



Contents lists available at [Journal IICET](https://journal.iicet.org)
Jurnal EDUCATIO (Jurnal Pendidikan Indonesia)
ISSN: 2476-9886 (Print) ISSN: 2477-0302 (Electronic)
Journal homepage: <https://jurnal.iicet.org/index.php/jppi>



The application of restorative justice as a settlement of domestic syiqaq in QS. An-Nisa verses 34 and 34 according to the view of wahbah az-zuhaili in the book of tafsir al-munir

Khairatun Hisan^{*)}, Ahmad Zuhri, Nur Aisah Simamora, Mardian Idris Harahap
Universitas Islam Negeri Sumatera Utara, Medan, Indonesia

Article Info

Article history:

Received Jul 19th, 2024

Revised Aug 21th, 2024

Accepted Sept 05th, 2024

Keywords:

Restorative justice

Shiqaq

Tafsir al-munir

ABSTRACT

In this research the focus is on how is shiqaq resolved? Then in this research we also discuss how in the household if there is syiqaq then there must be steps taken to resolve it, and in this research the researcher wants to examine how restorative justice is implemented regarding syiqaq in the household, and the researcher also examines how to implement restorative justice syiqaq in this household in Qs. An-nisa verse 34 in the thoughts of Wahbah Az-Zuhaili. The method used in this research is a qualitative method. This type of research is library research, meaning that this research focuses on literature by analyzing the content of the literature related to the research. The data collected in this research is by looking for cases of syiqaq in society and then collecting them as reinforcement in the research, then the researcher examines the implementation of restorative justice by taking examples from the community and comparing them with Islamic laws to see whether they are in line with or not. no, after that the researcher took the interpretation of Wahbah Azzuhaili in Qs. An-nisa verse 34 which relates to research. After all the data has been collected, the researcher begins the research. The sources for this research are books, journals, theses, articles discussing restorative justice, syiqaq and referring to Al-munir's interpretation. The conclusion of the research is that Wahbah Az-Zuhaili's view is that in the family it is the man who has the duty to educate his wife to be better, but in this case there are several types of wives, namely wives who obey their husbands, and there are wives who are obedient to their husbands. who disobeys her husband. If the wife disobeys her husband then the husband can advise, scold, separate the bed and even the husband can hit his wife on condition that it does not leave scars, wounds and bruises on her body, and if that happens then the wife can ask for protection from the family or even the court but as far as possible to maintain the marriage because Allah does not recommend divorce. In this research, the contribution of this research is to clarify whether this application is in line with the Islamic view which is strengthened by Az-Zuhaili's Thought.



© 2024 The Authors. Published by IICET.

This is an open access article under the CC BY-NC-SA license
(<https://creativecommons.org/licenses/by-nc-sa/4.0>)

Corresponding Author:

Khairatun Hisan,

Universitas Islam Negeri Sumatera Utara

Email: husnulxhotimahsiregar24@gmail.com

Introduction

Family quarrels are a common problem in every society, including among Muslims. However, Islam provides clear guidelines on how to resolve conflicts and improve relationships between family members who are at odds.

In Islamic teachings, the importance of harmony in family relationships is highly emphasized, because the family is considered the main foundation in building a stable and prosperous society. An example of a domestic dispute is a dangdut singer who experienced domestic violence, where the form of violence received by Lesti, a dangdut singer, resulted in her being hospitalized. Then an example of a problem in the household is Cut Nabila Intan, an influencer who experienced domestic violence. And problems in the household due to several other problems are Ria Ricis, a Youtuber. Judging from several examples by people who are in the public eye because they are public figures, the resolution process is certainly also the center of attention by the public.

Islam regulates every aspect of human life including household issues and husband and wife relationships. A husband has an obligation to educate his wife, and when his wife does not fulfill her obligations as a wife, then the husband must advise, direct and discipline his wife. This is actually very closely related to the leadership function of men or husbands or fathers in the family. Allah explains this responsibility towards the family in QS At-Tahrim verse 6.

نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ ۖ أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ

Meaning: "O you who believe, protect yourselves and your families from the Hellfire whose fuel is men and stones."

In general, the object of this verse is every believer. However, this command also leads to the person who is most responsible for the family, namely the father. The head of the family is obliged to ensure that he and his family are prevented from hell, this shows that the orientation of the guard is not only worldly, but also ukhrawi. Male leadership in the household means that the father has responsibility for the family he leads, where his wife and children will be taken in the future. Allah swt. Says,

٣٤ الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ

Meaning: The man is the leader of the woman (QS An-Nisa': 34).

The meaning of this verse is that men are the protectors (leaders) of women in educating and inviting them to what Allah has commanded. This is because of the advantages that men have been given over women, from dowry, maintenance, household expenses, and so on, so they are the leaders of women. That is, the executor (bearer) of the task from Allah for women."

The meaning of this verse is that men are the leaders of women, and women are required to obey their husbands in matters that Allah has commanded them. Obeying their husbands means doing good to them, protecting their property, and honoring their husbands for the sustenance and livelihood that they have given to their wives because Allah has favored them with it." "This verse means that men are the leaders of women. They command their wives to obey Allah. If they are reluctant to obey, then men may beat them with a blow that does not hurt (cause disfigurement), and Allah has favored men over women because of the maintenance and livelihood that he has given them."

With the perfection of His wisdom, Allah Swt. has appointed the husband as a leader. In carrying out this function, a husband should not be ignorant, harsh, and rigid towards his family. Rather, he should wear the adornment of noble and loving manners. He must educate and nurture his wife well, according to the guidance of Islamic law.

Restorative Justice or often translated as restorative justice is a form of criminal case resolution approach that emerged in the 1960s. This approach model is assumed to be the most up-to-date option from various models and mechanisms that work in the criminal justice system in handling criminal cases today (EvaAchj ani Zulfa and indriyanti Seno Adji, 2010 2-3) Restorative justice is a reaction to retributive theory which focuses on retaliation and neo-classical theory which is oriented towards criminal sanctions and actions. In retributive theory, criminal sanctions originate from the idea of why punishment is held, this emphasizes more on the element of retaliation that is reactive to an act.

Muladi defines restorative justice as an approach to justice based on the philosophical foundations and values of responsibility, openness, trust, hope, healing, and "inclusiveness" impacting criminal justice system policy decision-making and legal practitioners around the world and promising positive things ahead in the form of a justice system to overcome conflicts due to crime and accountable law and restorative justice can be implemented if the focus of attention is directed at the harm caused by crime, The focus is on the harm caused by the crime, shared concerns and commitment to involve perpetrators and victims, encouraging perpetrators to take responsibility, opportunities for dialog between perpetrators and victims, involving communities affected by crime in retroactive processes, encouraging cooperation and reintegration. (Nor sholeh, 2015)

In the household, problems will continue to emerge, ranging from simple problems, to major problems leading to divorce, therefore in Islam regulates the law regarding the family. And there are some problems that can be brought under Islamic criminal law, such as when in the household there is domestic violence, or when the husband does not provide maintenance to children and wife, then major problems like this can be brought into the serious realm of Islamic criminal law.

In the application of restorative justice, the applicable law is supported by Islamic law which in Islam when there are problems in the household, it is necessary to resolve conflicts by means of a justice approach, in restorative justice it is said that as stated by Muladi and Barda Nawawi that this theory is more focused on the wrongdoing of a person through the imposition of suffering so that the person concerned becomes a deterrent, therefore sanctions are directed at efforts to provide help so that he changes. (Prayitno Kuat Puji, 2012) Therefore, the application of restorative justice is in line with Islamic law where the perpetrator is made an action or agreement that makes the perpetrator want to change from his actions so that there is a discussion between the perpetrator and the victim in the household. Allah Subhana Wa Ta'ala also says in Qs. An-nisa verse 35

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا ۝

Meaning: If you (the guardians) fear a dispute between them, send a peacemaker from the man's family and a peacemaker from the woman's family. If they both intend to make peace, Allah will surely guide them. Indeed, Allah is All-knowing and All-researching.

Based on the words of Allah SWT, if there is a case of syiqaq between husband and wife, then a hakam from the husband's side and a hakam from the wife's side are sent to conduct research and investigate the causes of syiqaq and try to reconcile them. Or take the initiative to dissolve the marriage if this is the best way. Syiqaq is a dispute that begins and occurs on both sides of the husband and wife together. Thus, shiqaq is different from nusyuz, where the dispute only starts and occurs on one of the parties, namely the husband or the wife. (Shalih bin Ghonim As-Sadlan, 2004).

In order to resolve a domestic dispute between a husband and wife, Islam instructs that two hakam (judges of peace) be sent. This is intended to explore the causes of shiqaq and to try to find a solution to the domestic problems faced by the husband and wife. (Dahlan Abdul Aziz, (1997)

In this research article, the researcher is interested in taking and analyzing this title because this phenomenon is very common in society, such as major conflicts that lead to divorce, but many of the people who consider it a normal thing they do not solve the problem to the applicable law, in addition to several reasons, such as maybe afraid of the husband, or there could be no courage to reveal to others, but in this study focuses on how Islam views these family conflicts, because Islamic law is also very detailed in discussing them.

In this study will examine more deeply about the conflicts that exist in the family, such as quarrels between husband and wife called syiqaq, in this case it is said that when husband and wife quarrel and cannot resolve the quarrel between the two then the husband and wife should take their problems to people who understand more about it, such as the Islamic law court. This is discussed in the Word of Allah Subhana Wa Ta'ala in Qs. An-nisa verse 34:

عَلَىٰ بَعْضِ وَيَمَآ أَنْفَقُوا مِنْ أَمْوَالِهِمْۖ بَعْضُهُمُ الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ قَالِصِحَّتْ قَبِيَّتٌ حَفِظَتْ لَلْعَيِّبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًاۗ إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

Meaning: Men (husbands) are responsible for women (wives) because Allah has given some of them (men) more than others (women) and because they (men) have spent some of their wealth. The righteous women are those who obey (Allah) and take care of themselves when (their husbands) are absent because Allah has taken care of (them). Those women whom you fear may be unfaithful, admonish them, leave them in bed, and (if necessary) beat them (in a way that does not hurt). But if they obey you, do not look for ways to distress them. Verily, Allah is the Most High, the Most Great.

Wahbah Az-zuhaili's view in the book of tafsir about Qs. Surah an-nisa verse 35 he said that men are the leaders of women. Male household leaders are tasked with reminding women if their attitudes and behavior

deviate. Men are also in charge of protecting, guarding, and caring for women so that jihad is required for men not for women. The share of inheritance obtained by men is also more than that obtained by women because men are obliged to provide for women. The reasons for men's leadership over women are two factors. For further explanation will be explained in this research discussion section. (Wahbah Az-zuhaili, 2016) Purpose In this study examines the quarrels and problems that exist in the household, therefore the reason researchers took wahbah azzuhaili's thoughts because wahbah az-zuhaili's explanations were very specific compared to other interpretations in tafsir Al-munir complete discussion is easy to understand and very helpful for research.

Previous research that is in line with this research is Research from wildan Zia Ulhaq in a scientific thesis in 2022 with the title ANALYSIS OF RESTORATIVE JUSTICE IN THE UNDANG-UNION NO. 12 OF 2022 concerning criminal acts. 12 OF 2022 CONCERNING CRIMINAL ACTS OF CRIMINAL SEXUAL VIOLENCE PROGRESSIVE LEGAL PERSPECTIVE. In this study, it examines restorative justice in problems, in this scientific work it is in line with researchers because it discusses restorative justice. In research if it examines sexual problems harming victims. Although basically, the principle of restorative justice is in accordance with progressive law, but in practice it is still not effective. It needs to get its own attention and special training for law enforcement officials special training for law enforcement officials. The training should also include progressive law as part of the curriculum to be able to make improvements to the approach in criminal law. In contrast to this research, the application of Restorative Justice to syiqaq in the household is not detrimental as long as the perpetrator wants to change. The benefits of restorative justice towards syiqaq in the household are saving the household and avoiding divorce. And the children in the household do not experience a broken home. Therefore, Restorative Justice towards Shiqaq in the household with the condition that the husband wants to change, the wife is not harmed and can even save the household and be free from divorce.

The purpose of this study is to examine how syiqaq in households, to examine how the application of Restorative justice to syiqaq in households, and to examine how syiqaq in Qs. An-nisa verse 34 which is clarified by Wahbah Az-zuhaili's thoughts in Tafsir Al-Munir.

Methods

The method used by the author in researching this research is a qualitative method. Qualitative method is a method that focuses on in-depth observation. Therefore, the use of qualitative methods in research can produce a more comprehensive study of a phenomenon.

Research methods or scientific methods are procedures or steps in obtaining scientific knowledge or science. So a research method is a systematic way to organize science. Research methods refer to the type of research, data sources, data collection techniques, data analysis, and writing techniques. How are the stages of research from beginning to end. 1. Type of Research, This type of *research* is *library* research, meaning that this research focuses on the literature by analyzing the content of the literature related to the research, both from primary and secondary data sources. (Sutrisno Hadi, 1994). The data sources that the author uses in this research are in the form of the Qur'an, books of interpretation, articles and books that discuss the problems of this research. The data sources are divided into two: a. Primary Data Source, Primary data is data obtained directly from the object under study. In this case the primary data is sourced from the Qur'an and the books of interpretation. The books of interpretation used are the Qur'an, hadith and *Tafsir Al-munir* by Wahbah Azzuhaili. b. Secondary Data Source, Secondary data is data that can support and strengthen primary data, in the form of other people's work related to the problem under study. This is obtained from literature books, journals, papers, websites that have relevance to the study that the author will research.

Data Collection Technique , As explained above, this research uses qualitative research methods (research that is descriptive and tends to use analysis). The steps of qualitative methods are data collection, data reduction, data presentation and conclusions. The type of *research* nature is *library research* (literature), then using the *tahlili* tafsir method (a method of interpreting the Qur'an by explaining and describing what is meant by the Qur'an). The *tahlili* interpretation method uses the object of study, namely the verses of the Qur'an.

Data Analysis , After the data collection process is collected, the next process is analysis. In order for the data obtained to be used as accurate material, the author uses a qualitative data analysis method by deductive thinking, which is a method that the author uses by starting from general knowledge and then analyzing it to draw specific conclusions.

Results and Discussion

One of the invaluable material joys is the happiness of living in a Sakinah family. Sakinah family consists of two syllables: family and Sakinah. The family is the smallest social unit of society which consists of fathers, mothers, and children who are interconnected and influence each other which ultimately gives birth to forms of social interaction between fellow family members (Ulfiah, 2016: 3).

Sakinah is etymologically or literally defined as tranquility, serenity, and peace of mind. So a Sakinah family refers to a family that is harmonious, calm, serene, peaceful and loving. The journey in a family will definitely experience ups and downs in living life. It is undeniable that in family life there must have been conflict. Conflict in family life is a natural problem. Conflict must exist and occur in everyday life, whether we realize it or not. (Anggi Yus Susilowati, Andi Susantoso, 2020)

Restorative Justice

Law is a guarantee for child protection activities. Arif Gosita argues that legal certainty needs to be sought for the continuity of child protection activities and to prevent fraud that brings unwanted negative consequences in the implementation of child protection. Realizing how important

The position of children deserves protection, including legal protection in the judicial process. One form of protection for children in the judicial process is an effort to release children from the court process that ends in punishment, through a restorative justice approach as a thought that responds to the development of the criminal justice system by emphasizing the need for community involvement and victims who feel excluded by the mechanisms that work in the current criminal justice system. (Arif Gosita, 1989)

In various principles and models of restorative justice approaches, the dialogue process between offenders and victims is the basic capital and the most important part of the application of this justice. Direct dialogue between the perpetrator and the victim allows the victim to express what he/she feels, express hopes for the fulfillment of rights and desires from a criminal case settlement. Through dialogue, the perpetrator is also expected to be moved to correct himself, realize his mistakes and accept responsibility as a consequence of the criminal act committed with full awareness. From this dialogue process, the community can also participate in realizing the results of the agreement and monitoring its implementation. Therefore, basically restorative justice is also known as case settlement through mediation (penal mediation).

According to Fruin J.A as cited by Paulus Hadisuprpto, restorative juvenile justice departs from the assumption that responses or reactions to juvenile delinquency will not be effective without the cooperation and involvement of victims, offenders and the community. The underlying principle is that justice is best served when each party receives fair and balanced attention, is actively involved in the justice process and adequately benefits from their interaction with the juvenile justice system. (Paulus Hadisuprpto, 2008)

Shiqaq in the household

Syiqaq is a dispute between husband and wife, this dispute may be caused by the wife's nusyuz or it may also be caused by the husband being cruel and mistreating the wife.

his wife. Sayid Sabiq categorizes divorce because of shiqaq as divorce because of dharar or harm. He further argued that Imam Malik and Ahmad further argued that if the wife received harsh treatment from her husband, then she could file a divorce suit before the judge so that the marriage was broken up because of the divorce of the form of dharar according to Imam Malik and Ahmad is that the husband likes to hit, likes to revile, likes to hurt his wife's physical body, and forces his wife to do something bad. Among the Shafi'i school of thought as stated by Zakaria al-Anshari (192: 65), As Sharbain (tt: 145) that syiqaq is nothing but a dispute between husband and wife, and this dispute is very high and there is a fear of harm if this marriage is continued (isyitidaadusy syiqaq). (Abdul Manan. 2016)

The definition of "syiqaq" contained in the Explanation of Article 76 paragraph (1) of Law of the Republic of Indonesia Number 7 of 1989 concerning Religious Courts as amended by Law of the Republic of Indonesia Number 3 of 2006 and the second amendment in Law of the Republic of Indonesia Number 50 of 2009 has the same meaning as Article 19 letter (f) of Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning the Implementation of Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage Jo. Article 116 letter (f) of the Compilation of Islamic Law. However, in practice in religious courts, the resolution of the two divorce disputes has differences. (Arne Huzaimah, 2016)

Examples of family conflict issues in Islam

In reality, conflict in the household always arises no matter how small or large it is. Finchman as cited by Eva Meizara Puspita Dewi and Basti6 defines domestic or marital conflict as a situation of husband and wife who are facing problems in their marriage, namely the occurrence of misunderstanding between the two, and this

appears in their behavior which tends to be less harmonious when facing conflict. It is further stated that marital conflict occurs because each individual brings unique and different needs, desires and backgrounds.

It is undeniable that these problems require solutions as a method of resolution so that the harmony and integrity of the household are maintained and avoid divorce. Therefore, the existence of conflict management in the household is a constructive step to manage conflicts that occur between married couples. (Rama Dhini Permasari Johar, Hamda Sulfinadia, 2020)

As evidence of weak conflict management in households can be seen from the increasing number of divorces in Indonesia every year. From the data that the author obtained in 2013 there were 324,247 divorce cases. In 2014 the number increased to 344,237 cases, in 2015 there were 347,256 cases and in 2016 the number increased again to 365,633 divorce cases in Indonesia. (Rama Dhini Permasari Johar, Hamda Sulfinadia, 2020)

The examples of conflict in the household are: 1) Fussing about money, money can indeed be a major problem that triggers conflict in the family. For example, fussing over the lack of income earned by your partner each month, while the needs are increasing. Or other problems such as being trapped in the sandwich generation, making you or your partner have to keep helping to fulfill your parents' needs even after marriage; 2) Differences of opinion in disciplining children, Differences of opinion are natural and often occur between couples. One of the differences of opinion that couples often experience, for example, is the difference of opinion in disciplining children. Maybe you are among the parents who apply a fairly strict parenting style to children, while your partner chooses to be more lenient. Well, conditions like this are quite often the main conflict that is most often experienced in families; 3) Non-stop Fighting, Another conflict that is often experienced by families is endless fighting. These arguments are often triggered by trivial matters that should be resolved properly. However, because there is no sense of understanding and relenting, then the fight can continue endlessly. This condition is certainly very tiring for all parties, both for couples and for children; 4) Interference From Extended Family, Another thing that can be the most common conflict experienced in the family is the interference from extended family. Which couple wants their home life to be interfered with by extended family members? Often, extended family members give opinions regarding the problems faced by both partners.

Biography of Mufassir Wahbah Az-zuhaili

Wahbah Az-Zuhaili. Born in a village called Dair 'Athiyah, one of the directions to Damascus. On March 6, 1932 AD or coincides with the year 1351 Hijriyah. He was born by a woman chosen by Allah Swt who became his mother named Fatimah bint Musthafa Sa'dah. According to Sadiani and Khoir, his mother was a woman who had a warak nature and was firm in carrying out religious law. While his father is Musthafa Az-Zuhaili who is a simple farmer, diligent in worship, and likes to fast. he is famous for his piety and piety and memorization of the Koran, an ordinary person, not from among scientists, scholars, or scholars. (*Baihaqi*, 2016)

In 2014 he made the list of 500 influential Muslim figures in the world. Most influential figures do something extraordinary in their lives. According to the testimony of his students, Sheikh Wahbah Az-Zuhaili spends about 15 hours per day writing and reading.

Sheikh Prof. Dr. Wahbah Az-Zuhaili, a contemporary scholar of jurisprudence, is called by Allah SWT The news spread quickly to various parts of the world, including Indonesia. He passed away on the evening of Saturday, August 8, at the age of 83. The news of Sheikh Dr. Wahbah Az-Zuhaili's passing saddened Muslims. It is a great loss. His contribution of knowledge to the ummah in this day and age is very meaningful. May Allah accept all his contributions and services to this religion and ummah. (Muhammada Mufid, 2015)

Wahbah Az-Zuhaili as a child was a smart child. The tendency to become a great scholar has been seen from an early age. Therefore, under the guidance of his father, Wahbah Az-Zuhaili received the basics of Islamic education. After that, he attended Madrasah Ibtidaiyah in his hometown, until the next level of formal education (Saiful Amin Ghofur, 2013).

He earned his bachelor's degree in 1953 at the Faculty of Sharia, Damascus University. In 1956 he earned his doctorate in Sharia from Al-Azhar University, Cairo. While studying at Al-Azhar, Wahbah Az-Zuhaili also studied at Ain Shams University at the Faculty of Law and finished with a jayyid grade in 1957 AD. Wahbah Az-Zuhaili earned a Master's diploma from the Faculty of Law, Cairo University in 1959 AD. He was very fond of learning, so when he moved to Cairo Egypt, he attended several lectures simultaneously. While studying at Al-Azhar Wahbah Az-Zuhaili managed to get a doctorate degree with summa cum laude graduation in 1963 AD. He at that time wrote a dissertation entitled *Asar Al-Harb Fi Al-Fiqh Al-Islami: Dirasah Muqaranah Baina Al-Madahib At-Tasmaniyyah Wa Al-Qanun Ad-Dauli Al-'Am* (The Effects of War in Islamic Jurisprudence: A Comparative Study between the Eight Schools and General International Law). Then the dissertation was recommended to be bartered with foreign universities. (Maulana Fajaria, 2017)

Then he devoted himself as a lecturer at his alma mater at the Faculty of Sharia, Damascus University, in 1963 AD. So that his career continues to climb, not long he was appointed deputy dean successively, then became dean and became chairman of the Islamic Jurisprudence and Madzhab department at the same Faculty. He served for seven years, and became a professor in 1975. He was known as an expert in the fields of Jurisprudence, Tafsir and Dirasah Islamiyah. He also held the position of dean and head of the Department of Islamic Jurisprudence within a relatively short period of time from his appointment as assistant dean. Now he is a professor of Islamic law at one of the universities in Syria. (Wahbah Az-Zuhaili, 1999)

Wahbah Az-Zuhaili is active in learning and teaching various disciplines, both in lectures, lectures, discussions, and through mass media. No less than 48 books and encyclopedic works (mausu'ah) in various Islamic disciplines have been written. The majority of his works cover the fields of fiqh and tafsir. Wahbah Az-Zuhaili wrote many books, articles in various Islamic sciences. His books exceed 133 books and if mixed with small treatises exceeds 500 papers. An effort that can rarely be done by scholars today as if he is the second as-Suyuti (As-Suyuti Al-Tsani) in this era, taking a sample of a Shafi'iyah Imam, Imam as-Suyuti. Among his works is the last tafsir work above, namely Tafsir Al-Munir, Tafsir Al-Wajiz, and Tafsir Al-Wasit, each of which has its own characteristics and characteristics. The three commentaries use different methods of interpretation and different backgrounds. Tafsir Al-Munir, which covers creed and sharia (15 volumes), is intended for experts or the upper class. While Tafsir Al-Wajiz, intended for most people or the general public. As for Tafsir Al-Wasit, it is intended for people with an intermediate level of knowledge.

While the similarity is that the three interpretations both explain the meanings of the Koran so that they are easily understood and can be realized in everyday life by people with different layers.

Discussion

In a family there must be conflicts or problems in it, but there are conflicts that can be resolved privately or only by communication but there are conflicts that cannot be resolved privately or communication, in this conflict must involve the authorities, namely the religious court, if in the family the victim is a woman such as domestic violence, then it should not be allowed because it will have fatal consequences in the future, a victim must be protected, and must not bear big problems alone.

In this research, domestic problems that are fatal if left unchecked, the role of restorative justice is needed by victims, because restorative justice is like legal protection given to victims, cases of domestic conflict like this need to be handed over to those who have obligations.

These domestic problems include shiqaq in Islam. Shiqaq is a dispute between husband and wife, this dispute may be caused by the wife's nusyuz or it may be because the husband is cruel and mistreats his wife. Sayid Sabiq categorizes divorce because of shiqaq as divorce because of dharar or harm. He further argued that Imam Malik and Ahmad further argued that if the wife received harsh treatment from her husband, then she could file a divorce suit before the judge so that the marriage was broken up because of the divorce of the form of dharar according to Imam Malik and Ahmad is that the husband likes to beat, likes to revile, likes to hurt his wife's physical body, and forces his wife to do wrong.

Allah Subhana Wa Ta'ala also says in Qs. An-nisa verse 35 about disputes between husband and wife in the family.

إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا اللَّهُ بَيْنَهُمَا إِصْلَاحًا يُوفِّقُ وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا إِنْ يُرِيدَا

Meaning: *If you (the guardians) fear a dispute between them, send a peacemaker from the man's family and a peacemaker from the woman's family. If they both intend to make peace, Allah will surely guide them. Indeed, Allah is All-knowing and All-researching.*

From the author's view of the verse it is said that every husband and wife who have family problems then, then there must be a peacemaker from both peacemakers here means the person who will reconcile the two. Because there are some things that need to be discussed in a family manner, but it is different from domestic violence. That must be taken legally because it is a crime.

In this verse, namely Qs. An-nisa verse 35 Wahbah Az-zuhaili argues in his tafsir Al-munir, namely Tafsir and Explanation Men are the leaders of women. Male household leaders are tasked with reminding women if their attitudes and behavior deviate. Men are also in charge of protecting, guarding, and caring for women so that jihad is obligatory for men not for women. The share of inheritance obtained by men is also more than that obtained by women because men are obliged to provide for women. The reasons for men's leadership over women are two factors. (Wahbah Az-zuhaili (2016), 78)

First, the creation factor. The creation of the male body structure has advantages. His senses and intellect are stronger, his emotions are stable and his posture is strong. Men have advantages over women in terms of intellect, thinking, commitment and strength. Therefore, Allah specializes men to accept the task as messenger of the message, prophet, supreme leader (Al-Imamah Al-Kubra), qadhi, executor of religious symbols such as adhan, iqamah, khutbah, fum'at prayer and jihad. Divorce is also the right of men. They can also have four wives. Their testimony can be used in criminal and hudud cases. Their share of inheritance is also greater, and they are positioned as 'ashabah in the list of heirs.

Secondly, men are obliged to give charity to their wives and families. They are also obliged to pay the dowry, which is a symbol of respect for women. Apart from these two matters, men and women have the same rights and obligations, and this is one of the characteristics of Islam. Allah says:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَبِعَوَلْتُهُنَّ أَهَقُ
مِثْلَ الَّذِي عَلَيْهُنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ ٢ بِرِّدَّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ

Meaning: *And they (women) have rights in proportion to their duties in an appropriate manner. But the husbands have an advantage over them.* (Al-Baqarah: verse 228)

This means that men have a greater role in organizing and directing family and household affairs. They also have the task of educating and supervising the family. All these tasks are in accordance with the ability of men to accept responsibility and face the challenges of life. Meanwhile, women have full freedom to manage their own wealth. Then Allah SWT describes two types of women in family life, namely obedient wives and disobedient wives. (Wahbah Az-zuhaili, 2016, 79)

From the above statement, the fiqh of life or laws can be taken, namely the two verses above show some rules: 1) Leadership in the family is the responsibility of men. The verse also emphasizes that men have the advantage over women. (Wahbah Az-zuhaili, 2016, 83) ; 2) The inability of the husband to provide for his wife causes his leadership role in the household to fall, so the wife is given the right to cancel the marriage contract because by not being able to provide for the husband, the purpose of marriage is not achieved. In addition, this situation also contradicts the words of Allah. This verse clearly indicates that it is permissible to annul the marriage contract on the grounds that there is no maintenance and clothing. This is the view of Imam Shafi'i and Imam Maliki. Imam Abu Hanifah was of the opinion that the marriage should not be annulled for this reason, as Allah, the Almighty, says (interpretation of the meaning)

إِنْ كُنْتُمْ تَعْلَمُونَ وَإِنْ كَانَ دُوْ عُسْرَةٌ فَنُطْرَةٌ إِلَىٰ مَيْسَرَةٍ وَإِنْ تَصَدَّقُوا خَيْرٌ لَّكُمْ

Meaning: *And if (the debtor) is in difficulty, then give him a grace period until he finds relief* (Al-Baqarah verse 280).

3) A husband has the right to educate his wife and prohibit her from leaving the house, based on the fact that she is obliged to obey her husband in matters that do not involve sin. She is also obliged to protect her husband's property. When not with her husband, the wife is obliged to maintain her honor. In a hadith narrated by Imam at-Tirmidhi from Abu Hurairah, it is stated that the Prophet said "If I were to order someone to prostrate to another person, then I would order the wife to prostrate to her husband." (HR at-Tirmidzi); 3) The husband also has the right to limit the wife in spending her own property so that the wife cannot spend her property except with her husband's permission. This is because Allah has decreed that the husband is qawwam, meaning the one who pays attention and looks after. This is the view of the Maliki madhhab; 4) The husband is obliged to provide for his wife. It is legal for men to take steps to warn their wives not to misbehave. These steps include counseling, separation from bed, beating with a non-painful blow (i.e. a blow that does not cause injury or fracture of bones so that hitting with a fist is not permissible), then appointing two judges - either from relatives or outsiders - to resolve the dispute. In this verse Allah only mentions reconciling as the duty of the two judges, He does not mention the duty of separating. This is an indication that peace is the main goal of marriage, not separation, which can lead to the breakdown of the household; 5) Prohibition of injustice. This is shown by Allah's words which emphasize that if the wife has obeyed her husband (no longer disobeying), the man should not oppress his wife, for example by speaking and being rude. So if the wife has followed the actual rules as a wife, the husband should not oppress her; 6) A husband should be tawadhu and gentle. shows that a husband should be gentle and soft. So that if he feels that he has power over his wife, he should remember the power of Allah because Allah's power is above all. Allah is always watching over each of His servants who are arrogant, insulting and degrading his wife so that he forgets his wife's rights. If we notice that Allah does not mention the word spanking explicitly except in this verse and also in the verses that explain hudud, it shows that the wife's disobedience to her husband is a major sin. This is a mandate and trust of Allah to husbands to manage the affairs of his wife. (Wahbah Az-zuhaili, 2016, 84)

From the above research, the author can conclude that according to the view of wahbah az-zuhaili, the application of Restorative Justice as a Settlement of Syiqaq in the Household does not have to be directly in the

realm of Islamic criminal law because before entering the realm of Islamic criminal law, that men are given responsibility to their wives to educate their wives to be better, men are responsible for the lives of their wives. However, there are several types of wives, including sholihah wives, namely wives who are obedient and obedient to their husbands, there are also wives who disobey and disobey their husbands, when there is a conflict in the household due to a wife who disobeys her husband, the husband may and is responsible for punishing his wife, among others by scolding, advising his wife, if the wife still disobeys her husband.

Furthermore, the husband may separate the bed with his wife as a punishment to the wife for insubordination, when the bed separation has been carried out but the wife is still insubordinate, then the husband may beat his wife with conditions, not to leave wounds, bruises, and even to hit with tools. That is not allowed, but if in some way the husband injures his wife to leave an injury. Then the wife may ask for protection and help from her family. And peace is made, so that the marriage can still be saved, and in surah an-nisa verse 35 it is also explained that if there is a feud between husband and wife, it is hoped that the female and male families will help to make peace, if it requires a religious court, as much as possible to save the marriage with the main objective of making peace. Because Allah does not recommend divorce.

Conclusion

In this study it can be concluded that in households there will often be conflicts ranging from small conflicts to large conflicts, there are several types of conflicts in the household including, financial problems, wives who disobey, husbands who cheat and others. For conflict resolution something with suarah an-nisa verse 34-35 says that men are leaders of women. The male leader of the household is tasked with reminding the woman if her attitude and behavior deviate. Men are also in charge of protecting, guarding and caring for women so that jihad is required for men not for women. The share of inheritance obtained by men is also more than that obtained by women because men are obliged to provide for women. The causes of male leadership over women are two factors. In the view of wahbah az-zuhaili says that in the family it is the man who has the duty to educate the wife to be better, but in this case there are several types of wives, namely among the wives who obey the husband, and there are wives who disobey the husband. If the wife disobeys the husband, the husband may advise, scold, separate the bed and even the husband may beat his wife on condition that it does not leave marks, cuts and bruises on her body, and if that happens, the wife may seek protection from the family and even the court but as much as possible to maintain the marriage because Allah does not recommend divorce.

References

- Abdul Manan. (2016). *Penerapan Hukum Acara Perdata Di Lingkungan Pengadilan Agama*, Jakarta: Prenadamedia Group, Hal. 403.
- Anggi Yus Susilowati, Andi Susantoso, (2020) *Strategi Penyelesaian Konflik Dalam Keluarga Di Masa Pandemi Covid-19*, Hasanuddin Journal Of Sociology (Hjs) Volume 2, Issue 2.
- Arif Gosita, (1989) *Masalah Perlindungan Anak*, Jakarta: Akademi Pressindo, hlm. 19.
- Arne Huzaimah, (2016) *Urgensi Integritas Antara Mediasi dan Hakam Dalam Penyelesaian Perkara Perceraian Dengan Alasan Syiqaq Di Pengadilan Agama*, Jurnal Nurani Vol. 16, No. 2, Des, 2016, Hal 6.
- Baihaqi, (2016). *Study Kitab Tafsir Al-Munir Karya Wahbah AZ-Zuhaili*, dan contoh Penafsiran Tentang Beda Agama” jurnal analisis 16, no 1, hlm 128
- Dahlan Abdul Aziz, (1997) *Ensiklopedi Hukum Islam*, Jakarta: PT Intermasa, hlm.1708
- Fajar Ari Sudewo, (2021), *Pendekatan Restorative Justice*, Jawa Tengah: PT. Nasya Expanding Management.
- Maulana Fajaria, (2017) *Hukum Muslim Mewarisi Harta dari Keluarga Yang Kafir Menurut Wahbah Az- Zuhaili Dan Yusuf Al- Qordawi*, Skripsi Universitas Islam Sumatera Utara, him 56
- Muhammada Mufid, (2015). *Belajar dari Tiga Ulama Syam, Musthafa Az- Zargo, Muhammad Said Ramadhan Al-Bhuti, Wahabah Az- Zuhaili*, Jakarta: Pt Elex Media Komputindo, Hlm 91
- Nor sholeh, (2015) *Restorative justice dalam hukum pidana islam dan kontribusinya bagi pembaharuan hukum pidana materil di indonesia*, Istiqlal:Iumal Studi Hukulan Islam, Vol 1 No 2
- Paulus Hadisuprpto, (2008) *Delinkuensi Anak, Pemahaman dan Penanggulangannya*, Malang: Bayumedia Publishing, hlm. 53.
- Prayitno Kuat Puji, (2012), *Restorative Justice untuk Peradilan di Indonesia (Perspektif Yuridis Filosofis dalam Penegakan Hukum In Concreto*, Jurnal Dinamika Hukum, Vol.12 No 3
- Rama Dhini Permasari Johar, Hamda Sulfinadia, (2020) *Manajemen Konflik Sebagai Upaya Mempertahankan Keutuhan Rumah Tangga (Studi Kasus Di Desa Lempur Tengah Kecamatan Gunung Raya Kabupaten Kerinci)*, Journal Al-Ahkam Vol. Xxi Nomor 1, Juni, 34

- Saiful Amin Ghofur, (2013), *Mozaik Mufasssir Alqur'an Dari Klasik Hingga Kontemporer*, Yokyakarta, Kaukaba, Hlm 136- 137
- Shalih bin Ghonim As-Sadlan, (2004) *Kesalahan-Kesalahan Istri*, Jakarta : Pustaka Progresif, Hlm. 3.
- Sutrisno Hadi, (1994) *Metodologi Research*, Yogyakarta: Andi Offset, hal 3
- Ulfiah. (2016). *Psikologi Keluarga: Pemahaman hakekat Keluarga dan Penanganan Problematika Rumah Tangga*. Bogor: Ghalia Indonesia.
- Wahbah Az-zuhaili (2016), *Tafsir Almunir (Akidah, Syariah dan manhaj)*, Jilid 3, Jakarta : Gema insani.
- Zulfa, Eva Achjani dan Indriyanti Seno Adji, (2010), *Pergeseran Paradigma Pemidanaan*, Lubuk Agung, Bandung.