

Reasons for Wives' Refusal to Fulfill Their Husbands' Biological Needs in Awangpone Subdistrict: Perspectives from Islamic Law and Positive Law

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Abstract: This study aims to analyze the factors causing wives to refuse their husbands' requests for marital sex in Bone Regency and to examine this phenomenon from the perspectives of Islamic and positive law. The novelty of this research lies in its integrative approach, combining empirical societal findings with the normative analysis of both legal frameworks regarding marital obligations. Utilizing a qualitative method, this study employs case study, normative-legal, empirical-legal, and normative-theological approaches. Data were gathered through interviews with married couples in Cakke Bone Village, the village head, the head of the Awangpone Religious Affairs Office, and the registrar of the Watampone Class IA Religious Court. The results indicate that wives' sexual refusal stems from laziness, exhaustion from domestic chores, work fatigue, drowsiness, contraceptive side effects, age, length of marriage, and arranged marriage. Husbands reacted with anger, disappointment, resentment, silence, distancing, or patience. From an Islamic law perspective, such refusals without valid sharia-compliant reasons (such as menstruation, postpartum, or illness) constitute *nusyūz*. Meanwhile, under positive law, this refusal disrupts marital rights and obligations, potentially serving as grounds for divorce.

Keywords: Marital Sexual Refusal; Islamic Law; Positive Law; *Nusyūz*.

Introduction

Marriage is one of worship and in the view of Islam is understood as a physical and mental bond between a man and a woman to form a family that is *sakinah*, *mawaddah*, and *rahmah*.¹ This bond is not only interpreted as a civil relationship, but also as an act of worship that must be preserved.² Husband and wife relationships, including the fulfillment of biological rights, are an important part of maintaining household harmony.³ In Islamic teachings, the relationship between husband and wife is based on mutual rights and obligations that aim to create harmony in family life. One of the rights that must be fulfilled in marital life is the fulfillment of biological needs, which is considered

¹Ifham Choli, Etika Nailur Rahma, and Neneng Munajah. "Marriage and Its Lesson From an Islamic Perspective." *Al-Risalah: Jurnal Studi Agama dan Pemikiran Islam* 15.2 (2024): 532-544. <https://doi.org/10.34005/alrisalah.v15i2.3830>. Syamsiah Nur, Rama Dhini Permasari Johar, and Belqis Nayla Shabihah. "Marital Inequality and the Construction of a Sakinah, Mawaddah wa Rahmah Family: A Psychological and Quranic Perspective." *Jurnal Elysyakhshi* 3.2 (2025): 1-10. <https://doi.org/10.69637/jelsy.v3i2.408>

²Nirwana Nazaruddin. "Sakinah, Mawaddah Wa Rahmah Sebagai Tujuan Pernikahan: Tinjauan Dalil Dan Perbandingannya Dengan Tujuan Lainnya Berdasarkan Hadits Shahih." *Jurnal Asy-Syukriyyah* 21.02 (2020): 164-174. <https://doi.org/10.36769/asy.v21i02.110>

³Imaskia Zalzabilha Habibie. "Fulfillment of Wife's Nafkah Rights: Identification of Constraints and Implications for Household Harmony." *Damhil Law Journal* 4.2 (2024): 161-175. <http://dx.doi.org/10.56591/dlj.v4i2.2700>. Sabarudin Ahmad, and Ali Murtadho Emzaed. "The Role of Husbands in Fostering Harmony in Their Households with Career Wives." *Jurnal Ilmu Hukum Tambun Bungai* 10.2 (2025): 668-681. <https://doi.org/10.61394/jihtb.v10i2.555>

part of the efforts to maintain affection and emotional closeness between spouses. The fulfillment of these needs also plays an important role in maintaining the stability of the household and preventing conflicts that may arise due to unmet emotional or physical needs.⁴

In social reality, however, the dynamics of household life are often influenced by various factors, both internal and external. Economic pressures, work fatigue, domestic responsibilities, and emotional conditions often affect the interaction patterns between husband and wife. These conditions sometimes lead to situations where one party is unable or unwilling to fulfill the needs of the other, including in the context of biological relations. When such conditions occur repeatedly, they can potentially trigger disharmony and even lead to marital disputes.⁵

In rural communities, discussions about biological relations between husband and wife are often considered sensitive and tend to be avoided in public discourse. Cultural values that prioritize privacy in household matters make this issue rarely discussed openly, even though it may have significant implications for the stability of marital relationships. Therefore, studying this phenomenon becomes important in order to understand the social and legal factors behind it and to provide a more comprehensive understanding of marital relations in society.⁶

The phenomenon of a wife's refusal to fulfill biological needs is an interesting issue to examine, especially in rural communities. In practice, this is often considered a private family matter and is rarely discussed openly. However, if repeated, these conditions can cause tension in the household. This issue is closely related to the concept of *nusyūz*. A wife who refuses her husband's invitation without a reason can be categorized as *nusyūz*, which implies the loss of some of her rights.⁷

Research in a journal written by Sehan Rifky, Asep Saepullah, and Nadia Cahya Maolia in 2024 with the title "Analysis of Islamic Law and Marriage Law on Wives who Refuse Intimate Relationships" examines the normative provisions and legal consequences for wives who refuse intimate relationships according to Islamic law and Marriage Law No. 1 of 1974.⁸ There are similarities between this research, specifically in its use of the framework of Islamic law and positive law as an analytical perspective on the phenomenon of wives refusing intimate relations.

There are differences in the focus of the study with this research; Sehan Rifky et al's research examines the normative aspects of the legal rules and consequences of refusal of intimate relationships according to the provisions of *Sharia* and law, and what sanctions will be given. In

⁴Sar'an, Mohamad, et al. "Implementation of Harmonious Family in the Concept of Proportionality of Obligations and Rights of Husband and Wife Relations: A Perspective on the Compilation of Islamic Law." *El-Ussrah: Jurnal Hukum Keluarga* 7.2 (2024): 695-712. <https://doi.org/10.22373/ujhk.v7i2.24662>

⁵Ahmad Fauzi, "Household Conflict and Marital Communication in Muslim Families," *Jurnal Hukum Islam* Vol. 21, No. 1 (2023), p. 88. <https://doi.org/10.28918/jhi.v21i1.2023> Syaflin Halim, Mohammad Najib Jaffar, and Elma Rida Yanti. "The communication patterns of husband and wife couples in resolving household conflicts: Islamic family law perspectives." *KARSA Journal of Social and Islamic Culture* 32.1 (2024): 33-71. <https://doi.org/10.19105/karsa.v32i1.13280>

⁶Rahmawati, "Cultural Perspectives on Marital Privacy in Rural Muslim Communities," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* Vol. 17, No. 1 (2022), h. 60.

⁷Asnawi Abdullah and Karimuddin Abdullah Lawang, "Nusyuz Dan Hubungannya Dengan Larangan Pemaksaan Hubungan Seksual," *Jurnal Al-Mizan: Jurnal Hukum Islam Dan Ekonomi Syariah* Vol. 10, No. 2 (2023), h. 135. [https://doi.org/10.25299/althariqah.2024.vol9\(2\).13617](https://doi.org/10.25299/althariqah.2024.vol9(2).13617).

⁸Sehan Rifky, Asep Saepullah, and Nadia Cahya Maolia, "Analisis Hukum Islam Dan Undang-Undang Perkawinan Terhadap Istri Yang Menolak Hubungan Intim," *Jurnal Keislaman* Vol. 7, No. 1 (2024), h.10. <https://doi.org/10.54298/jk.v7i1.235>

contrast, this research examines aspects of the factors behind the refusal of intimate relationships by wives in the context of the Cakke Bone Village community, Awangpone District, Bone Regency, and the resolution of the problem.

From the perspective of Islamic law, this issue is closely related to the concept of *nusyūz*. A wife who refuses her husband's invitation without a reason can be categorized as *nusyūz*, which implies the loss of some of her rights. However, refusal that is based on shar'i reasons, such as sickness, menstruation, or physical and mental conditions that really do not allow it, certainly does not fall into this category.⁹

Normatively, both in Islamic law and positive law, the relationship between husband and wife should run harmoniously based on love, respect, and willingness to fulfill each other's needs. Husbands are not allowed to treat their wives in a demeaning way, let alone violent. Likewise, wives should ideally not refuse their husbands' invitations to have sex as long as there are no reasons justified by *sharia*, because this is considered part of obedience and maintaining the integrity of the household.¹⁰ This is what makes researchers interested in researching and discussing more deeply the causes of the wife's rejection of the husband's invitation to fulfill biological needs in the Cakke Bone Village community, Awangpone District, Bone Regency, based on the perspective of Islamic law and positive law.

Method

This research employs a qualitative descriptive approach, which is used to understand social phenomena in depth by describing field realities as they naturally occur.¹¹ Specifically, this study seeks to describe and analyze the causes of wives' refusal to fulfill biological needs, examined through the lens of Islamic law and positive law, among married couples in Cakke Bone Village, Awangpone District, Bone Regency. This research applies multiple approaches: a case study approach to examine specific real-life instances of marital refusal within the community; a normative juridical approach to analyze relevant legal provisions in Islamic family law and Indonesian positive law; an empirical juridical approach to examine how these norms are applied and experienced in practice; and a normative theological approach to interpret the issue within Islamic doctrinal frameworks.

Data were collected through three methods. First, an observation was conducted to directly witness household dynamics and community conditions in Cakke Bone Village related to the research focus. Second, in-depth interviews were conducted with informants selected through purposive sampling, consisting of married couples residing in Bone Regency, the Village Head of Cakke Bone, the Head of the Religious Affairs Office of Awangpone District, and the Young Legal Clerk of the Class 1A Religious Court of Watampone. These informants were selected because they represent diverse perspectives, ranging from the direct lived experience of the couples to administrative, religious, and judicial institutional viewpoints, thereby enabling a comprehensive analysis of the phenomenon. Third, documentation was gathered from relevant legal texts, court records, and other written sources supporting the analysis. Data were then processed and analyzed

⁹Abdullah and Lawang, "Nusyuz Dan Hubungannya Dengan Larangan Pemaksaan Hubungan Seksual.", p. 136.

¹⁰Ayu Rizqa Febry dan Rizki Pangestu, "Modernitas Nusyuz; Antara Hak Dan Kewajiban," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* Vol. 12, No. 1 (2021), p. 73. [https://doi.org/10.25299/althariqah.2024.vol9\(2\).13617](https://doi.org/10.25299/althariqah.2024.vol9(2).13617)

¹¹Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 2017), p. 6.

through four stages: data reduction to select and focus relevant information; data presentation to organize findings systematically; comparative analysis to identify patterns across cases and legal perspectives; and conclusion drawing to formulate final findings and implications.

Results and Discussion

Reasons that Cause Wife's Refusal of Husband's Invitation to Fulfill Biological Needs in Cakke Bone Village, Awangpone Subdistrict, Bone Regency

Marriage in Islam is an integral part of the Islamic ideological system, which has a philosophical foundation. This is because marriage is seen as a form of obedience for Muslims who are ready, namely when a man and a woman agree to build a household through a contract that is valid according to Islamic law. The main purpose of marriage is to form a family as the basic unit of society, consisting of a husband and wife and their children.¹²

The fulfillment of biological relations in marriage is one of the fundamental aspects that distinguishes the marriage bond from other forms of social relations. The intimate relationship between husband and wife is not just a biological activity, but a form of worship that has spiritual value when carried out based on Islamic law.¹³ Therefore, wives are basically not allowed to refuse their husbands' invitation to have sex without a valid reason according to Shari'ah. Refusal without a legitimate excuse can be categorized as an act of *nusyūz*, which is an act of defiance against the wife's obligations that have been determined by Islamic law.¹⁴ As explained in the following Prophetic hadith:

حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ، حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ، حَدَّثَنَا شُعْبَةُ، عَنْ قَتَادَةَ، عَنْ زُرَّارَةَ، عَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " إِذَا دَعَا الرَّجُلُ امْرَأَتَهُ إِلَى فِرَاشِهِ فَأَبَتْ أَنْ تَجِيءَ، فَبَاتَ غَضْبَانَ عَلَيْهَا، لَعْنَتُهَا الْمَلَائِكَةُ حَتَّى تُصْبِحَ " ¹⁵

Translation:

Muhammad ibn Basyar reported to us from Ibn Abu Adi, from Shu'bah, from Sulaiman, from Abu Hazim, from Abu Hurayrah that the Prophet said: "If a man invites his wife to bed and she refuses to comply (without excuse), the angels will curse her until morning."¹⁶

A wife's obligation to fulfill her husband's biological needs applies as long as there are no valid reasons to refuse, such as illness, threats, or conditions that could endanger herself. In a hadith of the Prophet Muhammad, it is mentioned that if a husband invites his wife to have intercourse, and she refuses without a valid reason, causing her husband to become angry, then the angels will curse her until dawn. This hadith shows the importance of harmony and mutual responsibility in a husband and wife relationship, while still considering the principles of love, respect, and safety for both parties.¹⁷

¹²Rizal Darwis, *Naḥkah Batin Dalam Hukum Perkawinan* (Gorontalo: Sultan Amai Press IAIN Sultan Amai Gorontalo, 2015), p. 12.

¹³Sayyid Sabiq, *Fiqh Sunah*, Jilid 3 (Pena Pundi Aksara, 2013), p. 78.

¹⁴Wahbah Al-Zuhaylī, *Al-Fiqh Al-Islāmī Wa Adillatuhu*, Jilid VII (Gema Insani, 2011), p. 337.

¹⁵Muhammad bin Ismā'īl Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī Bi Ḥāsyiyat Al-Imām Al-Sindī*, Juz 3 (Dār al-Kutub al-'Ilmiyyah, 2011) p. 462.

¹⁶Abū 'Abdillāh Muhammad bin Ismā'īl Al-Bukhārī, *Ensiklopedia Ḥadīṣ 2: Ṣaḥīḥ Al-Bukhārī* (Cet 2; Jakarta: Almahira, 2016), p. 359.

¹⁷Azmi Ro'yal Aeni, and Maulana Ni'ma Alhizbi. "Hak Istri Dalam Hubungan Seksual Menurut Hukum Keluarga Islam." *Usroh: Jurnal Hukum Keluarga Islam* 7.1 (2023): 27-40. <https://doi.org/10.19109/ujhki.v7i1.17743>

This Hadīth illustrates that a wife has an obligation to fulfill her husband's invitation to biological intercourse, even if she is busy with important household chores. She is advised not to neglect her husband's needs as long as there is no justifiable reason, according to *Shariah*.¹⁸

However, in fiqh analysis, scholars generally assert that a wife's refusal of her husband's request for sexual relations without a valid (*shar'ī*) reason may be categorized as *nusyūz*. The concept of *nusyūz* refers to a wife's disobedience to her marital obligations, including the fulfillment of her husband's biological needs. According to Wahbah al-Zuhaylī in *al-Fiqh al-Islāmī wa Adillatuhu*, a wife is obliged to respond to her husband's request as long as there is no legally recognized excuse. If the refusal occurs without reasons such as menstruation, postpartum bleeding (*nifās*), or illness, it may be classified as *nusyūz*, which has legal implications, including the suspension of certain rights, such as maintenance.¹⁹

In line with this, Ibn Qudamah in *al-Mughnī* emphasizes that a wife's obligation in sexual relations is a consequence of the marriage contract. Therefore, refusal without a legitimate excuse is considered a form of *nusyūz*, except in cases where there are harmful conditions such as illness or physical incapacity.²⁰ This view is further supported by Imam al-Nawawi, who states that a wife is not permitted to refuse her husband's invitation without a valid *shar'ī* excuse, and if she does so, she is categorized as a *nāshiz* wife, as understood from the Prophetic hadith regarding the angels' curse upon a wife who refuses her husband.

Thus, from the perspective of classical Islamic law, a wife's refusal of her husband's request for sexual relations is generally not permissible and may be categorized as *nusyūz*, unless there are valid *Shari'ah*-based reasons, such as menstruation, postpartum bleeding, or illness. This provision demonstrates that the fulfillment of biological needs constitutes an essential part of marital obligations, which must be carried out as long as there are no legitimate impediments recognized by Islamic law.²¹

Meanwhile, the Marriage Law in Indonesia strictly regulates the rights and obligations between husband and wife. In this context, a wife's refusal to engage in intimate relations can lead to legal issues related to the fulfillment of the husband's rights as stipulated in the provisions.

Articles 30 to 34 of Law No. 1 of 1974 on Marriage explain the obligations of a wife to her husband, namely:

Article 30, "husbands and wives have the noble obligation to uphold the household, which is the basic unit of society." Article 31, "1) The rights and position of the wife are equal to those of the husband in domestic life and social interaction within the community. 2) Each party has the right to perform legal acts. 3) The husband is the head of the family, and the wife is the homemaker."²² Article 32, "1) Husbands and wives must have a permanent place of residence. 2) The place of residence referred to in paragraph (1) of this article shall be determined jointly by the husband and wife."²³ Article 33, "husband and wife shall love and respect each other, be faithful, and provide

¹⁸La Jamaa, "Kekerasan dalam rumah tangga perspektif fikih." *AHKAM: Jurnal Ilmu Syariah* 13.1 (2013). . <https://doi.org/10.15408/ajis.v13i1.952>

¹⁹Al-Zuhaylī, *Al-Fiqh Al-Islāmī Wa Adillatuhu*, p. 337.

²⁰Ibn Qudāmah, *Al-Mughnī* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), p. 30.

²¹Jalāl al-Dīn Al-Suyūṭī, *Al-Ashbāh Wa Al-Nazā'ir* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1990), p. 87.

²²Law No. 1 of 1974 on Marriage. Article 31.

²³Law No. 1 of 1974 on Marriage. Article 32.

physical and emotional support to one another.”²⁴ Article 34, “1) The husband shall protect his wife and provide for all the necessities of household life in accordance with his ability. 2) The wife shall manage household affairs as well as possible.”²⁵

In essence, rights and obligations in life are two interrelated things that must be balanced. The fulfillment of rights cannot be separated from the fulfillment of established obligations. In other words, when a person has fully carried out their obligations and responsibilities, their rights will be protected and can be accepted fairly in proportion to their obligations. This balance is the basis for the creation of justice and harmony in social relationships and family life.²⁶

After conducting research in Cakke Bone Village, several reasons were given by the wife when refusing her husband's invitation to fulfill biological relations, as follows:

Table 1.1 interviews with married couples in Cakke Bone Village

Married Couples	Reason For Refusal	Husband's Reaction	Rejection Intensity	Length of Marriage
Bud** and Masi**	Lazy and sick	It's normal	Repeatedly	41 years
Rust** and Rusn**	Tired and lazy	Sometimes gets angry	Occasionally	18 years
Muh** and Wah**	Tired	Patiently wait	Occasionally	18 years
Ami** and Fit**	Tired	Sometimes disappointed	Repeatedly	14 years
Her** and Mast**	Tired and sick	Sometimes understanding and sometimes disappointed	Repeatedly	14 years
Uma** and Lis**	Sick	Giving distance	Repeatedly	11 years
Cah** and Wil**	Tired and lazy	Sleep	Repeatedly	10 years
Ali** and Her**	Menstruation, tired, lazy, and sleepy	It's normal	Repeatedly	9 years
Yus** and Haf**	Tired, sleepy, and sometimes angry	It's normal	Occasionally	6 years
Ash** and Ilh**	Tired and sick	Giving distance and silent treatment	Repeatedly	4 years

Based on the results of research in Cakke Bone Village, it was found that there are several reasons given by wives when refusing to have biological relations with their husbands, such as being tired, lazy, sick/unhealthy, not in the mood, sleepy, or their children are not asleep. The reasons given by the Head of Cakke Bone Village, Ummi Kalsum, S.H, who revealed several reasons that caused the wife to reject the husband's invitation to fulfill biological needs, namely:

“In the age phase of marriage, 0-10 years is still good. The age factor can also affect rejection; if the wife's age has passed 40 years, usually, they no longer have biological needs. But men are never numb when it comes to intercourse. This is based on the fact that the female body is

²⁴Law No. 1 of 1974 on Marriage. Article 33.

²⁵Law No. 1 of 1974 on Marriage. Article 34.

²⁶Rusdaya Basri, *Fiqh Munakahat* (Parepare: Pusat Penerbitan IAIN Parepare, 2019), p. 132.

not very sensitive in that regard, so at that age, it can be a major factor in the wife's rejection. In addition, the use of birth control for the wife. This is because some types of birth control can make a woman virginal, meaning there is no more taste. Married couples who are fertile and then install birth control, then there is often experience what is called numbness. This can also be a reason for rejection because there is no desire to have sex with her husband."²⁷

Based on a statement from the Head of Cakke Bone Village, he said that several factors cause a wife's refusal when invited by her husband in terms of fulfilling biological needs, namely because of the age of marriage, the age of the couple, the use of family planning in fertile couples, and it also occurs in wives who work in the public domain or as career women.

The statement from Mr. Khumaeni, S.H.I., M.H., as a young legal clerk of the Watampone Religious Court, who said that:

Some marriages are arranged marriages. In the beginning, when the marriage was arranged, there was no resistance. However, sometimes in the beginning, the wife continues to serve, but gradually she feels unsuitable. As time goes by, she becomes displeased, so this is used as an excuse not to serve her husband."²⁸

Based on the results of interviews with several married couples in Cakke Bone Village, it can be seen that several reasons cause the wife's refusal to fulfill her husband's biological needs. Among them are tired of taking care of the house, tired of taking care of children, tired of working, lazy or not in the mood, sleepy, unhealthy, the children are not sleeping, there is a feeling of anger towards her husband, so that at that time they refused her husband's invitation. There are also several other reasons, such as the age of the couple and the length of marriage, the effect of using birth control, and the factor of being matched, so that this is also often used as an excuse when wanting to refuse her husband's invitation.

The rejection by the wife happens repeatedly during the course of their marriage. This also triggers many responses from husbands when in such conditions. For example, some choose to be patient, some feel angry, upset, disappointed, silent, and even give distance to their wives. This response is given as a form of the husband's discomfort when his biological needs, which are his wife's obligations, are not fulfilled.

Islamic Law Perspective on the Causes of Wife's Refusal of Husband's Invitation in Fulfilling Biological Needs

The fulfillment of biological relations between husband and wife is part of the rights and obligations in marriage aimed at maintaining household harmony. However, this right is not absolute, because Islamic law provides certain limits that must be obeyed.²⁹ In addition to menstruation and postpartum bleeding, illness is also recognized in Islamic law as a shar'i excuse that allows the wife to refuse biological intercourse if there is concern that it will worsen her health condition or cause harm. Contemporary fiqh studies emphasize that the maintenance of the wife's health is part of the benefits that must be maintained in marriage, so that intimate relationships

²⁷Ummi Kalsum, Village Head of Cakke Bone, *Interview*, January 6, 2026.

²⁸Khumaeni, Head of the Legal Division at the Watampone Religious Court, *Interview*, December 18, 2025.

²⁹Zainul Wailissa, "Bersenggama Saat Menstruasi Dalam Tinjauan Al-Qur'an Dan Sains," *TAHKIM: Jurnal Hukum Dan Syariah* Vol. 15, No. 2 (2019), p. 12. <https://doi.org/https://doi.org/10.33477/thk.v15i2.3060>

should not be carried out by force when the wife's physical condition does not allow it.³⁰ Based on the KHI, Articles 83 and 84 explain the obligations of a wife, namely:

Article 83, "1) The primary obligation of a wife is to be devoted physically and spiritually within the limits permitted by Islamic law. 2) The wife shall manage and organize the daily household needs to the best of her ability."³¹

Article 84, "1) A wife may be considered nusyūz if she refuses to fulfill the obligations referred to in Article 83 paragraph (1) except for valid reasons. 2) While the wife is in a state of nusyūz, the husband's obligations to his wife as referred to in Article 80 paragraph (4) letters a and b do not apply, except for matters concerning the interests of their children. 3) The husband's obligations referred to in paragraph (2) above apply again after the wife is no longer nusyūz. 4) The determination of whether or not the wife is in a state of nusyūz must be based on valid evidence."³²

The Compilation of Islamic Law (KHI) clearly regulates the obligations of wives towards their husbands, particularly in Articles 83 and 84. Based on these provisions, a wife is obliged to serve her husband physically and emotionally as long as it is within the limits permitted by Islamic law. Thus, a wife's obedience is not absolute if her husband's orders contradict Islamic law or endanger her.³³

However, in practice, a wife's refusal to engage in intimate relations is often mistakenly understood as a form of nusyūz or disobedience. In fact, if the refusal is based on valid reasons, then it cannot be categorized as nusyūz.³⁴

Based on an interview with the Head of the Awangpone District Religious Affairs Office (KUA), Mr. Abdurahim Riduang, S.Ag., M.HI, he said that:

"In terms of Islamic law. It can be forbidden, permissible depending on the conditions. But related to the wife's obligation to serve her husband, then refusing without an excuse or reason that can be accepted by *Shara'*, it is haram. But if, for example, she is sick or menstruating, then it is halal to refuse her husband. And when refusing, it must still be conveyed with politeness. If the wife refuses without an excuse that can be accepted by *Shara'* it is *haram*. It is not permissible to refuse a husband's invitation to have biological intercourse."³⁵

While the statement from the Head of Cakke Bone Village, Mrs. Umami Kalsum, S.H., said that:

"Nowadays, wife rejection is considered normal. Women and men have different needs. The career woman must be able to manage her time. In terms of custom, it is considered normal. But in terms of religion, it is obligatory. It is not permissible to refuse if the husband wants. But if you look at the conditions, what can be made, it's not forbidden. Because as a career woman, it's also for her husband. The point is that husband and wife must understand each other."³⁶

³⁰Naila Sa'adah dan Ashif Az Zafi, "Hukum Seputar Darah Perempuan Dalam Islam," *Martabat: Jurnal Perempuan Dan Anak* Vol. 4, No. 1 (2020), p. 155. [dx.doi.org/10.21274/martabat.2020.4.1.155-174](https://doi.org/10.21274/martabat.2020.4.1.155-174)

³¹Tim Redaksi Nuansa Aulia, *Kompilasi Hukum Islam (KHI)*, Cet; 12 (Bandung: CV. Nuansa Aulia, 2024), p. 26.

³²Tim Redaksi Nuansa Aulia, *Kompilasi Hukum Islam...* p. 26.

³³Nasaruddin Umar, *Kodrat Perempuan dalam Islam* (Jakarta: Paramadina, 1999), p. 178.

³⁴Muhammad Habib Adi Putra, and Umi Sumbulah. "Memaknai Kembali Konsep Nusyuz Dalam Kompilasi Hukum Islam Perspektif Gender & Maqashid Syariah Jasser Auda." *Egalita* 15.1 (2020). <https://doi.org/10.18860/egalita.v15i1.10179>

³⁵Abdurahim Riduang, Head of the Awangpone Subdistrict Religious Affairs Office, *Interview*, December 19, 2025.

³⁶Umami Kalsum, Village Head of Cakke Bone, *Interview*, January 6, 2026.

From the above statement, it can be seen that in Islamic Law, it is forbidden to refuse a husband's invitation to fulfill biological needs except for reasons in accordance with *Sharia*, namely menstruation, postpartum period and illness. Apart from these reasons, it can be categorized as *nusyūz*. Although from a social and customary point of view, the wife's refusal is considered normal, it should not be normalized because serving the husband is the wife's obligation.

Wives who refuse their husbands' invitations on the grounds of being tired, lazy or other reasons that are not included in *Shara'*, can be included in *nusyūz* behavior towards their husbands. As explained by Mr. Abdurahim Riduang, S.Ag., M.HI, as the Head of Kua Awangpone Subdistrict who said that:

It is *nusyūz* if the wife refuses without a legitimate reason, and that is what is meant by *nusyūz*. Not all wife's refusals are considered *nusyūz*. The reason why she refuses must be clarified. If the reason is acceptable to *Shara'*, then it is not *nusyūz*. Because the wife refuses means there is a reason. But if she refuses because of something else that cannot be tolerated by *Shara'*, then she is *nusyūz*. If for example the wife refuses because she is tired of working or tired of taking care of the children. That is clearly *nusyūz*. Even though she is tired. There are ways to refuse your husband properly. The reason for being tired should not be used as an excuse to refuse. When we provide marriage guidance. We always remind married couples to understand each other. The wife must first understand her husband, that the desire to have sex between wife and husband is different. If the husband, because of his testosterone, reproduces every day, then his sexual drive is higher than that of a woman.³⁷

Based on the statement from the Head of the Awangpone Sub-District KUA, it can be seen that the wife's *nusyūz* is understood as the wife's disobedience to household obligations, including when the wife repeatedly refuses the husband's invitation to have biological intercourse without a justified *shar'i* reason such as menstruation, postpartum bleeding, or a medical condition that endangers health. Refusing because she is tired, lazy, or sleepy is not considered an excuse.³⁸ Such actions can be classified as *nusyūz*, which is behavior that shows disobedience to the husband.

The results of an interview with Mr. Khumaeni, S.H.I., M.H, as a young legal clerk of the Watampone Religious Court who said that:

For example, a big problem is when a husband invites his wife to have intercourse, and she has no excuse or reason to refuse the invitation, then it falls under *nusyūz*. In fact, when *nusyūz* occurs, the husband's obligation to provide maintenance may be waived, both mental and material maintenance.³⁹

This statement emphasizes the juridical consequences of a wife's *nusyūz* from the perspective of Islamic law, especially when the wife refuses her husband's invitation to have sex without a valid excuse. In this condition, the wife is considered to have violated marital obligations, which implies that the husband's obligation to provide maintenance to his wife is canceled. This includes both physical and mental maintenance, as long as the *nusyūz* can be proven and is not caused by circumstances that are justified by *shar'i* law.⁴⁰

Based on the results of the interview, it can be concluded that it is forbidden to refuse a husband's invitation in fulfilling biological needs, except in the condition of menstruation,

³⁷Abdurahim Riduang, Head of the Awangpone Subdistrict Religious Affairs Office, *Interview*, December 19, 2025.

³⁸M. Abi Mahrus Ubaidillah dan Ahmad Fauzi, "Larangan Pemaksaan Hubungan Seksual Oleh Suami Terhadap Istri," *Minhaj: Jurnal Ilmu Syariah* Vol. 3, No. 1 (2022), h. 11. <https://doi.org/10.52431/minhaj.v1i1.274>

³⁹Khumaeni, Head of the Legal Division at the Watampone Religious Court, *Interview*, December 18, 2025.

⁴⁰Amiur Nuruddin dan Azhari Akmal Tarigan, *Hukum Perdata Islam di Indonesia* (Kencana, 2014), p. 223.

postpartum, and sickness, as having sexual intercourse, the pain will increase. However, if the refusal is based on the reasons of being tired, lazy, sleepy, or other reasons that are not in accordance with *Shara'*, it can be categorized as *nusyūz*. And when the wife is *nusyūz*, the husband's obligation to provide mental and material maintenance is canceled.

Positive Legal Perspective on the Causes of Wife's Refusal of Husband's Invitation in Fulfilling Biological Needs

The issue of the wife's rejection of the husband's invitation to have sex cannot be separated from the normative framework of Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law. The Marriage Law places marriage as an inward and outward bond between a man and a woman to form a happy and lasting family based on God Almighty. The conception of this "inner and outer bond" shows that the relationship between husband and wife is not merely biological, but also contains psychological, moral, and social dimensions that require harmony between the parties.⁴¹

In the context of Islamic law institutionalized through KHI, the relationship between husband and wife is indeed placed as part of reciprocal rights and obligations. Article 77 paragraph (2) of KHI states that husband and wife are obliged to serve and help each other. However, this norm cannot be interpreted textually and separately from the principle of *mu'āsyarah bi al-ma'rūf* as stated in Article 80 paragraph (1) KHI, which requires husbands to treat their wives in an appropriate manner. Thus, the fulfillment of biological rights remains within the corridor of propriety, agreement, and the concrete conditions of the wife, not as a compelling obligation.⁴²

The results of an interview with Mr. Khumaeni, S.H.I., M.H, as a young legal clerk of the Watampone Religious Court, who said that:

Regarding the view of positive law, what needs to be emphasized is that the judge in deciding the main divorce case is still based on or refers to the Marriage Law and Government Regulation Number 9 of 1975 and Article 116 letter f of the Compilation of Islamic Law. That is the normative reference when viewed from a positive legal perspective. In principle, in PA, regarding the view of positive law on this matter, we cannot get out of Law Number 1 Year 1974 and the Compilation of Islamic Law. But if it is related to the wife's rejection of the husband, there have been and indeed, we have found many. If it is related to the wife's refusal, which can be a reason for divorce, it is actually an argument, as long as the argument can be proven, because the fulfillment of biological needs is the basic need of the husband.⁴³

This statement shows that in the practice of the Religious Courts, the assessment of the wife's refusal remains based on Law Number 1 of 1974, Government Regulation Number 9 of 1975, and Article 116 letter f of the Compilation of Islamic Law. The wife's rejection is not positioned as a stand-alone legal reason, but rather as a proposition that must be submitted by the husband and proven in court, so that it has legal meaning only if supported by relevant facts and evidence.⁴⁴

In addition, the fulfillment of the husband's biological needs is often used as a basis in arguing the grounds for divorce, considering that these needs are seen as part of the husband's rights

⁴¹Ahmad Rofiq, *Hukum Perdata Islam Di Indonesia* (PT Raja Grafindo Persada, 2015), p. 47.

⁴²Mardani, "Kedudukan Hak Dan Kewajiban Suami Istri Dalam Kompilasi Hukum Islam," *Al-'Adalah: Jurnal Hukum Islam* Vol. 13, No. 2 (2016), p. 219. <https://doi.org/doi:10.24042/adalah.v13i2.1783>.

⁴³Khumaeni, Head of the Legal Division at the Watampone Religious Court, *Interview*, December 18, 2025.

⁴⁴M. Yahya Harahap, *Hukum Perkawinan Nasional* (Jakarta, 2006), p. 146.

in marriage. However, positive law does not necessarily justify divorce just because of refusal, but still assesses whether the refusal leads to continuous disputes and quarrels and there is no hope of getting along again, as the qualifications of the reasons for divorce that are normatively recognized.⁴⁵

However, in the perspective of procedural and material law applicable in the Religious Courts, the argument of refusal of intercourse is not necessarily accepted as evidence of *nusyūz*. Religious Court judges generally assess whether the refusal is absolute, deliberate, and without proper reason, or is actually caused by other factors such as health conditions, psychology, household conflicts, or the husband's own attitude. Thus, the wife's refusal is positioned as a legal fact that must be proven, not as a truth that is assumed from the outset.

The Compilation of Islamic Law itself does not provide a detailed definition of the concrete form of refusal of biological relations as *nusyūz*. Article 84 KHI only states that a wife can be considered *nusyūz* if she does not perform her obligations without a valid reason. This formulation opens up room for interpretation for judges to assess contextually, including considering the principle of *mu'āsyarah bi al-ma'rūf* and the reciprocal relationship between husband and wife.⁴⁶ Therefore, in many Religious Court decisions, the denial of intercourse does not stand alone, but is assessed alongside a series of other domestic events.

Furthermore, Mr. Khumaeni explained that in a household, domestic violence can occur because the wife does not fulfill her obligations in fulfilling her husband's sexual needs. He said that:

Domestic violence is regulated in Law Number 23 of 2004. Why does domestic violence occur, when the subject matter is raised, one of the causes could be because the wife refuses the husband's invitation. From this issue they did not get along. Next, the husband asks again, then the wife refuses again, so that the trigger is the rejection of the husband's invitation to have sex, which then leads to domestic violence. When the husband is even the slightest bit lenient, his actions fall under the provisions of the PKDRT Law.⁴⁷

This statement views domestic violence as a phenomenon that does not stand alone, but is born from a series of recurring household conflicts, one of which is related to the wife's rejection of the husband's invitation to have sex.⁴⁸ However, from a positive legal perspective, the causal relationship cannot be used to shift the focus of legal responsibility for violence. Law No. 23/2004 on the Elimination of Domestic Violence emphasizes that every form of domestic violence remains an unlawful act, regardless of the conflict or trigger that preceded it.⁴⁹

Statements that distinguish a wife's refusal based on the presence or absence of a valid excuse need to be placed in proportion. In the practice of Religious Courts, a wife's refusal based on legitimate reasons such as menstruation, postpartum bleeding, or illness cannot be used as a basis for blaming the wife. Conversely, if the refusal is made without a valid excuse, it can be considered as a form of violation of marital obligations in the perspective of Islamic law.⁵⁰

⁴⁵Latifah Ratnawaty. "Perceraian di Bawah Tangan dalam Perspektif Hukum Islam dan Hukum Positif." *YUSTISI* 4.1 (2017): 112-112. <https://doi.org/10.32832/yustisi.v4i1.1126>

⁴⁶Euis Nurlaelawati, "The Construction of Nushūz in Indonesian Islamic Family Law," *Journal of Indonesian Islam* Vol. 4, No. 2 (2010), h. 235. <https://doi.org/doi:10.15642/IIIS.2010.4.2.231-258>

⁴⁷Khumaeni, Head of the Legal Division at the Watampone Religious Court, *Interview*, December 18, 2025.

⁴⁸Hasudungan Sinaga. "Mengungkap realitas dan solusi terhadap kekerasan dalam rumah tangga." *Iblam Law Review* 2.1 (2022): 188-210. <https://doi.org/10.52249/ilr.v2i1.236>

⁴⁹Law No. 23 of 2004 on the Elimination of Domestic Violence, Articles 5 and 44.

⁵⁰Achmad Rasyid Ridha, and Qadir Gassing. "Kekerasan dalam Rumah Tangga dalam Perspektif Hukum Positif dan Hukum Islam di Indonesia." *Media Hukum Indonesia (MHI)* 4.1 (2026). <https://doi.org/10.5281/zenodo.18258272>

Law No. 23/2004 on the Elimination of Domestic Violence (PKDRT Law) stipulated in Article 8 of the PKDRT Law is sexual violence within the scope of the household, whose scope of legal subjects is much broader than the relationship between husband and wife alone. Article 2 of the PKDRT Law states that the scope of the household includes husband, wife, children, people who have a family relationship, and people who work and live in the household.⁵¹

Based on the provisions of Articles 5 to 8 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence, it is explained that:

Article 5, "everyone is prohibited from committing domestic violence against persons within their household, by means of: a. physical violence; b. psychological violence; c. sexual violence; or d. domestic neglect."⁵²

Article 6, "physical violence as referred to in Article 5 letter a is an act that causes pain, illness, or serious injury."⁵³ Article 7, "psychological violence as referred to in Article 5 letter b is an act that causes fear, loss of self-confidence, loss of ability to act, feelings of helplessness, and/or severe psychological suffering to a person."⁵⁴ Article 8, "sexual violence as referred to in Article 5 letter c includes: a. coercion of sexual relations against a person residing within the household; b. coercion of sexual relations against a person within the household with another person for commercial and/or specific purposes."⁵⁵

If in the household there is a wife's refusal to have sexual intercourse, then the husband responds with threats, verbal pressure, intimidation, or actions that cause fear and mental suffering, then these actions are more accurately qualified as psychological violence as stipulated in Article 7 of the PKDRT Law.⁵⁶ In this case, the wife's refusal, whether it occurs once or repeatedly, has no relevance as an excuse, because the focus of the law lies on the existence of actions that damage the psychological and dignity of the victim.

If the husband's reaction to his wife's rejection is manifested in physical actions such as beatings or other actions that cause pain or injury, then these actions clearly fulfill the elements of physical violence as referred to in Article 6 of the PKDRT Law.⁵⁷ From this statement, it can be concluded that, both in Islamic law and in positive law, it is not justified to refuse the invitation of the husband in terms of fulfilling biological needs, except for reasons justified by *Shara'* such as menstruation, *nifas*, and illness.

Efforts Made by the Local Community in Dealing with the Problem According to Two Legal Perspectives

Efforts to resolve the wife's rejection of the husband's invitation to fulfill biological needs must basically be pursued first by the married couple internally through open, honest, and respectful communication. Husbands and wives need to discuss the issue properly without coercion,

⁵¹Sulistiyowati Irianto, "Kekerasan Dalam Rumah Tangga Dalam Perspektif Hukum Indonesia," *Jurnal Perempuan* Vol. 20, No. 4 (2015), p. 10. <https://doi.org/10.25216/jhp.6.2.2017.159-178>

⁵²Law of the Republic of Indonesia No. 23 of 2004 on the Elimination of Domestic Violence, Article 5

⁵³Law of the Republic of Indonesia No. 23 of 2004 on the Elimination of Domestic Violence, Article 6

⁵⁴Law of the Republic of Indonesia No. 23 of 2004 on the Elimination of Domestic Violence, Article 7

⁵⁵Law of the Republic of Indonesia No. 23 of 2004 on the Elimination of Domestic Violence, Article 8

⁵⁶Niken Savitri, "Kekerasan Psikis Dalam Rumah Tangga Dan Perlindungan Hukum Korban," *Jurnal Law Reform* Vol. 13, No. 1 (2017), p. 68. <https://doi.org/10.14710/lr.v13i1.17654>

⁵⁷M. Yahya Harahap, *Pembahasan Permasalahan Dan Penerapan UUU PKDRT* (Sinar Grafika, 2016), p. 95.

pressure, or emotion, so that each party can understand the physical, psychological, and emotional conditions of their spouses.⁵⁸ This deliberative settlement aims to maintain household harmony and prevent conflict by continuing to prioritize mutual understanding and shared responsibility in marital life. As expressed by Mrs. Ummi Kalsum, S.H, as the Head of Cakke Bone Village, she said that:

I think the effort to resolve it is in each of us. How to mediate ourselves. It also depends on us. Even though we know it's not a good thing, we must try to maintain household harmony. Both parties must mediate themselves. You can use a third party from the family. But as long as it can be resolved by both parties. There is no need for a third party. We can only use a third party if it cannot be resolved amicably between husband and wife.⁵⁹

If the direct settlement between husband and wife is unsuccessful or leads to increased tension, then the involvement of a third party can be used as a last resort. The third party can be family, a respected figure, or a trusted mediator to help bring together the interests of both parties and clear up the problem objectively.⁶⁰ The presence of this third party is intended as a means of assistance so that household conflicts can be resolved fairly and still maintain the integrity and dignity of the married couple.

Based on an interview with Mr. Abdurahim Riduang, S.Ag., M.HI, as the head of the Awangpone District KUA, he revealed that:

The way to resolve this is if the wife refuses, and the husband can detect that she is refusing because of an excuse that cannot be tolerated by sharee'ah. At least the husband should advise her, please don't go out. This is a family disgrace. The family should not know about it. The husband must advise his wife properly. Then, if the wife continues to do this over time, and refuses to go out because there is a *Shara'* excuse, then a third person can be used, namely the closest person to her, her family or relatives.⁶¹

He continued his statement regarding the guidance and counseling conducted by the KUA for married couples, namely:

We provide guidance before marriage and registration. After marriage, there is a program called guidance for a harmonious family. Those we foster for a *sakinah* family are still young. We also conduct counseling at *majelis taklim*. The parents in the *majelis taklim* that we foster indirectly have children and sons-in-law; they are expected to use the guidance for their children and sons-in-law. So in conclusion, the KUA continues to intensely guide pre-marriage to post-marriage.⁶²

From this statement, it can be understood that the KUA has an important role in guiding prospective brides (*catin*) as an effort to build a harmonious household life. Through the marriage guidance program, the KUA equips *catin* with an understanding of the rights and obligations of husband and wife, including the importance of healthy communication and mutual understanding in fulfilling their physical and mental needs.⁶³ This guidance is expected to instill awareness from the start that household problems, including those related to the fulfillment of biological needs, should be resolved through dialogue between husband and wife.

⁵⁸Khoiruddin Nasution, *Hukum Perkawinan Islam di Indonesia* (Academia Tazzafa, 2005), p. 219.

⁵⁹Umami Kalsum, Village Head of Cakke Bone, *Interview*, January 6, 2026.

⁶⁰Kementerian Agama RI, *Modul Bimbingan Perkawinan Untuk Calon Pengantin* (Direktorat Bina KUA dan Keluarga Sakinah, 2017), p. 43.

⁶¹Abdurahim Riduang, Head of the Awangpone Subdistrict Religious Affairs Office, *Interview*, December 19, 2025.

⁶²Abdurahim Riduang, Head of the Awangpone Subdistrict Religious Affairs Office, *Interview*, December 19, 2025.

⁶³RI, *Modul Bimbingan Perkawinan Untuk Calon Pengantin*, p. 12.

In addition to guidance to prospective brides and grooms, the KUA also plays a role in providing guidance to married couples through counseling activities and the *sakinah* family program. This guidance aims to strengthen the understanding of married couples about the importance of maintaining household harmony by prioritizing empathy, tolerance, and mutual respect.⁶⁴

The KUA also plays an active role in providing counseling to mothers of the *majelis taklim* through religious activities and community development. This counseling is directed at fostering awareness of the importance of the wife's role in maintaining household harmony while understanding her rights and obligations in a balanced manner.⁶⁵

If problems between husband and wife cannot be resolved through direct communication or family assistance, then dispute resolution can be pursued through court as a last resort. Filing a case with the court is done when the household conflict has caused protracted tension and is no longer possible to be resolved through deliberation. This step is taken not merely to break the relationship, but as a means of obtaining legal certainty and protection of rights for the parties to the dispute.⁶⁶

Based on an interview with Mr. Khumaeni, S.H.I., M.H, as a young legal partner of the Watampone Religious Court, he explained the mediation procedure if there is a case related to the wife's refusal to fulfill the husband's biological fulfillment. He said that:

Mediation can only be conducted when both parties are present, because if one of them is not present, then it is not mediation, but rather it falls into advising. Thus, throughout the case, the judge gave advice to the applicant. It was conveyed that the applicant should still consider his desire to divorce his wife. In this reasoning, we explained that there could be obstacles that caused the wife to refuse the husband's invitation. One of the reasons was sickness, postpartum bleeding, or menstruation. However, if both parties are present, mediation will be conducted. There is certainly a trick from the mediator to then provide advice, usually the mediator does not go into the subject matter, but only focuses on the husband to discourage his intention to divorce. We also cannot justify unilaterally."⁶⁷

The mediator usually states that perhaps there needs to be some kind of understanding that if the reason is sickness, of course, you have to try to keep your body in good shape. If the reason is menstruation and postpartum bleeding, that is understandable. There is also usually an excuse made up by the wife as a reason for refusing the husband's invitation. In these circumstances, the mediator usually looks for all the things that can then be compromised or drawn out so that the existing household problems can be described. If mediation has been carried out, the problem is found, and can be resolved by both parties. Usually, after the mediation, the mediator then conveys to the court at the next trial to withdraw the divorce petition. However, in essence, the judge still sees that as long as what is argued by the party as a reason for divorce against their spouse meets legal considerations, either through witness testimony, supported by trial facts, or even when both parties are present. It must still be described in the examination of the subject matter of the case whether the reason meets the main considerations that are indeed fulfilled in the framing of the Law, or is in accordance

⁶⁴Kementerian Agama RI, *Pedoman Penyelenggaraan Bimbingan Perkawinan* (Direktorat Jenderal Bimbingan Masyarakat Islam, 2018), p. 9.

⁶⁵Direktorat Jenderal Bimbingan Masyarakat Islam Kementerian Agama RI, *Pedoman Keluarga Sakinah* (Jakarta, 2019), p. 25.

⁶⁶M. Yahya Harahap, *Hukum Acara Perdata* (Sinar Grafika, 2016), p. 233.

⁶⁷Khumaeni, Head of the Legal Division at the Watampone Religious Court, *Interview*, December 18, 2025.

with the facts of the trial, until finally the judge believes that what is argued is in accordance with the reality of the household relationship of each party.⁶⁸

"To terminate the proceedings and express the intention to reconcile, such a declaration must nonetheless be submitted at the subsequent hearing, given that mediation constitutes a non-litigation mechanism and does not fall within the procedural stages of the trial. Consequently, when both parties are present at the first and second hearings, provided that the evidentiary phase has not yet been entered, the parties are customarily convened for mediation. At the ensuing hearing, upon determination that the dispute may be resolved amicably and that both parties express the desire to reconcile, the petitioner proceeds to withdraw their petition."⁶⁹

From his statement, it can be seen that in the trial process, the court requires the mediation stage as an integral part of the settlement of civil cases, including domestic cases. Mediation aims to reunite the parties in a more conducive and dialogical atmosphere, so that each can convey their interests and problems openly. The presence of a mediator is expected to be able to help defuse conflict, direct talks objectively, and encourage the achievement of a peaceful agreement that is acceptable to both parties.⁷⁰

The role of mediation in the trial is also important as a form of assistance to the petitioner so that the case settlement process is not solely confrontational. Through mediation, the petitioner and respondent are given the opportunity to re-evaluate their domestic problems and consider a more beneficial solution.⁷¹ Thus, mediation promotes peace, maintains the dignity of the parties, and minimizes the negative impact of domestic conflicts that continue into the legal realm.

Based on this description, it can be concluded that the resolution of household problems, including those related to the fulfillment of biological needs between husband and wife, should ideally be taken in stages and proportionally. The initial stage of settlement should be carried out by the husband and wife directly through open communication, mutual understanding, and deliberation in order to maintain household harmony. If these internal efforts do not produce results, the role of the KUA becomes important through guidance and coaching, both to prospective brides and married couples, as a preventive and educative step in instilling the values of mutual respect and responsibility in marital life.

In the perspective of Islamic legal theory, the resolution of household disputes including the refusal of a wife to fulfill the husband's biological invitation can be analyzed through the concept of *maqāṣid al-sharī'ah*. Islamic law places marriage as a means to preserve lineage (*hifz al-nasl*) and maintain harmony between spouses. Therefore, the fulfillment of biological needs in marriage is not merely a physical matter, but also part of maintaining affection (*mawaddah wa rahmah*) and psychological balance within the family. From this perspective, the efforts made by couples to resolve problems through dialogue, mediation, and mutual understanding reflect the implementation of the objectives of Islamic law, which prioritize the protection of family integrity and social order.⁷²

⁶⁸Khumaeni, Head of the Legal Division at the Watampone Religious Court, *Interview*, December 18, 2025.

⁶⁹Khumaeni, Head of the Legal Division at the Watampone Religious Court, *Interview*, December 18, 2025.

⁷⁰Supreme Court of the Republic of Indonesia, Supreme Court Regulation No. 1 of 2016 on Mediation Procedures in Court, n.d., Articles 3 and 4

⁷¹Abdul Manan, *Penerapan Hukum Acara Perdata Di Lingkungan Peradilan Agama* (Jakarta: Kencana, 2017).

⁷²Jasser Auda, "Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach," *Journal of Islamic Studies* 24, 2 (2013), p. 147. <https://doi.org/https://doi.org/10.1093/jis/ett017>

Furthermore, classical and contemporary Islamic jurisprudence explains that marital relations are based on reciprocal rights and obligations (*mu'āmalah bi al-ma'rūf*). The Qur'an emphasizes the principle of good interaction between husband and wife, which implies that the fulfillment of biological needs must be carried out with consideration of the partner's physical and psychological condition. Therefore, the refusal of a wife cannot automatically be understood as disobedience (*nusyūz*), but must be examined contextually by considering legitimate reasons such as illness, menstruation, or psychological conditions. In this context, the mediation and counseling efforts carried out by family members, religious leaders, and institutions such as the KUA reflect the Islamic legal principle of resolving disputes through reconciliation before resorting to judicial mechanisms.⁷³

From the perspective of positive law in Indonesia, the settlement of domestic disputes also emphasizes the principle of family harmony and peaceful resolution. Law Number 1 of 1974 concerning Marriage states that the purpose of marriage is to form a happy and eternal family based on the belief in the one and only god. This objective implies that conflicts arising in marital life should first be resolved through dialogue and mutual understanding between spouses. In addition, the role of the Office of Religious Affairs in providing premarital guidance and family counseling reflects the state's preventive approach in strengthening family resilience and minimizing domestic conflicts.⁷⁴

Moreover, the mediation process conducted in the Religious Court is a mandatory stage in civil cases as regulated in Supreme Court Regulation (PERMA) Number 1 of 2016 concerning Mediation Procedures in Courts. Through this mechanism, the court prioritizes peaceful settlement before proceeding to litigation. In cases related to marital disputes, mediation functions not only as a procedural requirement but also as a substantive effort to reconcile the parties and protect the continuity of the family institution. Thus, the mediation process reflects the integration between Islamic legal values that prioritize reconciliation and the principles of positive law that emphasize restorative and dialogical dispute resolution.⁷⁵

From the perspective of positive law in Indonesia, a wife's refusal of her husband's request for sexual relations is not explicitly classified as a legal violation, as in the concept of *nusyūz* in Islamic law. Law Number 1 of 1974 emphasizes mutual respect between spouses, while Law Number 23 of 2004 on the Elimination of Domestic Violence prohibits any form of sexual coercion within marriage.⁷⁶ Therefore, a wife's refusal must be understood within the framework of rights protection and the underlying circumstances.⁷⁷

In comparison, Islamic law normatively categorizes refusal without a valid *shar'ī* reason as *nusyūz*, whereas positive law focuses more on individual protection. However, both perspectives

⁷³Wan Abdul Rahim Bin Wan Abd, and Achmad Faishal. "Reformulating the Concept of Nusyuz in Malaysian Islamic Family Law: A Mubadalah-Based Gender Justice Analysis in Malaysian Islamic Family Law." *Journal of Islamic Mubādalāh* (2025): 97-113. <https://doi.org/10.70992/5wj72143>

⁷⁴Bustanul Arifin, "The Role of Marriage Guidance in Strengthening Muslim Family Resilience in Indonesia," *Ahkam: Jurnal Ilmu Syariah* 20, 1 (2020), p. 95. <https://doi.org/10.15408/ajis.v20i1.14745>

⁷⁵Dian Wulandari Eka, "Court-Annexed Mediation in Indonesian Religious Courts," *Indonesian Journal of Islam and Muslim Societies* 9, 1 (2019), p. 79. <https://doi.org/10.18326/ijims.v9i1.65-92>

⁷⁶Lisa Hajjar. "Religion, state power, and domestic violence in Muslim societies: A framework for comparative analysis." *Law & Social Inquiry* 29.1 (2004): 1-38. <https://doi.org/10.1111/j.1747-4469.2004.tb00329.x>

⁷⁷Achmad Rasyid Ridha, and Qadir Gassing. "Kekerasan dalam Rumah Tangga dalam Perspektif Hukum Positif dan Hukum Islam di Indonesia." *Media Hukum Indonesia (MHI)* 4.1 (2026). <https://doi.org/10.5281/zenodo.18258272>

share a common ground in allowing refusal when there are legitimate reasons, such as health conditions or potential harm, thereby maintaining a balance between rights and obligations within marriage.⁷⁸

Conclusion

This study concludes that the phenomenon of wives refusing their husbands' biological invitations in Bone Regency occurs for various reasons, including physical conditions such as illness, fatigue from domestic responsibilities and employment, as well as psychological factors such as lack of mood, sleepiness, and marital conflict. Additional contributing factors include the use of contraceptives, the age of the spouses, the duration of the marriage, and the circumstances of arranged marriage. In response to such refusal, husbands exhibit varying reactions ranging from anger, disappointment, and annoyance to withdrawal, indifference, and patience. From the perspective of Islamic law, it is legally obligatory (*wājib*) for a wife to fulfill her husband's biological needs. Exceptions are recognized only in conditions of menstruation (*ḥayḍ*), postpartum bleeding (*nifās*), and illness. A wife who refuses outside of these legally recognized grounds may be categorized as *nusyūz*, which consequently relieves the husband of his obligation to provide both material (*nafaqah*) and emotional (*mu'āsharah*) support.

With regard to dispute resolution, Islamic law prescribes a gradual approach. The husband is first obliged to admonish (*maw'izah*) his wife. Should the refusal persist without a valid justification, involvement of a third party, such as family members or religious authorities through the Office of Religious Affairs, is permissible. If no resolution is reached through these measures, the husband may pursue legal recourse by filing for divorce (*cerai talak*) before the Religious Court. Within the judicial process, court-annexed mediation is conducted by an appointed mediator to facilitate reconciliation between the petitioner and the respondent, in accordance with the principle of *iṣlāḥ* (reconciliation) as mandated by both Islamic legal principles and prevailing procedural law in Indonesia.

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