



# Istimbath

## Jurnal Hukum dan Ekonomi Islam

Vol. 24, No. 1, 2025  
p-ISSN: [1829-6505](#) ; e-ISSN: [2654-9042](#)  
Available Online at <http://www.istimbath.or.id>

### **QIRAAH MUBADALAH: SOLUTION TO DOMESTIC VIOLENCE**

**Muhammad Amin Muthohar<sup>1\*</sup>, Mufidah Cholil<sup>2</sup>, Kamalia Fitri Rizki<sup>3</sup>**

<sup>1</sup>Universitas Islam Negeri Maulana Malik Ibrahim, Indonesia ; [230204210023@student.uin-malang](mailto:230204210023@student.uin-malang)

<sup>2</sup>Universitas Islam Negeri Maulana Malik Ibrahim, Indonesia ; [fidah\\_cholil@syariah.uin-malang.ac.id](mailto:fidah_cholil@syariah.uin-malang.ac.id)

<sup>3</sup>Universitas Islam Negeri Maulana Malik Ibrahim, Indonesia ; [kamaliafitri29@gmail.com](mailto:kamaliafitri29@gmail.com)

\*correspondence author: [230204210023@student.uin-malang](mailto:230204210023@student.uin-malang)

**Abstract:** The study of domestic violence is very important to discuss because with the existence of domestic violence, various new thoughts and solutions emerge, one of which is *qiraah mubadalah*. This article aims to describe domestic violence, the involvement of power in domestic violence, and *qiraah mubadalah* as a solution to domestic violence. This research is in the form of library science research or literature using qualitative methods. The results of this study are: Domestic violence can be defined as domestic violence can be defined as an act against a person, especially a woman, which causes physical, sexual, psychological, and/or domestic neglect. It also includes threats to commit such acts, coercion, or unlawful deprivation of liberty within the scope of the household. The dominance of power is also very influential in domestic violence because, with the power held by someone, other people in the social strata will submit to the owner of the power. *Qiraah mubadalah* can be a solution when domestic violence cases occur through the principles of *mitsaqan ghalidzo*, *hunna libasun lakum wa antum libasun lahunna*, *muasyarah bil maruf*, *tasyawurin*, and *Taradhim min huma*.

**Keywords:** Solution, Domestic Violence, *Qiraah Mubadalah*.

#### **A. Introduction**

The Law on the Elimination of Domestic Violence (UU PKDRT) is a significant step in Indonesia's legal system to address and prevent domestic violence, aiming to protect victims and punish abusers. The law covers various forms of domestic violence, such as physical, psychological, sexual, and neglect. Before the enactment of the PKDRT Law, domestic violence cases could have been prosecuted under general criminal provisions in the Indonesian Penal Code (KUHP). However, there was no specific law explicitly regulating domestic violence, providing special protection for victims, and imposing specific sanctions for perpetrators of domestic violence (Mutiarra & Syofiaty Lubis, 2024). According to Law No. 23 of 2004, domestic violence is defined as any act against a person, especially women, causing physical, sexual, or psychological suffering or neglect, and includes threats to commit such acts, coercion, or unlawful deprivation of liberty within the household. However, there is no single clear definition of domestic violence.



The Law on the Elimination of Domestic Violence (UU PKDRT) is a significant step in Indonesia's legal system to address and prevent domestic violence, aiming to protect victims and punish abusers. The law covers various forms of domestic violence, such as physical, psychological, sexual, and neglect. Before the enactment of the PKDRT Law, domestic violence cases may have been prosecuted under the general criminal provisions of the Criminal Code (KUHP). However, there was no specific Law that explicitly regulates domestic violence, provides special protection for victims, and special sanctions for perpetrators of domestic violence (Chrisbiantoro & Yusuf, 2023). With the implementation of the PKDRT Law, Indonesian law now provides a clearer and firmer foundation regarding domestic violence as a criminal offense, improving protection and law enforcement for victims. Although domestic violence is primarily regulated under criminal law, certain aspects also relate to civil law, especially in the context of domestic relations, such as divorce and child custody. However, the transition from criminal to civil does not imply that a domestic violence case, which was initially criminal, becomes civil; both can run concurrently depending on the context of the case.

Recent developments show that physical, psychological, and sexual violence and domestic neglect are common. Economic factors are the primary cause of domestic violence, especially in communities with lower economic levels (Sendy et al., 2024). The economic issues and difficulties in meeting basic needs such as food can trigger conflict in the household, particularly when jobs or businesses fail (economic paralysis). This situation reflects a gap between the written law (laws in books) and its implementation (laws in action), which requires attention from various parties as a problem to be addressed through scientific research. Therefore, solving this issue can be achieved through the *qiraah mubadalah* approach.

The *mubadalah* approach emphasizes the principles of equality and justice in relationships between men and women, focusing on cooperation, mutual respect, and the fair distribution of roles within the family. This theory counters the dominance of one party in the household, which is often the root cause of domestic violence. Key principles of *mubadalah*, such as mutual respect, reciprocity, and equity, offer a solution to domestic violence by promoting a more just and harmonious relationship dynamic (Last Fitriani & Nurhadi, 2022). The implementation of these principles within the family context can reduce the power imbalances that typically underlie domestic violence, as both men and women are viewed as having equal roles and rights in the family.

Fitriani and Nurhadi's study focuses on daily workers during the pandemic, which is a specific context. This journal may have a broader scope and not limit the analysis to a particular group. To expand the scope, you could explore the application of *Qiraah mubadalah* in a wider context, such as in households from various socio-economic backgrounds. The study provides practical solutions for daily workers during the pandemic. This aspect could be developed in your journal by offering more applicable solutions to various types of families, not just daily workers (Fitriani & Nurhadi, 2022). This journal's potential solution to domestic violence is novel and provides a unique Islamic legal perspective that integrates equity and mutual respect in marital relationships. The inclusion of Islamic principles such as *mitsaqan ghalidzo* and *muasyarah bil maruf* provides a deep, culturally relevant approach to tackling domestic violence, which is often underrepresented in mainstream solutions.

In Islamic law, the *mubadalah* principles are reflected in several key concepts, such as *mitsaqan ghalidzo* (a firm and noble marital bond), *hunna لباسun lakum wa antum لباسun lahunna* (they are garments for you, and you are garments for them), and *muasyarah bil maruf* (treating each other kindly). These concepts provide a foundation for a relationship based on equality and mutual respect between husband and wife, which can be a solution for addressing domestic violence, as this approach mandates cooperation and shared responsibilities within the family (Angraini, 2024).

## B. Method

This study uses a literature review to analyze existing books, journal articles, and other scholarly works relevant to domestic violence, Islamic law, and the *mubadalah* theory. According to Burhan Bungin, the literature review collects data by reviewing relevant literature to trace and understand historical and contemporary issues (Burhan, 2020). The research employs a descriptive-analytical approach. The descriptive part involves summarizing key concepts and findings from existing literature. At the same time, the analytical method critically examines these findings to explore how the *mubadalah* theory can provide solutions to domestic violence. This method helps to identify the relevance of *mubadalah* in addressing power imbalances and promoting equality within family relationships.

The *mubadalah* theory, rooted in Islamic law, emphasizes reciprocity, fairness, mutual respect, and shared responsibility in relationships (Zaid et al., 2024). This study explores how these principles can foster balanced partnerships, challenge traditional gender roles, and provide a solution to domestic violence by promoting equality between spouses. The research also compares the *mubadalah* framework with other existing approaches to domestic violence, highlighting its novelty and potential as a comprehensive solution in the Indonesian context. By integrating descriptive-analytical methods and focusing on *mubadalah*, this study offers a holistic perspective on domestic violence, combining legal, cultural, and social dimensions to propose an effective solution rooted in Islamic values.

## C. Results and Discussion

### Overview of Domestic Violence

In theory, violence is an act committed by a person or group of people in a position of strength (or who feel strong) against individuals or groups in a weaker position (or considered weak). This action uses superior force, both physical and non-physical, with the intentional purpose of causing suffering to the party who is the object of violence. Another opinion states that violence is an attack or invasion (*assault*) on a person's physical or psychological integrity (P & Sabir, 2021). According to Article 1 of the PKDRT Law, domestic violence is defined as an act against a person, especially a woman, that causes physical, sexual, or psychological misery or suffering and/or domestic neglect. It also includes threats to commit such acts, coercion, or unlawful deprivation of liberty within the scope of the household. Physical domestic violence can include *rape* of women both outside and inside the home (*marital rape*), domestic violence, *child* abuse, and genital mutilation. Meanwhile, non-physical or psychological violence can take the form of prostitution, pornography, exploitation of women, and other forms of mental abuse (Fitriani & Nurhadi, 2022).

According to data sourced from the Ministry of Women's Empowerment and Child Protection, it can be seen that there were 27,593 cases of violence, of which 4,630 were male victims and 25,053 were female victims in 2022. The number of violent incidents that occurred in the household amounted to 16,902, and the number of victims amounted to 18,140. Meanwhile, cases of violence in 2023 increased to 29,883 cases, with 6,332 male victims and 26,161 female victims. The number of domestic violence cases also experienced a significant increase, namely 18,007 cases with 19,340 victims. The forms of violence mentioned above also occur in the household, which has been considered a safe place where all family members feel peaceful and protected. Children, adolescents, and adults commit various forms of domestic violence. Research shows that children who grow up in a violent home environment tend to become violent individuals. 50% to 80% of men who beat their wives and/or children were raised in households where their father or husband beat their mother or wife. Ironically, they often take abuse for granted (Kempa, 2023).

Domestic violence in 2024 (January-June) amounted to 5641 cases with 6069 victims. The total number of cases is 9,173 cases, with several types of violence, namely 3,126 physical, 2,844 psychological, 4251 sexual, 112 exploitation, 91 trafficking, 843 neglect, and 1,106 others. As for domestic violence in Malang City in 2021, based on data sourced from the Malang City Statistics Agency, there were 62 cases, with 51 cases resolved (Analysis, 2024). The problem of domestic violence (KDRT) is very complex. Domestic violence can happen to anyone, including mothers, fathers, husbands, wives, children, or domestic servants. However, in general, the definition of domestic violence is often narrowed down to mistreatment of a husband against his wife. It is understandable because most victims of domestic violence are wives, and the perpetrators are often husbands. So, although domestic violence can happen to all family members, it is often defined as only the maltreatment of husbands against wives, as wives are more likely to be victims of domestic violence than other family members. Domestic violence itself can take many forms, including physical, psychological, sexual, and neglect (Sormin et al., 2021).

### **Variety of Domestic Violence**

*First*, there is a marginalization (marginalization/economic impoverishment process) of women. In many household cases, the forms of violence experienced by women or wives include restriction of movement, humiliation, ridicule, and minimization of the wife's role. From a gender perspective, these forms of violence create injustice for wives. Wives should be considered "partners" for husbands in the household, working together and helping each other run household life. Another form of marginalization is when husbands prohibit their wives from working outside the home to help with the family burden, even though the wife has the capacity and potential for skills and education (Rosyaadah & Rahayu, 2021).

*Second*, there is the subordination of women. Subordination is the belief that one sex is considered more important or more important than the other sex. For a long time, there have been views that place the position and role of women lower than men. For example, wives often identify with "kondo winking" or compliment men's interests. Many cases in tradition, interpretations of religious teachings, and bureaucratic rules place women as subordinate to men (Firdausi, 2020). The reality shows that societal values still limit women's space in life. Moderation of the Kondo wing king tradition has

encouraged Paciran women not to stay at home but to move and have their existence appreciated. What Paciran women have succeeded in doing with their ability to use cultural symbols can be the success of internalizing externalities and externalizing the internality of Paciran women to maintain their identity and be ready to face changes and challenges.

*Third*, there is negative labeling (stereotyping). Stereotypes are standardized images of individuals or groups that do not match the existing empirical reality. These oversimplified assumptions often ignore the diversity and individuality of people, reducing them to rigid categories based on preconceived notions rather than facts (Putri & Irawan, 2023). When applied to women, stereotypes create false and harmful perceptions that distort how society views their capabilities, aspirations, and roles. Common stereotypes, such as the belief that women are inherently emotional, less rational, or suited only for domestic responsibilities, not only misrepresent reality but also reinforce deeply entrenched gender inequalities. These misconceptions limit women's opportunities in education, career advancement, leadership roles, and personal development, creating invisible barriers that hinder their potential.

Moreover, negative labeling breeds injustice by justifying unequal treatment and perpetuating systemic biases. For women, this can manifest in wage gaps, underrepresentation in political and corporate leadership, and societal expectations prioritizing appearance over intellect or competence (Syarifah & Firdausiyah, 2023). One of the stereotypes that has developed based on the notion of gender is against women, framing them as less capable of handling roles traditionally dominated by men, such as in science, technology, or governance. It undermines their contributions and discourages young girls from pursuing their interests in these fields, perpetuating a cycle of exclusion and underrepresentation.

This stereotyping results in discrimination and various injustices that are detrimental to women, affecting their mental health, economic independence, and social standing. It can lead to a lack of confidence, self-censorship, and internalized sexism, where women themselves begin to believe and conform to these limiting narratives. On a broader scale, societies that cling to gender stereotypes fail to harness the full potential of half their population, stifling innovation, progress, and social cohesion (Agustin & Munawaroh, 2024). Breaking free from these stereotypes requires a conscious effort to challenge and dismantle the cultural norms and biases that sustain them, promoting gender equity through education, policy changes, and amplifying diverse female voices in all sectors of life.

*Fourth*, the *double burden* is another form of gender discrimination and injustice. This burden occurs when one gender, often women, has to perform excessive tasks. In a household, there is generally a division of activities where men do some types of work while women do others. However, women often have to do domestic tasks and work outside the home, doubling their burden (Ardiani, 2022). Women do almost 90% of household chores (Elindawati, 2021). For working women, this means they are responsible for work at work and all household chores. Women workers must meet the expectations of completing household chores, which are often seen as the wife's responsibility in society, while still performing well at work. It creates what is known as a "double burden" for working women, which men do not experience. Men are generally not expected to do double work or complete household tasks as is expected of women.

## Power Involvement in Domestic Violence

Domestic violence (DV) is a highly complex issue that affects various aspects of personal life as well as society. One of the main factors contributing to this violence is the imbalance of power between partners in a household. The dominance of power, whether physical, emotional, or economic, often becomes the root cause of the violence (Wardhani, 2021). In many cases, domestic violence occurs because of this power imbalance, where the stronger party (often the husband in the context of traditional patriarchy) exploits their position to dominate the weaker counterpart (often the wife). This imbalance not only affects the family dynamic but also exacerbates the suffering of victims and prolongs the cycle of violence (Madut, 2020). Theoretically, power in a marital relationship can be understood as the ability or control held by one party, whether husband or wife, to influence decisions, actions, and the fate of the other. This power can take various forms, such as financial control, family decision-making, or physical and emotional coercion. In many cases, domestic violence arises as a manifestation of this imbalance of power, where the party holding the power feels entitled to dominate and control their partner.

The inequality in power distribution is often exacerbated by cultural and social norms that teach men to be the leaders and women to be followers in the household. The patriarchal society still prevalent in many countries, including Indonesia, reinforces the view that a husband's power in the home is superior to that of the wife. This imbalance forms the root of many marital issues, including violence. In such a situation, women often feel trapped and powerless to resist or escape from abusive relationships (Fathoni et al., 2024). Power involvement in domestic violence can be seen in various forms, such as:

1. Economic power: where one party (often the husband) controls the financial resources of the family, making the wife economically dependent and unable to leave the abusive relationship.
2. Social power: where social or cultural norms dictate the roles of women as the weaker party, making them feel compelled to accept mistreatment from their husbands.
3. Physical power: where one party uses physical force to control and intimidate their partner.

The main challenge in addressing this issue is the inadequate protection for domestic violence victims, both through legal frameworks and societal support. Despite Indonesia having the law on the Elimination of Domestic Violence (UU PKDRT), there are still many gaps in its implementation. Many victims are afraid or ashamed to report and often lack access to shelters or support networks to escape the abusive environment. Therefore, collective efforts are needed that go beyond legal frameworks to include education, cultural change, and women's empowerment to address the power imbalances that underlie domestic violence.

It highlights that the ruler's perspective is the main determinant in maintaining the benefit and harmony in the family. Decisions made solely from a position of authority without considering moral values or the well-being of all members can lead to conflicts and a breakdown of trust. Conversely, when the "ruler" aligns their decisions with justice and moral integrity, they foster a nurturing environment where every member

feels valued and respected (Azizah & Street, 2025). Thus, the interplay between law, morality, and justice within the family becomes a theoretical concept and a lived experience that shapes the dynamics and health of familial relationships.

In such social situations, women victims tend to rely on their resources to survive. They tend to rationalize their experiences of abuse as their partner's natural response to the pressures he faces. As a result, battered women may internalize cultural norms that justify their partner's violence. They end up accepting the view that they are responsible for the success of the marriage. In this trapped state, women are often prone to internalizing negative feelings such as shame, confusion, guilt, and self-blame. It makes it difficult for women to find a way out of the violent situation they are in (Zaini Miftach, 2018).

1. Inadequate legal order. Various aspects of the law, including the substance of the law, the structure of Law enforcement officials, and the legal culture of the community, do not support the interests of women, especially in the context of violence. The Criminal Code, as the main guide in Law enforcement, is no longer considered relevant to overcoming the various forms of violence in society. In addition, cultural values that justify the subordinate position of women are reinforced in various Laws and regulations, such as the 1974 Marriage Law, which emphasizes the differences in roles and status between husband and wife. For example, Article 31, paragraph 3 of the law states, "The husband is the head of the family and the wife is the housewife." Article 34, paragraphs 1 and 2 stipulate: "The husband is obliged to protect his wife and provide all the necessities of household life according to his ability," and "The wife is obliged to manage household affairs as well as possible (Nahattands, 2022). The law makes the wife very financially dependent on her husband.
2. Cultural values (Rosyaadah & Rahayu, 2021). It is a fact that there is inequality between men and women in society. This concept creates the view that women have an inferior position to men, often under their control and authority. Such gender relations are embedded in patriarchal family structures and supported by economic institutions, politics, and belief systems, including religion, which legitimize such relations as natural, morally just, and sacred. The weak position of women in these structures is the result of patriarchal values that are maintained through socialization and reproduction by society and the state. These values justify that men have the power and superiority to maintain control over women. In patriarchal cultures, women are often given messages that demean or dehumanize them. This culture has placed wives as the property of their husbands, so women must always be under the watchful eye of their husbands. When the wife is perceived to be doing something wrong in the husband's view, any action can be taken to "justify" her behavior, including acts of violence.
3. The culture encourages wives to be financially dependent on their husbands, making them completely dependent on them (Alimi & Nurwati, 2021). It leaves wives at the mercy of their husbands. Economic inequality between husbands and wives is also a contributing factor to domestic violence, with more husbands working than wives. In addition, the culture of resolving domestic conflicts with violence and the system of authority and decision-making centered on the husband also contribute to this phenomenon.

4. Misperceptions (P & Sabir, 2021). People often see domestic violence as a private matter between husband and wife rather than a social issue that should be addressed. Domestic violence is considered a family embarrassment that should be kept hidden. Wives often do not dare to report their husbands' violence to the authorities for various reasons and considerations, such as fear of retaliation from the husband, lack of shelter, fear of humiliation from the community, low self-confidence, considering the interests of the children, and to maintain the institution of marriage.
5. Myths. The issue of domestic violence has worsened due to misperceptions in society. One of the myths is that husbands commit violence against their wives just because of small mistakes, such as wives who are considered too fussy, unfaithful, or dare to oppose. However, in reality, wives who report violence have generally experienced violence for a long period. It is rare to find cases where wives report only one incident of violence. Another myth is the assumption that an abused wife is the type of wife who likes to disobey. However, the reality is that victims and perpetrators of domestic violence come from various walks of life, including those with diverse social statuses, education levels, and types of professions. It is not uncommon for abusers to come from among educated community leaders and religious leaders.

The dominance of power has a major impact on domestic violence, where people who have power in the social strata tend to dominate others. This power applies not only to husbands but also to wives. This power relationship can take the form of each partner's wealth, position, job, and personal characteristics. The social and cultural structures that society adopts create an imbalance in power distribution between men and women. This imbalance also affects the dynamics of household and family relationships.

Through the discussion on power involvement in domestic violence, this article offers new insights into how the power imbalance in marital relationships can be a key trigger for violence. This concept of power is not only limited to physical or financial control but also involves social and cultural norms that shape gender roles within the household. With this understanding, it is hoped that society and policymakers can gain a deeper comprehension of the complexities of domestic violence and seek more holistic solutions to address the problem (Samsidar, 2020). This article also introduces the concept of *qiraah mubadalah* as a potential solution to address the power imbalance in households. This approach promotes equality and mutual respect in relationships, aiming to create a more equitable and harmonious partnership where both men and women contribute equally, whether in public or domestic spheres. By applying the principles of *mitsaqan ghalidzo*, *hunna libasun lakum wa antum libasun lahunna*, *muasyarah bil maruf*, *tasyawurin*, and *taradhim min huma*, *qiraah mubadalah* offers a framework for mitigating domestic violence. These principles emphasize mutual respect, fair decision-making, and shared responsibility, which align with Islamic teachings that foster harmony and cooperation within marital relationships.

The proposed framework not only addresses the symptoms of domestic violence but also tackles the underlying power imbalances that fuel it. Advocating for equality in thought and practice aims to create a more just and supportive environment where



partners are valued equally (Syarifah & Firdausiyah, 2023). This contribution is significant as it not only expands the understanding of domestic violence in the context of power but also introduces a culturally relevant solution that aligns with the values of mutual respect and cooperation within a family.

### ***Qiraah Mubadalah* as a Solution to Domestic Violence**

The *mubadalah* approach describes equality and justice in the relationship between men and women, which encourages an attitude of cooperation that is participatory, fair, and benefits both parties without discrimination. This perspective challenges traditional gender roles that have long dominated societal structures, advocating instead for a more balanced and reciprocal partnership in all areas of life (Nur et al., 2022). It emphasizes that men and women have equal potential and rights to contribute meaningfully in various spheres, whether in the family, workplace, or community. The public sphere should not only be for men, while the domestic sphere should not only be the responsibility of women. By dismantling these rigid boundaries, *mubadalah* fosters an environment where mutual respect and shared responsibilities thrive (Fitriani & Nurhadi, 2022).

In modern legal systems, the principle of *mubadalah* is aligned with various national laws and international human rights frameworks that aim to protect the rights of both men and women. In Indonesia, for instance, the law on the Elimination of Domestic Violence (UU PKDRT) enshrines the protection of women from violence. It ensures that both spouses are treated equally under the law (Zaid et al., 2024). The law also emphasizes that domestic violence is not just a private matter but a public issue that demands collective action for prevention and resolution.

Some of the principles offered by *qiraah mubadalah* include the following. First, reciprocity encourages both parties to consider each other's needs and perspectives in decision-making, ensuring that outcomes benefit all involved. Second, the principle of fairness demands that opportunities and responsibilities are distributed justly, without bias or favoritism based on gender. Third, the principle of collaborative partnership emphasizes working together as equals in both personal and professional settings, fostering a culture of mutual support rather than competition or dominance (Wagianto, 2021). By integrating these principles into everyday life, *mubadalah* not only promotes gender equality but also nurtures more harmonious and just relationships across all levels of society.

#### **1. *Mitsaqan ghazwa* (a firm bond between husband and wife)**

Marriage, as *mistaken ghalidzo*, means that marriage is a strong and noble covenant that cannot be played with. It is a promise made by Allah specifically with His Ulul Azmi Messengers, as well as a promise accompanied by the threat of Mount Thursina to the children of Israel who disbelieved in Him. Therefore, when saying the Ijab Kabul contract, all parties, including the prospective husband, prospective wife, and guardian, must think seriously about the consequences and prepare themselves as well as possible, outwardly and inwardly. The goal is that marriage becomes a means to get closer to the Creator, not the other way around to become His most hated servant. To maintain the household as a *mission holiday*, the husband and wife must understand and realize their roles and responsibilities in the family. They must respect each other, maintain communication, and work

together to resolve problems and build a harmonious family (Siswanto, 2021). It is contained in Surah An-Nisa verse 21:

The Women (4:21)

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

Meaning: “And how could you take it back after having enjoyed each other intimately, and she has taken from you a firm commitment?”

The goal of marriage, framed as *mistaken ghalidzo*, is to serve as a means of getting closer to the Creator. It is not merely about fulfilling personal desires or societal expectations but about fostering a partnership that nurtures spiritual growth, mutual respect, and shared responsibilities (Dastur et al., 2024). When marriage is approached lightly or without sincere intention, it risks becoming a source of discord and even leading individuals away from divine guidance, potentially turning them into servants whose actions are displeasing to Allah. Thus, maintaining this sacred covenant requires ongoing effort, patience, and a deep understanding of its spiritual significance (Zaini Miftach, 2018).

2. *Hunna libasun lakum wa antum libasun lahunna* (in pairs)

The first principle of the *maṣlaḥah* family is the principle of pairing, which in the Qur'an is referred to as "*zawj*." We can see that in families around us, there is often a domination of one family member over another. It could be due to cultural factors that have long developed, such as patrilineal or matrilineal culture. However, if we go back to this principle, no one should dominate in a couple. In the perspective of *mubadalah*, to create a *maṣlaḥah* family, the word "*azwajan*" in verse is interpreted as a spouse. It means the husband is the wife's partner and vice versa (Wardhani, 2021). As a couple, the family should have a complementary attitude towards each other. The wife complements the husband's existence, and vice versa. In Javanese culture, the term "*garwo*" (*signing nyowo*, which means half a life/soul) describes the philosophy that the wife is the husband's soulmate, and the husband is the wife's soulmate.

3. *Muasyarah bil maruf* (being kind)

Building harmonious relationships between husband, wife, and other family members is the obligation of every family that yearns for a life filled with tranquility (*sakina*), love (*mawaddah*), and compassion (*rahmah*). All family members need to consider this principle of *muasyarah bil maruf*. The term *muasyarah bil maruf* itself already reflects reciprocity and reciprocity. The Quranic verse that underlies this principle is QS. An-Nisa verse 19:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرْتُوا النِّسَاءَ كَرْهًا وَلَا تَعْضُلُوهُنَّ لِتَذْهَبُوا بِبَعْضِ مَا آتَيْنَهُنَّ مُحِبِّينَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَىٰ أَنْ تَكْرَهُوا شَيْئًا وَيجعلَ اللهُ فِيهِ خَيْرًا كَثِيرًا

Meaning: “O believers! It is not permissible for you to force women against their will or mistreat them to make them return some of the dowry 'as a ransom for divorce unless they are found guilty of adultery. Treat them fairly. If you dislike them, you may hate something Allah turns into a great blessing.”

Although this verse explicitly addresses how husbands should treat their wives well, this principle also applies vice versa, where wives must treat their husbands well. In the *mubadala* perspective, the norm of *muasyarah bil maruf* between husband and wife is the core of all Islamic teachings and rules. With the *mubadalah* approach, it is hoped that men and women will get the same good, which indicates the achievement of Islamic Law's objectives (*maqasid al-shariah al-khaimah*) in the family. For example, in protecting the soul (*hifz alnafs*), the family ensures that the right to life and improving the quality of life for men and women are fulfilled. Likewise, the protection of religion and worship (*hifz al-din*), reason and knowledge (*hifz al-aql*), offspring and reproductive rights (*hifz al-nasl*), as well as property and ownership (*hifz al-mal*), must be ensured to cover men and women as the implementation of *mubadalah* in the norm of *muasyarah bil maruf* (Wagianto, 2021).

#### 4. *Tasyawurin* (mutual discussion or exchange of ideas)

This principle explains how husbands, wives, and other family members should always discuss and exchange ideas in making decisions without imposing their will on each other. Each partner should be open-minded to their partner's opinions and views. Talking to your spouse is a form of recognition and respect for his or her dignity and abilities. All family and household problems should be resolved through mutual consultation. After the deliberation results are agreed upon, each family member should complete it with full willingness. In QS Al-Baqarah verse 233:

وَالْوَالِدَتُ يُرْضِعْنَ أَوْلَدَهُنَّ حَوْلَيْنِ كَامِلَيْنِ ۖ لِمَنْ أَرَادَ أَنْ يُنِيمَ الرِّضَاعَةَ ۚ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ۚ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۚ لَا تُضَارَّ وَلَدَةٌ بِوَلَدٍ ۚ وَلَا مَوْلُودٌ لَهُ بِوَلَدٍ ۚ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۚ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۚ وَإِنْ أَرَدْتُمْ أَنْ تَسْرِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Meaning: "Mothers will breastfeed their offspring for two whole years, for those who wish to complete the nursing 'of their child'. The child's father will provide reasonable maintenance and clothing for the mother 'during that period'. No one will be charged with more than they can bear. No mother or father should be made to suffer for their child. The 'father's' heirs are under the same obligation. However, if both sides decide, after mutual consultation and consent, to wean a child, then there is no blame on them. If you decide to have your children nursed by a wet nurse, it is permissible as long as you pay fairly. Be mindful of Allah, and know Allah is All-Seeing of what you do."

It is stated that weaning a child who is not yet two years old should be done with a mutual willingness (*trading*) between father and mother, without coercion from anyone, and through a process of deliberation to reach the best decision (Nor Hidayatullah, Fathurrahman Alfa, 2020). This openness strengthens the bond between partners and cultivates a sense of trust and emotional intimacy within the family.

Talking to your spouse is more than just a practical necessity; it is a profound recognition and respect for their dignity, intelligence, and unique contributions to the relationship (Sholihah et al., 2023). By actively listening and considering each

other's thoughts, both partners affirm the value of their relationship and demonstrate a commitment to shared growth and understanding. This practice of open communication becomes the foundation for resolving conflicts and navigating life's challenges together, ensuring that both parties feel heard and appreciated.

5. *Taradhim min huma* (mutual comfort or pleasure)

This principle emphasizes the importance of willingness and acceptance from both parties, where the husband and wife give to each other and feel comfortable. When there is willingness, there will be no rejection or discomfort. A family whose members are filled with a sense of willingness will create an environment of happiness and love, for example, in the matter of weaning children, as mentioned in QS. In Al-Baqarah verse 233:

فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۖ

Meaning: "But if both sides decide—after mutual consultation and consent—to wean a child, then there is no blame on them."

The willingness of both parties, husband and wife, is needed. Moreover, in other matters, it certainly requires more intense submission. Therefore, seeking willingness in the family should be interpreted in a *mubadalah* manner to create a harmonious and comfortable life. Just as the Hadith states that a wife will enter Paradise if she gets her husband's consent, in *mubadalah*, this Hadith also means that the husband will enter Paradise if he gets the consent of his wife. Essentially, husbands and wives should always try to get their spouses' consent.

In several Islamic communities, family counseling centers have been established to resolve domestic violence cases by promoting dialogue between spouses. One such example is the Marriage and Family Counseling Center (MK3), which operates in various parts of Indonesia, particularly in regions with strong Islamic communities. The center encourages both husband and wife to participate in joint counseling, focusing on mutual consultation (*tasyawurin*) and mutual satisfaction (*taradhim min huma*), principles grounded in *mubadalah* (Busyro et al., 2023). The counselors emphasize the equality of both partners, teaching them to share their feelings and make decisions collaboratively, thus avoiding the patriarchal dominance that often leads to violence. This practice directly applies the principle of *muasyarah bil maruf*, where both parties are encouraged to live together with kindness and equity, creating a space for mutual respect and understanding.

This initiative aligns with Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), which promotes the resolution of domestic violence through legal and social channels, including mediation. The law encourages resolving conflicts fairly and justly, protecting both parties' rights. Fiqh emphasizes the importance of consultation and mutual respect in marriage. The principle of *muasyarah bil maruf*, as stated in the Quran, encourages treating one's spouse with kindness, and this principle is applied in counseling sessions to ensure that both partners contribute to resolving conflicts peacefully.

It ensures that every role within the family carries a strong legal and social responsibility. The Prophet Muhammad emphasized the importance of selecting a good partner, as marriage based on this principle leads to the birth of high-quality individuals. A suitable spouse is assessed based on religion, lineage, and honor, as a marriage founded on these criteria will result in morally upright and well-mannered children. It aligns with Islamic childcare principles, which begin before conception and continue throughout pregnancy. In the Islamic family structure, as highlighted in the Quran, those who attain the blessings of *sakina*, *mawaddah*, and *rahmah* are families that embrace the concept of *mubadalah*.

#### D. Conclusion

Based on the discussion above, the following conclusions can be obtained. Domestic violence can be defined as an act against a person, especially a woman, that causes physical, sexual, or psychological misery or suffering and/or domestic neglect. It also includes threats to commit such acts, coercion, or unlawful deprivation of liberty within the scope of the household. The dominance of power is also very influential in domestic violence because, with the power possessed by someone, other people in the social strata will submit to the owner of the power. *Qiraah mubadalah* can be a solution when domestic violence cases occur through the principles of *mitsaqan ghalidzo*, *hunna لباسن lakum wa antum لباسن lahunna*, *muasyarah bil maruf*, *tasyawurin*, and *Taradhim min huma*.

#### References

- Agustin, D., & Munawaroh, E. (2024). Hubungan antara Dukungan Sosial Keluarga dan penerimaan Diri dengan Resiliensi Perempuan Korban Kekerasan dalam Rumah Tangga (KDRT) di kecamatan .... *Journal of Learning and Instructional Studies*, 4(1). <https://doi.org/10.46637/jlis.v4i1.48>
- Alimi, R., & Nurwati, N. (2021). Faktor Penyebab Terjadinya Kekerasan Dalam Rumah Tangga Terhadap Perempuan. *Jurnal Penelitian Dan Pengabdian Kepada Masyarakat (JPPM)*, 2(2), 211. <https://doi.org/10.24198/jppm.v2i2.34543>
- Analysis, C. for P. (2024). *Gender Inequality and Violence Against Women: Vol. XVI* (Issue 24). [https://open.unaids.org/sites/default/files/documents/SRA5\\_Gender\\_2017.pdf](https://open.unaids.org/sites/default/files/documents/SRA5_Gender_2017.pdf)
- Angraini, E. (2024). Gender Verses and Women ' s Resilience in Education and Socio-Culture : Mubadalah Faqihuddin Abdul Kodir ' s Perspective. *SYAIKHUNA: Jurnal Pendidikan Dan Pranata Islam*, 14(2), 256–270.
- Ardiani, S. M. (2022). Gerakan Feminisme sebagai Project Identity: Sebuah Upaya Eliminasi Kekerasan Seksual dalam Masyarakat Jaringan. *Martabat: Jurnal Perempuan Dan Anak*, 6(1), 101–125. <https://doi.org/10.21274/martabat.2022.6.01.101-125>
- Azizah, S. N., & Street, L. A. (2025). Islamic Economics: A Survey Related to The Literature of Working Women. *El-Uqud: Jurnal Kajian Hukum Ekonomi Syariah*, 3(1), 1–21. <https://doi.org/10.24090/eluqud.v3i1.13088>
- Burhan, F. (2020). Fragmentasi Identitas Etnis Tionghoa dalam Novel Bukan Cinta. *Idea Of History*, 03, 87–94.
- Busyro, Ismail, Basir, G., Wadi, F., Rahmiati, & Sinora, S. (2023). Paternity Leave in

- Mother and Child Welfare Bill Based on Hifz Al-Nasl Perspective and Government Ethics Politics. *Istinbath: Jurnal Hukum Dan Ekonomi Islam*, 22(2), 247–256. <https://doi.org/10.20414/ijhi.v22i2.497>
- Chrisbiantoro, C., & Yusuf, H. (2023). Domestic Violence Based on Law No. 23 of 2004 Concerning the Elimination of Domestic Violence. *Journal of Social Research*, 2(9), 2934–2941. <https://doi.org/10.55324/josr.v2i9.1343>
- Dastur, M., Ja'far2, Bastiar, & Noor, U. M. (2024). The Ruling on the Marriage of a Pregnant Woman from an Illegitima Relationship. *Al-Fikru: Jurnal Ilmiah*, 18(1), 64–79. <https://doi.org/10.51672/alfikru.v18i1.409>
- Elindawati, R. (2021). Ketidaksetaraan Gender Dimasa Covid-19. *AL-WARDAH: Jurnal Kajian Perempuan, Gender Dan Agama*, 15(2), 181–193. <https://doi.org/10.46339/al-wardah.xx.xxx>
- Fathoni, M. N., Oktora, N. Dela, & Wijayati, M. (2024). The Best Interests of The Child From An Adult Perspective ( A Case Study on Child Marriage Dispensation Cases at the Sukadana. *Istinbath: Jurnal Hukum Dan Ekonomi Islam*, 23(2), 400–413. <https://doi.org/10.20414/ijhi.v23i2>
- Firdausi, N. I. (2020). Moderasi Tradisi Konco Wingking: Upaya Melepaskan Dilema. *Kaos GL Dergisi*, 8(75), 147–154. <https://doi.org/10.15408/harkat.v16i1.15609>
- Fitriani, H. L., & Nurhadi, N. (2022). Solusi Penyelesaian Kasus KDRT bagi Pekerja Harian Masa Pandemi Covid-19 dalam Perspektif Qira'ah Mubaadalah. *Ilsys: Jurnal Keislaman Dan Ilmu Pendidikan*, 2(3), 459–474. <https://doi.org/10.58578/alsys.v2i3.509>
- Kemenpppa. (2023). *Statistik Kekerasan di Indonesia*. Kementerian Pemberdayaan Dan Perlindungan Anak. <https://kekerasan.kemenpppa.go.id/ringkasan>
- Last Fitriani, H., & Nurhadi. (2022). Kekerasan Dalam Rumah Tangga (Kdrt) Persepktif Sosiologi Hukum Islam Dampak Pandemi Covid-19. *PENSA : Jurnal Pendidikan Dan Ilmu Sosial*, 4(2), 1–42. <https://ejournal.stitpn.ac.id/index.php/pensa>
- Madut, K. K. (2020). Determinants of Early Marriage and Construction of Gender Roles in South Sudan. *SAGE Open: Journal of Black Studies*, 10(2), 1–9. <https://doi.org/10.1177/2158244020922974>
- Mutiara, M., & Syofiaty Lubis. (2024). Implementation of Law No. 23 of 2004 on the Elimination of Domestic Violence Domestic Violence (PKDRT) in the Province of North Sumatra. *Journal of Law, Politic and Humanities*, 4(3), 221–226. <https://doi.org/10.38035/jlph.v4i3.333>
- Nahattands, L. V. (2022). Sosialisasi Undang-Undang Nomer 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga. *Deputi Sekretaris Kabinet Bidang Hukum Dan Perundang-Undangan*, 5(2), 67–73. <https://doi.org/10.56301/awal.v5i1.442>
- Nor Hidayatullah, Fathurrahman Alfa, M. M. (2020). Gugatan tentang Praktik Poligami oleh Partai Solidaritas Indonesia (Study Analisis Dalam Perspektif Hukum Islam Dan Hukum Positif). *HIKMATINA: Jurnal Ilmiah Hukum Keluarga Islam*, 1(3). <https://doi.org/10.5237/jh.v1i3.241>
- Nur, H. A., Hermanto, A., & Zaelani, A. Q. (2022). Monogami dalam Tinjauan Mubadalah. *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law*, 3(2), 93–108. <https://doi.org/10.24042/el-izdiwaj.v3i2.14281>
- P, M. F., & Sabir, M. (2021). Laki-laki dan Kesetaraan Gender Pada Organisasi Solidaritas Perempuan Komunitas Anging Mammiri Sulawesi Selatan; Perspektif Hukum Islam.

- Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum*, 796–806.  
<https://doi.org/10.24252/shautuna.v2i3.21887>
- Putri, R. Y., & Irawan, W. T. (2023). Domestic Violence From a Gender Politics Perspective. *JURNAL ILMU SOSIAL Dan ILMU POLITIK*, 3(2).  
<https://doi.org/10.30742/juispol.v3i2.3484>
- Rosyaadah, R., & Rahayu, R. (2021). Perlindungan Hak Asasi Manusia Perempuan terhadap Kasus Kekerasan dalam Rumah Tangga di Indonesia dalam Perspektif Hukum Internasional. *Jurnal HAM*, 12(2), 261.  
<https://doi.org/10.30641/ham.2021.12.261-272>
- Samsidar. (2020). Peran Ganda Wanita dalam Rumah Tangga. *An Nisa'*, Vol. 12,(2), 655–663. <https://doi.org/10.30863/An Nisa'.v12i1.253>
- Sendy, B., Rossanty, Y., & Hawawari, M. F. (2024). The Impact of Economic Factors as Causes of Domestic Violence in the Family ( A Study of Besilam Village , Langkat Regency ). *JLCA: Journal of Legal and Cultural Analytics*, 3(4), 373–380.
- Sholihah, R. A., Nurani, S., & Mubarok, M. S. (2023). Akuntansi Kesalingan: Rekonstruksi Akuntansi Rumah Tangga Perspektif Mubadalah. *Imanensi: Jurnal Ekonomi, Manajemen, Dan Akuntansi Islam*, 8(2), 63–76.  
<https://doi.org/10.34202/imanensi.8.2.2023.63-76>
- Siswanto. (2021). Memahami Makna Mitsaqan Ghalizan dalam Al-Qur'an: Respon Terhadap Problematika Hukum Pernikahan di Indonesia. *Jurnal Tafakkur*, 2(1), 24–35. <https://doi.org/10.28314/tafakur.v2i1.47>
- Sormin, R. F., Wahyuni, D., & Prayudhi, A. A. (2021). Kebijakan Hukum Pidana Terhadap Tindak Pidana Kekerasan dalam Rumah Tangga. *PAMPAS: Journal of Criminal Law*, 2(3), 109–120. <https://doi.org/10.22437/pampas.v2i3.15267>
- Syarifah, S. W., & Firdausiyah, V. (2023). Tindak Kekerasan dalam RUMah Tangga (KDRT) dalam Perkawinan Menurut Hukum Islam dan Hukum Positif. *Al-Muqaranah : Jurnal Perbandingan Madzhab*, 1(2), 83–94.  
<https://doi.org/10.55210/jpmh.v1i2.307>
- Wagianto, R. (2021). KONSEP KELUARGA MAŞLAĦAH DALAM PERSPEKTIF QIRA'AH MUBADALAH DAN RELEVANSINYA DENGAN KETAHANAN KELUARGA DI MASA PANDEMI COVID-19. *Jurnal Ilmiah Syariah*, 20, 1–15.  
<https://doi.org/10.31958/juris.v20i1.2889>
- Wardhani, K. A. P. (2021). Perlindungan Hukum terhadap Perempuan Korban Kekerasan Dalam Rumah Tangga (KDRT) pada Tingkat Penyidikan berdasarkan Undang-Undang No. 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga (UUPKDRT). *Jurnal Riset Ilmu Hukum*, 1(1), 21–31.  
<https://doi.org/10.29313/jrih.v1i1.70>
- Zaid, M., Muhammad, S., Noor, A., Putri, D., Malik, M., & Malang, I. (2024). Mubadalah in Practice : Exploring the Dual Role of Generation Z Students as Couples. *Al-Hukama': The Indonesian Journal of Islamic Law*, 14(2), 171–200.
- Zaini Miftach. (2018). *Gerakan Kesetaraan Gender melalui Telaah Teks (Studi Pemikiran Fatima Mernissi)*. 1(1), 53–54.