




## Rethinking Marital Sexual Refusal in Islam: Faqihuddin Abdul Kodir's Perspective

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### Abstract

Inequality in sexual relations in marriage often arises as a result of the legitimacy of religious postulates that situate sexual rights entirely on the husband, thereby ignoring the rights of the wife. This view creates an imbalance that is detrimental to the wife in sexual relations. *Qirā'ah Mubādalāh's* approach by Faqihuddin Abdul Kodir offers a perspective that seeks to balance sexual rights between husband and wife, emphasizing that both parties must enjoy sexual relations without coercion and must be managed in a kind and understanding manner. This research is library research with a qualitative approach, which involves collecting primary and secondary data through interviews and documentation. The descriptive-analytic method was used to answer the main research question, namely how Islamic law views the refusal of sexual relations by husbands to wives and vice versa, as well as *Qirā'ah Mubādalāh's* views regarding this issue. The research results show that in much of the fiqh literature, sexual relations still tend to benefit men, which is contrary to the principle of equal sexual rights promoted by *Qirā'ah Mubādalāh*. This approach emphasizes that sexual relationships should be based on love, mutual respect, and deep understanding. Refusal of sexual relations must be carefully considered to prevent damage to the marriage, taking into account the needs and conditions of each partner.

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## I. Introduction

There is inequality in sexual relations in Islam, where husbands are often considered to have greater authority than wives, so wives are required to fulfill their husband's sexual advances without paying attention to their condition (Millah, 2017). This inequality often results in coercion, which causes physical and psychological suffering for the wife. Patriarchal culture and biased religious interpretations further aggravate this condition, turning wives into objects that must be submissive and obedient to their husband's will. In the Islamic view, sexual relations between husband and wife

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should be a form of worship carried out sincerely and without coercion (Marlia, 2007; Ubaidillah & Fauzi, 2020; Sugiantari et al., 2019), where both parties can enjoy the relationship fully equivalent. *Qirā'ah Mubādalah* by Faqihuddin Abdul Kodir offers an alternative perspective that balances sexual rights between husband and wife, emphasizing the importance of a fair partnership, mutual respect, and mutual understanding in a marital relationship. This approach seeks to undermine the dominant patriarchal view and build a more equal and harmonious relationship between husband and wife in marriage. Husband-wife relations must always be carried out today, tomorrow, and the day after to reach an agreement that is not burdensome for both parties because of the Qur'an in QS. al-Mujādalah [58]: 1-4 emphasizes at the end of the letter that everything always has *ḥudūdullah* (limits), which must be understood carefully by both men and wives (Muzakky, 2020; Pamungkas et al., 2024).

Previous studies regarding husband and wife relations in Islam include a variety of approaches that reflect the evolution of understanding from traditional to modern perspectives. Research in the first group, such as that conducted by Faizah (2013), Darajat (2017), Apriani (2019), Subhan (2019), and Hidayat (2022), highlights the issue of *nusyuz* in the context of career women who refuse their husband's invitation to have sex, and how Islamic law and marriage law assess and regulate this issue. Muzakky (2020) adds perspective with an analysis of Mubjadi's understanding, providing a new view of *iddah* for husbands, while Nafisah (2008) examines gender relations in the context of Islamic law, showing the existence of politicization in husband and wife relations. The second group focuses on equality in husband and wife relationships, with the work of Khoeriyah (2020), Imtihanah (2020), and Hermanto (2022), which emphasize the importance of maintaining the value of reciprocity in the rights and obligations of husband and wife through the Mubjadi fiqh approach. Studies by Husna (2022) and Munawir et al. (2023) deepened this discussion by examining the concept of mutual relations in the family based on Maslahah principles and analysis of classical books. The third group involves a more in-depth reinterpretation and analysis of gender, as carried out by Triyono (2021) and Nafisah (2013), who explored the concept of sexual consent and sexual relations between husband and wife in the Al-Qur'an, as well as studies by Khatimah (2013), Nurani (2021), and Jahroh (2012), who offer a reinterpretation of the principle of *kafā'ah* and the relevance of the rights and obligations of husband and wife in the context of Islamic law. Overall, these studies reflect a paradigm change that is more inclusive and sensitive to social context, which seeks to answer the challenges of modernity in maintaining justice and equality in husband and wife relations according to an Islamic perspective.

Several previous studies have not explored in depth the application of the concept of *Qirā'ah Mubādalah* in the context of sexual refusal, as well as the lack of integration between Islamic law, interpretation of *mubindah*, and implementation in modern marriage policies. This research aims to fill this gap by examining the review of Islamic law regarding the rejection of sexual relations between husband and wife and analyzing *Qirā'ah Mubādalah* Faqihuddin Abdul Kodir's perspective. It is hoped that the research results will provide new insight into family problems related to the rejection of sexual relations within the institution of marriage, as well as becoming a starting point for further legal research. It is hoped that this research can also be an additional consideration in answering issues surrounding husband and wife sexuality in society, as well as increasing awareness of the importance of complementary and fair husband and wife relationships.

This research departs from the argument that Faqihuddin Abdul Kodir's *Qirā'ah Mubādalah* is based on the assumption that many traditional interpretations of Islam have been influenced by the patriarchal culture that dominates society. In this context, gender-biased interpretations often ignore women's rights and welfare, especially in marital sexual relations. *Qir'ah āMub āssumes* that the Qur'an and Hadith contain principles of equality and justice that support women's rights, but these are often ignored or interpreted narrowly. Therefore, this approach proposes a more inclusive and fair reading of religious texts, which places men and women on an equal footing. This assumption also emphasizes the importance of dialogue and mutual understanding between husband and wife to achieve harmony in marriage. Thus, *Qirā'ah Mubādalah* seeks to promote a more

balanced and harmonious relationship where both parties can enjoy their rights and responsibilities fairly, without domination or subordination.

## II. Methods

This research was library research that examines various literature sources related to relationship inequality in religious texts regarding husband-wife sexual relations in the family. The approach used is qualitative, which prioritizes narrative and analysis of written documents rather than statistical data. In addition, a normative approach is applied by referring to the texts of the Qur'an, Hadith, Fiqh, and Ushul Fiqh to provide a legal basis and interpretation.

The data sources in this research consisted of primary data and secondary data. Primary data is inherent legal material that must be present in research (Ali, 2014). It must be authentic because it is obtained directly from primary sources. Primary data in this research is authentic or direct first-hand data about the problem to be studied, namely Faqihuddin Abdul Kodir, author of the book *Qirā'ah Mubādalāh*. Secondary data includes data quoted from other sources and is not authentic because it has been obtained from a second or third source. Secondary sources are divided into three materials: (1) primary legal materials which include the works of Faqihuddin Abdul Kodir such as *Qirā'ah Mubādalāh*, *Perempuan (Bukan) Sumber Fitnah*, *Perempuan (Bukan) Makhluk Domestik*, dan *Manual Mubādalāh*; (2) primary legal materials which contain explanations of primary materials such as books, research reports, journal articles, expert thoughts and literature; and (3) tertiary legal materials which provide instructions or explanations for primary and secondary legal materials, such as legal dictionaries, encyclopedias, and relevant internet media sources (Ali, 2014).

The author used data collection techniques through interviews and documentation to obtain relevant data that covers all aspects of this research. Interviews were conducted to obtain data and information through direct questions and answers between the author and sources related to this research. In this research, interviews were conducted in a structured manner with Faqihuddin Abdul Kodir as the primary source. In addition, documentation techniques are used to collect data through library research by searching and reviewing various written sources, including books and books relevant to this thesis's topic. The data that has been collected is then analyzed using content analysis. This analysis focuses on the thoughts of *Qirā'ah Mubādalāh* Faqihuddin Abdul Kodir, the subject of this research study.

We used a descriptive-analytical method to analyze the collected data to produce accurate interpretations and in-depth conclusions. The descriptive method was used to collect actual data to describe the situation or phenomenon as it was, without being accompanied by interpretation or analysis from the author (Sangadji & Sopiah, 2024). This approach provided an objective picture that can become the basis for further analysis. Next, the author applied a deductive thinking method, namely starting the analysis from general principles, then testing the data that has been collected, and finally drawing more specific conclusions. With this approach, we provided a logical and systematic explanation so that the resulting conclusions are relevant to the existing data and can provide a meaningful contribution in the context of this research. This deductive approach allowed the author to develop a strong argument by basing the analysis on existing theories and linking it to the research's empirical data.

## III. Results and Discussion

### Rejection of Sexual Relations between Husband and Wife Couples in the View of Islamic Law

Sexuality is anything related to the genitals or related to male and female intimacy (Rohmaniyah, 2017; Hanifah et al., 2022). The definition of sexuality includes two concepts *sex act* and *sex behavior*. The sex act defines sex as sexual activity for both procreational (to have children), recreational (seeking pleasure), relational (expressing feelings of affection and love), and sex behavior related to psychological, social, and cultural aspects such as interest in eroticism,

sensitivity, pornography and attraction to the opposite sex (Gunawan, 1993). According to Husein Muhammad et al. (2011), sexuality is a socio-cultural process that directs human desire or lust. Sexuality is influenced by biological, psychological, social, economic, political, religious, and spiritual factors. Sexuality is a positive thing related to a person's identity and honesty towards themselves. However, the general public still sees sexuality as a negative thing that is taboo and not worth discussing.

Islam appreciates sexuality as human nature, whether male or female, which must be protected and managed as well as possible in a good and healthy way. Sex is a gift from God, so sexual desires need to be fulfilled when needed (Munfarida, 2015). Islam only legalizes sexual relations in a halal way, namely marriage, and Islam does not justify promiscuity (free sex). The goals to be achieved from marriage include, first, as a way for humans to channel their libido desires to obtain sexual pleasure or satisfaction because, according to Sheikh Ibnu Qayyim al-Jauziyah (Muhammad, 2021), libido desires must be released with the aim of not harming the body. Second, sexual relations are necessary as a human effort to preserve life on earth so that marriage has the meaning of procreation and reproduction. Third, marriage is a vehicle for humans to find a place of calm and beauty so that the anxiety of the human heart and mind can be channeled through marriage.

When viewed from the perspective of *maslahat*, the sexual needs of husband and wife are *maslahat al-mu'tabarah*, which means that the need for sexual relations has been legally stipulated in either the Qur'an or Sunnah, the aim is to maintain honor and offspring. Suppose a husband asks his wife to have intercourse. In that case, the wife is obliged to fulfill it as long as the wife is in a normal condition and is not experiencing any *Shar'i* obstacles (menstruation and childbirth) or factors that hinder it, such as an unhealthy body, being very tired, which if forced can cause harmful impacts, including psychological, physical and biological impacts. A wife's obedience to her husband in sexual relations is part of the wife's attitude to prevent harm to her husband so that he does not commit acts that Islam, namely adultery, prohibits.

However, there is Islamic literature that is widely taught in Islamic boarding schools regarding women's obligations to serve their husband's sexual needs, resulting in a wife having to fulfill her husband's sexual needs and not rejecting him for any reason. After marriage, a woman must give herself up for all her husband's pleasures. Moreover, you are not allowed to refuse sexual relations with your husband without reasons justified by religion. If a wife does not obey her husband in these actions, she is sinful and has no right to food, clothing, and shelter (Zuriah, 2018; Muhammad, 2021; Muhammad, 2022).

The Hadith is understood as the wife's obligation to serve her husband's sexual desires under any circumstances, and the Hadith is that a wife must not refuse her husband's sexual desires. As a result, this rejection is seen as *nusyuz* (disobedience) and is cursed by the angels until morning. According to Wahbah Zuhaili, the wife's obligation to serve her husband's needs can be justified unless she carries out an obligation that cannot be abandoned. According to him, a wife's refusal can also be justified when she feels wronged by her husband (Muhammad, 2019).

Husein Muhammad (2021) emphasized that the concept of sexual relations between husband and wife is often found in Islamic jurisprudence literature, including the concept of the marriage contract, which is a transaction to justify sexual relations by enjoying all parts of the woman's body and not vice versa. A woman's body (wife) after marriage belongs to the man (husband), so a woman is obliged to serve her husband's sexual desires, and a husband is not obliged to serve his wife's libidinal desires. This opinion is supported by several Shafi'iyyah scholars, including Imam Nawawi in his book *Uqūd al-Lujayn*, that the husband's right to sexuality and good obedience from his wife is due to the dowry and living provided by the husband so that a husband has the right to beat a wife who refuses an invitation to have sexual relations with her husband (Nawawi, n.d.; Huda, 2020).

The majority of scholars from four schools of thought also define marriage as a contract that gives ownership to a man to obtain pleasure from a woman's body, and the owner of sexual pleasure

is a man (Muhammad, 2021). Sexuality has implications for the sexual rights of wives. Among them is the opinion of the Hanafi School that the right to enjoy sexual relations is the right of the husband and not the right of the wife, so a man may force his wife to fulfill her sexual needs if the wife refuses. A woman may not force her husband. According to the Shafi'i School, wives do not have the right to claim sexual rights because sexual rights belong to the husband. The wife's sexual rights are an obligation to the husband only because of moral demands. The opinion of the Maliki School also states the same thing that the target of marriage is the use of a woman's body, not a man's body (Muhammad, 2021; Al-Jaziri, 2005). In contrast to the Shafi'i School, according to the Maliki School, men are obliged to serve their wife's sexual desires so that if rejection occurs, it can cause danger to the woman and can result in suffering.

The explanation above describes a husband and wife sexuality in the view of Fiqh (Islamic law); in understanding the meaning of Islamic texts that talk about sexuality issues, it must be by the vision and mission of Islam, which is *rahmat lil alamin* and by the ideals of Qur'an is the creation of a moral human life that respects universal human values, namely goodness, justice, mercy, and wisdom. These principles must be the basis and substance of all fiqh issues so that if there is a deviation from these principles, it means violating the ideals of Shari'a (religion).

Al-Qur'an texts that explain sexual relations between husband and wife include QS. Al-Baqarah [2]: 187, Al-Baqarah [2]: 222, Al-Baqarah [2]: 233, an-Nisa [4]: 19. Meanwhile, many Hadiths explain the rights and obligations of husband and wife in relationships sexual relations include Sahih Bukhari number 3273, Musnad Ahmad number 16545 and 24440. What is problematic is the provision that women must serve their husband's sexual needs and must condition themselves so that they can serve their husbands well and pleasantly. So that makes it an example that wives are sexual fantasies who are asked to recognize and understand their husbands, but this provision only applies to women. So, the texts of the Quran and Hadith, which were revealed to address men and women with the aim of mutual benefit, were not achieved because of a gender-biased understanding of the texts, which were understood to be only the wife's obligations. The author must understand mutuality and analyze these sexuality issues with *Qirā'ah Mubādalah*.

Sexuality rights are part of women's rights, and women's rights are part of human rights, so it is clearly shown that the issue of sexuality in husband and wife relationships is critical to discuss in order to dissect humanitarian issues, especially in the husband and wife's sexual relations. In the socio-cultural reality that exists so far, marriage is only interpreted as sexual relations (intercourse), as defined by the majority of jurisprudence experts in interpreting marriage as a sacred transaction that gives a man the right to a woman's body for sexual pleasure. The dominant legal dictums of jurisprudence in classical works, which are still followed today, show how the superiority of husbands over wives appears from the perspective of jurists.

The existence of an understanding of the formula for marriage as a halal for sexual objects makes husbands the party in power in controlling women in sexual activity. It is as if a woman or wife has no rights over her body because she is always required to serve her husband's sexual needs wherever and whenever and must not refuse her husband's invitation to have sexual relations. This view receives legitimacy from several hadith texts (Muhammad, 2019).

Table 1. Hadiths on the superiority of husband over wife in sexual relations

Hadith Narrators	Text and Translation of Hadiths
Hadith narrated by Bukhari	<p>عن أبي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه وسلم إذا دعا رجلُ امرأته إلى فراشه فأبت وهو غضبان لعنتها الملائكة حتى تصبح (صحيح البخاري)</p> <p>From Abu Hurairah Ra said: Rasulullah SAW said: <i>If a husband invites his wife to bed, then she (wife) rejects him, and the husband becomes angry, then she (wife) will be cursed (cursed) by the angels until morning (dawn).</i></p>

Hadith narrated by Bukhari	<p>عَنْ أَبِي حَزْمٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: وَالَّذِي نَفْسِي بِيَدِهِ، مَا مِنْ رَجُلٍ يَدْعُو امْرَأَتَهُ إِلَى فِرَاشِهِ إِلَّا كَانَ الَّذِي فِي السَّمَاءِ سَاخِطًا عَلَيْهَا حَتَّى يَرْضَى عَنْهَا (رواه مسلم)</p> <p><i>Abi Hazim from the Prophet PBH said: By the substance that controls me, someone who calls his wife to bed (for sexual intercourse), and the wife rejects him. Indeed, everyone in the heavens will curse that wife until the husband forgives him.</i></p>
Hadith narrated by Ibn Khuzaimah and Ibn Hibban	<p>عَنْ جَابِرِ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ثَلَاثَةٌ لَا تُقْبَلُ لَهُمْ صَلَاةٌ وَلَا يَصْعَدُ لَهُمْ إِلَى السَّمَاءِ حَسَنَةٌ: الْعَبْدُ الْأَيْقُ حَتَّى يَرْجِعَ، وَالسَّكَرَانُ حَتَّى يَضْحُو، وَالْمَرْأَةُ السَّاخِطُ عَلَيْهَا زَوْجُهَا حَتَّى يَرْضَى (رواه ابن خزيمة وابن حبان)</p> <p><i>From Jabir RA said: Rasulullah SAW said "Three people whose prayers are not accepted by Allah and whose goodness does not rise to heaven are: (1) the slave who runs away from his master until he returns, (2) the person who is drunk until he sobers up and (3) the woman who angered by her husband until he forgives her.</i></p>

In a simple concept, if it is understood, the wife is obliged to fulfill her husband's invitation to have sex, and the wife can be cursed if she refuses the invitation. Bukhari's narration explains that *fabāta ghadbana* is a curse attached to women when there is rejection from (the wife). Meanwhile, in the narration of Muslim, Abu Dawud, and Ibn Khuzaimah, Ibn Hibban, the *fabāta ghadbana* clause is understood to be a curse when the refusal arouses the husband's anger. If rejection alone does not anger the husband, it does not result in curses or sin (Kodir, 2019).

The Hadith that angels curse when they refuse an invitation to have sexual relations is authentic, but this Hadith is related to the wife's obedience to matters of sexuality. Matan in several hadiths is different, but what is interesting is the Hadith of angelic intervention in the form of a curse on the wife in all *Matan Hadiths*. Compilers of Hadith books, including Bukhari, Muslim, Ahmad ibn Hanbal, narrated this Hadith. The three narrators have the same path of sanad friends up to the third place: Abu Hurairah, Zararah bin 'Aufa, and Qatadah ibn Di'amah.

Even though the Hadith is authentic from the sanad side if it is interpreted literally, the Hadith contradicts the spirit of the Qur'an, so it seems necessary to understand *asbāb al-wurūd* so that the context and spirit of the Hadith can interpret justice in accordance with the spirit of the Qur'an. 'an. In the *asbāb al-wurūd* of Hadith, no particular situation causes this Hadith to exist. However, there is a socio-historical connection, namely the culture of abstinence from *ghilah*, in Arab society. *Ghilah* is sexual intercourse with a wife who is pregnant or breastfeeding. They consider that *ghilah* is something taboo to do (Ilyas et al., 2005). This culture was famous among Arab women, so much so that the Prophet once prohibited *ghilah*. Then, he abandoned his intention after finding out that *ghilah* was what was being done, but apparently, it did not cause anything wrong for the children who were born. The culture of abstaining from *ghilah* is not a problem for ignorant women because they can have polygamy with or without restrictions. The Islamic religion comes with rules limiting polygamy, and its implementation must be fair. Then, the *ghilah* culture is still maintained while polygamy is not accessible, which causes objections to them. So, this Hadith functions to overcome the difficulties felt by Arab Muslim men, in addition to eliminating the culture of abstinence from *ghilah*, which is still followed by Arab Muslim women (Ilyas et al., 2005).

In interpreting the Hadith of angelic intervention in sexual relations, scholars and scientists have different opinions. Some groups accept the Hadith textually, and some see it contextually. The first group from the Shafi'i school of thought holds that marriage is an *'aqd tamlik* (ownership contract), so the husband is the owner and ruler of the wife's sexual arrangements. This opinion

states that responding to the husband's invitation to have sexual relations is a must at any time, no matter how busy he is (Nipan, 2000). This opinion is based on the *Hadith: If husband invites his wife to have sexual relations, then fulfill it immediately even though he is busy in the kitchen*" (HR. At-Tirmidhi and Ibn Majah). Another Hadith, "*A wife should not refuse her husband's invitation (to have sexual intercourse) even though he is on a camel.*" This group's view concludes that sex is the husband's right and the wife's obligation; therefore, whenever and wherever they must accept the wife's invitation.

Meanwhile, the opinion of the second group, spearheaded by figures from the women's movement, states that the Hadith of angelic intervention needs to be studied contextually because, in their opinion, if it is only looked at textually, it gives the impression that a woman or wife does not have the right to satisfaction in sexual relations. According to Mustafā Muhammad 'Imarah, he said that this curse occurs if the wife refuses without reason. Meanwhile, Wahbah Zuhaili said that the curse in this Hadith should be noted, that is when the wife is in a relaxed state and not in a state of fear. According to Imam Al-Syirazi, even if the wife is not aroused or not *in the mood*, she can offer it or postpone it for up to three days (Mas'udi, 1997). Meanwhile, a wife who is sick is only obliged to accept her husband's invitation once her illness is cured. However, if the husband continues to insist, then the husband is going against the principle of *mu'āsarah bi al-ma'rūf* by mistreating the party who should be protected because the wife has rights that are balanced with her obligations which are determined by *ma'rūf*.

The discourse that has taken root among Muslims that a man is superior to a woman is based on the legitimacy of Allah's word in the QS. An-Nisa [4] verse 34 states that men have full authority over women, including matters of sexuality, but this legitimacy is not an order to subordinate women. However, it is a description of the condition of women at that time. In this verse, men's power over women is based on men's role as providers (Muhammad et al., 2011). Hence, the husband's obligation to provide maintenance is due to the marriage relationship. However, women are often considered mere objects of men's sexuality because the living provided by the wife is to enjoy the wife's body (*al-nafaqah fī muqābalat al-istimtā'*). Ath Thabari supports this. He interpreted Surah An-Nisa verse 34 that "men are leaders of women" meaning that a leader must be able to discipline women, put women in their place when it comes to obligations to Allah. According to him, the dowry is paid at the time of the marriage contract, so men spend their wealth on women, and the marriage contract is interpreted as authority over the woman (Mernisi, 1997).

From these descriptions, the author observes that in matters relating to sexual relations, men (husbands) occupy a powerful and dominant position, while in matters relating to the livelihood of women (wives) have dominant power. In other words, the husband has full authority over sexual access. In contrast, the wife has full authority over access to income, or the wife is obliged to fulfill the husband's sexual needs while the husband is obliged to fulfill the wife's maintenance demands. So it is necessary to understand that husband and wife sexual relations and sexual rights are a partnership and not power. As stated by Husein Muhammad, sexual rights are the rights of men and women, which must be considered the same; a wife can enjoy the sexual body of her husband, and the husband can also demand sexual pleasure from his wife (Muhammad, 1995).

The demand to serve and be served by a partner must be considered carefully because reproductive health is defined as a complete physical, mental, and social condition or health, free from disease or disability related to the reproductive system, function, and process in men and women (Rofiah, 2020). So, it can be understood that in sexual relations, you also have to pay attention to health issues because Islam teaches that physical and spiritual health is a condition for achieving a prosperous life in this world and the hereafter.

In classical jurisprudence, it is explained that refusal in sexual relations between husband and wife is not permitted because of the social system and structure in ancient times, namely religiousism and women were always second-class citizens, so the family system still adhered to a patriarchal culture and a system that did not have autonomy where women did not have access to choice, forced and restrained, such as a mujbir guardian, namely a guardian who, by forcing his

daughter who is under his guardianship, to marry with the guardian's choice, this problem cannot be applied to the current family system which has social egalitarianism, a democratic family so that women or wives already have autonomy. Therefore, a system of pluralistic egalitarianism and democracy must create an awareness that men and women are equal as complete creatures of God.

An example of a fiqh product that is influenced by past realities so that if it is linked to current reality, it cannot be maintained is the definition of marriage described by Abdurrahman al-Jaiziri in *Fiqh 'alā Madzāhibul al'Arba'ah* quoted by Faqihuddin Abdul Kodir that marriage according to the majority of fiqh scholars is namely "The contract is established by the Shari'a so that men can benefit by halally enjoying a woman's genitals and her entire body" (Al-Jaiziri, 2005). This definition of marriage reflects past cultures that made men the subjects of marriage while women were mere objects. So, whether by marriage, the benefits of a woman's genitals become the property of the husband entirely (*milk al-manfa'ah*) or the use is the husband's right (*'aqd al-intifā'*) or is he allowed to enjoy it (*'aqd al-ibāhah*) while the right women hold the ownership and use of women's bodies, doesn't this mean that the Fiqh that defines marriage is influenced by past realities rather than the texts referred to. The social demands of society, especially Muslims, want the family to reflect more cooperation and togetherness so that the benefits of marriage, such as sex, must be felt together, not only by men and women, as stated in the QS. Al-Baqarah [2]: 187.

In Indonesian Fiqh, which was formulated in the Marriage Law of 1974 and the Compilation of Islamic Law (KHI) of 1991, marriage is defined as reflecting the spirit of Islam in a context that follows current reality, including The inner and outer bond between a man and a woman as husband- wife to form a happy and eternal family (household) based on the integrity of the Almighty (Article 1, Law No.1 of 1974). According to Islamic law, marriage is a firm contract or *mitsāqan ghalīzan* to obey Allah's commands and carry them out in worship (Article 2, KHI 1991). Marriage aims to create a household life that is *sakinah*, *mawaddah*, and *rahmah* (Article 3 KHI of 1991).

According to the author, the definition of marriage in the 1974 Marriage Law and KHI represents the spirit of justice in domestic relations, so it is very different from the definition of marriage in classical jurisprudence, which places the marriage contract as a contract that provides benefits only to men where women are considered as objects that can take benefits from halal enjoyment of the female genitals and her entire body. The rights and obligations of husband and wife are also regulated in the Marriage Law and KHI, including "The wife's position is balanced with the rights and position of the husband in domestic life and social life together in society" (Article 31 paragraph (1) of the 1974 Marriage Law). love each other, respect each other, be loyal, and provide help physically and spiritually." (Article 33 Marriage Law 1974)

This article explains that the rights and position of husband and wife in the marriage bond are equal or balanced, including the rights and position in biological relationships. The article explains that although husbands and wives have different roles, they complement each other; for example, husbands need spiritual support, and wives also need physical support. Suppose the husband does not fulfill his obligations towards his wife. In that case, the wife has the right to refuse or not carry out the husband's orders, and the wife has the right to file a lawsuit in court. Likewise, suppose the wife does not fulfill her obligations. In that case, the husband has the right to submit a request to the court, including in the case of biological relations, if the wife does not accept or refuse an invitation for sexual relations without a strong reason, such as a Shar'i excuse. The husband can sue his wife in court, as regulated in Article 34.

### Rejection of Sexual Relations of Married Couples in the View of *Qir'ah āMub ādalah* Faqiduddin Abdul Kodir

The substance of reading *Qirā'ah Mubādalah* is to ensure equality and justice in the relations between men and women in every aspect of life, which benefits both without discrimination, including general public relations or private or intimate relations between husband and wife. The concept of *mubjadi* aims to respond to religious texts in the verses of the Qur'an, Hadith, and other

legal texts that focus on gender justice to not give rise to unequal relations that lead to injustice. The premise of *Mubādalah* is that the revelation revealed by Islam has been sent down to all genders, namely men and women, not just one of them. Therefore, texts that have been understood only by one gender must understand the text by addressing both men and women, guided by the benefit of both parties (Kodir, 2019; Kodir, 2021; & Kodir, 2022).

In the Hadith by Bukhari, number 3273, when a wife refuses to accept her husband's sexual invitation, the wife is cursed by an angel. The author observes that there is a conflict between the Hadith, Hadith between the normative text and social reality because, at certain times, husbands or wives have different testosterone hormones, so they do not can have sexual relations for reasons other than those prohibited by Islamic law, namely when the wife is menstruating or postpartum, such as having no passion or lack of physical or psychological abilities such as tiredness, anxiety or depression. The Hadith, the second source of law in the Islamic religion, should have the benefit which is the aim of enacting a law to realize justice in relations for both men and women. So, in this research, the author analyzes using the *mubādalah* Faqihuddin Abdul Kodir method because the texts in the Al-Qur'an and Hadith have basic, primary, and moral ethical meanings that apply to both (Kodir, 2021).

According to Faqihuddin Abdul Kodir (2021), in rejecting sexual relations between husband and wife, he believes that sexual relations are part of the ingredients of love; if the wife does not meet the husband's needs, it has the potential to damage or destroy the marriage relationship. A wife must fulfill her husband's sexual needs as fuel for love that will strengthen their relationship, but when the wife is sick, tired, or not in the mood, she is allowed to refuse the husband's invitation in a good way. The husband must also understand this condition and can find a more appropriate time.

In interpreting the authentic Hadith by Imam Bukhari (if wives do not serve the biological integrity of their husbands, they will be cursed by angels), *mubādalah* considers the Hadith not only addressing wives but also husbands so that husbands are also asked to bring goodness to their wives and husbands are also asked to be part of what Islam requires, namely maintaining the husband-wife relationship so that it remains strong, resilient, kind and enjoyable. The author analyzes the *mubādalah* method in interpreting the Hadith to arrive at the meaning as follows:

1. The text to be interpreted must refer to the principle texts of the Islamic religion. Here, the authors find the principles of good relationships in the household to maintain the integrity of the household. This principle is general but must be applied by both husband and wife. As in the Qur'an, many texts explain goodness in the household, including QS. an-Nisa' [4]: 20; although the verse does not explicitly mention men and women, the sentence "*ba'dukum ilā ba'd*" has the meaning of mutuality between men and women. So, the verse explains that men and women in a household must build a life together, establish eternal love, and maintain the integrity of the household, both husband and wife.
2. Finding the main idea in the Hadith that will be interpreted, namely, the hadith text that uses the word "*da'ā*" interpreted as prayer and *da'wah*, meaning begging and inviting. Husbands must first express their requests to their wives gently and pleasantly. Not by order or coercion, let alone violence. Husbands must understand their wives and condition themselves so their wives can easily grant their wishes. Therefore, husbands must make advances, witty sentences, gifts, or things that can arouse sexual desire toward their wives. The Prophet Muhammad SAW analogized sexual activity as "rewarding alms" in Sahih Muslim hadith number 2376. The manners of alms in the Qur'an are described in terms of being kind, gentle, and pleasant, so sexual activity between husband and wife should not be carried out with coercion or violence. Resulting in pain, injury, and danger because, in Islam, the danger is haram and must be avoided, including husband-wife relations whose foundation is the principle of *mu'āsyarah bil ma'rūf*.
3. The method of interpreting *mubādalah*: the verses of the Qur'an or Hadith that are interpreted must refer to the Islamic principle (*mabādi'*) that men and women are asked to believe, do good, be grateful, serve people, and maintain the integrity of the household. So, this Hadith is

interpreted only as meaning that women should not refuse their husbands' sexual intercourse but also that husbands should not refuse their wives' invitations to sexual intercourse. If the wife is only required to serve her husband's needs but not vice versa, then the wife will only be the satisfaction of sexual desires. At the same time, the husband has no role to play in fulfilling the wife's satisfaction, so this condition creates inequality and can even lead to violence.

So, in the first step, the author finds the principle that is the foundation for the meaning of the text, namely that husband and wife are asked to maintain the integrity of their family by establishing a good relationship, namely mutual respect, understanding each other to create wholeness and happiness in married life. In the second step, the author finds the main idea of the Hadith rejection of sexual relations narrated by Imam Bukhari, namely that the husband must be able to understand and condition himself so that his desires can be fulfilled so that his needs can be met in a good way without forcing or threatening which causes pain so that in sexual relations no party is harmed and can enjoy each other. In the third step, looking at the text, the author finds that women are obliged to serve their husband's sexual needs. If he refuses, there will be an angel's curse. If you see this text, it is easy to interpret it by addressing both men and women, that if a man must also fulfill his wife's sexual needs and if the husband refuses without a justifiable reason, angelic curses will come to the husband who has rejected his wife's invitation to have sexual relations.

Husband and wife relations according to Faqihuddin Abdul Kodir (2019), husband and wife must be strengthened with constructive behavior like a bank account, constructive behavior when making deposits into the relationship account but destructive behavior when withdrawing from the account so that the relationship account becomes stronger when more deposits are made from the pull. A married couple must achieve together the goodness of life in this world and the hereafter, likened to a shared vision so that the pillars of *mubādalah* marriage are needed to support the lives of both parties, namely husband and wife.

Table 2. Pillars of *Mubādalah* Marriage

Surahs and Verses	Translation of the Qur'an	Keywords	Message
An-Nisā` [4] 21	And do not marry those [women] whom your fathers married, except what has already occurred. Indeed, it was an immorality and hateful [to Allāh] and was evil as a way.	<i>Mitsāqan Ghalīẓhan</i>	Commitment to marriage is a solid promise as a mandate from Allah
Al-Baqarah [2]:187	It has been made permissible for you the night preceding fasting to go to your wives [for sexual relations]. They are a clothing for you and you are a clothing for them. Allāh knows that you used to deceive yourselves, so He accepted your repentance and forgave you. So now, have relations with them and seek that which Allāh has decreed for you [i.e., offspring]. And eat and drink until the white thread of dawn becomes distinct to you from the black thread [of night]. Then complete the fast until the night [i.e., sunset]. And do not have relations with them as	<i>Zawāj</i>	The principle of pairing and interdependence

	long as you are staying for worship in the mosques. These are the limits [set by] Allāh, so do not approach them. Thus does Allāh make clear His verses [i.e., ordinances] to the people that they may become righteous		
Ar-Ruum [3]: 21	And of His signs is that He created for you from yourselves mates that you may find tranquility in them; and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought.	<i>Zawāj</i>	The principle of pairing and interdependence
Al-Baqarah [2]: 233	Mothers may nurse [i.e., breastfeed] their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is their [i.e., the mothers'] provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father's] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them. And if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable. And fear Allāh and know that Allāh is Seeing of what you do.	<i>Tarādhin</i>	Behavior provides mutual comfort and willingness
An-Nisā` [4]: 19	O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality [i.e., adultery]. And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allāh makes therein much good.	<i>Mu'āsarah bil ma'rūf</i>	Treat each other well
Al-Baqarah (2): 228	Divorced women remain in waiting [i.e., do not remarry] for three periods, and it is not lawful for them to conceal what Allāh has created in their wombs if they believe in Allāh and the Last Day. And their husbands have more right to take them back in this [period] if they want reconciliation. And due to	<i>Musyāwarah</i>	The habit of consulting with each other or open communication

	them [i.e., the wives] is similar to what is expected of them, according to what is reasonable. But the men [i.e., husbands] have a degree over them [in responsibility and authority]. And Allāh is Exalted in Might and Wise.		
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The intention to marry, according to *mubādalah* (Kodir, 2019; Kodir, 2021; & Kodir, 2022), must be linked to a big goal in life, namely to create a quality family (*dzurriyah thayyibah*) so that they can become part of the best people (*khairu ummah*) who carry out the mandate to form a prosperous nation (*balдах thayyibah*). So, the intention to get married is not a simple matter to make sexual relations that were originally haram become halal. Marriage is a responsibility that must be carried out together as a couple to realize a good life in this world, which is also connected to goodness in the afterlife. So, marriage is not an occasion to castrate someone's potential by prohibiting their partner's activities. Therefore, the marriage law in Fiqh is explained as bringing goodness to both parties and keeping away evil. If we refer to the first pillar of marriage, which is that the marriage bond must be guarded, nurtured, and preserved together, one cannot be asked to maintain the marriage bond while the other party does not care. The wife cannot just serve her husband's sexual needs. The husband must also fulfill the wife's needs.

The second pillar of marriage from *mubādalah* perspective is *zawāj* in pairs, the principle of pairing which is described according to the Qur'an that the husband is clothing for the wife and the wife is clothing for the husband (Al-Baqarah [2]: 187). The clothing description shows that the function of husband and wife as partners is to warm, nurture, decorate, cover, perfect, and glorify each other. Of course, sexual relations can only be carried out by those who are married and have a partner. Each party, husband and wife, is obliged to serve and simultaneously has the right to receive services from the other. This meaning shows that the character of marriage is a sharing (*musyārah*) between husband and wife. So that one party cannot be considered as the party who has the most rights when it comes to sex, then the other party is considered as an object that must always serve whenever and wherever. This principle in sexual relations is to view sex in marriage as a reciprocal right and obligation. Ziinatul Millah (2017) concluded:

In the perspective of the Fiqh of sexuality, the coercion or sexual violence of the husband that befell his wife, limited as a sexual object, is an anti-monotheistic act. The relationship between husband and wife should be as partners, as clothing (*libas*) which mutually bandages in channeling sexual desire and give each other peace. There should be equality of husband and wife sexual relations based on willingness and agreement of both parties and affection with good treatment among others (*mu'āsarah bil ma'rūf*).

Feeling comfortable with each other and providing comfort to the couple (*an-tarādhin min-humā*), that is, husband and wife must foster a sense of willingness or acceptance from both parties, the husband from the wife and the wife from the husband. According to *mubādalah*, willingness is the peak of complete comfort; that is, someone feels willing when, in their heart, there is not the slightest obstacle or rejection. A wife must always seek her husband's consent, meaning that the husband is also encouraged to obtain his wife's consent to have a heavenly life that provides peace and comfort for both parties. This principle in looking at sex is that husband and wife must be able to recognize their partner's needs to be met and served. The Hadith explains that a wife fulfills her husband's sexual desires and is directed at the wife, who does not have any reason to refuse it. The husband must also understand his wife's reproductive health if she objects to having sex. On this basis, a woman's right to refuse pregnancy (or to become pregnant) is logical. It must receive serious attention because wives not only have the right to enjoy pleasure but also have the right to determine when to have children and how many.

The next pillar of marriage is the principle of *mu'āsyaarah bil ma'rūf*, namely the attitude of treating each other well. Fundamental ethics in the husband and wife relationship are one of the pillars that can maintain and revive the goodness that is the goal of marriage that both parties enjoy. In sexual relations, the principle of *mu'āsyaarah bil ma'rūf*, which husband and wife carry out, is that both of them must give, receive, love, and care for each other, not hurt each other, show hatred, and not ignore each other's rights or obligations as husband and wife. The relationship between husband and wife is not a relationship of domination between one party over another but rather a relationship of harmony and mutual respect. Sexual relations must be carried out naturally and with dignity; namely, the husband has intercourse with his wife through the vagina, not the anus. In this case, the husband is prohibited from forcing him to serve him or committing violence against his wife during sexual relations. If the wife is not interested in having sexual relations, then the wife has the right to bargain or postpone it within a time limit of three days. Imam Al-Shirazy supports this opinion.

The next pillar of marital relations, according to *musyāwarah* (deliberation). This pillar is the attitude and behavior of consulting with each other and exchanging opinions in deciding something related to domestic life. A husband or wife should not be authoritarian, impose one's will, and not decide for themselves without involving their partner. In sexual relations, deliberation is essential because it determines whether one party is ready to serve the other party. If deliberation is achieved, then pleasure will be obtained by both parties without any coercion from the other party. Asking for consent before having sex and communicating about boundaries, desires, and needs can build intimacy in sexual relations. The importance of sexual consent or willingness is, according to Islamic teachings, the basis for health in husband and wife relationships to establish love based on willingness (*al-ashlu fi al-mubādalah mabniyyun 'ala at-taradhi*).

All acts of coercion are considered to damage the good relationship between husband and wife; sexual relations between husband and wife can be understood as a good relationship that is possible if both are willing, agree, and enjoy each other. So, each other is considered a subject, but if one is considered an object, the relationship violates the *al-ashlu fi al-mubādalah mabniyyun 'ala at-taradhi* principle. In reality, marriage is the meeting of two people, a man, and a woman, in a legal bond to share, work together, and partner in creating a happy home life full of love and affection. A husband's expression or language of affection towards his partner can foster love for both of them. So, each must understand the language of love for themselves that is expected from their partner. The expression of love between husband and wife must be reciprocal or *mubādalah*, so it cannot be one-sided or one-way but reciprocal where husband and wife give, receive, do, and ask for the language of love each other needs (Kodir, 2019).

Classical jurisprudence explains that the rights and obligations of husband and wife rest on good relations (*mu'āsyaarah bil ma'rūf*), and maintenance of assets and services for biological needs. This relationship must strengthen each other and bring goodness between the two. In terms of livelihood and biological needs, which are mutual rights and obligations, the author considers that it is necessary to apply the principle of *mubādalah* in these relationships so that the five pillars of support for household life can be realized in order to create a family that is *sakinah*, *mawaddah*, and *rahmah*. It also strengthens the relationship between husband and wife so that they have a foothold that helps them survive when facing problems in the household. The concept of *mubādalah* in Islamic family law is necessary for creating a gender-friendly legal order in the Islamic family. In this way, gender-friendly Islamic family law will be realized and applied in domestic life and will not just become a discourse.

The concept of *mubādalah* can be used as a rule of text interpretation and as a new style of jurisprudence with mutual value, especially issues related to gender relations. According to *mubādalah*, in reading or interpreting a text, whether the Qur'an or Hadith, one should not focus on the object and subject. So, the text has masculine and feminine values because words and phrases in Arabic have a similar structure for men and women. So, it often happens in interpretation that texts that address men and women are only interpreted for one gender. For example, the author tries to

analyze the verse of the Qur'an, Surah al-Baqarah [2]: 187, which relates to sexual relations (*jima'*) using the mubjadi method. This verse teaches the principle of mutuality between men and women regarding sexual relations. Allah said:

أَجَلَ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفْتُ إِلَى نِسَائِكُمْ هُنَّ لِيَابِسُ لَكُمْ وَأَنْتُمْ لِيَابِسُ لَهُنَّ

"It is permissible for you on the nights of Ramadan to have intimate relations with your wives. They (your wives) are clothing for you, and you are clothing for them" (QS. Al-Baqarah [2]: 187).

In the phrase "*hunna libāsun lakum waantum libāsun la hunna*", it explicitly states that the wife is the clothes for the husband and the husband is the clothes for the wife, so that the meaning of *mubādalah* is conveyed in this text that the principle of husband and wife is mutuality in the household. The verse is addressed to men as the second person to whom the verse speaks, but reciprocally, the verse can be read by reversing women as the second person and men as the object of conversation. This verse is the most substantial basis regarding the principle of mutuality between husband and wife. According to *mubādalah*, a husband and wife are like protective partners, providing warmth when it is cold and coolness when the atmosphere is hot.

Islam views sex in married life as a reciprocal right and obligation between husband and wife. The Qur'an views the issue of sex as in the verse explained above that the wife is clothing for the husband and the husband is clothing for the wife. So what if a woman has difficulty climaxing, so she is less interested in sexual relations, but her husband does not understand and does not want to know? If you look at the previous meaning of *mubindah*, the concept of the five pillars of marriage in marriage must be applied; a wife and husband can understand each other about the importance of building love between husband and wife with sincere and wholehearted service, *mubādalah* interprets reciprocal service to husband and wife, namely from wife to husband from husband to wife. So, to maintain and build love, they can do whatever is permitted, as long as they are happy, reciprocal, and not forced.

Classical Fiqh explains that maintenance is obligatory for husbands towards their wives, and sex emphasizes the wife's obligations towards her husband (Muhammad, 2019). So it is often explained that these needs are related to cultural demands and biological hormones, which are different between men and women, so in this context, it is often interpreted that men's greatest need is sex and women's need is a living. This is supported because women or wives go through a phase-reproductive phase such as menstruation, pregnancy, childbirth, and breastfeeding, which require special energy. In contrast, men do not have reproductive obstacles, so they are required to provide a living, while women do not. However, what if a wife is involved in earning a living so that she cannot fulfill her husband's sexual needs? In this case, mubjadi explains that living or sexual needs are mutual rights and obligations based on the principles of *zawāj* and *muā'syarah bil ma'rūf*, where all family needs are a shared responsibility. By the word of Allah in QS. Al-Baqarah [2]: 233 and QS. An-Nisa' [4]: 34 wives have more living rights because of the reproductive mandate that women carry out (Kodir, 2019). So, living a living becomes a joint obligation that can be discussed using the pillar of a marriage agreement, namely that when the wife works to earn a living, the husband must also be willing to do domestic work at home so that the burden of living is shared according to their respective abilities.

Many problems in jurisprudence arise when a wife works outside the home; jurisprudence experts agree that when a wife works at home, she must get permission from her husband, and she cannot just leave because it can be categorized as *nusyuz* disobeying her husband or disobeying her husband. This results in a loss of living rights. Wahbah Zuhaili (2016), in the book *Al-Fiqh al-Islami wa Adillatuh*, explains that a wife's *afkah* rights are lost if she leaves the house to work without her husband's permission. A wife who works outside the home either during the day or at night depends on the considerations of both parties. However, if the husband agrees, the wife's right to live remains. However, the husband also has to give up if he loses access to sex because if we refer to the pillars of marriage, according to *mubādalah*, the husband must understand the wife's

condition when the wife is tired from work. This also applies to the husband. When the wife wants sexual relations but the husband is tired, the wife must also understand and comprehend the husband's condition.

Based on the above analysis, the authors think that *mubādalāh* in interpreting texts necessitates the existence of equality for women and men in the rights and obligations of husband and wife, looking at the issue of sex in married life with the principle of reciprocity so that *mubādalāh* interpreting sexuality in the marital relationship can create integrity and harmony between husband and wife. Even though the *mubādalāh* method is intended to respond to primary texts in Islam that use language with specific gender awareness, the *mubādalāh* method can provide a new way of looking at social diversity so as not to give rise to unequal relations.

The concept of *mubādalāh* is to open up space for women, especially wives, to move in public and domestic spaces, not only imposed on women or controlled by women. The mutual perspective demands that the public space be opened wide for men and women to participate more actively in the domestic sphere to build the principles of *ta'āwun* (helping each other), *tahābub* (mutual love), *tasyāwur* (giving each other opinions), *tarādhin* (mutually willing) and *ta'āshur bi al ma'rūf* (treat each other well) in the relationship between men and women both in the domestic and public spheres. *Mubādalāh* perspective is to work first to respect the human dignity of each person and respect their identity. Do not look down on other people, and do not feel inferior in front of others. The perspective then works on a person's behavior based on respect, appreciation, and fulfillment of fundamental human rights in terms of relations between humans, such as the right to life, religious rights, correct to think, economic rights, social rights, and political rights. Regarding the fulfillment of life's needs, for example, if someone wants their life's needs to be met, then they must also think that other people also need those things, even though the method of fulfilling the needs and the form of needs are not the same (Kodir, 2019; Kodir, 2021; & Kodir, 2022).

#### IV. Conclusion

In traditional Islamic law, a wife cannot refuse her husband's invitation to sexual relations. This view is supported by various fiqh views, which emphasize the wife's obligation to serve her husband's sexual needs anytime and anywhere, without a similar obligation for the husband. This view reflects the superiority of husbands over wives, where husbands have greater authority in sexual activity so wives do not have the right over their bodies to refuse their husband's advances. In contrast to traditional Islamic law, in the perspective of *Qirā'ah Mubādalāh* Faqihuddin Abdul Kodir, the rights and positions of husband and wife are equal and balanced. Husbands and wives have the right to refuse invitations to sexual relations under certain conditions, such as illness, fatigue, bad mood, or lack of psychological readiness, which could endanger physical or psychological conditions. The couple must understand this rejection and must find a more appropriate time. *Qirā'ah Mubādalāh's* perspective is to interpret the Hadith angelic intervention in refusing sexual relations as applicable to husbands and wives. Sexual relations are considered an expression of love, which, if not fulfilled, can destroy a marriage.

This conclusion shows the need for reinterpretation of traditional Islamic law regarding sexual relations in marriage. *Qirā'ah Mubādalāh's* approach is to challenge the conventional view of jurisprudence, which places husbands in a superior position and opens the way for a more egalitarian understanding. This shows that the rights and obligations in a husband and wife relationship must be understood in a balanced manner, where both have the right to refuse sexual relations under certain conditions. This approach also highlights the importance of psychological well-being in marriage. It opens up opportunities for further development of the concept of *Mubādalāh* in Islamic family law, which could have implications for revising marriage law policies in Muslim countries. In this case, The Ministry of Religious Affairs needs to initiate the reformulation of policies related to marriage law by including the principles of equality in husband and wife relationships as proposed by *Qirā'ah Mubādalāh*. Religious leaders need to educate

people about the importance of balancing rights and obligations in sexual relations, as well as encourage a more inclusive and contextual understanding of religious texts. Muslims, in general, should be more open to interpretations that promote equality and mutual respect in marriage so that husband and wife relationships can be built on a foundation of love, respect, and mutual prosperity.

This research has several limitations. First, the views raised are based primarily on interpreting classical jurisprudence and *Qirā'ah Mubādalāh* perspective, which may need to fully reflect the complexity of husband and wife relationships in modern society. Second, this conclusion is theoretical and normative, so it has yet to be tested empirically in the daily lives of married couples. Third, this research is still limited to gender views in Islam originating from certain scholars and does not include the diversity of interpretations that exist among Muslims as a whole. Fourth, this research has not explored the social, cultural, and psychological aspects that influence the acceptance and application of equality in husband and wife relationships. For further research, it is essential to conduct empirical research that explores the application of *Qirā'ah Mubādalāh* in real life, comparative research regarding various fiqh interpretations of husband and wife relationships in Muslim countries, as well as interdisciplinary studies that combine the perspective of Islamic law with social sciences, psychology, and gender for a deeper understanding.

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## VI. Disclosure Statement

The author reported no potential conflict of interest.

## VII. Author Contributions Statement

NNR was responsible for data collection and display, M for interpreting the research results, and MSH for editing and reviewing the manuscript.

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