

Domestic violence (KDRT) in the dynamics of the rights and obligations of husband and wife from an Islamic law perspective

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Abstract: This study examines the dynamics of domestic violence (DV) in the context of Muslim families with a focus on the understanding and implementation of the rights and obligations of husbands and wives according to Islamic family law. The approach used is qualitative with case studies. This study involved in-depth interviews with victims, perpetrators, and religious figures and Islamic legal experts, as well as observations of the mediation process and resolution of domestic conflicts. Data analysis was carried out through data reduction, display, and verification to ensure the validity and reliability of the findings. The results of the study indicate that inequality in the fulfillment of the rights and obligations of husbands and wives is the main factor triggering domestic violence, and the implementation of Islamic family law within a positive legal framework can strengthen protection for victims. These findings provide new insights into preventing and handling domestic violence through an approach based on Islamic values and enrich the perspective of Islamic family law in the context of legal plurality in Indonesia.

Keywords: Domestic Violence, Rights and Obligations of Husband and Wife, Islamic Law

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Introduction

Domestic violence is a social phenomenon that continues to be a global problem, including in Muslim-majority countries (IKBAL, 2023). In Indonesia, a report by the National Commission on Violence against Women noted a significant increase in domestic violence cases every year. This shows the strong inequality of power relations between husband and wife in the household, which often leads to violations of women's rights (Wijaya & Ananta, 2022). From an Islamic perspective, marriage should be built on love (*mawaddah wa rahmah*) and the principle of mutual protection between spouses, as affirmed in the Qur'an Surah Ar-Rūm verse 21. However, in practice, these values are often ignored, creating injustice and even violence in domestic relationships.

Domestic violence is not only a violation of positive law, but also a deviation from Islamic principles of justice, responsibility and respect in married life. Therefore, an approach that focuses not only on prosecution, but also on prevention is needed through a deep understanding of Islamic values regarding the rights and obligations of husband and wife.

Several previous studies have discussed the issue of domestic violence from various perspectives. Hasanudin empirically examined the phenomenon of domestic violence and divorce in Indonesia within an Islamic framework, although the discussion was still limited to statistical analysis (Hasanudin et al., 2023). Siregar and Alif offer a sharia-based approach in forming a *sakinah* family as a preventive and rehabilitative solution to domestic violence (Siregar & Alif, 2025). Meanwhile, Andriyani and Fansuri compared domestic violence resolution mechanisms under Islamic law and positive law, and pointed out the need for integration between religious norms and the national legal system (Andriyani & Fansuri, 2025). Although these three studies provide important contributions, none has specifically examined how the understanding and application of the rights and obligations of husband and wife in the

perspective of Islamic family law can be a preventive instrument in reducing the number of domestic violence.

The novelty of this research lies in its efforts to deeply explore the relationship between violations of the rights and obligations of husband and wife with the emergence of domestic violence, and offer a preventive approach based on Islamic family law that is not only normative, but also contextual and applicable. This research also emphasizes the importance of integration between the principles of Islamic law and the Indonesian positive legal system in responding to the issue of domestic violence comprehensively. The purpose of this research is to examine the issue of domestic violence from the perspective of Islamic family law with a focus on understanding the rights and obligations of husband and wife.

This research states that misunderstanding or neglect of rights and obligations in the household is the main factor causing domestic violence. In Islamic family law, the rights and obligations between husband and wife are reciprocal and aim to create balance, justice and harmony in the household. If these principles are implemented consistently, the potential for violence can be minimized.

The implications of this research include the importance of strengthening premarital education based on Islamic teachings, increasing legal literacy for married couples, and strengthening collaboration between religious and state institutions in preventive and curative efforts against domestic violence. Thus, this research not only makes a theoretical contribution to the development of Islamic family law, but also offers practical solutions in dealing with the issue of domestic violence in Indonesian society.

Method

The unit of analysis in this research is cases of domestic violence that occur in Indonesian society, especially in the context of Muslim families in Karang Pring Village, Sukorambi District, Jember Regency. The selection of this location is based on the socio-religious characteristics of a community that strongly holds Islamic traditions, but at the same time domestic violence practices are still found. This condition is an important representation in understanding the dynamics of husband and wife relations in Muslim communities in semi-urban areas.

This research uses a qualitative approach with the type of instrumental case study, which is a case study used to deepen understanding of certain issues by involving cases as a tool for exploration. This approach was chosen because it is relevant to examine the phenomenon of domestic violence in depth, especially in relation to the implementation of the rights and obligations of husband and wife according to Islamic law (Sunarto & Imani, 2025).

Data sources consisted of primary data and secondary data. Primary data was obtained through in-depth interviews with five informants, namely two victims of domestic violence, one community leader, one religious leader, and one observer of the mediation process. The interviews were conducted in a semi-structured manner, with a duration of 45-60 minutes per session. In addition, direct observation of the family mediation process organized by local religious institutions was conducted. Secondary data were obtained from legal documents such as the Compilation of Islamic Law (KHI), Law No. 23/2004 on the Elimination of Domestic Violence, Komnas Perempuan annual reports, and several relevant scientific journal articles.

Data collection techniques include: (1) in depth interviews, (2) participatory observation, and (3) documentation study. All three were used to complement and validate field information. The use of these methods is in line with the field study approach used in similar research by (Hasanudin et al., 2023) and (Andriyani & Fansuri, 2025). The data analysis process used the Miles and Huberman interactive model which includes three stages, namely: data reduction, data presentation, and conclusion drawing (Lisa et al., 2019). Reduction was done to sort out data relevant to the research focus, presentation was done in the form of narratives and thematic tables, and conclusions were drawn through

an iterative interpretation process. To ensure the validity and validity of the data, source triangulation, method triangulation, and member checking techniques were used, namely reconfirming the interpretation results to informants to avoid bias or misinterpretation. These techniques are considered important in qualitative research to increase the trustworthiness of data.

Table 1. Research Informants

No.	Type of Informant	Number of Informants	Information
1	Victim	2	Describing personal experiences
2	Public figure	1	Views and solutions from a religious perspective
3	Religious leaders	1	Interpretation of law based on views and solutions from a religious perspective
4	Mediation Observer	1	Dynamics of conflict resolution

Results and Discussion

Islamic rules regarding the rights and obligations of husband and wife

Islam offers a comprehensive framework for regulating the relationship between husband and wife within the household. Qur'an Surah Ar-Rum emphasizes mawaddah wa rahmah (love and compassion) as the emotional foundation of marriage, while Surah An-Nisa assigns husbands the role of qawwam (protector and provider), responsible for financial support and protection. Conversely, wives are obliged to obey in matters of righteousness, safeguard their dignity, and support their husbands.

Lora Muhammad Habib Syauqi, a local religious leader, affirmed during the interview:

"Islam has very clearly regulated the relationship between husband and wife. The husband is obliged to provide physical and spiritual sustenance, education, and protection for his wife. Meanwhile, the wife is obliged to obey her husband in good things, maintain her self-respect and household, and support her husband. Everything must be based on mutual respect and affection."

This perspective aligns with Yusuf al-Qaradawi, who asserted that spousal relationships in Islam are built on mutual reciprocity, not dominance. Similarly, Jasser Auda, through the maqāṣid al-sharī'ah framework, emphasized that principles of justice and protection (ḥifẓ al-nafs wa al-'ird) are essential to avoid structural violence within families. However, field interviews with victims of domestic violence revealed a significant gap between normative Islamic teachings and actual practice:

"My husband knows what Islam teaches, but when he gets angry, everything is forgotten. I was even beaten for being 'disrespectful'."

A community leader added:

"Many couples know the religious teachings, but they fail to control their emotions. Some men assume being a husband gives them absolute authority."

These findings indicate that internalization of Islamic values remains a challenge. Patriarchal culture often legitimizes male dominance, sometimes misusing religious texts interpreted narrowly. Therefore, strengthening the understanding of Islamic family law through the lens of maqāṣid and mutual partnership is necessary to ensure teachings are not only memorized but also applied constructively in daily life.

Scholarly research supports this concern. In Sapinah's study of the Qur'anic view of marital duties, found that while verses such as Ar-Rum and An-Nisa are meant to foster balance and compassion, they are often misunderstood and misused (Sapinah et al., 2024). Their research, published in Al-Qadau, shows that couples who receive structured premarital education on these verses tend to display significantly lower rates of domestic conflict and violence. In parallel, Hidayah in a gender-equity

analysis of the Compilation of Islamic Law (KHI), emphasize that legal frameworks already contain strong mutual obligations but cultural interpretations often reinforce asymmetrical power dynamics, particularly regarding male leadership (Nur Hidayah et al., 2023). Importantly, Islamic jurisprudence also places clear ethical limits on the idea of obedience (ta'ah). Obedience is never absolute it must align with Islamic moral standards. Az-Zahra writing in Jurnal Al-Hakim, assert that "obedience" cannot include acceptance of violence or coercion. They advocate for an ethical reinterpretation of marital texts based on maqāṣid values focusing on justice, dignity, and mutual fulfillment (Az-Zahra et al., 2024).

Further field observations reinforce the need for structural educational reforms. Local religious mediators reported that many couples only understand their marital rights and obligations superficially. Without deeper moral reflection and contextual understanding, the potential for misapplication remains high. To address this, Islamic educational institutions and community leaders must emphasize values-based tafsīr (interpretation), develop premarital programs that center around sakinah and rahmah, and promote egalitarian gender roles in line with prophetic ethics.

In conclusion, while Islamic teachings offer a balanced and protective vision for husband-wife relationships, proper implementation requires more than textual knowledge. It calls for transformative educational approaches, ethical re-interpretation of traditional roles, and active efforts to dismantle cultural biases that distort Islamic family law. By rooting these principles in maqāṣid al-sharī'ah and implementing them through family education and legal enforcement, the gap between religious ideals and social realities can be gradually narrowed building homes that are truly reflective of Qur'anic harmony and justice. A study by Nadiatus Salama revealed that spiritual violence-such as using religious texts to suppress victims of domestic violence-is a hidden but psychologically harmful form of violence that requires spiritual healing (Salama, 2024). According to an article in The Conversation, social stigma and the idea that domestic violence is a private matter is one of the main reasons victims are reluctant to report, even when Law No. 23/2004 already recognizes various forms of domestic violence including verbal and economic violence (Jones, 2018). Economic violence makes it difficult for victims to be independent and difficult to find the income or assistance they need (Johnson et al., 2022). Sumanto's research shows that the Religious Courts play an active role in considering domestic violence as one of the grounds for divorce, in accordance with Law No. 23 of 2004 and the principle of al-maslahah in Islamic law (Sumanto et al., 2021).

Main causes of domestic violence

Field data indicate that violations of spousal rights and obligations are the primary triggers of domestic violence. Through observation and interviews, the following findings were identified:

Table 2. Causes of Domestic Violence Based on Field Data

Factors of Violation of Rights and Obligations	Case Occurrence Rate	Description
Husband does not fulfill maintenance obligations	1	No financial support for over 6 months
Poor communication between couples	2	Couples do not listen to each other during conflict
Verbal violence due to misinterpretation of roles	3	Commands are given in a coercive or demeaning manner
Wife's disobedience to her husband's unlawful orders	4	Wife refuses to comply with actions that contradict Islamic teachings

One victim stated:

"I just wanted to talk things through, but he always thinks I'm arguing. I stay quiet now because I'm afraid he'll hit me."

A local cleric added:

"Some husbands use verses to justify violence, even though Islam strictly forbids harming one's wife verbally or physically."

These findings reflect a partial and distorted understanding of Islamic teachings. Moreover, the social system often exacerbates the issue. Victims may be reluctant to report abuse due to stigma or fear. This is where the integration between Islamic law and state law becomes crucial. According to Law No. 23 of 2004 on the Elimination of Domestic Violence, both verbal and economic abuse are considered punishable acts. Meanwhile, fatwas issued by the Indonesian Ulema Council (MUI) and scholarly consensus emphasize that any form of abuse whether physical or emotional violates the Islamic principle of mu'āsyarah bi al-ma'rūf (living together in kindness).

Hence, the comparison between Islamic and national legal norms reveals a strategic convergence. Both systems uphold the protection of victims. However, greater synergy is needed between religious institutions, village authorities, and law enforcement to ensure that responses to domestic violence are not merely normative but also transformative and preventive. Empirical studies confirm that economic hardship and lack of maintenance are global risk factors for domestic violence. For instance, Devries et al. (2020), in their systematic review, highlight that economic dependency significantly increases women's vulnerability to abuse.

Withholding access to a partner's finances is a form of economic violence that often goes unnoticed, but greatly affects the victim's mental state and makes it difficult to get out of a harmful relationship (Judy L et al., 2020). In a global context, the synergy between economic pressure and poor communication between spouses is also a major factor in conflict. A study by Johnson & Ferraro showed that couples with low communication skills tend to experience verbal violence and escalate to physical violence (Easterbrooks et al., 2021). Research by Bani Syarif Maula and Vivi Ariyanti shows that in some Religious Courts, domestic violence is often not considered the main reason for divorce. This suggests that patriarchal culture still strongly influences the legal process, so the experiences of victims are often ignored (Syarif Maula & Ariyanti, 2022).

Combining local causes and proven effective global strategies can lead to culturally appropriate and legally robust domestic violence solutions. It brings together Islamic teachings and protection laws to create real social change.

Principles of Islamic law to prevent and deal with domestic violence

This study adopts a qualitative content analysis approach to examine how Islamic legal principles are reflected in Indonesia's national legal system concerning the prevention and handling of domestic violence (DV). The three primary legal texts analyzed include the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), Law No. 23 of 2004 on the Elimination of Domestic Violence, and the Fatwa of the Indonesian Ulema Council (MUI) concerning DV. These documents were selected based on their enforceability, doctrinal authority, and relevance within Indonesia's pluralistic legal landscape, which harmonizes Islamic norms, civil law, and customary traditions.

Table 3. Correlation between legal documents and Islamic principles

Document	Islamic Principles Applied	Implementation
Compilation of Islamic Law	Reciprocal rights and obligations, protection from harm	Legal foundation for marital relations
Law No. 23 of 2004	Protection of victims, prohibition of violence	Criminal and procedural framework
MUI Fatwa on Domestic Violence	DV is religiously prohibited and morally condemned	Normative moral authority supporting legal ethics

The analysis reveals that core maqāṣid al-sharī'ah principles particularly ḥifẓ al-nafs (preservation of life) and ḥifẓ al-'ird (protection of dignity and honor) are formally embedded within these legal frameworks. However, a critical gap remains between formal legal provisions and societal awareness or willingness to access legal remedies. In field interviews conducted in Karang Pring Village, a local religious figure remarked:

"Many people hesitate to report domestic violence because they consider it a private family issue. Yet both religion and state law clearly prohibit such abuse."

A female survivor also shared:

"I didn't know where to seek help. I was too afraid people would think I was disgracing my family."

These testimonies indicate that structural and cultural barriers continue to undermine the effectiveness of legal frameworks. According to Lestari, the success of legal protection in Muslim societies depends largely on the integration between religious values and formal legal mechanisms, and the extent to which survivors feel supported and protected at every level from legal to social and spiritual (Lestari, 2024).

International institutions also affirm this need. The World Health Organization and UN Women stress that domestic violence is a global crisis, affecting one in three women worldwide, and call for not only legal reforms but also multi-sectoral approaches, including community education, public health, and religious engagement (*Global Database on Violence against Women and Girls | UN Women Data Hub*, 2020; WHO, 2021). Within the Islamic context, such approaches align with Jasser Auda's perspective that Islamic legal philosophy should be interpreted systemically, contextually, and ethically, with a strong commitment to *maslahah* (public benefit), particularly in protecting vulnerable groups such as women and children.

Accordingly, this study proposes that prevention and intervention efforts against DV must evolve into a comprehensive protection model that incorporates both religious and state-based legal strategies. To operationalize this model, several strategic measures are recommended:

1. Integrate premarital education within religious offices (KUA) that include modules on Islamic ethics of justice, compassion, and gender equity in marriage.
2. Train religious counselors, family mediators, and Islamic legal consultants (Lembaga Konsultasi Keluarga Islam) to recognize and professionally respond to DV cases.
3. Develop Standard Operating Procedures (SOPs) for victim response that combine Islamic values with human rights principles.
4. Launch large-scale religious public awareness campaigns that reframe DV as not only a legal offense but also a grave religious transgression.

Notably, Rabaan and Dombrowski propose a survivor-centered transformative justice approach within Muslim communities, which emphasizes restoration, empathy, and structural accountability (Rabaan & Dombrowski, 2023). Their research suggests that community-based, faith-informed solutions are often more sustainable and effective in preventing repeat violence than punitive legal responses alone. In light of these findings, it becomes evident that Islamic legal principles must move beyond the status of moral ideals or textual prescriptions. They must be translated into structural actions through public policies, institutional strengthening, and sustained religious education. Only then can Islamic law fulfill its true ethical purpose: to protect life, uphold dignity, and deliver justice within society.

Conclusion

This study reveals that inequality in the fulfillment of husband and wife's rights and obligations is the main cause of Domestic Violence (DV). Although there is normative awareness of Islamic teachings regarding rights and obligations in the family, its implementation is often hampered by factors such as patriarchal culture, economic dependence, and lack of legal awareness. This finding provides wisdom that to build a harmonious household, not only an understanding of rights and obligations is needed, but also a transformation of values in daily practice. Education, social support, and legal protection are the keys to preventing DV, strengthening awareness of human rights, and creating a safe and fair family environment.

The strength of this study is its contribution to updating the perspective of Islamic family law by linking it to social phenomena such as domestic violence. This study also contributes to introducing data triangulation methods that combine interviews, observations, and documentation to produce a more comprehensive analysis of domestic violence. However, this study has limitations in the scope of cases that are limited to two individuals and cannot fully represent the diversity of domestic violence cases across social backgrounds and ages. Therefore, further research with a wider number of participants and a quantitative approach is needed to deepen the understanding of domestic violence in the context of Islamic family law and provide more comprehensive solutions.

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