي أَلۡمَعۡرُوفَ أَلَكُ أَوۡلَهُنَّ مِثۡلُ ٱلَّذِي عَلَيۡهِنَّ بِٱلْمَعۡرُوفَ وَلِلرِّجَالِ فِي ذَٰلِكَ إِنْ أَرَادُوۤا أَلِمَلَحُا وَلَهُنَّ مِثۡلُ ٱلَّذِي عَلَيۡهِنَّ بِٱلۡمَعۡرُوفَ وَلِلرِّجَالِ عَلَيۡهِنَّ دَرَجَةً وَٱللَّهُ عَزِيزٌ حَكِيمٌ ٢٢٨ عَلَيۡهِنَّ دَرَجَةً وَٱللَّهُ عَزِيزٌ حَكِيمٌ ٢٢٨

It means:

"Ladies Which divorced let withhold self (wait) three time quru'. They should not hide what Allah created in their wombs, if they believe in Allah and the Hereafter. And her husbands entitled refer to it in period waiting That, If they (para husband) wants ishlah. And women have rights that are balanced with their obligations in a ma'ruf manner. However, husbands have one level of advantage over their wives. And Allah is All-Mighty, All- Wise."

From the quote above, it can be concluded that men are given orders to interact with their partners well, and it is important to treat women with equal rights and in a good way in accordance with applicable norms.

#### Forms Right And Obligation Husband Wife

Rights in marriage can be grouped into three parts, including joint rights, the husband's obligations towards his wife, and the wife's obligations towards her husband as follows (Desminar, 2018: 190-197):

#### 1. Right Together

Right together between husband And wife covers things the following:

- a) They allowed For interact in a way halal And enjoy time together.
- b) There is a mahram bond between them, where the wife becomes the mahram for the husband's father and grandfather and so on, while the husband becomes the mahram for the wife's mother and grandmother and so on.
- c) There is right heirs Which owned by husband And wife since they Marry. The wife has inheritance rights to her husband's property, and conversely, the husband has inheritance rights to his wife's property, even if they have never had husband-wife relations.
- d) Children born to a wife are considered to be the husband's offspring, especially if conception occurred after marriage.
- e) They are expected to interact well with each other in order to create a harmonious life harmonious and peaceful. In In this context, the verse from QS An-Nisa verse 19 provides guidance, "And associate well with your wives..."

So it can be concluded that the mutual rights between husband and wife in Islam cover important aspects of married life, such as economic rights, family ethics, and the importance of maintaining healthy and harmonious relationships. All these points are designed to ensure justice, protection and peace in marital relationships in the Islamic context.

#### 2. Rights Wife

Rights wife Which become not quite enough answer husband can grouped become two parts: rights in the form of property, such as dowry (dowry) and maintenance, as well as non-material rights, such as treating wives fairly in polygamous marriages, not taking actions that harm the wife, and the like.

#### a) Rights Material

# 1) Dowry (Dowry)

Surah An-Nisa verse 24 in the Qur'an emphasizes, "Give dowry to the women you marry as an obligation. If they willingly give part of the dowry to you, then take it happily." From this verse, it can be concluded that dowry is property that a husband must give to his wife, and is an absolute right that cannot be interfered with by the husband. Only husbands can accept dowry the If given with volunteer by wife. Another verse in Surah An-Nisa: 24 also teaches, "Wives whom you have interfered with, give them the full dowry, as an obligation, and there is no obstacle for you to agree on the dowry well, according to the wishes of the husband and wife, after determining the type and quantity." This verse explains that the wife has the right to receive the full dowry after marriage happen. Dowry is obligation husband, And wife must know with clear amount And type dowry Which become his rights (Damis, 2016: 26).

However, the wife and husband can reach other agreements regarding the dowry, such as reducing the amount, changing the type, or even waiving it, as long as this is agreed to by both.

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#### 2) Living

Support is the responsibility to meet all the wife's needs, including food, clothing, shelter, household help, and medical care, even if the wife has wealth (Mutamakin and Ansari, 2020: 48). In Al-Qur'an, Surah Ath-Thalaq verse 6 remind we are for put wife We in accordance with ability We, without trouble them or make them feel limited. If the wife who has been divorced is in a state pregnant, We must give living to they until give birth to. The next verse, namely Ath-Thalaq verse 7, instructs that each individual must provide a living according to their ability, and even they Which not enough capable Also must give living from giving Allah to them. Allah will not burden anyone beyond what He has given them.

# b) Rights No Material

The non-material rights that husbands must respect their wives can be explained through the verse An-Nisa: 19, which emphasizes the importance of husbands treating their wives well, and having patience with things that their wives may not like. These things are as follows (Desminar, 2018: 192):

- 1) A positive attitude in appreciating, respecting and providing good treatment to others, while increasing understanding of the necessary religious, moral and scientific aspects, is highly recommended in religion. As taught in the hadith narrated by Turmudzi and Ibn Hibban from Abu Hurairah ra, which states that "The believers who have good morals are the best in their behavior, and the best among you are the best in their treatment of their life partners."
- 2) The husband has the responsibility to protect and maintain his wife's good reputation. This does not mean that husbands have to hide mistakes made by their wives, but husbands are obliged not to reveal these mistakes to other people. If there are false accusations against the wife, the husband has the obligation to provide clarification after conducting a proper investigation, without taking a prejudicial stance, so that the wife's good name is not tarnished.
- 3) The husband must fulfill his wife's biological needs which are part of human nature. By Because That, husband needs it understand and fulfill rights wife in this case. Satisfaction in marital life, among other things, depends on the fulfillment of biological needs. Dissatisfaction in this aspect can lead to problems in the marriage, perhaps even leading to acts Which No should. Prophet Also remind importance make ends meet This in A hadith Which recommend so that husband fulfil right their wife. Such is the importance of biological needs in human life so that Islam consider connection husband and wife, including fulfilling biological needs, as a form of worship that can bring rewards. In this case, the hadith of the Prophet narrated by Muslim teaches that in intimate relationships, husband and wife play a role in giving " sadaqah " or gifts. with good values. When the companions asked about this, the Prophet explained that doing it halally would bring rewards, while doing it haramly would be a sin.

#### 3. Rights Husband

The husband's rights that must be fulfilled by the wife are only non-material rights, in accordance with teachings Islam. This means that wife No own not quite enough material responsibility in meeting family needs. In fact, in a situation where the

husband is able to meet all the family's needs, it is more advisable for the wife not to work looking for income addition. The goal is so that the wife can fully focus on his duties in build family Which Healthy And educate generation Which Good. Although This task may be difficult for the wife determined to carry it out well, this No means that Islam want to wife trapped in in House And No own access to the outside world. In general, a husband's rights can be summed up as the wife's obligation to be obedient in married life and receive lessons from her husband in a polite manner and in accordance with the position of husband and wife in marriage (Desminar, 2018: 193).

# a) Rights Observed

Verse 34 of Surah An-Nisa teaches that husbands have the responsibility to lead their wives because by nature, men have advantages over women. Apart from that, husbands also have the obligation to provide support for their family. Godly wives are those who obey Allah and their husbands, and guard their husbands' property and rights, even when their husbands are not around, because this is the result of Allah's care and His blessings on these wives. In verse 34 of Surah An-Nisa, we can understand that the husband can lead wife with Good, wife must obey her husband. Deep obedience context this can be interpreted as:

- a. Wife need stay together her husband in House Which has prepared.
- b. The wife is obliged to obey her husband's orders, unless it is an order This is contrary to Allah's religious prohibitions.
- c. Is at in in House, only can leave him with permission husband.
- d. No can accept visit somebody without agreement husband.

#### b) Right Give Lesson

The second part of verse 34 in Surah An-Nisa teaches us that if a husband is worried that his wife is behaving in defiance (nusyus), he should give advice in a gentle manner. If after advice, his wife is still reluctant to obey, the husband can choose to sleep separately. If even after That behavior his wife No changed, husband allowed give lesson with use action physique Which No hurtful or No about his face. In a hadith narrated by Abdullah bin Zamah and there is in Bukhari-Muslim, Prophet Once ask, "Is Wrong One from do you want to beat his wife like a slave during the day, then try to unite her at night?"

From the many hadiths which emphasize the importance of husbands avoiding physical actions against their wives, we can conclude that the Qur'an allows husbands to teach their wives a lesson with physical actions only if gentle approaches do not work. However, this should be considered a last resort, and should be done carefully without causing injury to his wife's body or to her face. Women generally have sensitive feelings, and gentle advice is usually enough to change their behavior towards their husbands. If that doesn't work, sleeping separately is already considered a more serious lesson measure. However, if even that doesn't work, more drastic lesson measures may be implemented, but they must be done carefully and without injure body or face his wife, like Which has explained previously.

- 4. Miscellaneous Obligation Husband and Wife
- a. Obligation Husband Wife

In the Compilation of Islamic Law Chapter XII Article 77, the duties that must be carried out by husband and wife are as follows (Desminar, 2018: 195):

1) Husband and wife have a noble responsibility to maintain a prosperous, loving and blessed family, which is the foundation of society.

- 2) They must love, respect, be loyal, and support each other physically and emotionally.
- 3) Husband and wife are also responsible responsible for educating and caring for their children, both in terms of physical, spiritual, intellectual growth and religious education.
- 4) Second split party Also must guard honor they each.
- 5) If one of them does not fulfill their obligations, both have the right to file a lawsuit with the Religious Court.

Overall, it can be concluded that the Compilation of Islamic Law emphasizes the importance of healthy relationships, affection, responsibility and cooperation between husband and wife in building a happy and prosperous family. These articles also provide a legal basis for couples to resolve problem And conflict in marriage they through Court Religion if necessary.

# b. Obligation Husband Towards Wife

In the Compilation of Islamic Law Chapter XII Article 80, the duties that must be carried out by husband and wife are as follows (Desminar, 2018: 196):

- Husbands have a role as guides for their wives and their households, but in important household matters, decisions are made together by the husband and wife.
- 2) The husband must protect his wife and fulfill all household needs according to his ability.
- 3) The husband has responsibilities responsible for providing religious education to his wife and providing opportunities to learn knowledge that is useful and useful for religion and society.
- 4) According to his income, the husband is responsible answer for: (a) Providing a living, meeting clothing needs and a place to live for the wife. (b) Bear cost House ladder, maintenance, And treatment wife And children.
- 5) The husband's obligations towards his wife as described in paragraph (4) letters a and b above apply after Tamkin is perfect and the wife is legally a partner.
- 6) Wife own right For freeing her husband from obligation to himself, as explained in paragraph 4) letters a and b.
- 7) The husband's obligations, as stated in paragraph 2), do not apply if the wife commits nusyud (refusal to obey).

Based on the explanation in top interesting author The conclusion is that this describes the role and responsibilities of the husband in an Islamic household, which includes aspects such as protection, education, and meeting economic needs, but with an emphasis on cooperation between husband and wife and the wife's right to free her husband from certain obligations.

#### c. Obligation Wife To Husband

As for forms obligation wife to husband can summarized as follows (Desminar, 2018: 197).

- 1) Obedient And submit to husband.
- 2) Business in win heart husband through dish And drink.

- 3) Responsible answer on system House the good one.
- 4) Honor family husband.
- 5) Behave polite And full smile to husband.
- 6) Support progress husband without meddle his business.
- 7) Give thanks And accept with sincere What Which husband gave it.
- 8) Guard finance with economical And save.
- 9) Always nurse appearance, especially in front husband.
- 10) Avoid flavor jealous Which No reasoned.

So that can in conclude that wife own a number not quite enough answer and actions that need to be taken towards her husband, such as showing obedience, taking care of him connection Which Good, And give support in wedding they. These are the expected aspects of a wife's role in a marriage relationship.

#### 4. CONCLUSION

Understanding right And obligation husband wife is that in A wedding, husband and wives have their respective roles and responsibilities that must be respected and carried out. These rights and obligations are often based on cultural values, religion, and the laws that apply in a particular society. In general, husband and wife rights include aspects such as affection, financial support, child care, and trust. Meanwhile, their obligations involve mutual understanding, communication, cooperation and respect for each other.

Base law right And obligation husband wife is that connection marriage arranged by various regulation law And norms social Which arrange How husband And wife have to interact in their marriage. This is explained in surah An-Nisa verse 19 and Al-Baqarah verse 228.

The rights and obligations of husband and wife are a collection of roles and responsibilities that must be carried out by partners in a marriage. Husband and wife have balanced rights and obligations to create a healthy and harmonious relationship. The rights of husbands and wives include the right to love and respect each other, communicate openly, and receive emotional and financial support from their partners. On the other hand, their obligations include being loyal to each other, supporting each other in living their daily lives, as well as caring for and educating their children (if any). In conclusion, the rights and obligations of husband and wife are the foundation for building a balanced and sustainable marriage relationship.

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