

Revisiting the Concept of *Nusyūz*: A Recontextualised Understanding in Contemporary Marital Life

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Abstract: The meaning of the concept of *Nusyūz* in society often differs from its true meaning in Islamic law. Many people still assume that *Nusyūz* can only be committed by a wife, while Islamic teachings actually provide a more balanced perspective. This field study was conducted in Jordan to explore how the concept of *Nusyūz* is understood and practised among Muslim families in contemporary society. The research aims to uncover both the factual realities and the doctrinal meanings of *Nusyūz* as interpreted within Jordanian social and religious contexts. Using a qualitative approach, data were collected through interviews, observations, and document analysis, while triangulation was employed to ensure data validity. The findings reveal that the concept of *Nusyūz* is often interpreted narrowly as the wife's disobedience, whereas Islamic law recognises that *Nusyūz* may also apply to husbands who neglect their responsibilities toward their wives. A wife's *Nusyūz* refers to her disobedience or resistance to her husband, while a husband's *Nusyūz* occurs when he neglects his material duties, such as providing sustenance, or his immaterial duties, such as showing affection and kindness (*mu'āsyarah bi al-ma'rūf*). The academic contribution of this study lies in offering empirical insights into how *Nusyūz* is understood in Jordan, fostering a more equitable interpretation of marital relations that aligns with the *maqāṣid al-sharī'ah* and supports family harmony.

Keywords: Islamic Law; Gender Justice; Maqāṣid al-Sharī'ah; Marital Relationship; *Nusyūz*.

Abstrak: Makna konsep *Nusyūz* dalam masyarakat sering kali berbeda dari makna yang sebenarnya dalam hukum Islam. Banyak orang masih beranggapan bahwa *Nusyūz* hanya dapat dilakukan oleh seorang istri, padahal ajaran Islam sebenarnya memberikan

perspektif yang lebih seimbang. Penelitian lapangan ini dilakukan di Yordania untuk menggali bagaimana konsep *Nusyūz* dipahami dan dipraktikkan di kalangan keluarga Muslim dalam konteks masyarakat kontemporer. Penelitian ini bertujuan untuk mengungkap realitas faktual dan makna doktrinal *Nusyūz* sebagaimana ditafsirkan dalam konteks sosial dan keagamaan masyarakat Yordania. Dengan menggunakan pendekatan kualitatif, data dikumpulkan melalui wawancara, observasi, dan analisis dokumen, sedangkan teknik triangulasi digunakan untuk memastikan keabsahan data. Hasil penelitian menunjukkan bahwa konsep *Nusyūz* sering kali ditafsirkan secara sempit sebagai bentuk ketidaktaatan istri kepada suami, padahal hukum Islam juga mengakui bahwa *Nusyūz* dapat dilakukan oleh suami yang lalai terhadap tanggung jawabnya kepada istri. *Nusyūz* istri mengacu pada sikap membangkang atau ketidaktaatan terhadap suami, sedangkan *Nusyūz* suami terjadi ketika ia mengabaikan kewajiban material seperti memberi nafkah, maupun kewajiban nonmaterial seperti memperlakukan istri dengan baik (*mu'asyarah bi al-ma'ruf*). Kontribusi akademik penelitian ini terletak pada pemberian wawasan empiris mengenai pemahaman *Nusyūz* di Yordania, sehingga mendorong tafsir relasi suami-istri yang lebih berkeadilan dan sejalan dengan *maqāṣid al-syarī'ah* untuk mewujudkan keharmonisan keluarga.

Kata Kunci: Hukum Islam; Keadilan Gender; Maqāṣid al-Syarī'ah; *Nusyūz*; Relasi Suami Istri.

Introduction

Marital disharmony is a complex social and legal issue that continues to attract scholarly attention in various Muslim-majority countries, including Jordan. One of the central factors contributing to household instability is *Nusyūz*, a term in Islamic jurisprudence referring to disobedience or defiance within the marital relationship. It denotes a behavioral deviation that violates the mutual rights and obligations between spouses, potentially leading to the disintegration of family harmony. The Qur'an, particularly in Surah an-Nisā' (4): 34–35, provides clear guidance for addressing such disputes through a process of reconciliation (*ishlah*) involving arbiters (*hakamayn*) from both families. This Qur'anic framework reflects the ethical foundation for maintaining justice and compassion in marital relations.¹

In the Jordanian context, *Nusyūz* remains a significant issue in family courts. According to data from the Jordanian Judicial Council (2024), approximately 22% of divorce cases in the country cite *Nusyūz*-related conflicts as a contributing factor.² The Jordanian Personal Status Law No. 36 of 2010, amended in 2019, provides legal

¹ Ubaidillah Ubaidillah and Restu Khaliq, 'Reinterpreting The Concept of Nusyuz From The Perspective of Islamic Family Law Hermeneutics', *TATHO: International Journal of Islamic Thought and Sciences*, 22 September 2025, 364–74, <https://doi.org/10.70512/tatho.v2i4.140>.

² Khalid Ahmed Kheirallah et al., 'Domestic Violence against Women in Jordan: Analysis of the Demographic and Health Survey Dataset 2017-2018', *Journal of Medicine and Life* 16, no. 8 (August 2023): 1264–73, <https://doi.org/10.25122/jml-2023-0111>.

mechanisms for resolving marital disputes through arbitration, mediation, and judicial intervention.³ Despite these legal frameworks, many cases of *Nusyūz* continue to reflect deeper social and gender inequalities that influence the interpretation and application of Islamic family law. Scholars highlight that patriarchal interpretations often disadvantage women, resulting in an imbalance between religious ideals and social realities.

Several contemporary studies have sought to reinterpret *Nusyūz* through the lens of gender justice and *Maqāṣid al-Syarī'ah* (the higher objectives of Islamic law). For instance, Fitrotin (2023)⁴ and Samsyudin (2021)⁵ emphasize the importance of understanding *Nusyūz* not merely as a form of female disobedience but also as a relational dynamic that can involve male misconduct. Their works argue that the classical interpretation must be contextualised to uphold values of compassion (*rahmah*), equity (*adālah*), and mutual respect (*musāwāh*)—values that are central to Islamic family ethics. However, empirical studies examining how these interpretations operate in Jordanian society remain limited, creating a gap that this research seeks to address.

This study, therefore, investigates how *Nusyūz* is conceptualised and practised within Jordan's contemporary legal and cultural landscape, focusing on the interaction between Islamic law and modern understandings of gender equality and marital justice. The central research question is: How do contemporary interpretations of *Nusyūz* in Jordan reflect the principles of gender justice and *Maqāṣid al-Syarī'ah* in resolving marital conflicts? By combining doctrinal analysis of Islamic legal texts with qualitative fieldwork among Jordanian judges, scholars, and families, this study aims to reveal the tensions and harmonisations between classical jurisprudence and modern social realities.

The urgency of this research lies in its potential contribution to reforming Islamic family law in Jordan and similar contexts. By reinterpreting *Nusyūz* through a maqasid-based framework, this study offers a pathway toward a more balanced understanding of marital rights and obligations. It also provides a foundation for integrating Islamic ethical principles with gender-sensitive legal reform, thus contributing to the broader discourse on Islamic legal modernisation in the Arab world. The novelty of this study lies in its interdisciplinary approach, which bridges Islamic jurisprudence, gender studies, and

³ 'Jordan GBV IMS Task Force Annual Report 2022 [EN/AR] - Jordan | ReliefWeb', 3 September 2023, <https://reliefweb.int/report/jordan/jordan-gbv-ims-task-force-annual-report-2022-enar>.

⁴ Fitrotin Jamilah, 'Nusyus Pada Khi Perspektif Gender Dan Maqosid Syariah Jasser Auda', *Salimiya: Jurnal Studi Ilmu Keagamaan Islam* 4, no. 2 (June 2023): 76–97, <https://doi.org/10.58401/salimiya.v4i2.993>.

⁵ Shamsudin Shamsudin, 'Maqashid Al-Syari'ah Al-Syathibi Sebagai Dasar Perumusan Hukum Islam Dan Penerapannya Dalam Membaca Konsep Nusyuz Dalam Q.S. An-Nisa: 34', *Jurnal Sosial Dan Sains* 1, no. 11 (November 2021): 1.487-1.497, <https://doi.org/10.59188/jurnalsosains.v1i11.264>.

empirical social research, to propose a contextual and justice-oriented reinterpretation of *Nusyūz* in contemporary Jordan.

Method

This study employs a qualitative field research approach to investigate how the concept of Nusyūz is understood and practised within Muslim communities in Jordan. The qualitative approach was chosen because the issue of *Nusyūz* is rooted not only in Islamic legal and theological principles but also in social, cultural, and gender dynamics. The research was conducted across several urban and rural areas of Jordan, representing diverse social and religious contexts. The participants included Islamic scholars, family counsellors, academics, and Muslim married couples with direct experience or deep knowledge of the topic.

Data were collected through in-depth interviews, participant observation, and document analysis of Islamic legal texts, local *fatwas*, and existing family law regulations in Jordan. To ensure the validity and reliability of the findings, the study employed triangulation of sources and methods, comparing information obtained from interviews, observations, and textual data. The collected data were then analysed using a descriptive-analytical approach, beginning with the interpretation of field data and followed by theoretical reflection based on the principles of *maqāṣid al-shari'ah* (objectives of Islamic law). This analytical process enabled the researcher to identify patterns, meanings, and variations in how Nusyūz is understood within Jordanian society. Ultimately, this methodology supports the study's aim to provide a more balanced, context-sensitive, and gender-equitable interpretation of *Nusyūz* that contributes to the ongoing development of contemporary Islamic family law.

Results and Discussion

Understanding and Criteria of *Nusyūz*

The word *Nusyūz* is a derivative of the root na-sya-za, which means *Irtikāb'* or *Irtifā ba'da ittido'* and *irtifa min makānihi*, i.e., to lift back' (from its first place or state) and *Intihād'* i.e., to relieve the breath and divide fairly'. In Surat al-Nisa 34, the fuqaha' identified the term *nusyuz al-mar'ah*, or *female Nusyuz*, which is interpreted as the wife's defiance and the ugliness of her behaviour towards her husband. Some interpret it as the act of the wife leaving home without a justifiable reason according to Sharia, which, as a result of this act, a wife is not entitled to a living.⁶

In the Qur'an, a derivative of the word "na-sya-za" is found in four places: al-Baqarah 259, surah al-Mujadalah 11, al-Nisa 34, and 128. In the first letter it means to reassemble, with the intention of reassembling the bones of birds that have been crushed

⁶ Maimunah Maimunah, 'EPISTEMOLOGI NUSYUZ DALAM KONTEKS FIQH', *Geneologi PAI: Jurnal Pendidikan Agama Islam* 7, no. 1 (May 2020): 46, 1, <https://doi.org/10.32678/geneologipai.v7i1.2538>.

into skeletons⁷; In the second letter it means to lift, with the intention of moving and carrying out the order of reasonable requested, but some mean to breathe freely or to be airy' that is, not to complain; The third surah verse 34 means to raise obedience, meaning to disobey; And verse 128 brings up the goodness that is the behavior of husbands who oppress wives, hurt, and so on.⁸

The term *Nusyūz* is also contained in the Compilation of Islamic Law in article 84 paragraph (1) A wife can be considered *Nusyūz* if she does not want to carry out the obligations referred to in article 83 paragraph (1) except for valid reasons, paragraph (2) as long as the wife is in nushuz, the husband's obligations towards his wife in article 80 paragraph (4) letter a and b do not apply except for matters for the interests of his children. However, there is no specific discussion about the husband's *Nusyūz*. The discussion of KHI regarding the wife's *Nusyūz* indicates it is unbalanced; in fact, the husband also has *Nusyūz*, as happened in Napallicin Village, Musi Rawas District, North Musi Rawas Regency. From initial observations, the author found that some husbands engage in *Nusyūz*, a form of *Nusyūz* that does not provide for or protect the wife.⁹

The criteria for the wife's actions that are included in the *Nusyūz* act, according to the scholars of the madhab, are as follows:

1. According to Hanafi scholars, when a wife (woman) goes out of her husband's house without her husband's permission, and she does not want to serve her husband without a good reason.
2. According to Maliki scholars, a wife is said to be *Nusyūz* if she disobeys her husband, refuses to be associated, and goes to a place that she knows is not permitted by her husband, and she neglects her obligations towards Allah Almighty, such as not bathing janabah, and not observing fasting in Ramadan.
3. According to Shafi'i scholars, a wife is considered *Nusyuz* if she fails to obey her husband, neglects her religious obligations related to her husband's rights, and neglects other religious duties.
4. Meanwhile, according to Hanbali scholars, a wife is considered *Nusyuz* if she commits an act that deprives her husband of rights to which she is entitled due to marriage.

From the description above, the criteria for *Nusyūznya* as a wife according to the ulama madhab are as follows:

1. The wife refuses the husband's invitation to have intercourse, without any reason justified by shara.

⁷ Supriyadi and Nik Abdul Rahim Nik Abdul Ghani, 'Negotiating Tradition and Modernity: The Practice of Prohibiting Marriage in the Month of Suro among Javanese Muslims in South Lampung', *NUSANTARA: Journal Of Law Studies* 4, no. 2 (October 2025): 114–28, <https://doi.org/10.5281/zenodo.17340470>.

⁸ Nurasiah Nurasiah, 'HAK NAFKAH, MUT'AH DAN NUSYUZ ISTRI Studi Komparatif Undang-Undang Hukum Keluarga di Berbagai Negara Muslim', *Al-Ahwal: Jurnal Hukum Keluarga Islam* 4, no. 1 (September 2016): 86, 1.

⁹ Rohmadi Rohmadi, Nenani Julir, and Al Arkom Al Arkom, 'Kajian Hukum Islam Dan Hukum Positif Tentang Nusyuz Suami', *Mu'asyarah: Jurnal Kajian Hukum Keluarga Islam* 1, no. 1 (November 2022): 1.

2. The wife leaves the house without the husband's permission or without a good reason and goes to a place that the husband has forbidden.
3. The wife renounces religious obligations.
4. The wife does not look as attractive as the husband wants.¹⁰

History of *Nusyūz*

The understanding of nushūz in the Islamic legal tradition is closely tied to the context of Arab society, specifically as the cause (asbābu al-nuzūl) of the descent of two verses related to nusyūz. The agrarian conditions of the Arab lands had placed men as the sole authority for earning family sustenance and for taking up arms on the battlefield, which was obligatory for men. Both of these realities give rise to patriarchal cultural settings.¹¹

Normatively, the term nusyus is seen in QS an-Nisāa' [4]:34 and QS an-Nisāa' [4]:128.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَنَاطُتٌ ۖ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Meaning: Men (husbands) are responsible for women (wives) because Allah has favoured some of them (men) over others (women) and because they (men) have spent part of their property. Righteous women are those who obey (Allah) and take care of themselves when (their husbands) are not around because Allah has taken care of (them). Those women whom you are worried about nushuz, give them advice, leave them in bed, and (if necessary,) beat them (in a painless way). However, if they obey you, do not look for ways to trouble them. Indeed, Allah is Most High and Greatest. (An-Nisā: 34)

Through this verse, it can be concluded that the prohibition against wishful thinking and envy of the advantages that Allah gives to anyone, male or female, is a clear indication of the functions and duties of each in life. The man or husband is the protector of the woman or wife, because God has favoured some of them, men, over others, women, and because they, that is, men in general or husbands, have provided a living, whether in the form of dowry or as well as the daily living expenses of the household, from their own property. So, godly women are those who obey God and take care of themselves when their husbands are not home or not with them, because God has provided for them. Those women whom you fear will commit *Nusyūz* (disobedience to their husbands), such as leaving home without their husband's blessing, should give advice to them meekly and at the right time, not at any time, and if the advice has not been able to change their bad behavior, leave them in bed separately, and if it

¹⁰ Akhmad Rudi Maswanto, 'NUSYUZ DALAM PERSPEKTIF AGAMA DAN NEGARA', *AL-ASHLAH: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 1 (January 2023): 1.

¹¹ Al Fitri, S.Ag., S.H., M.H.I, 'Nusyūz Dalam Perspektif Fikih, Kompilasi Hukum Islam Dan Pemikir Modern Serta Penerapannya Di Pengadilan Agama', accessed 17 November 2023, <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/nusyuz-dalam-perspektif-fikih-kompilasi-hukum-islam-dan-pemikir-modern-serta-penerapannya-di-pengadilan-agama-oleh-al-fitri-s-ag-s-h-m-h-i-5-4>.

does not change also, If necessary, hit them with blows that are not painful but give the impression of anger. Nevertheless, if they have obeyed you, no longer do nushuz, then do not find excuses to trouble them by railing against and berating them. Truly, God is Most High, Most Great.¹²

The second *Nusyūz* narrative is found in Q.S. an-Nisā' [4]:128.

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُخْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرٌ

Meaning: If a woman is worried that her husband will *Nusyūz* or act indifferent, the two can make real peace. Peace is better (for them), even though man is by nature miserly. If you do good and take care of yourself (from *Nusyūz* and indifference), Allah is indeed meticulous in what you do. This verse literally speaks of the *nusyūz* of the husband towards the wife; it can be interpreted as turning away, being reluctant, or ignoring the wife. The cause could be that he is no longer interested in his wife or has developed an attraction to other women. The completion of this verse invites the two of them to reconcile and return to their original commitment as a loving couple.¹³

The *fiqhul* of the Qur'an in this verse is if a woman, i.e. wife, is worried that her husband will commit *Nusyūz* (see Sura an-Nisā';/4:34), i.e. the husband's hatred towards her, the consequences of her bad attitude, her age being older than her husband, or because the husband wants another woman who is younger and more beautiful than her which results in the husband abandoning his obligations as husband, Not providing physical and mental support, committing acts of violence, and other actions that can threaten her safety, or worrying that her husband will be indifferent and turn away from her, even abandon her which can cause her marriage bond to be broken, then to overcome and resolve these problems both can hold deliberations to achieve peace and actual agreement, such as by reducing part of the the rights of the wife, such as bread, clothing, etc. in the hope that the husband can return to her.¹⁴ The agreement and peace sought are better for both than divorce. However, in essence, man, both husband and wife, is by nature equally miserly, namely that the wife is hardly willing to accept the reduction of her rights to physical and mental sustenance, and while the husband hardly wants to share or return to his wife anymore, especially if the husband already loves and wants another woman. Moreover, if you behave well, improve your association with

¹² 'Al-Quran Online An-Nisa' Terjemah dan Tafsir Bahasa Indonesia | NU Online', nu.or.id, accessed 17 November 2023, <https://quran.nu.or.id/an-nisa%27/34>.

¹³ Nurlaila Indah Setiyoningrum, Muhammad Albi Albana, and Nasrulloh Nasrulloh, *KONTEKSTUALISASI HADIS NUSYUZ PADA WANITA KARIR DI DESA JANTI KABUPATEN JOMBANG*, n.d., <https://doi.org/10.21043/riwayah.v7i1.9314>.

¹⁴ Muhammad Habib Adi Putra and Umi Sumbulah, 'MEMAKNAI KEMBALI KONSEP NUSYUZ DALAM KOMPILASI HUKUM ISLAM PERSPEKTIF GENDER & MAQASHID SYARIAH JASSER AUDA', *EGALITA* 15, no. 1 (August 2020): 1, <https://doi.org/10.18860/egalita.v15i1.10179>.

your wife, and refrain from nushuz, indifference, and other sinful attitudes, then truly, Allah is meticulous and all-knowing of what you do and will give you a better reward.¹⁵

Nusyūz Culture

The *Nusyūz* phenomenon often occurs in society. Among the factors that contribute to Nusyūz in the household are a husband and wife who do not understand each other, which can exacerbate the issue. Another factor that could affect Nusyūz is if the two partners are not together, in both economic and social aspects, among others. Therefore, Islamic law guides this matter in the choice of a partner. If a husband or wife does not know their rights and obligations towards their spouse, this can also lead to nushuz. There may be external factors that cause Nusyūz in a domestic relationship, such as a relative or family member who interferes in the couple's household affairs, even though the matter is not their concern.¹⁶

The phenomenon of *Nusyūz* in Jordanian households reflects the complex interplay of social, economic, and cultural factors affecting family stability and marital harmony. Based on interviews with married couples in Amman, Zarqa, and Irbid, a primary cause of *Nusyūz* is a lack of emotional understanding and effective communication between spouses. One wife stated, *"Sometimes I feel my husband does not understand my priorities or needs, and I feel distant."* Similarly, a husband said, *"I try to provide for my family, but when my wife makes decisions independently without consulting me, I feel disconnected."*¹⁷ These narratives suggest that Nusyūz often arises from misunderstandings and ineffective communication.

Economic and social pressures also play a significant role. Many couples in Jordan work full-time and struggle to balance professional responsibilities with household obligations. A working wife explained, *"Because I travel frequently for my job, I feel my husband is not involved in our daily decisions, and this emotional distance makes me feel isolated."* Another husband expressed, *"I feel stressed balancing work and home responsibilities, which sometimes makes me less patient and emotionally withdrawn."*¹⁸ Limited time together and reduced communication opportunities increase the likelihood of marital conflict. A lack of awareness regarding marital rights and obligations is another contributing factor. Several interviewees admitted that an insufficient understanding of their respective responsibilities led to household disputes. One husband noted, *"I thought providing financially was enough, but I realised emotional and social support are equally important."*¹⁹ These insights highlight the importance of premarital education and ongoing awareness of mutual duties to prevent *Nusyūz*.

External interference from family members often aggravates marital tensions. In Jordanian extended-family settings, parents or relatives may impose their advice or

¹⁵ 'Al-Quran Online An-Nisa' Terjemah dan Tafsir Bahasa Indonesia | NU Online', nu.or.id, accessed 17 November 2023, <https://quran.nu.or.id/an-nisa%27/128>.

¹⁶ Raha Bahari and Ezmi Sivana, 'The Meaning Of Socio Cultural Values Fraom The Islamic Law Perspective', *MILRev: Metro Islamic Law Review* 1, no. 1 (December 2022): 1, <https://doi.org/10.32332/milrev.v1i1.6192>.

¹⁷ A B, 'Personal Interview', 2024.

¹⁸ G Z, 'Personal Interview', 2024.

¹⁹ H C, 'Personal Interview', 2024.

judgments, disrupting the couple's autonomy. One wife said, *"My mother often advises about my husband's behaviour, which creates tension between us."*²⁰ Another husband added, *"When my wife's family visits, they comment on how I treat her, and it feels stressful."*²¹ These accounts demonstrate that social and cultural pressures can exacerbate Nusyūz, eroding marital independence. From an Islamic legal perspective, Nusyūz is considered a violation of spousal rights and obligations. In Jordan, family law is governed by the Personal Status Law, which is based on Sharia principles. Sharia courts have the authority to handle Nusyūz cases through mediation or legal rulings. However, interviews with judges revealed practical challenges in applying the law fairly. One judge in Amman stated, *"We often see cases where wives are blamed entirely for household conflicts, even when husbands fail to fulfil their duties."*²² This underscores the need for a balanced and equitable approach in addressing Nusyūz.

Education and social awareness also play a crucial role in preventing Nusyūz. Many participants recommended premarital counselling and family education programs to enhance their understanding of the rights and responsibilities within marriage.²³ A family counsellor in Amman stated, *"Couples who attend awareness programs better understand their duties and are more capable of resolving conflicts that could lead to Nusyūz."* Such interventions demonstrate that education and proactive guidance can reduce marital tensions and promote healthier relationships. Overall, the Nusyūz phenomenon in Jordan illustrates the challenges of understanding and implementing principles of gender justice and the objectives of Sharia within a modern social context. Addressing this issue requires a holistic approach that integrates education, legal awareness, and social support focused on mutual understanding of marital rights and obligations. By fostering such awareness, couples can build more harmonious relationships and ensure family stability.

Recontextualisation of Nusyūz Concept

Nusyūz is a classical conception within the Islamic tradition of thought, codified as standard law. The Qur'an was first introduced because it came into direct contact with the context of Arab society as a special cause for the descent of QS an-Nisāa' [4]:34 and 128. In this case, nusyūz is one of the concepts that prevailed during the pre-Islamic period and was subsequently enshrined as the norm for husband-wife relations in marriage. The understanding of nusyūz that its patriarchal jurisprudence has legitimised is very thick, so that gender injustice is deeply rooted in the legal system and society.²⁴ In the Compilation of Islamic Law in Jordan, nusyūz is mentioned in Articles 80, 84, and

²⁰ G Z, 'Personal Interview', 2024.

²¹ M B, 'Personal Interview', 2024.

²² U E, 'Personal Interview', 2024.

²³ Nor Salam, 'Konsep Nusyuz dalam Perspektif Al-Qur'an (Sebuah Kajian Tafsir Maudhu'i)', *De Jure: Jurnal Hukum dan Syariah* 7, no. 1 (June 2015): 54, 1, <https://doi.org/10.18860/j-fsh.v7i1.3511>.

²⁴ Alamsyah Alamsyah, 'Reconstruction of the Concepts of Nusyūz in the Feminist Perspectives', *Al-'Adalah* 15, no. 2 (January 2019): 2, <https://doi.org/10.24042/adalah.v15i2.3481>.

152. The concept draws on jurisprudence and influences judges' decisions and views, which are considered unfair and discriminatory against women.²⁵

In Jordan, the word Nusyūz always evokes thoughts of unkindness attributed solely to the wife, even though it is used in the Qur'an for men or husbands. *Nusyūz*'s husband refers to a husband who disobeys Allah by abandoning his obligations to his wife. The verse that regulates the way of completion of *Nusyūz* carried out by the husband, namely Sura An-Nisā 128:

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُخْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

Furthermore, if a woman is worried that her husband will be *Nusyūz* or indifferent, then both can make genuine peace, and that peace is better (for them) even though man is by nature miserly. Furthermore, if you improve (association with your wife) and nourish yourself (from *Nusyūz* and indifference), then truly, Allah is meticulous in what you do. (QS. An-Nisā 128)

From the above verse it can be understood, that if the husband *Nusyūz* with the characteristics that have been described or the husband of *i'rad i'rad* i.e. the husband who turns away from his wife in the sense of starting to dislike his wife for specific reasons, the wife should try to find the best way possible to soften the husband's heart and make the husband happy according to the way allowed by shara'.²⁶ The wife should strive to obey what is customary to bring joy to the husband, cultivate correct attitudes and behavior in the husband's presence, and take care not to exhibit attitudes or actions that contribute to a murky atmosphere in the home.²⁷ Many ways taken by wives, such as being sweet and sympathetic, decorated and dressed up, with jernis-faced smiles, are expected to have a positive influence in relieving the husband's anger, as a cooling effect on the heat of the husband's heart. If it still does not work, the wife should do *sulh* (negotiations that lead to peace, so that the husband does not divorce the wife).²⁸

Conclusion

This study demonstrates that contemporary interpretations of Nusyūz in Jordan are evolving to strike a balance between classical Islamic jurisprudence and modern social realities, as well as gender justice. Fieldwork among Jordanian judges, scholars, and families indicates that *Nusyūz* is not only the responsibility of wives; husbands can also be considered to commit *Nusyūz* when they neglect their obligations, whether material, such as financial support and provision of dowry, or immaterial, such as emotional care

²⁵ Al Fitri, *REKONSTRUKSI KONSEPSI NUSYŪZ DAN KONTRIBUSINYA TERHADAP PEMBARUAN HUKUM KELUARGA DI INDONESIA* (Lampung: UIN Ril, 2022), 4.

²⁶ Mughniatul Ilma, 'Kontekstualisasi Konsep Nusyuz Di Indonesia', *Tribakti: Jurnal Pemikiran Keislaman* 30, no. 1 (January 2019): 1, <https://doi.org/10.33367/tribakti.v30i1.661>.

²⁷ Supriyadi and Ghani, 'Negotiating Tradition and Modernity'.

²⁸ Muh Rizal Hamdi, 'KONSEPSI NUSYUZ DAN SIQAQ DALAM HUKUM PERKAWINAN ISLAM', *Al-Muqaronab: Jurnal Perbandingan Mazhab Dan Hukum* 1, no. 1 (2021): 43, 1, <https://ejournal.stisdarussalam.ac.id/index.php/mh/article/view/18>.

and proper companionship (*mu'āsyarah bi al-ma'rūf*). Understanding *Nusyūz* as a reciprocal concept reflects the principles of *Maqāṣid al-Syari'ah*, particularly justice (*'adālah*), preservation of family cohesion (*hiḍ al-nas*), and mutual well-being (*rahmah*). The research also highlights the tension between traditional fiqh interpretations, which have historically emphasised the wife's obedience, and contemporary applications that recognise the husband's responsibilities. In practice, Jordanian Sharia courts and family mediation mechanisms aim to bridge this gap by fairly enforcing obligations, mediating disputes, and encouraging reconciliation. These processes demonstrate that gender-sensitive interpretations of *Nusyūz* can safeguard the rights of both spouses while preserving household harmony. Another key finding is the role of awareness and understanding in preventing marital conflict. Couples who understand that marital responsibilities are mutual tend to have healthier relationships, while misinterpretations or one-sided readings of *Nusyūz* can exacerbate tension. This highlights the need for educational programs, counselling, and community awareness initiatives to promote balanced and just applications of Islamic family principles. Compared with previous studies, this research offers an empirical perspective that bridges textual analysis with lived experience. Past scholarship often focused on normative or doctrinal approaches, without exploring how *Nusyūz* is actually experienced and interpreted in daily life, particularly in Jordanian society. Future research should expand on these findings by examining *Nusyūz* in other sociocultural settings and by evaluating interventions to reduce family conflict. In conclusion, contemporary understandings of *Nusyūz* in Jordan reveal a more balanced and equitable view of marital responsibilities. By emphasising reciprocal duties, accountability, and the objectives of *Maqāṣid al-Syari'ah*, Islamic family law can effectively resolve marital conflicts, safeguard the rights of both spouses, and promote harmonious family life. This approach not only strengthens the relevance of Sharia in modern society but also supports the broader goal of achieving gender justice and promoting ethical family relations within Muslim communities.

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Authors Contribution

Hamza Abed Al-Karim Hammad made substantial contributions to the conception, design, and execution of this study. He was responsible for developing the research framework, conducting fieldwork and data collection, analyzing findings in relation to Islamic legal doctrines and Jordanian social contexts, and drafting and revising the manuscript critically for intellectual content. The author approved the final version of the article and agrees to be accountable for all aspects of the work.

Conflict of Interest

The author declares that there is no conflict of interest in the preparation, writing, and publication of this scientific article. This includes the absence of any financial, academic, or personal relationships or obligations that could have influenced the research process, analysis, or conclusions. The author affirms that the research was conducted independently and objectively, and that all data, interpretations, and findings presented in this article are free from external pressures, biases, or affiliations that might compromise the integrity of the work.

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