

Husband And Wife's Rights in Gender Study: Study of The Islamic Fiqh Wa Adilatuhu by Wahbah Azzuhaili

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|| Received : 14-04-2025 || Accepted: 12-06-2025 || Published: 13-06-2025

Abstract

Gender inequality remains a significant societal issue. Men often assert dominance over their wives using religious and cultural arguments without critically evaluating existing texts or considering contemporary developments. This leads to gender injustice, including a double burden and the marginalization of women. The misconception of male superiority also contributes to domestic violence. . This research was conducted to determine the relevance of books written by contemporary ulama to the current era and to find out whether there is gender inequality in the explanation of these books. This study employs a qualitative library research methodology to examine the rights of husbands and wives as presented in the Islamic book: Al- fiqh al-islam waadilatuhu. The findings reveal a discrepancy between some of Sheikh Wahbah Zuhaili's explanations regarding husband and wife rights and contemporary realities in his work Fiqh Islam Waadilatuhu. Several of these explanations, rooted in classical fiqh texts, contribute to gender inequality. Therefore, a critical review of these texts is needed to provide a modern and relevant understanding.

[Saat ini banyak sekali isu terkait ketimpangan gender di masyarakat. Laki-laki mendominasi istri menggunakan dalil agama dan budaya tanpa mengkaji kembali teks yang ada serta tidak melakukan pendekatan kritis terhadap perkembangan zaman. Hal tersebut menjadikan seorang istri mendapatkan ketidakadilan gender, selain mendapat beban ganda perempuan juga termarginalisasikan. Bahkan dengan pemahaman bahwa laki-laki lebih superior dibandingkan Perempuan banyak sekali terjadi KDRT. Penelitian ini bertujuan untuk mengetahui korelevansi kitab karya ulama kontemporer dengan zaman saat ini dan untuk mengetahui apakah ada ketidaksetaraan gender dalam penjelasan kitab tersebut. Penelitian ini menggunakan metode kualitatif jenis library research untuk mengkaji hak suami dan istri dalam kitab fiqh islam waadilatuhu. Temuan penelitian ini ketidakrelevanan beberapa pemaparan syekh Wahbah zuhaili dalam hak suami istri dalam karyanya kitab Fiqh Islam Waadilatuhu dengan konteks masyarakat modern. Dimana beberapa penjelasan mengenai hak suami istri dalam kitab tersebut masih berpacu pada kitab fiqh klasik. Sehingga hal tersebut memicu adanya ketimpangan gender.]

Keywords: Fiqh Islam Waadilatuhu, Gender; Husband and wife rights.

How to Cite: lahutiy, S., & Wulandari, Y. . (2025). Husband And Wife's Rights in Gender Study: Study of The Islamic Fiqh Wa Adilatuhu by Wahbah Azzuhaili. Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah, 8(2), 387–397. <https://doi.org/10.58824/mediasas.v8i2.343>



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INTRODUCTION

The issue of gender has developed rapidly in recent years, even outpacing other equally important pluralistic issues (Sidiq & Erihadiana, 2022). Gender differences have given rise to gender roles that are perceived as immutable (Hamzani, 1991). Religious interpretations (Lubis, 2016) and cultural factors exert a significant influence on society (Rusman, Maallah, 2020). Studies on the rights of husbands and wives within the Islamic tradition are often dominated by patriarchal interpretations (Al-Sharmani, 2018), where men are constructed as superior and women as inferior (Anggoro, 2019). This gender ideology needs to be reconstructed as it leads to structural injustices such as (Nafisah, 2008) marginalization, subordination, violence, and a double burden on women (Kodir, 2019).

Islam teaches that husbands and wives have equal rights (Fuad, 2023). Both in the public and domestic spheres, the rights and obligations of spouses are compensatory (*UU Perkawinan. Undang-Undang Nomor 1 Tahun 1974 Pasal 1-3.*, n.d.). While a wife is responsible for child-rearing and household matters, the husband carries equal responsibility (Werdiningsih, 2020). However, many gender roles are still used to justify the domination of wives, leading to the violation of wives' rights and disadvantaging them (Mubarok & Hermanto, 2023). Misunderstandings about gender bias justify men's juridical and religious authority over their wives, often resulting in domestic violence (Pancasilawati, 2013). This mindset also causes women to fear claiming maintenance rights, as they are perceived as disrespectful for challenging traditional roles (Yani, 2024). Furthermore, this affects child-rearing patterns in certain communities, where parents treat children differently based on their gender (Mukhlisin, 2023). Gender bias in employment, education, and economic participation also impedes per capita GDP growth (Jewaru, 2022). Societal views on education are shaped by gender constructs, where women are often considered unnecessary to pursue higher education since they are expected to fulfill domestic roles (Yuniar & Yuniasih, 2022).

As time progresses, women increasingly adopt roles formerly held by men. Modern history illustrates that women have capabilities equivalent to those of males (Pamungkas, 2023). Husein Muhammad, in his various research on gender, emphasizes the importance of a critical approach and in-depth analysis of classical texts, aiming to make these texts a reference and comparison point to broaden religious perspectives, thereby maintaining their relevance in modern times (Mursyidah, 2024).

Society requires an Islamic feminist approach to reconstruct religious values with the goal of establishing justice and equality without neglecting religious principles. This approach opens space for a more open and progressive dialogue so that Islamic legal interpretations can align with the social developments of modern society, especially concerning family issues and women's rights (Lestari, 2024).

Research by Mohamed Sulthan Ismiya Begum and other scholars highlights modern and contemporary scholars' views on gender equality in Islamic family law. These scholars indicate a shift in perspective, striving to reinterpret classical Islamic legal texts responsively to support gender equality. However, disagreements still exist among scholars on this matter (Begum et al., 2024). Afridawati's research, utilizing the *maqasid al-shariah* framework to examine gender equality in Islamic marriage law, specifically on instances where women initiate divorce, illustrates that women have valid religious justifications for seeking divorce and possess potential equivalent to that of males (Mufti, 2024). Fuady Abdullah and friends discovered that many traditional *fiqh* requirements concerning *'iddah* (waiting period) are irrelevant in contemporary judicial frameworks and, in reality, reinforce gender inequity (Abdullah et al., 2023).

While this research is thematically related to several previous studies, it differs in that no prior study has specifically examined *Fiqh Islam wa Adillatuhu*. Therefore, this study seeks to fill this gap by analyzing the construction of classical fiqh in the works of contemporary scholars from a gender equality perspective.

Wahbah Az-Zuhaili is a prominent contemporary fiqh scholar recognized worldwide. His thoughts are presented in one of his fiqh works, *Fiqh Islam Wa Adillatuhu* (Halimah, 2020). Considering various gender issues and the existence of contemporary scholarly works discussing the rights and obligations of husbands and wives, this study deems it necessary to re-examine the relevance of spousal rights in *Fiqh Islam Wa Adillatuhu* in relation to the current social context and societal needs. Specifically, it investigates whether this work by a contemporary scholar remains relevant today or simply reiterates classical text interpretations. Furthermore, it aims to identify possible forms of gender inequality embedded in the text, despite being authored by a scholar of the contemporary era. Through this study, it is expected to gain an objective understanding of the extent to which this book can serve as a reference for building a just, equitable, and contextual household life.

METHOD

This study employs a library research method aimed at thoroughly examining, analyzing, and understanding the concept of spousal rights as presented in *Fiqh Islam Wa Adilatuhu*. The approach is normative, focusing on legal research through literature study of the *Fiqh Islam Wa Adilatuhu* text. Qualitative-descriptive analysis is applied to explore the meaning, context, and relevance of Sheikh Wahbah Zuhaili's thoughts regarding spousal rights issues. The data sources consist of both primary and secondary materials. Primary sources include the *Fiqh Islam Wa Adilatuhu* book, high-quality academic journals, and relevant books related to the research theme. Secondary sources encompass other legal books and journals that support the discussion to provide a comprehensive perspective. For data analysis, a deductive technique is employed. This deductive method helps to develop particular descriptions by progressing from a basic framework to specific data presentations which are then synthesized into conclusions (Sunggono, 2001).

RESULT AND DISCUSSION

Spousal Rights and Obligations in *Fiqh Islam wa Adilatuhu*

The rights and obligations of spouses in Islamic family law are also reflected in Indonesia's Compilation of Islamic Law and Marriage Law No. 1 of 1974. Article 31 states that although the husband is the head of the family and the wife acts as the homemaker, their rights and status are balanced, and both have the legal capacity to perform juridical acts (Mukhlisin, 2023). This is further reinforced by Article 34, which requires spouses to fulfill their duties, and if either neglects these responsibilities, legal action may be taken through the court. This law establishes that within a household, spouses hold equal rights (Anwar, 2020).

Efforts to implement the principle of gender equality in Islamic family law extend beyond theoretical frameworks and are reflected in institutional practices, such as religious courts. In various cases involving women, attempts have been made to apply gender-based justice principles within these courts. Although not yet fully ideal, several rulings indicate growing legal awareness to protect women's rights, who are often disadvantaged in marital relations (Hidayah & Marsitningsih, 2020).

The Qur'an addresses the rights and obligations of spouses, emphasizing that both have balanced rights and duties. This is clearly stated in Surah Al-Baqarah (2:228):

"...And women shall have rights similar to the rights against them, according to what is equitable..."(Kemenag RI, 2019).

Among the husband's obligations, which constitute the wife's rights, is the duty to provide *mahr* (dowry), as specified in Surah An-Nisa' (4:4). When a man marries a woman, he is required to give her a *mahr* (Kemenag RI, 2019). Additionally, Surah Al-Baqarah (2:233) explains the wife's right to receive *nafkah* (maintenance) from her husband for herself and their children. According to the exegesis of Al-Maraghi, this responsibility entails providing adequate food, clothing, and other necessities (Fatimah Zuhrah, 2013).

Furthermore, husbands are commanded to treat their wives kindly, avoiding harshness in both physical and psychological aspects. They are encouraged to exhibit gentleness, following the example of the Prophet Muhammad's treatment of his wives (Muhammad, 2022). To fulfill her duties, a wife is obliged to obey her husband's commands, except in matters that contradict religious principles, and such obedience remains within the scope of her responsibilities as a wife.

In the classical Islamic legal text *Uquduluja'in* by Sheikh Muhammad Nawawi al-Bantani, the husband is obligated to provide *nafkah* (maintenance) to his wife, which includes the necessities of clothing, food, shelter, as well as fulfilling biological and emotional needs. Additionally, the husband must treat his wife kindly and avoid any actions that cause harm. On the other hand, the wife has the duty to maintain her honor, fidelity, and security, while fulfilling her role as a companion and household manager. This text emphasizes the balance of rights and responsibilities as the foundation of family harmony according to classical Islamic law (An-Nawawi, 2000).

KH. Husein Muhammad approaches the concept of spousal rights and obligations through a gender perspective based on universal values and egalitarian principles within family social interactions. In his book *Fiqih Perempuan, Refleksi Kiai atas Wacana Agama dan Gender*, he explains that a wife's right to receive *mahr* symbolizes the sincerity and seriousness of the husband's commitment during the marriage contract, as stated in Surah An-Nisa (4:4, 24). Regarding Surah An-Nisa (4:34), which asserts the absolute leadership of men in the family, KH. Husein Muhammad argues that this leadership is relative and context-dependent. He contends that legal rulings can evolve with changing times and conditions in particular locations, especially considering that many women today possess intellectual capabilities and strengths equal to or even surpassing men (M. Kemal Irsyadul, 2020).

According to KH. Husein Muhammad, the rights and obligations of husband and wife also encompass the concept of *Mu'asyarah bil Ma'ruf* (kind and proper companionship) in both spiritual piety and sexual relations. Based on Surah An-Nisa (4:34), a righteous wife is one who obeys Allah's commands, is devoted to her husband, and protects her husband's wealth, dignity, and honor. Similarly, KH. Husein Muhammad emphasizes that a husband must also strive to be righteous—not only obedient to Allah's commands but also protective of his wife's dignity and honor (M. Kemal Irsyadul, 2020).

Regarding sexual relations, the husband and wife should complement one another and seek mutual satisfaction. Their intimacy must be consensual, without any coercion. Although the Qur'an describes the wife as a *ladang* (field) for the husband, it does not endorse mistreatment or causing harm to the wife under any circumstance during sexual relations. KH. Husein Muhammad argues that Islam upholds the equal status of husband and wife, naturally, fitrally, and inherently. Therefore, there is no room in the family for subordination, marginalization, or superiority, nor should there be any discrimination against women (M. Kemal Irsyadul, 2020).

Building upon KH. Husein Muhammad's perspective, Sheikh Wahbah Az-Zuhaili, a renowned contemporary Islamic scholar with expertise across various disciplines, also elaborates on the rights and obligations of spouses in his work. Sheikh Wahbah Az-Zuhaili's significant influence on Islamic thought is evident through his numerous internationally recognized publications, particularly his well-known book *Fiqh Islam Wa Adilatuhu* (Hafidzi, 2017).

The book *Fiqh Islam Wa Adilatuhu* consists of several volumes that elaborate and compile the treasure of Islamic fiqh discussions from the four madhhabs, namely Hanafi, Maliki, Shafi'i, and Hanbali. Within these fiqh discussions, there is a section on *fiqh munakabat* which explains the rights and obligations of husband and wife in household life. This well-known contemporary book is interesting to discuss in terms of its relevance to the present era.

Sheikh Wahbah Zuhaili was born in the village of Dir'Athiah, Qalmun area, Damascus, Syria, on March 6, 1932 AD / 1351 AH. He began his basic education in his village and graduated in 1946. He then continued his education until he obtained a doctorate degree in law (Islamic Sharia), which he earned with summa cum laude honors at the Faculty of Sharia in 1963 AD (Hariyono, 2018). After dedicating himself to the Muslim community and society and becoming a teaching assistant in 1969 AD, then a professor in 1975 AD, Sheikh Wahbah Zuhaili passed away on the night of Saturday, August 8, 2015, at the age of 83 (Eko Zulfikar, 2019).

Table 1: Rights and Obligations in the Book *Fiqh al-Islām wa Adillatuhu*

No.	Rights and Obligations	Scriptural Evidence
1.	The husband's right to restrict and confine his wife	Surah At-Talaq [65]: 6
2.	The husband's obligation to provide a dowry (mahr) for his wife	
3.	The obligation to provide financial support (clothing, food, housing)	Surah Al-Baqarah [2]: 233
4.	The mutual right to inheritance	Surah An-Nisa [4]: 12
5.	The obligation to act justly in cases of polygamy	Surah An-Nisa [4]: 3
6.	The wife's obligation to obey her husband's request for intercourse	Surah An-Nisa [4]: 34
7.	The obligation to interact and maintain a good relationship	Surah An-Nisa [4]: 19

In his book *Fiqh Islam Waadilatuhu*, Sheikh Wahbah Zuhaili discusses several rights and obligations of husband and wife within the household in the chapter on valid and customary marriage laws. The first explanation concerns the husband's right to restrain and bind. The husband has the right to forbid his wife from leaving the house except with his permission. Sheikh Wahbah Zuhaili explains this based on Surah At-Talaq, verse 6, which commands the placement of the wife, implicitly prohibiting her from leaving the house without the husband's consent (Az-Zuhaili, 2010).

The second explanation pertains to the husband's obligation to pay the dowry to his wife. Although Wahbah Zuhaili does not specify a particular textual proof for this explanation, he clarifies that a marriage is invalid without the existence of a dowry. The dowry represents the price for the right to enjoy the wife; therefore, the obligation to pay the dowry is an original ruling in marriage (Az-Zuhaili, 2010).

In addition to the dowry, the husband is also obligated to provide maintenance, which includes clothing, food, and housing. This maintenance is the wife's right as long as

she does not rebel and remains obedient to her husband. The obligation of the husband to provide maintenance to his wife is affirmed in the divine verse:

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

Meaning: "And upon the father is the mother's provision and their clothing in a reasonable manner" (Kemenag RI, 2019).

The obligation to provide maintenance also includes adequate housing, as explained in Surah At-Talaq, verse 6. This is because the wife is not expected to work outside the home, as her nature and physical condition generally do not allow for such labor (Az-Zuhaili, 2010). Inheritance rights are also established for husband and wife when one of them passes away. The surviving spouse is entitled to a share of the inheritance (Az-Zuhaili, 2010), as stated in the divine verse:

"And for you (husbands) is half of what your wives leave if they have no child; but if they have a child, then for you is one-fourth of what they leave after any bequest they [may have] made or debt." (Kemenag RI, 2019).

Regarding polygamy, the majority of scholars, except Imam Shafi'i, hold the view that a husband who practices polygamy is obligated to act justly and equalize the rights of his wives in terms of time spent, maintenance, clothing, and housing. Therefore, Allah SWT emphasizes that it is better to have only one wife if a husband cannot ensure fairness (Az-Zuhaili, 2010).

A husband also possesses specific rights over his wife, one of which is the wife's obligation to comply with her husband's request for marital intimacy. This obedience is understood as a universal principle within the framework of marital relations. It is stated that when all of the wife's rights are fulfilled by the husband, she is, in turn, obliged to fulfill her responsibilities, including obedience and safeguarding her husband's dignity. Among these obligations is the duty to respond affirmatively to her husband's invitation for sexual relations (Az-Zuhaili, 2010).

The obligation of a wife to obey her husband is derived from Surah An-Nisa, verse 34. If a wife refuses to obey, the prescribed consequence includes separation in bed or light, non-harmful disciplinary action. As stated in the verse: "...and admonish them, and leave them alone in their beds, and (finally) strike them [lightly]" (Kemenag RI, 2019).

Another set of rights and obligations between husband and wife is to interact and maintain their relationship with kindness, to protect one another from harm, and to fulfill each other's rights completely. As stated in the Qur'an: *"And live with them in kindness (ma'rûf)"* (Kemenag RI, 2019).

This principle is also supported by the saying of the Prophet Muhammad (peace be upon him):

"The best among you are those who are best to their families, and I am the best among you to my family."

This hadith highlights the strong recommendation for both spouses to interact kindly and respectfully. One example of good treatment by a wife toward her husband is the prompt fulfillment of the husband's rights without unnecessary delay (Az-Zuhaili, 2010).

The Relevance of Shaykh Wahbah Zuhaili's Thought in Contemporary Husband-Wife Relations

Social demands and legal dynamics in the modern era have brought significant changes to the relationship between husband and wife, particularly regarding rights and responsibilities. Although Shaykh Wahbah Zuhaili is recognized as a contemporary scholar, his thoughts in *Fiqh al-Islām wa Adillatuhu* still represent a classical legal framework that

upholds traditional jurisprudence. Therefore, it is necessary to critically examine the relevance of his perspectives in addressing present-day gender relations, especially within the husband-wife dynamic.

In his work *Fiqh al-Islām wa Adillatuhu*, Shaykh Wahbah Zuhaili outlines the rights and obligations of husbands and wives based on evidence from the Qur'an, Hadith, and the opinions of classical scholars from the four major Sunni schools of thought. Generally, his approach continues to rely on classical concepts that position the husband as the head of the household, possessing greater authority than the wife.

One of the clearest manifestations of this hierarchical view is found in the husband's right of *mulk al-ḥabs wa al-qayd*—the right to restrict and bind the wife. In his book, Shaykh Wahbah Zuhaili explicitly states:

أَي صَيْرُورَةِ الْمَرْأَةِ مَمْنُوعَةٌ عَنِ الْخُرُوجِ إِلَّا بِإِذْنِ الرَّجُلِ

That is, preventing the wife from leaving the house except with the husband's permission (Az-Zuhaili, 1985).

When examined through the lens of contemporary social realities, this viewpoint warrants reconsideration. In today's context, social misconduct and domestic problems are not limited to women alone. Men are equally capable of violating moral and social norms, including acts that jeopardize marital harmony such as infidelity, which often occurs due to unmonitored freedom outside the home. Therefore, if a husband's right to restrict his wife's mobility is viewed as a form of protection for her and the family's integrity, then the wife should be granted a reciprocal right to restrict her husband under the same rationale.

This highlights the need to move beyond gender-biased interpretations that associate women disproportionately with social harm. In the modern world, women actively participate across sectors and should not be subjected to discriminatory restrictions. As such, classical fiqh paradigms that emphasize hierarchical marital roles need to be reevaluated and reconstructed to align more closely with Islamic values of justice, mutual respect, and consultation—principles essential for nurturing a harmonious and compassionate family.

Furthermore, the husband is also obligated to provide *mahr* (dowry) and financial maintenance (*nafaqah*) to his wife. As stated in *Fiqh al-Islām wa Adillatuhu*:

فَهُوَ حُكْمٌ أَصْلِيٌّ لِلزَّوْجِ لَا وَجُودَ لَهُ بِدُونِهِ شَرْعًا : لِأَنَّ الْمَهْرَ عَوَظٌ عَنْ مِلْكِ الْمُتَنَعَّةِ

“The dowry (mahr) is an essential legal requirement of marriage; marriage does not legally exist without it, as mahr is considered compensation for the husband's right to enjoy intimacy with his wife.” (Az-Zuhaili, 1985).

The obligation to provide maintenance (*nafaqah*) encompasses three essential components: food (*ṭa'ām*), clothing (*kiswāh*), and shelter (*sukna*). According to the discussion in the book, these forms of financial support are required because women are perceived as weak. This is reflected in the following statement:

وقوله تعالى: أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ. وَالْأَمْرُ بِالْإِسْكَانِ أَمْرٌ بِالْإِنْفَاقِ؛ لِأَنَّهَا لَا تَمْكُرُ مِنَ الْخُرُوجِ
لِلْكَسْبِ، لِكُونِهَا عَاجِزَةً بِأَصْلِ الْخَلْقَةِ لِضَعْفِ بَنِيهَا

“And place them (your wives) where you dwell according to your means.” The command to provide shelter implies the obligation to give financial support, since women are not expected to leave the house to earn a living due to their inherent physical weakness. (Az-Zuhaili, 1985).

The author contends that the statement regarding women's inherent weakness is no longer entirely accurate, given the diverse capacities and resilience women display across

various domains of life. Women are inherently capable of multitasking, enabling them to handle multiple responsibilities simultaneously. They are also able to contribute economically without necessarily needing their husband's permission, particularly in light of increasing access to education and employment opportunities. As a result, women today can generate passive income from within the home. This demonstrates that women are indeed capable of participating in economic activity without neglecting their marital obligations, including obedience to their husbands.

Another mutual right between husband and wife is the right to inheritance if one of them passes away. Furthermore, if a husband chooses to engage in polygamy, he is obliged to uphold justice among his wives. Central to the husband's rights, which must be fulfilled by the wife, is the concept of obedience (*ṭā'ah*). Shaykh Wahbah al-Zuhaili explains in *Fiqh al-Islām wa Adillatuhu* that once a wife has received her rights to *mahr* (dowry) and *nafaqah* (financial support), she is obligated to obey all of her husband's commands. One of the main obligations mentioned is the wife's compliance with the husband's request for sexual relations. As stated in the book:

قَوْلُهُ تَعَالَى : (وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ) قِيلَ : لَهَا الْمَهْرُ وَالنَّفَقَةُ وَعَلَيْهَا أَنْ تُطِيعَهُ فِي نَفْسِهَا , وَتَحْتَاطُّ غَيْبَتَهُ
“As Allah says: ‘And they (women) have rights similar to those [of men] over them in kindness.’ It is said: the wife has the right to dowry and maintenance, and in return, she is obligated to obey him with regard to herself and to safeguard his honor in his absence.” (Az-Zuhaili, 1985).

However, sexual relations within marriage must be conducted in accordance with the principle of *mu'āsharah bil ma'rūf* (living together in kindness), which emphasizes treating one's spouse with respect, empathy, and consideration. A husband must not act arbitrarily or coercively without acknowledging his wife's physical and emotional condition. Both partners are expected to treat each other with dignity and compassion (Halim & Adawiyah, 2022).

If the obligation of obedience is interpreted as absolute, requiring the wife to comply with the husband's sexual requests under any circumstances—even when she is tired or unwilling—this constitutes *marital rape*. Marital rape refers to non-consensual sexual activity imposed by one spouse on the other. This practice is now recognized as a legal offense under Indonesian law, specifically regulated under the Law on the Elimination of Domestic Violence (UU PKDRT), Article 44 (Sunarto & Jaliyah, 2023).

In this regard, the author argues that the obligation placed upon a wife to fulfill her husband's sexual rights creates a space of male superiority. A wife is subject to punishment and social marginalization if she refuses her husband's sexual advances. However, the reverse is not addressed—there is no explanation or consequence mentioned for a husband who refuses his wife's request for intimacy. In contemporary contexts, many wives bear the burden of domestic responsibilities, which are often underestimated. Moreover, many women not only manage household duties but also contribute economically. From the author's perspective, a wife should not be obligated to comply with her husband's sexual demands when she is exhausted, nor should her refusal be considered *nushūẓ* (disobedience). Mutual consent and willingness must be present in intimate relations; neither spouse should impose their will on the other.

The three main sets of rights and obligations between husband and wife, as outlined in *Fiqh al-Islām wa Adillatuhu*, indicate that Wahbah al-Zuhaili continues to rely heavily on classical legal texts. This tendency is also evident in his interpretations of gender-related verses in his exegetical work *Tafsīr al-Munīr*. In this work, al-Zuhaili largely adheres to classical interpretations that favor a literal understanding of the Qur'anic text. Through *Tafsīr al-Munīr*, Wahbah al-Zuhaili attempts to merge the originality of classical exegesis with a contemporary presentation style. Nevertheless, his approach to gender

issues reveals a consistent reliance on traditional, textual interpretations, which often fail to align with modern social realities and evolving gender dynamics (Zulfikar & Abidin, 2019)

CONCLUSION

Several explanations in the book *Fiqh al-Islām wa Adillatuhu* still refer to classical fiqh texts, particularly regarding the rights of husband and wife, which show a lack of relevance between the textual content and the context of contemporary life. In some discussions about the rights of husband and wife, gender inequalities are evident, such as the husband's right to restrict and bind, the assumption that the wife is weak, and the wife's obligation to obey the husband's invitation for sexual relations. These rights cannot be fully applied today, given the increased access to education and employment, as well as the growing potential of women in various fields. Wahbah Zuhaili's exposition tends to refer to classical texts, which are then presented in a more modern linguistic style. However, this approach is less relevant to today's social realities and is still considered to contain imbalances between the rights and obligations of husband and wife.

This study has several limitations that need to be acknowledged. First, this research focuses solely on one contemporary fiqh book, namely *Fiqh al-Islām wa Adillatuhu* by Wahbah Zuhaili, so it does not represent the entirety of contemporary scholars' views on gender in Islamic law, as it is limited to the thought of a single scholar. Second, this study uses a qualitative descriptive approach that emphasizes textual description and analysis, and thus does not empirically illustrate how these concepts are implemented in the lives of modern Muslim communities.

This research is limited to the study of fiqh texts through a qualitative descriptive approach, leaving ample room for further development in future research to use empirical methods to examine how the rights and obligations of husband and wife, from a fiqh perspective, are applied in modern society. Through interviews, observations, or case studies, researchers can assess to what extent the fiqh norms in *Fiqh al-Islām wa Adillatuhu* are actually practiced or have undergone changes in social practice.

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