

CONTRIBUTION OF MOHAMMAD NAWAWĪ BIN ‘UMAR IN FAMILY CONFLICT MANAGEMENT

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Abstrak: Ulama Muslim di Indonesia memiliki begitu banyak karya tentang aspek sosial termasuk konsep keluarga. Salah satu ulama muslim Indonesia yang sangat aktif untuk mencemarkan gagasan dalam bentuk tertulis adalah Syekh Nawawi bin Umar. Makalah ini akan difokuskan pada buku ‘Uqūd Al-Lijjain. Ini adalah salah satu karya Syekh Nawawi yang menggambarkan tentang manajemen keluarga yang mengatur bagaimana menjaga harmonisasi keluarga. Buku ini cenderung superioritas manusia. Itu karena buku ini telah ditulis lebih dari seratus tahun yang lalu, tempat Syekh Nawawi hidup di lingkungan patriarki. Kemudian, hasil dari makalah ini adalah; pertama, latar belakang pendidikan dan kehidupan sosial Syekh Nawawi yang pada dasarnya di pondok pesantren. Kedua, ‘Uqūd Al-Lijjain adalah sebuah buku yang menyediakan manajemen keluarga termasuk hukum dan etika hubungan antara suami dan istri menurut madzhab Imam Syafii. Ketiga, ‘Uqūd Al-Lijjain menjawab konflik manajemen dalam sebuah keluarga, yaitu antara suami dan istri harus memahami hak dan kepatuhan masing-masing.

Kata Kunci: Manajemen, Keluarga, ‘Uqūd Al-Lijjain.

Abstrack: Moeslim ulamas of Indonesia have so many works which talk about any social aspect including the concept of family. One of moeslim ulamas of Indonesia who was very active to contibute the idea in the written form was Syeikh Nawawī bin Umar. This paper will be focused on ‘Uqūd Al-Lijjain book. It is one of Sheikh Nawawī’s work which describes about family management that regulate how to keep the harmonization of family. This book tends to the superiority of man. It is because this book has been written in more than one hundred years ago, where Syeikh Nawawi lived in patriarchy environment. Then, the results of this paper are; first, the education background and social life of Syeikh Nawawi which basically in islamic boarding school. Second, ‘Uqūd Al-Lijjain is a book which provides family management including the laws and relation ethics between husband and wife according to Imam Syafii madzhab. Third, ‘Uqūd Al-Lijjain answers the management conflict in a family, that is between a husband and wife should understand the right and obigation of each.

Keyword: Management, Family, ‘Uqūd Al-Lijjain

INTRODUCTION

Marriage is the initial means of realizing a society’s order, which becomes a pillar of the people’s lives. If the family units are good and qualified, it can be guaranteed that community relations will be solid and good. In Islam, marriage is arranged in such a way starting from how to find the criteria of the candidate of life companion, to the right

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and the authority when wading through the household, in order to get a blessing and not violate the guidance of Prophet's sunnah. The ulamas of Islam have difference opinion about the concept of marriage and the relation management in the family.² Marriage is a bond that is recommended by Shariat in order to avoid committing adultery. So, marriage becomes the priority of jihad and sunnah fasting.³ While conflict management in the family is a study that is always interesting to be discussed, because the family issue is not only about the nature and the essence of the content of human life, but also touching a noble and central institution that is household. It is considered noble because the household is a fortress for the defense of human dignity and moral values and it is central to the birth and growth of the human child, plays a role to bring peace and prosperity and bear the mandate of the Divine as the Caliph on earth.

One of the Ulema of Indonesia who discussed the family concept is Shaykh Muhammad Nawawī bin 'Umar, the ulema' fiqh salafi 'alim. He has many students who become great ulema, so no wonder if until now his work is widely used as a reference by some people especially from Islamic boarding house. Syarh Uqūd al-Lujjain fi Bayāni Haqqūq az-Zaujain is his work which discusses the management in a family. At least, this book regulates how should the rights and obligations between a husband and wife in order to harmonize a family. The family concept in the book 'Uqūd al-Lijjain, was written more than a century ago, where sheikh Nawawi lives in a patriarchal social environment, it seems understandable if some of his opinions are more inclined towards the superiority of men over women. Therefore, this paper will explore some questions about how is the life of Mohammad Nawawī ibn umar? How is the family concept in perspective of Mohammad Nawaw Bin umar? What are the contributions and criticism of Mohammad Nawaw Bin umar's thinking in managing the family conflict?

THE SKETCH OF MOHAMMAD NAWAWI BIN 'UMAR'S BIOGRAPHY

Muhammad Nawawī was born in Kampung Pesisir, Tanara Village, Tanara Sub-district, Serang, Banten, 1813 AD. His full name is Abu Abdul Mu'thi Muhammad Nawawi bin 'Umar ibn Arabi who was

² Ibrahim Hosen, *Fiqh Perbandingan Masalah Pernikahan jilid I*, (Jakarta: Pustaka Firdaus, 2003), 129.

³ Ad Damsqi, *Fiqh Empat Madzhab*, terj. Abdullah Zaki al Kaff (Bandung: Hasyimi Press, 2004), 156.

popularly known as Shaykh Nawawi al-Jawi al-Banteni asy syafi ‘i.⁴ Sheikh Nawawī was born and raised in a reputable family in Banten. Her father was a figure respected for her religious knowledge. Many people said that he is a descendant of Maulana Sharif Hidayatullah or better known as Sunan Gunung Jati. Since his childhood, he was notoriously intelligent. His brain easily absorbed the lessons which were given by his father since the age of five. When studying Al-quran to his father, little Sheikh Nawawī often asked critical questions that were often confusing his father. Seeing such a great potential on his son, his father sent him to various Islamic boarding house in Java at the age of eight. Firstly, He got direct guidance from his father. Then, He studied to Kyai Sahal in Banten; afterwards studied to Kyai Yusuf in Purwakarta. Two years after the death of his father, when Shaykh Nawawi was fifteen years old he went to Mecca. At first, Sheikh Nawawi just wanted to do hajj, but his interest in science had dejected him from returning to Indonesia and began to study to some ulemas such as Yusuf Sumbulawainy, Shaykh Sayyid Ahmad al-Nahrawi, Shaykh al-Hamid al-Dagistany the techer from mesir⁵ Shaykh Muhammad Khatib Hambali and Shaykh Ahmad Zaini Dahlan from Madina, Shaykh Ahmad Dimiyati and others.⁶ In Makkah, He was predicated as Sayyid al-Ulama ‘al-Hijaz. Because, he came from Java then he was nicknamed as Nawawī al-Jawi in Makkah.⁷

After studying from abroad, an-Nawawī returned in Indonesia and began to practice the knowledge he gained for about three years. However, because the state condition was in Dutch power, then the struggle of Sheikh Nawawī was very limited by the Dutch. As the result of Dutch restrictions and controls, it forced Sheikh Nawawī to return to Mecca to pursue the study of religious world. An-Nawawi married with Nasimah, a girl from Tanara. From this marriage, they were blessed with three daughters namely; Nafisah, Maryam and Rubi’ah. At 100 years old, Shaykh Nawawī married with Hamdanah who was estimated in the age between 7 and 12 years old, the daughter of KH. Soleh Darat, Semarang. They were also blessed with a daughter named Zuhroh. There is no certain information whether his marriage

⁴ Sinta Nuriyah dkk, *Wajah Baru Relasi Suami-Istri: Telaah Kitab ‘Uqud al-Lijjain*, (Yogyakarta:LKiS,2001), 207.

⁵ C. Snouck Hurgronte, *Mekka in The Letter Part of The Nineteenth century*, (Leiden: Brill, 1931), 268-269.

⁶ Hurgronte, *Mekka in The Letter*, 268-269

⁷ Imām Muhammad Nawawī ibn ‘Umar, *Nihāyah al-Ziyān fi Irsyād al-Mubtadi’in*, (Bandung: al-Ma’arif, t.t), 1.

to Hamdanah was done when Nasimah was still lived or had died, so it cannot be confirmed whether an-Nawawî was monogamous or polygamist.⁸ During his life, an-Nawawî concentrates on religious writing. His writings are in the form of books / books. They are written in Arabic. So, they can be printed and circulated in Egypt and Mecca and then in countries of Shafi'i Madzab.⁹ According to Zamarkhasyari Dhofier, an-Nawawî has written many essay over 38 pieces. That is based on the results of Sarkis research in Directory of Arabic Printed Books,¹⁰ and Snouck Hurgronte mentions just about 20 pieces.¹¹ There are also people who claim that his writings are more than 100 books from various fields such as aqidah, tafsir, ulum al-Qur'ân and al-Hadith, hadith, fiqh, historical tasawuf and biography. Most of the Nawawi writings are Syarh (commentary) on various books written by other 'ulama'.¹²

In Makkah, Shaykh Nawawi teaches many Indonesians, and most of his students become the great Ulema in Indonesia such as; KH. Hasyim Asya'ri, KH Raden Asnawi, KH Khalil Bangkalan, KH Ahmad Dahlan and others.¹³ That's why he is highly respected and has his own place among Islamic boarding house. For this, people who study in Islamic boarding school admire and expect his blessings.¹⁴ Among Islamic boarding school in Indonesia, almost all of his work is a subject matter and has been reviewed in many times. A Dutch professor Martin van Bruinisen conducted research on the books used in Islamic boarding school in Indonesian. The results indicate that the books which are often read are: al-Thimâr al-Yâni'ah fi al-Riyâdh al-Badî'ah, Kâshifa al-Sajâ, Sullam al-Munajat, Fath al-Qarib and Uqûd al-Lijain. Additionally, there are other books, such as Nûr al-âlam, Fath al-Majîd and Tijan Durari.

One of his works which talked about family law, which until now is still being a lesson even referral among Islamic boarding school, is Kitab Uqûd al-Lijain. The Book that discusses the relationship between husband and wife is still being a representative reference among the

⁸ Sinta Dkk., *Wajah baru Relasi Suami Istri*, 208.

⁹ Zamarkhasyari Dhofier, *Tradisi Pesantren, Studi tentang Pandangan Hidup Kyai*, (Jakarta: LP3ES, 1982), 89.

¹⁰ Dhofier, *Tradisi Pesantren*, 88.

¹¹ Snouck Hurgronte, *Mekka in The Letter*, 271.

¹² Sinta, *Wajah Baru Relasi*, 209.

¹³ Sinta, *Wajah Baru Relasi*, 208.

¹⁴ Sinta, *Wajah Baru Relasi*, ix.

Islamic boarding school community.¹⁵ Because, it is deemed having relevance to the conditions and times. Of course, this book can affect a lot of attitudes and views of the readers. Here is the assessment of KH. Husein Muhammad about the book of Uqūd al-Lijain;

This book quotes over 100 ḥadīth and saga. These stories are presented to support the related hadith, or to clarify its meaning. Unfortunately, Nawawi often gives any notes of the value of the validity of the hadith or the story on which become his foundation. He did not do takhrij (judgment). We can understand this problem because it seems that the books are purposely intended as a practical manual for the general public about a theme of discussion, to be easily practiced.¹⁶

The tendency of Sheikh Nawawī in taking religious arguments as his reference which are generally derived from other ‘ulama’ writings, among others are Ihyā “ Ulūm al-Dīn by Abu Hamid al-Ghazali, al-Zawājir by Ibn Hajar al-Haitami, Uqūbat Ahl al-Kabāir by Abu laits al-Samarqandi, al-Targhīb wa al-Tarhīb by al-Mundziri, and al-Kabāir by adz Dzahabi. These books are used as primary sources of reference. While other sources al Jami ‘al-Ṣaghīr works jalaluddin as Suyuti, Syarḥ Ghāyah wa al-Taqrīb, Tafsir Khāzin and Tafsir Khathīb al-Syarbīnī.¹⁷

Unfortunately, ḥadīths and stories mentioned in the book of Uqūd al-Lijain are often not given an assessment whether the ḥadīth status written are shaḥīḥ or dha’if. Unlike Imam Nawawī Syarifuddin, Muhammad Nawawi ibn ‘Umar al-Banteni are not known as the expert of ḥadīth. The writing style without any footnotes and reference lists that are considered prevalent at that time. This led to the researcher of his works facing the difficulty of tracing the source of quotations. The book of Uqūd al-Lijain is arguably thin, consisting of only 22 pages and four chapters; first is discussing the rights of wives to husbands. Second, the husband’s right to the wife. Third is virtue of praying at home for women. Fourth is about male prohibitions to see women who is not his wife and vice versa. He always display traditional or local culture In each chapters, thus contributing significantly to the Islamic boarding school community especially in Java, which is still identical with the traditional community. Then, a century later the book was criticized and sued, especially by feminist fighters. They assess the

¹⁵ Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender*, (Yogyakarta: LKiS, Pelangi Aksara, 2001), 234.

¹⁶ Husein Muhammad, *Fiqh Perempuan*, 235.

¹⁷ Husein Muhammad, *Fiqh Perempuan*, 236.

content of the book is no longer suitable with the development of the era. The tradition of sharah or even criticize to his work, will not reduce the quality of his expertise and intellectual.

HUSBAND - WIFE RELATIONS IN PERSPECTIVE OF 'UQUD AL-LIJJAIN BOOK

In Uqūd al-Lijain book, men become important figures in every aspect of life and are given the authority to regulate or even determine what happens in the household. So, that leads to the emergence of male superiority towards women. In line with what KH A. Mustofa Bisri said;

“A lot of Ulemas in Islamic boarding school are not too-comfortable - not to say agree with him, with the material of Uqūd al-Lijain. This may be the reason why this book is usually read in Ramadan and not as an “official lesson” Wallahu a’lam. My own father, KH Bisri Mustofa disagrees that ‘Uqud al-lijjain book is taught. He says that this book makes men arrogant “. Furthermore, Mustofa Bisri said “Ta’lieq wa al-Takhrij is definitely more polite method to criticize the book compiled by highly respected figures”.¹⁸

The beginning of the chapter in ‘Uqūd al-Lijjain book discusses the wife’s right to the husband beginning with the an-Nisa’ (03): 19 letter “wa ‘āshirūhunna bi al-ma’rūf” that is to intervene the wife well, fairly in the house (for the polygamist), give sustenance and courteous in speaking.¹⁹ It continued on the interpretation of Qs. al-Baqarah (02): 228 wives have equal rights with good judgment according to syara ‘that is having the right to be treated well and free from mutual harm.²⁰ If further investigated, in the sentence of al-Ma’rūf both in Surat al-Baqarah: 228 and an-Nisā ‘: 34 still has a relation in interpretation, that is the suggestion to be good to the wife and not hurt her. With what is considered good by religion. Moreover, men are strictly forbidden to beat the wife on the face; or a painful blow and say bad words to him. If the wife is nuzuz, husband as much as possible to avoid violence. According to Sheikh Nawawî, Even if forced to strike, the punches are allowed with a punch that does not hurt the body. It is done if it brings the benefit, if it is not bring any benefit, then no need to do the beating.²¹

¹⁸Sinta, *Wajah Baru Relasi*, x.

¹⁹ Mohammad Nawawi bin Umar, *‘Uqūd al- Lijjain*, (Semarang: Toha Putra,tt), 3

²⁰ An- Nawawi, *‘Uqūd al- Lijjain*,3

²¹ An- Nawawi, *‘Uqūd al- Lijjain*, 7.

Thus opinion of Sheikh Nawawī implies that as a family leader, the husband have to maintain the stability of his emotions. When there is a difference or even a family slaughter, is actually a test for husband. Can he become a good leader for his family? If a husband cannot control himself, even worse to violence his wife or other families, then the wife is allowed to divorce from the husband, because he does not deserve to be called a leader. Continued by the opinion of Shaykh Nawawī which says if He will hit, then it should not be to hit the face and limbs that can damage body, but rather hit as a reprimand. Even husband is better to forgive.²² On the other hand, Sheikh Nawawī interprets the word *bi al-ma'rūf* which describing a ḥadīth narrated ath-Thurmudi mentioned that when the Messenger of Allah finished the *wadā* hajj 'he said;

أَلَا وَاسْتَوْضُوا بِالنِّسَاءِ خَيْرًا فَإِنَّمَا هُنَّ عَوَانٌ عِنْدَكُمْ لَيْسَ تَمْلِكُونَ مِنْهُنَّ شَيْئًا غَيْرَ ذَلِكَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرَجٍ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا أَلَا إِنَّ لَكُمْ عَلَى نِسَائِكُمْ حَقًّا وَلِنِسَائِكُمْ عَلَيْكُمْ حَقًّا فَأَمَّا حَقُّكُمْ عَلَى نِسَائِكُمْ فَلَا يُوطِئُنَّ فُرْسَتَكُمْ مَنْ تَكْرَهُونَ وَلَا يَأْدَنَنَّ فِي بُيُوتِكُمْ لِمَنْ تَكْرَهُونَ أَلَا وَحَقُّهُنَّ عَلَيْكُمْ أَنْ تُحْسِنُوا إِلَيْهِنَّ فِي كِسْوَتِهِنَّ وَطَعَامِهِنَّ

“Know that you should execute my will to do the best for women. Because they are like prisoners on your side. You can not do anything about them except what I have said. Different if they do cruel acts in the light. If they do, then act with them separating the bed and beat them with a puch that is not perfected. But if they are obedient, then do not look far an excuse to beat them. Know your shoulder have a right over you. As for your rights over them is their it is not permissible to bring people you do not like your bed and allow it to enter your home. Know that their right to you is your good treatment in providing clothing and food”²³

An-Nawawi said that in this hadith, the Prophet reminded to carry out his will regarding the wife, to love and treat her well, because the wives are considered weak and need others to provide for his needs. Prophet Muhammad also likened them to captives, because basically the wife is a husband's prisoner or a loan mandated by Allah SWT.²⁴ There is an interesting statement from the interpretation of Sheikh Nawawī about the sentence of *al-Ma'rūf*. On one hand, it implied justice where Sheikh Nawawī advocates that husbands should still behave and act wisely even if the wife does rebellion. On the other hand, there is a bias

²² An- Nawawi, 'Uqūd al- Lijjain,7

²³An- Nawawi, 'Uqūd al- Lijjain,4

²⁴ An- Nawawi, 'Uqūd al- Lijjain, 4

that still becomes a problem from a feminist. When an-Nawawî argues that the wife is considered *awānin* (prisoner) which means the wife has no freedom to determine attitudes and express opinions, except all activities and behaviors which is in the observation of the husband.

Sheikh Nawawî's view of *ḥadīth* is a controversial study, Sinta Nuriyah and friends said that the meaning of *awānin* pronunciations of captive prisoners is deemed inadequate, since none of ulemas agree. Further elaborated:

Ibn Sidah in the book of *Lisān al-'Arab* says *awānin* in the *ḥadīth* text means *ka al-asrā* (like captivity), regarded by the Messenger of Allah. It is because in the social context at that time women are always doomed, without the ability to avoid and cannot help themselves or help from others. Such condition is exactly the same as the condition of a prisoner of war; therefore, woman (wife) is called *awānin*. Such a substance of *hadith* is a warning for men to do a good and not to intimidate woman. Moreover, marriage is a solid foundation for the awakening a good life society. By that *Islam* recommends that both husband and wife behave, having mutual understanding, having respect and love each other, are the basic pillar of creating *sakinah, mawaddah wa rahmah* family. The *ḥadīth* should not be interpreted in a *harfiyah* but *ma'nawiyah* which is not only directed to the husband but also the wife. It is because man and woman need each other and fill each other's flaws and both sides must be very careful in doing something, so, the wholeness in the household can be created.²⁵

However the opinion of *sinta et al.* is considered to be a sophisticated argument by Pasuruan Traditional Islamic Studies Forum. They assume this group cannot understand or deliberately hide an-Nawaw's view, *awānin* sentence ie *asirāt* if in Arabic language is called *tashbiyah* (*majazi* or *parable*). Here is a description of this group's opinion:

The premise of this group suggests that an-Nawawi had a big mistake by dismissing all ulemas' opinions. Furthermore, this error will increase the number of errors of *Uqūd al-Lijain* which is considered all the content is not in line with gender equality. Whereas, the assumption of the wife's status as a prisoner is

²⁵ Sinta Nuriyah, *Wajah Baru Relasi*,15.

contained in saheeh ḥadīth by ulemas’ including an-Nawawī, considered in the metaphorical context (majazi) “like a captive”.²⁶

Furthermore, ibn Sidah’s commentary on quotation by the first group is considered wrong because Lisān al-Arabi is not the work of Ibn Sidah but the work of Manzhūr al-Frīqi and the assumption that women like prisoners does not mean Islam discriminates women. But, it is a warning to husbands to treat well to their wives. This ḥadīth is mentioned in the chapter of the husband’s duty to the wife.²⁷ If drawn in the red thread, it is actually agreed that in Uqūd al-Lijain book, an-Nawawī argues that in mu’āsyarah bi al-Ma’rūf men should be polite in the context of human relations, not violence and do discrimination to women; and mu’āsyarah bi al-Ma’rūf is not an absolute obligation of a husband to a wife. A wife must also be mu’āsyarah bi al-Ma’rūf to husbands and other families.

While the view of Sheikh Nawawī in the sentence of al-ma’rūf in the reproduction relation, it is apparently that Sheikh Nawawī more inclined to side with men. Male superiority is so obvious when Sheikh Nawawī obliges the wife to fully surrender herself to men. Women rejection of the demands that resulted sin and torture that would be accepted by the wife even though she was diligent in worship, quoting ḥadīth:

لو أَنَّ أُمَّرَأَةً جَعَلَتْ لَيْلَهَا قِيَامًا وَنَهَارَهَا صِيَامًا وَدَعَاَهَا زَوْجُهَا إِلَى فِرَاشِهِ وَتَأَخَّرَتْ عَنْهُ سَاعَةً وَاحِدَةً، جَاءَتْ يَوْمَ الْقِيَامَةِ تُسْحَبُ بِالسَّلَاسِلِ وَالْأَغْلَالِ مَعَ الشَّيَاطِينِ إِلَى اسْفَلِ سَافِلِينَ

Suppose a women makes her night time for prayer, in the afternoon for fasting. Then her husband calls her to bed while the wife delays for moment, then on the day of resurrection he will be dragged with chains and fatters gathered with demons until they came to a place as low as hell.²⁸

Ḥadīth quoted by an-Nawawī maudhu ‘, neither the narrator nor the books of mu’tabar were found.²⁹ According to ḥadīth above, the compliance of wife to husband will defeat the loyalty (worship) to Allah SWT which is derived from men (husbands). Women will be tortured as a result of prioritizing ubudiyah to Allah SWT rather than carrying out the obligations to the husband. Thus, the husband is

²⁶ Muhammad subadar dkk, *Menguak Kebatilan dan Kebohongan sekte FK3*, (Pasuruan: Rabithah Ma’ahid Islamiyah, 2004), 33.

²⁷ Subadar dkk, *Menguak Kebatilan*, 35.

²⁸ Nawawi, *Uqūd al-Lijain*, 8-9.

²⁹ Sinta, *Wajah Baru Relasi*, 65.

everything. The woman (wife) is completely helpless and trapped in the husband's grasp. An-Nawawî also quotes ḥadīth;

إذا باتت المرأة مهاجرة فراش زوجها لعنتها الملائكة حتى تصبح

"If a wife spends the night by leaving her husband's bed, then the angels cursed him until the morning"³⁰

According to an-Nawawî, this ḥadīth is used as a reminder to the wife. It causes the fall of the inherent livelihood obligations for the husband when the wife leaves the husband at night. This advice does not need to be accompanied by violence because the wife is likely to repent although she does not explain why she did so.³¹ The female status (especially the wife) in this opinion is as the subject for men. Sexual intercourse for wife is not the right but an obligation. So, the husband has the right to compulsion the wife to serve whenever and wherever he wants. Of course, this is contrary to the principle of *mu'āsyarah bi al ma'rūf*.

The feminist group assumes that this ḥadīth should not be read in a textual way, because the target is only women. Contextually, based on the principle of justice; then, this ḥadīth is not only addressed to the wife but also to the husband³² that the word *al-la'nah* in this ḥadīth is not from Allah SWT which means to be kept from goodness, but the curse that comes from the creatures means to reproach or pray for badness.³³ In the social context, the curse humanity here is the loss of affections, kindness, and peace in the household that the husband does not get what he wants or vice versa. An-Nawawî says that besides earning a living, a husband is obliged to teach about the religious knowledge of both the worship of the *farḍu* and the *sunnah*, the relation of femininity (menstruation, *nifas* etc.) *thoharah* and so forth. If the husband can teach by himself; then, the wife cannot go out to ask the 'ulema'. If the husband cannot teach his wife because of a little knowledge he has, he should ask the ulema then explain the ulema's answer, and the wife have to stay in the house. If the husband cannot afford to ask the ulema, the wife may come out to ask and the law is a must. The husband gets a sins if forbid it.³⁴

³⁰ ḥadīth ini muttafaq alaih, lih. Shaḥīḥ al- Bukhārī ḥadīth no. 3065 dan 4898 dan Shaḥīḥ Muslim ḥadīth no. 1436.

³¹ An-Nawawî, *Uqūd al-Lijain*, 7.

³² Sinta Nuriyah, *Wajah Baru Relasi*, 50.

³³ Sinta Nuriyah, *Wajah Baru Relasi*, 50

³⁴ Nawawi, *'Uqūd al- Lijain*, 6.

The statement of an-Nawawī which limits the existence of women in outside home is the personal opinion of an-Nawawī that needs to be reexamined. Because, it is no longer relevant to the current conditions, modernization is so fast; it makes an urgent need to be fulfilled. Parents should try hard to fulfill the needs of their children. Including a husband, he must fulfill the needs of households that are not cheap. So, he does not have time to teach to the wife and children. This fact requires women to not only stay at home to waiting for husband to fulfill the needs and depend on the lesson from husband only. Giving knowledge to women is very important and unnecessary space limitations as proposed by an-Nawawī. It is also important to have husband permission and the husband should understand such conditions. It is because the wife is a partner to educate their children. A husband should not hit the wife's face when nusyuz, should not say bad and rude, should not separate from the bed except when the wife nusyuz and haram if the husband is ignorant or silent to the wife unless she is uzur.³⁵ In *Uqūd al-Lijain* book, the obligations that must be done by men (husbands) are discussed in three pages while the obligation of woman (wife) is described in more than six pages. Apparently, the obligation of the wife to obey her husband is the central theme, as if to declare that the wife is the absolute right of the husband.

According to an-Nawawi, the husband's right to wife emphasizes on the interpretation of Qs. an-Nisā ' : 34 on the phrase *fa al-ṣālihātu Qānitātu* (the woman who is sholihah and obedient);

Shalihah woman in this verse is respectful to husband, she keeps herself when the husband is not at home, keep her honor, keep the secret and the husband's property. Because Allah SWT has maintained them, that is Allah SWT maintaining and giving help to women, or by the will and prohibition of Allah SWT in order not to quarrel with husband. It is also reinforced *ḥadīth* narated by Abu Hurairah r.a:

خَيْرُ النِّسَاءِ إِمْرَأَةٌ إِذَا نَظَرْتَ إِلَيْهَا سَرَّتْكَ وَإِذَا أَمَرْتَهَا أَطَاعَتْكَ وَإِذَا غَيْبَتْ عَنْهَا حَفِظْتَكَ فِي مَالِهَا وَنَفْسِهَا

“sebaik-baiknya perempuan adalah perempuan apabila kamu memandangnya ia menyenangkan kamu, apabila memerintahkannya maka ia menta'atimu, dan apabila kamu tinggal pergi maka ia menjaga hartamu dan dirinya.”

³⁵ Nawawi, 'Uqūd al- Lijain, 4

The best woman is a *perangguan* if you look at it he is fun and if ordered it then he obedient to you and if you stay away then he keep your property and himself.³⁶

According to Shaykh Nawawî, the husband is called as the leader of the family. A wife is also the leader of the house. Quoting ḥadīth narrated by Abdullah ibn Umar r.a. "The woman is the leader in her husband's house and is responsible for her leadership." Furthermore, an-Nawawî said, as the leader in her husband's house, she should manage the livelihood well and be nice to husband³⁷. The interpretation of the letter an-Nisā ' : 34, an-Nawawî interprets qawwāmuna means that husband must master and take care of the needs of wife including educating her manners³⁸. According to Sheikh Nawawî, the next authority of the husbands to wife in this verse is because the man gives the wealth in the form of dowry and livelihood in marriage. Thus, qawwāmuna (leadership) just belongs to man not to woman. It is because woman is considered incapable of regulating household or even managing public affairs. Concerning the virtue of man over woman, Sheikh Nawawî quotes Ibn al-Zawājir al-Iqtirāf al-Kabā'ir, which groups the advantages of man over woman in two aspects, namely the essential (nature) and the syar'i (religious law);

Firstly, in terms of essence or reality, they exceed women in intelligence, the ability to do work hard courageously, physical strength, writing skills, horse-riding skills, many ulemas and leaders, went to war, recited the call to prayer, read the sermon , praying in jum'ah, doing i'tikaf, being a witness in the had, qisas, marriage and so forth, obtaining more inheritance and ashobah, bearing the burden of diyat, being a guardian in marriage, having the right to divorce and to reconcile, having polygamy rights and holding a lineage. Second is in terms of syar'i. He implements and fulfills their rights in line with the provisions of Syara ' , such as giving dowry and living to the wife.³⁹

This view of male superiority which is expressed by Sheikh Nawawî is not much different from some ulemas such as al-Razi, Ibn kathir to Muhammad Abduh in al-Manār and al-Ṣabuni in Ṣafwah al-Tafāsir. Imam al-Alusi interprets qawwām for man in all sectors,

³⁶ An-Nawawi, 'Uqud al- Lijain, 7.

³⁷ An-Nawawi, *Uqūd al-Lijain*, 6.

³⁸ An-Nawawi, *Uqud al-Lijain*, 6.

³⁹ An-Nawawi, *Uqud al-Lijain*, 6.

because woman is considered less logical, and as a party that rules and forbids towards woman, as leaders function to their people.⁴⁰ However, if it is seen from current conditions, the superiority of men as an expression of the above, it is not entirely true. In fact, many women have the potential and achievement more than men, and not a few men who are not more intelligent and smarter than women at this time. On the contrary, it is relative in its relation to physical and mental strength. There are also men who are emotional and gentle. This is the form of cultural construction that can be exchanged and can change. Qs. an-Nisā ‘: 34 actually has implied this, through the phrase *bimā Faḍḍala Allāh ba’ḍahum’ alā ba’ḍin* (because God overrides some of them over some others). The Qur’an clearly does not mention *bimā faḍḍala ‘alaihinna* (because God overrides men over women).⁴¹

BETWEEN CONTRIBUTION AND CRITICISM OF MOHAMMAD NAWAWI IBN ‘UMAR’S THOUGHTS IN FAMILY CONFLICT MANAGEMENT

An-Nawawī reveals the necessity of the husband to the wife is to do *ma’rūf*, namely to give dowries, livelihood, should not hit the face of the wife when *nuzuz*, do not say rude and bad such as: “may Allah make you ugly”⁴² and giving the wife an access to education. Sheikh Nawawī also said that the perfection of faith is the best moral by leaving behind bad and despicable actions and also to be subtle to the wife by quoting the hadith of the prophet:

إِنَّ مِنْ أَكْمَلِ الْمُؤْمِنِينَ إِيمَانًا أَحْسَنُهُمْ خُلُقًا وَأَلْظَفُهُمْ بِأَهْلِيهِ (رواه الترمذی والحاکم عن عائشة)

Verily the perfect believers of faith are the best of them and they are subtle to their families⁴³.

While the obligation of wife to husband emphasized to the obedience of wife to her husband. According to Sheikh Nawawī, man is the leader in the family who is considered for having advantages of rationale and physical strength than women. Similarly, Imam al-Alusi also interpreted the *qawwām* is for man in all sectors, because woman is considered less logical, and as a party that rules and forbids woman,

⁴⁰ Al- Alūsi, *Ruḥ al- Ma’āni fi Tafsīr al-Qur’ān al- Aḍim wa al-Sab al-Ma’āni*, (Bairut: Dar al-Fikr, t.t), 25-24.

⁴¹ Husein Muhammad, *Fiqh Perempuan*, 239.

⁴² An-Nawawī, *Uqūd al-Lijjain*,7

⁴³ Hadith ini diriwayatkan at-Turmuḍzi hadith yang juga diriwayatkan Aisyah r.a (no. 2537) dan al-Hakim (juz I, 3) hadith ini sahih. Menurut as-Suyūti hadith ini hasan (al-Jāmi’ aṣ-Ṣaḡhīr, juz I,335)

as leaders function in their people.⁴⁴ Then, the domination of man over woman is considered fair and divine. The concept of *mu'āsyarah bi al-ma'rūf* in which a husband is obliged to treat his wife well and vice versa, is a balanced pattern of husband and wife relationships in managing to minimize the conflict in the family. Fulfillment of the right for those who have legally and the right at the same time, when viewed from the standpoint of others is an obligation. Whoever bears a greater obligation, he is the one who has more rights than others.⁴⁵

Although, Sheikh Nawawî considers that the burden of the husband as the breadwinner and the person in charge of the whole family is heavier than the wife who only has the burden of reproduction, it cannot necessarily be used as a benchmark to dominate the wife. Rights and duties are not measured from the material. They must be harmonized through deliberations and justice relations, by not degrading and even denying the rights and obligations of others. It is the most important foundation in the *mawaddah wa rahmah* family. By this foundation, conflicts of interest can be resolved. The sincere and relent dominant will fuse rights and interests between the two parties. This pattern of relationship is in accordance with the Word of Allah.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ١٢

And one of His signs is that He created mates for you from yourselves that you may find rest in them, and He put between you love and compassion; most surely there are signs in this for a people who reflect.⁴⁶

The Qur'an also mentions a husband and wife relationship with the word '*zauj*' which means couple; It means that every affair in the family have to be discussed and decided together. The highest *Maqām* in a husband-wife relationship is *Maqām* justice based on affection. So, there will be no superior feel and *sak karepe dewe* in the family. Both parties become partner and can support each other in everything. By this pattern, there will be no any dominance of interest by one over the other. It seems that sheikh Nawawî's thought of family management as stated in '*Uqūd al-Lijain* book has the meaning of 'two-wave bond'

⁴⁴ Al- Alūsi, *Ruḥ al- Ma'āni fi Tafṣīr al-Qur'ān al- Aḍīm wa al-Sab al-Ma'āni*, (Bairut: Dar al-Fikr, t.t), 25-24.

⁴⁵ Al- Alūsi, *Ruḥ al- Ma'āni fi Tafṣīr al-Qur'ān al- Aḍīm wa al-Sab al-Ma'āni*, (Bairut: Dar al-Fikr, t.t), 25-24.

⁴⁶ Qs. al-Rūm (30): 21

or it could be “a bond of two silver”. Both of these meanings are used by sheikh Nawawi as consideration to make it a book that regulates the rights and obligations of husband and wife, displaying traditional nuances or local culture. Thus, it contributes significantly to the Islamic boarding school community, especially in Java, which is still identical with the traditional community. However, the feminism criticized and sued that book. They assess the content of the book is no longer suitable with the development of the era.

For example, the study that has been done by the feminists who join the Yellow Book Review Forum (FK3); this forum criticized some views of Sheikh Nawawi which more emphasize to the superiority of man over woman. The Yellow Book Review Forum (FK3) reviews ‘Uqūd al-Lijain book scientifically and profoundly. there are elements of injustice which are contrary to the principle of humanity that characterizes the teachings of Islam in several reviews of ‘ Uqūd al-Lijain book. The Yellow Book Review Forum (FK3) reviews a few words that textually lead to misconceptions or inappropriately, and also mentions some of the hadiths which become the main propositions for the views contained in ‘Uqūd al-Lijain book.

CONCLUSION

Sheikh Mohammad Nawawi is one of ‘ulemas of Indonesia who has many works especially in fiqh. He is known as the teacher of many great other ulema figures such as KH. Hasyim Asya’ri, KH Raden Asnawi, KH Khalil Bangkalan, KH Ahmad Dahlan, and others. His work which discussed about the family concept of is in ‘Uqūd al-Lijain book, specifically examines the laws and ethics of husband and wife relations’ ala imam syafi’i madzhab. Although his thoughts on family management are still very dominant in patriarchy but his concept is still applied by some Islamic students’ families in Indonesia. In addition, the book also carries out family conflict management with the theory of mu’asyarah bi al-ma’rūf as a guide in fostering households.

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