

# Reinforcing Domestic Violence Prevention: The Role of Mu'āsyarah bil-Ma'rūf in Indonesian Legal Reform

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**Abstract:** Domestic violence is an increasingly troubling issue, in the period 2013-2018 the trend continues to increase. Even though it has been regulated in Law Number 23 of 2004 on the Elimination of Domestic Violence, it has not been able to be overcome optimally. This article offers the integration of the principle of *mu'āsyarah bil-ma'rūf* with the articles in Law on the Elimination of Domestic Violence as an alternative to suppress the rampant of domestic violence. This research is normative legal research, using documentative data collection method, and presented by descriptive deductive-inductive method. While the approach used in this research are fiqh approach and legal approach. The results of this study show that the *mu'āsyarah bil-ma'rūf* principle is the principle of social life in a household with relationships that are appropriate and good according to Islamic law, common sense, and practiced by people in general. Between this principle and the articles of Law on the Elimination of Domestic Violence integrated in one unit of same fundamental value. The law has values of prohibition on all forms of violence. The same applies to the principle of *mu'āsyarah bil-ma'rūf* which contains prohibition on acts of violence that are injustice and inconsistent with the *ma'rūf* term. Therefore, obeying the provisions in Law on the Elimination of Domestic Violence means also obeying the rules of religion, especially for muslims as the majority in Indonesia.

**Keywords:** Domestic Violence, *Mu'āsyarah bil-Ma'rūf*, Law on the Elimination of Domestic Violence

**Abstrak:** Kekerasan dalam rumah tangga merupakan permasalahan yang kian meresahkan, dalam kurun waktu 2013-2018 trennya terus mengalami peningkatan. Meskipun telah diatur dalam Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga, namun belum dapat teratasi secara optimal. Penulis menawarkan integrasi prinsip *mu'āsyarah bil-ma'rūf* dengan pasal-pasal UU PKDRT sebagai alternatif untuk menekan maraknya KDRT tersebut. Penelitian ini merupakan penelitian hukum normatif, dengan menggunakan metode pengumpulan data dokumentatif, dan disajikan dengan metode deskriptif deduktif-induktif. Sedangkan pendekatannya menggunakan pendekatan fikih dan pendekatan hukum. Hasil penelitian ini menunjukkan bahwa

prinsip *mu'asyarah bil-ma'ruf* merupakan prinsip pergaulan hidup dalam rumah tangga dengan pergaulan yang patut dan baik menurut syari'at Islam, akal sehat, dan yang dipraktikkan orang pada umumnya. Antara prinsip ini dengan pasal-pasal UU PKDRT berintegrasi dalam satu kesatuan nilai fundamental yang sama. UU tersebut memiliki nilai pelarangan atas segala bentuk kekerasan. Begitu juga dengan prinsip *mu'asyarah bil-ma'ruf* yang mengandung larangan atas tindakan kekerasan yang merupakan kezaliman dan tidak sejalan dengan *ke-ma'ruf-an*. Dengan demikian, menaati ketentuan dalam UU PKDRT berarti juga menaati aturan agama, khususnya bagi umat Islam sebagai umat mayoritas di Indonesia.

**Kata kunci:** KDRT, *mu'asyarah bil-ma'ruf*, Undang-Undang PKDRT

## Pendahuluan

The family is the smallest unit in society and serves as a fundamental pillar of the state.<sup>1</sup> Harmonious and happy families contribute significantly to the existence of a prosperous nation. A happy and lasting family is the ultimate goal of marriage,<sup>2</sup> as stipulated in Article 1 of Law Number 1 of 1974 concerning Marriage. However, in its course, family life is not free from various issues that may affect the parties involved.

Domestic violence is one such phenomenon that frequently occurs within households.<sup>3</sup> Data on violence against women show that in 2013 there were 279,760 reported and handled cases, increasing to 293,220 in 2014, and further to 321,752 in 2015.<sup>4</sup> Although there was a decline in 2016, the number rose again in subsequent years. The reported and handled cases of violence against women for the years 2016 to 2018 were 259,150; 348,446; and

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<sup>1</sup> Rustina Rustina, "Keluarga dalam kajian Sosiologi," *Musawa: Journal for Gender Studies* 14, no. 2 (2022): 244-267.

<sup>2</sup> Bing Waluyo, "Sahnya Perkawinan Menurut Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Jurnal Media Komunikasi Pendidikan Pancasila Dan Kewarganegaraan* 2, no. 1 (2020): 193-199.

<sup>3</sup> Sutiawati Sutiawati, and Nur Fadhilah Mappaselleng, "Penanggulangan Tindak Pidana Kekerasan dalam Rumah Tangga di Kota Makassar," *Jurnal Wawasan Yuridika* 4, no. 1 (2020): 17-30.

<sup>4</sup> Komnas Perempuan, *Lembar Fakta Catatan Tahunan (CATAHU) Komnas Perempuan Tahun 2013*, Jakarta: Komnas Perempuan, 2014; Komnas Perempuan, *Lembar Fakta Catatan Tahunan (CATAHU) Komnas Perempuan Tahun 2014*, Jakarta: Komnas Perempuan, 2015; Komnas Perempuan, *Lembar Fakta Catatan Tahunan (CATAHU) Komnas Perempuan Tahun 2015*, Jakarta: Komnas Perempuan, 2016.

406,178 respectively.<sup>5</sup> These figures indicate a general upward trend in cases of violence against women over the past six years.

Domestic violence does not always occur from husband to wife; the reverse can also happen, wherein a wife abuses her husband.<sup>6</sup> All forms of domestic violence are unjustifiable, as they can be categorized as criminal acts under the offense of domestic violence (KDRT). As a state governed by the rule of law,<sup>7</sup> Indonesia specifically regulates domestic violence through Law Number 23 of 2004 concerning the Elimination of Domestic Violence (hereinafter referred to as the Domestic Violence Law or UU PKDRT).

To date, efforts to eliminate domestic violence have been carried out based on the provisions of the Domestic Violence Law.<sup>8</sup> This law serves as a legal foundation for law enforcement officers as well as for victims. Although the law has been in effect for over a decade, it has not yet been able to fully resolve the issue of domestic violence<sup>9</sup> in fact, the number of cases continues to rise. This article proposes the integration of the provisions of the Domestic Violence Law with the Islamic principle of *mu'āsyarah bil-ma'rūf* as an alternative approach to reducing the incidence of domestic violence.

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<sup>5</sup> Komnas Perempuan, *Lembar Fakta Catatan Tahunan (CATAHU) Komnas Perempuan Tahun 2016*, Jakarta: Komnas Perempuan, 2017; Komnas Perempuan, *Lembar Fakta Catatan Tahunan (CATAHU) Komnas Perempuan Tahun 2017*, Jakarta: Komnas Perempuan, 2018; Komnas Perempuan, *Lembar Fakta Catatan Tahunan (CATAHU) Komnas Perempuan Tahun 2018*, Jakarta: Komnas Perempuan, 2019.

<sup>6</sup> Muhammad Darwis, Iswandy Rani Saputra, and Ali Ichsan Kiramang, "Kekerasan dalam rumah tangga dalam perspektif hukum pidana." *Jurnal Litigasi Amsir* 10, no. 3 (2023): 275-291.

<sup>7</sup> Article 1 no (3) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. See Majelis Permusyawaratan Rakyat Republik Indonesia, 2013, *Panduan Pemasarakatan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 dan Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia* (Jakarta: Sekretariat Jenderal MPR RI, 2013).

<sup>8</sup> Ulfı Ana Khaira, Ferdy Saputra, and T. Saifullah, "Penelantaran rumah tangga oleh suami sebagai bentuk kekerasan dalam rumah tangga ditinjau dari UU Nomor 23 Tahun 2004 tentang penghapusan kekerasan dalam rumah tangga," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 5, no. 1 (2022): 59-67.

<sup>9</sup> Dr Joko Sriwidodo, and Joko MH SH. "Pengantar hukum kekerasan dalam rumah tangga," (2021).

The principle of *mu'āsyarah bil-ma'rūf* is one of the values contained in the Qur'an that serves as a guideline for family life.<sup>10</sup> Marriage is intended to provide tranquility for both spouses—so that the husband finds peace with his wife, and the wife likewise finds peace with her husband.<sup>11</sup> To achieve this tranquility, the Qur'an instructs both parties to interact with one another in a kind and respectful manner. Allah commands husbands to establish good and respectful relations with their wives, as such behavior brings peace of mind, emotional comfort, and a more harmonious life.<sup>12</sup> Maintaining a good relationship with one's wife is a duty of the husband, just as the wife is also obligated to maintain a good relationship with her husband. This mutual obligation is emphasized in the Qur'an, particularly in Surah an-Nisā' [4]:19.<sup>13</sup>

The principle of *mu'āsyarah bil-ma'rūf* is derived from the Qur'an, specifically Surah an-Nisā' [4]:19. This principle encompasses several core values, including wisdom—wherein a husband is expected to exercise discernment in managing his time for his wife. It also relates to the issue of financial support, which is part of the wife's rights.<sup>14</sup> The "appropriate treatment" referred to in the verse includes conduct, behavior, and courtesy that a husband must show toward his wife, and vice versa. This mutual respect and kindness form the

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<sup>10</sup> Disma Ayu Sartika, "Studi Pemikiran Buya Hamka Tentang Konsep Mu'āsyarah Bil Ma'ruf Dalam Membangun Keluarga Sakinah," PhD diss., UIN Fatmawati Sukarno Bengkulu, 2023.

<sup>11</sup> Kurlianto Pradana Putra, Suprihatin Suprihatin, and Oni Wastoni, "Makna Sakinah Dalam Surat Al-Rum Ayat 21 Menurut M. Quraisy Syihab Dalam Tafsir Al-Mishbah Dan Relevansinya Dengan Tujuan Perkawinan Dalam Kompilasi Hukum Islam," *MASLAHAH (Jurnal Hukum Islam dan Perbankan Syariah)* 12, no. 2 (2021): 15-34.

<sup>12</sup> Nailun Nuril Firdausirrochim, "Konsep Keluarga Bahagia dalam AlQuran dan Kontekstualisasinya Perspektif Misbah Musthofa dan Quraish Shihab," *Universitas Islam Negeri Sunan Ampel Surabaya* (2018).

<sup>13</sup> "O you who believe, it is not lawful for you to inherit women against their will. And do not mistreat them in order to take back part of what you have given them, unless they are guilty of clear immorality. And live with them in a good manner. If you dislike them, it may be that you dislike something in which Allah has placed much good." Kementerian Agama RI, *Al-Qur'an Tajwid dan Terjemahnya Dilengkapi dengan Asbabun Nuzul dan Hadits Shahih*, (Bandung: Sygma Examedia Arkanleema, 2010).

<sup>14</sup> Muhammad bin Umar an-Nawawi, *Etika Berumah Tangga (Syarhu Uqudu'llijain fi Bayani Huquqiz Zanjaini)*, ed. Afif Busthomi dan Masyhuri Ikhwan, Cet. ke-2 (Jakarta: Pustaka Amani, 2000).

foundation of a harmonious marital relationship as envisioned in Islamic teachings.<sup>15</sup>

Good conduct in marital relations (*mu'āsyarah bil-ma'rūf*) was exemplified by the Prophet Muhammad (peace be upon him), who serves as the ultimate role model for humanity. He demonstrated kindness and respectful companionship toward his family—always displaying a cheerful face, smiling often, engaging in light-hearted conversation, and treating his family members with gentleness, warmth, and generosity in providing sustenance.<sup>16</sup> This is the noble character of the Prophet in family life, which should be emulated by Muslims. The principle of *mu'āsyarah bil-ma'rūf* in the household includes refraining from both physical and psychological harm, providing adequate financial support, fulfilling one another's sexual rights, mutual respect and appreciation, polite behavior, striving to bring joy to one another, and avoiding expressions of hatred. This paper seeks to integrate this principle with the content of the Law on the Elimination of Domestic Violence (UU PKDRT) as a form of contribution to addressing domestic violence issues in Indonesia.

This study is a normative legal research that examines the Law on the Elimination of Domestic Violence (UU PKDRT) and the Islamic concept of *mu'āsyarah bil-ma'rūf*, employing a documentative data collection method. The data are analyzed using a descriptive method through deductive and inductive reasoning to illustrate and draw conclusions from relevant normative provisions and practical applications. The research applies a *fiqh* approach to explore the concept of *mu'āsyarah bil-ma'rūf* from an Islamic perspective, alongside a legal approach to examine the provisions of UU PKDRT from a normative juridical standpoint.

### **Causes of Domestic Violence: Brief Overview**

In general, women are often victims of domestic violence. Women's vulnerability to domestic violence is partly due to sociocultural factors, particularly the gender relations between men and women in Indonesia, which have been built on several factors,

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<sup>15</sup> Tim Penyusun, *Etika Berkeluarga, Bermasyarakat, dan Politik* (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2009).

<sup>16</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir Jilid 2*, trans. Abdul Hayyie al-Kattani, dkk. (Jakarta: Gema Insani, 2013).

such as: Men are physically stronger than women, and there is a possibility that high levels of aggression have a biological basis. In society, men are also accustomed to using their physical strength, fighting, using weapons, and using intimidation from childhood. In society, there is a long tradition of male dominance over women and tolerance of the use of force by men. This tradition is displayed through films, pornography, and music. rock and roll, and the media in general; Economic realities force women to accept abuse from those on whom they depend; At the individual level, psychological factors interact with the above mentioned, to explain that some men commit violence and some women are victims of violence, while some men do not commit violence and some women are not targets of violence. Ultimately it can be concluded that there are differences in power and authority between women and men in the sense of differences perceived as rights and abilities to exercise control over each other.<sup>17</sup>

The reasons above are a reality that is already widely understood by the public. However, this cannot be generalized, as in certain cases the victims are men. Maisah and Yenti, in their research in Jambi City, explained that there are several factors causing domestic violence in the city: *First*, economic factors (65%). *Second*, infidelity (20%). *Third*, 15% are factors of differences in vision and mission between husband and wife, which lead to arguments that ultimately lead to conflict and assault on one of the parties.<sup>18</sup> The same thing was also conveyed by Cynthia Nathania Setiawan et al., he explained in his research results that there are more than three factors causing domestic violence other than those mentioned above, such as: *First*, Economic factors are the biggest driver of domestic violence. This problem can arise from low family income, domestic neglect, and debt.<sup>19</sup> Quarrels resulting from economic problems not only cause violence against wives, but can also affect children; *second*

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<sup>17</sup> Kemenkumham, "Kekerasan dalam Rumah Tangga (KDRT): Persoalan Privat yang Jadi Persoalan Publik", dikutip dari <http://ditjenpp.kemenkumham.go.id/hukum-pidana/647-kekerasan-dalam-rumah-tangga-kdrt-persoalan-privat-yang-jadi-persoalan-publik.html>, 13 Juli 2019.

<sup>18</sup> Maisah dan Yenti, "Dampak Psikologis Korban Kekerasan dalam Rumah Tangga di Kota Jambi", *Esensia* 17, No. 2 (2016).

<sup>19</sup> Cynthia Nathania Setiawan dkk., "Faktor-Faktor yang Mempengaruhi Kejadian Kekerasan dalam Rumah Tangga dan Pelaporan pada pihak Kepolisian", *Jurnal Kedokteran Diponegoro* 7, No. 1 (2018).

Infidelity is a factor that often leads to arguments between husband and wife, often leading to violence. This violence tends to go unreported. This is due to threats to the victim, fear of divorce, and parents' fear of the psychological impact on their children. They are more likely to choose to maintain their marriage rather than have their children experience the heavy psychological burden of divorce.<sup>20</sup>

*Third*, the number of children factor. This factor emphasizes the problem of infertility. In this case, women tend to experience greater psychological impacts than men. These impacts include depression, anxiety, feelings of helplessness, isolation, and domestic violence.<sup>21</sup> *Fourth* Social Factors: Social factors arise from negative societal stigma. Society views divorce as shameful and a sign of marital failure. This leads victims of domestic violence to feel insecure, depressed, and tend to blame themselves for deserving the consequences.<sup>22</sup> *Fifth* Cultural Factors: Cultural factors stem from the dominance of men over women, a tradition that has existed since ancient times. Violence is a form of intimidation against women, allowing them to do anything to their partners. This also creates a mindset of resignation, giving in, and maintaining dependence on men.

Meanwhile, Gusliana HB. divides the causes of domestic violence into two categories: internal and external factors. First, internal factors include motivation, human needs, interests, and a person's psychological well-being. Second, external factors include economic factors, the social environment, and societal stigma.<sup>23</sup> He further explained, in addition to the reasons above, domestic violence can also occur due to the following: Society raises boys by instilling the belief that men must be strong, brave and intolerant; Men and women are not positioned equally in society; The perception that violence that occurs in the household must be covered up because it is a family problem and not a social problem; Misunderstanding of religious teachings regarding the rules for educating wives, wives' obedience to their husbands, respect for the husband's position so that the perception arises that men can control women; Culture that

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<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> Gusliana HB., "Penyebab Terjadinya Kekerasan dalam Rumah Tangga (KDRT) yang dilakukan oleh Suami terhadap Istri di Kota Pekanbaru", *Jurnal Ilmu Hukum Universitas Riau* I, No. 1 (2010): 86-87.

wives are dependent on their husbands, especially economically; Unstable personality and psychological condition of the husband; Having experienced violence in childhood; Culture that men are considered superior and women inferior; Imitation, especially boys who live with parents who often commit violence against their mothers or themselves.<sup>24</sup>

Based on the explanation above, it can be understood that domestic violence is caused by many factors, both internal and external. These various factors are interrelated, so that resolving domestic violence cases has always been a dilemma in society, from the past to the present.

From a sociological perspective, domestic violence is a social fact that crosses ethnicities, beliefs, and regions across various social groups. As an antisocial and anti-human act, domestic violence can occur spontaneously or be planned. This act, in its various forms, culminates in the perpetrator's excessive use of power, allowing them to act arbitrarily and potentially harm others.<sup>25</sup>

Domestic violence is actually commonplace in some areas. Research conducted in Karo Regency shows that many cases of domestic violence tend to go unreported for various reasons. These reasons include the fear that disclosing the incident would bring shame to the family, and even the perception that domestic violence is commonplace in households.<sup>26</sup> This will certainly be very detrimental to the victims, especially women..

### ***Mu'āsyarah bil-Ma'rūf* Principle in The Alquran**

*Mu'āsyarah* comes from the word *usyrah*, which literally means family, relatives, close friends. This word is formed based on *siḡab musyarakah baina al-iṣṡnain*, which mean Togetherness between two parties is often interpreted as socializing or associating, because it involves togetherness and friendship. So, there are two parties who

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<sup>24</sup> *Ibid.*

<sup>25</sup> Sabungan Sibarani, "Prospek Penegakan Hukum Undang-Undang Penghapusan Kekerasan dalam Rumah Tangga (UU PKDRT)", *Jurnal Hak Asasi Manusia* 7, No. 1 (2016): 8.

<sup>26</sup> Tamaulina Br. Sembiring, "Bentuk-Bentuk dan Faktor-Faktro Penyebab Kekerasan dalam Rumah Tangga: Studi Kasus di Kabupaten Karo", *Jurnal Ilmiah Abdi Ilmu* 2, No. 1 (2009): 164.

are friends to each other.<sup>27</sup> As for in the dictionary *Almaany*, word of مُعَاشِرَةٌ comes from word يُعَاشِرُ-عَاشَرَ which mean relate to, mix with.<sup>28</sup>

Whereas *al-ma'rūf* rooted in the word '*urf*', which literally means custom, habit, or culture. Custom or habit is something that is well known by a society. Therefore *ma'rūf* means something that is well known.<sup>29</sup> As for the dictionary *Almaany*, *Ma'rūf* means: (1) known, famous, renowned, renowned; (2) kindness, friendliness, generosity, service.<sup>30</sup> Based on the above, when talking about *mu'āsyarah bil-ma'rūf*, with all its problems, of course we will understand it as a social or friendship, companionship, family, kinship that is built together in good ways that are in accordance with the traditions and situations of each community, but do not conflict with religious norms, common sense, or human nature.<sup>31</sup>

Principle *mu'āsyarah bil-ma'rūf* in the Qur'an inspired by the words of Allah QS. An-Nisa (4): 19 which means: O you who believe, it is not lawful for you to inherit a woman by force and do not trouble them because you want to take back a part of what you have given them, except when they do a real abomination. Get along with them in a good way. If you don't like them, (then be patient) because it could be that you don't like something, even though God has done a lot of good in it.<sup>32,33</sup>

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<sup>27</sup> Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender* (Yogyakarta: LKiS Yogyakarta, 2001).

<sup>28</sup> Almaany, dikutip dari <https://www.almaany.com/id/dict/ar-id/>. Lihat juga Hasan bin Ahmad, *Kitab At-Taṣrif* (Bangil: Raihan, t.t.).

<sup>29</sup> Husein Muhammad, *Fiqh Perempuan....*

<sup>30</sup> Almaany, dikutip dari <https://www.almaany.com/id/dict/ar-id/>.

<sup>31</sup> Husein Muhammad, *Fiqh Perempuan....*

<sup>32</sup> QS. An-Nisā' [4]: 19.

<sup>33</sup> Kementerian Agama RI, *Al-Qur'an Tajwid dan Terjemahnya....*, Asbabun Nuzul this verse is that (1) In the Age of Jahiliyyah when a man dies, then the guardian of the deceased is more entitled to receive an heir than his abandoned wife. When the guardian wants to marry the widow who was left behind, or marry her off to someone else, then the guardian is more powerful than the actual female guardian. In relation to the running of the law which is confused according to the rules, then Allah swt. sent down the 19th verse which gives an explanation about the position of a woman whose husband died. (HR. Bukhari, Abu Dawud, and Nasai from Ibnu Abbas) (2) When Abu Qais bin Aslat died, his son wanted to marry his father's widow (stepmother). This kind of marriage is common among Jahiliyah people. Because this method has already cultured, then to change that culture Allah swt. bring down the 19th verse. With the revelation of this verse, the

M. Quraish Shihab in *Tafsir al-Misbah* Regarding the sentence "And treat them with kindness," it is said that some scholars understand it as a command to do good to one's wife, whether one loves her or not. Word of *ma'rūf* they understand it to include not bothering, not forcing, and more than that, acting with kindness and kindness to her. However, Ash-Sya'rawi had a different view, explaining the above commandment to husbands who no longer love their wives.<sup>34</sup>

The warning contained in the above verse is intended to prevent husbands and wives from acting rashly in their domestic life, especially to the point of committing domestic violence, as emotions often overpower a clear conscience.

Wahbah az-Zuhaili mentioned that in the verse there are rights in marriage and the prohibition of doing bad things to women that God has established, among them are the right to be well socialized, to speak kind and gentle words, to behave well, to take care of one's appearance and to be wise and fair in giving alimony.<sup>35</sup> The Messenger of Allah (peace be upon him) narrated, "Muhammad bin Yahya and Muhammad bin Yusuf narrated to us from Sufyan, from Hisham bin Urwah, from his father, from Aisha that the Messenger of Allah (peace be upon him) said, "The best among you is the one who is best among you to his family. I am the best among you to my family. If your friend dies, leave him (mentioning his bad words)."<sup>36</sup>

Rasulullah saw. is preferably a role model, including in household relationships. He is a figure who has a good attitude and way of socializing, always putting on a bright face and showing cheerfulness, smiling, always joking with his family, being gentle and friendly to them, giving them ample support and inviting his wives to

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very abominable culture can be changed, and at the same time this verse is revealed as a statement about the prohibition of women being used as inheritance. (HR. Ibn Jarir and Ibn Abi Hatim with a hasan chain from Abi Umamah bin Sahal bin Hanif. This hadith is also strengthened by the hadith narrated by Ibn Jarir from Ikrimah) See A. Mudjab Mahali, *Asbabun-Nuzul: Studi Pendalaman Al-Quran* (Jakarta: Rajawali Pers, 1989).

<sup>34</sup> M. Quraish Shihab, *Tafsir Al-Misbah: Pesan, Kesan dan Keserasian Al-Qur'an* (Vol. 2) (Jakarta: Lentera Hati, 2000).

<sup>35</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir Jilid 2...*

<sup>36</sup> See hadis no. 3895. Abu Isa Muhammad bin Isa at-Tirmidzi, *Ensiklopedia Hadits 6: Jami'at-Tirmidzi*, trans. Tim Darussunnah, dkk. (Jakarta: Almahira, 2013).

joke. This is the character of the Messenger of God. in having a family that should be emulated by Muslims. God's order in the verse, "And associate with them appropriately" is a protest and criticism of what happened in the time of ignorance. Because during Jahiliyyah, men behaved rudely and harshly towards women and behaved indiscriminately towards them.<sup>37</sup>

Islam views the household as a place of tranquility, security, and well-being, as well as a bond filled with love and affection. At the end of verse 19 of Surah An-Nisa', it is stated, "...If you dislike them, (then be patient) for it may be that you dislike a thing while Allah has placed in it much good." The goal is to ensure that the bond of marriage is always maintained and not simply broken based on emotions that sometimes deviate from logic.

*Mu'āsyarah bil-ma'rūf* is an integrative principle between husband and wife, and it must be carried out practically between both parties with full trust. A husband's obligations are his wife's rights that must be fulfilled, and conversely, a wife's obligations are her husband's rights that must be fulfilled by her.

This principle is the principle of social interaction in a household with proper and good social interaction as in Islamic law, common sense, and what is generally practiced by people. According to the author, there are several elements that must be present in it, because these elements are closely related to the relationship between husband and wife, namely speaking kindly to each other and acting kindly to each other. The indicators of this principle are: *mu'āsyarah bil-ma'rūf* in QS. An-Nisā' [4] verse 19 is as follows:

**Table**

Indicators in Principles *Mu'āsyarah bil-Ma'rūf*

No.	Indicator	No.	Indicator
1.	The husband becomes a pious husband	1.	Wife becomes a pious wife
2.	The husband fulfills his obligations properly	2.	Wife carries out her duties properly
3.	Husband treats his wife	3.	The wife is fair to her

<sup>37</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir Jilid 2...* see also M. Quraish Shihab, *Al-Lubab: Makna, Tujuan, dan Pelajaran dari Surah-surah Al-Quran* (Tangerang: Lentera Hati, 2012).

	fairly		husband
4.	Husband does not do injustice to his wife	4.	The wife does not do injustice to her husband

This hadith implies that both husband and wife should emulate the Prophet Muhammad (peace be upon him) as pious husbands and wives. As is well known, pious husbands and wives will naturally treat each other well, so that the desired goal of a harmonious, loving, and compassionate household can be achieved together.

Second, the husband fulfills his obligations appropriately and the wife fulfills her obligations appropriately. For example, as contained in surah at-Ṭalāq [65] verse 7.<sup>38</sup> This verse explains the obligation of a husband to provide a living, while the wife is obliged to manage household finances well.<sup>39</sup> It is very important for a wife to be able to manage household finances as well as possible, so that financial problems do not become the cause of arguments between husband and wife.

Third, the husband is fair to his wife, and the wife is fair to her husband. What is meant by fairness includes being wise in managing time.<sup>40</sup> A husband and wife should manage their time fairly, both for personal time, as well as for worship, household time, and social relations.<sup>41</sup>

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<sup>38</sup> It should be a person who is able to provide a living according to his ability. And the person whose sustenance is narrowed should give sustenance from the property that God has given him... see Kementerian Agama RI, *Al-Qur'an Tajwid dan Terjemahnya...*

<sup>39</sup> Qutaibah told us, he said: Al-Laits told us from Ibnu 'Ajlan from Sa'id al-Maqburi from Abu Hurairah, he said: It was said to the Messenger of Allah, peace and blessings be upon him: Who is the best woman? He replied: "The most pleasant thing is when she sees her husband, and obeys him if he commands her and does not conflict with her in herself and her property with what her husband hates." see an-Nasa'i no. 3179. See also Muhammad Nasib ar-Rifa'i, *Kemudahan dari Allah: Ringkasan Tafsir Ibnu Katsir (EBook)*, trans. Syihabuddin (Jakarta: Gemma Insani, 1999).

<sup>40</sup> Muhammad bin Umar an-Nawawi, *Etika Berumah Tangga...*

<sup>41</sup> It was narrated to us by Muhammad bin Muqatil. Abdullah has informed us. Al-Auza'i told us he said: Yahya bin Abu Katsir told me he said: Abu Salamah bin Abdurrahman told me he said: Abdullah bin Amru bin Ash told me he said: The Messenger of Allah, peace be upon him, said: O Abdullah, has it not been reported that you fast all day and *qiyāmul-lail* overnight?" I replied, "True, O Messenger of Allah." He said: "Do not do that. Fast and also break the fast. Cash it in *qiyāmul-lail*,

Fourth, the husband does not do wrong to the wife and the wife does not do wrong to the husband. Islam does not teach to be cruel, on the contrary Islam teaches that its people associate with good morals to others.<sup>42</sup> One example of not committing injustice is that neither husband nor wife commits acts of violence, whether physical, psychological, or sexual, or domestic neglect. This is stated in the hadith of the Prophet Muhammad.<sup>43</sup> The call in the hadith is literally directed at the husband, but because *'fragrance'* The same applies to wives, meaning wives are not allowed to hit or curse their husbands.

There are various forms of violence, including psychological violence. For example, insults, such as a husband or wife insulting their partner by calling them nasty names or using foul language.

Sexual violence includes rape within marriage (*marital rape*). The following are examples of sexual violence: forcing sexual intercourse when the wife is menstruating, the wife refusing to have intimate relations with her husband is also violence, unless there is an excuse. *sharia* 'Islam considers sexual intercourse an act of worship. This act fosters affection, sows the seeds of love, and strengthens the bond and relationship between husband and wife.<sup>44</sup> The Qur'an has explained in surah al-Baqarah [2] verse 223 which means: "Your wives are (like) the land where you cultivate crops, so come to the land where you cultivate crops however you wish. And do (good deeds)

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but also set aside time for sleep. Because your body also has rights over you, your eyes also have rights over you, and your wife also has rights over you." see *Shahih Al-Bukhari* no. 4800. See also Abu Hamzah 'Abdul Lathif al-Ghamidi, *Stop!! KDRT: Membuang Prahaya Kekerasan di Rumah Kita dengan Kembali kepada Tuntunan Islam (Al-'Unfu Al-'Usari)*, trans. Yunus (Jakarta: Pustaka Imam asy-Syafi'i, 2010).

<sup>42</sup> ... And associate with people with good morals. see hadis no. 1987. Abu Isa Muhammad bin Isa at-Tirmidzi, *Ensiklopedia Hadits 6...*

<sup>43</sup> Musa bin Ismail told us. Has told us Hammad. It was reported to us by Abu Qaza'ah al-Bahali, from Hakim bin Mu'awiyah al-Qushayiri from his father, he said: I said, "O Messenger of Allah, what is the right of the wife of one of us over him?". He said: "You feed him when you eat, give him clothes when you dress him, do not hit him in the face, do not abuse him (with words or insults), and do not leave him except in the house." Abu Daud said: "And do not slander him (with words or slander) by saying: May God discredit your face" see Abu Daud no. 1830. See also Abu Malik Kamal bin As-Sayyid Salim, *Shahih Fikih Sunnah: Shahih Fiqh As-Sunnah wa Adillatubu wa Taudhib Madzhab Al-'A'Immah*, trans. Khairul Amru Harahap and Faisal Saleh, Cet. ke-2 (Jakarta: Pustaka Azzam, 2007).

<sup>44</sup> Abu Hamzah 'Abdul Lathif al-Ghamidi, *Stop!! KDRT ...*

for yourself, and fear Allah and know that you will meet Him later. And give glad tidings to the believers.”<sup>45</sup>

The verse above implies that sexual relations should prioritize the goal of worship and devotion to God, not merely the gratification of lust, in order to produce good generations. The relationship between husband and wife entails both rights and obligations. Here's an example of not committing injustice in the form of economic violence, a husband. She has an obligation to provide for her husband. It's also possible for a wife to be unjust to her husband and family, such as by being stingy in managing household finances while spending extravagantly on personal expenses.

Indicators in principle *mu'asyarah bil-ma'ruf*, have values that are in line with the principles *amar ma'ruf nahi munkar* in the household, namely, commanding or encouraging what is good and avoiding what is evil. Both have the same goal in the household, namely to create an ideal family. Allah SWT states in (QS. ali 'Imran [3]: 110)<sup>46</sup> which mean: "You are the best people born for mankind, enjoining what is good, and forbidding what is evil, and believing in God..."

Domestic violence itself is a form of injustice that is forbidden. Islam offers the principle *mu'asyarah bil-ma'ruf* in a household to prevent domestic violence, by ordering that there should be social interaction between husband and wife *ma'ruf*. In fact, make this commandment an obligation, because good social interaction is a system by which the household can continue to live and be sustainable, both when fulfilling obligations or asking for rights as their respective roles in the household.

### **The Concept of Eliminating Domestic Violence (KDRT) Law Number 23 of 2004**

The Domestic Violence Law was initiated by the Legal Aid Institute for Advocacy for Indonesian Women and Justice (LBH APIK), along with other NGOs within the Anti-Violence Against Women Advocacy Network (Jangka PKTP), to prepare an anti-domestic violence bill (the term used before its enactment). LBH APIK and the PKTP network have been preparing this anti-domestic

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<sup>45</sup> Kementerian Agama RI, *Al-Qur'an Tajwid dan Terjemahnya...*

<sup>46</sup> Kementerian Agama RI, *Al-Qur'an Tajwid dan Terjemahnya...*

violence bill since 1998 through public dialogue. This preparation has indeed been lengthy, given that the issue of domestic violence is still relatively unknown in the community and is disputed by certain groups.<sup>47</sup>

Philosophically, the formation of the Domestic Violence Law is for women or housewives from domestic violence, this is stated in the legal considerations of the law, which states, "That every citizen has the right to feel safe and free from all forms of violence in accordance with the philosophy of Pancasila and the 1945 Constitution of the Republic of Indonesia."

In this consideration, the person being protected is the citizen. The right of citizens is to feel safe and free from all forms of domestic violence.<sup>48</sup> Basically, protection from violence is not only aimed at women who are mostly the objects of violence by their husbands, violence can also be experienced by children and husbands, in-laws, in-laws, and domestic workers (PRT), those who are within the household.<sup>49</sup> This means that the law does not only focus on or favor women, but also on all citizens who have the right to receive protection from domestic violence through the Domestic Violence Law.

The Domestic Violence Law has 56 articles and 10 chapters. The scope of domestic violence is specifically regulated in Article 2 paragraph (1). Articles 5-9 discuss the forms of domestic violence. The Domestic Violence Law regulates the threat of sanctions in seven articles, namely Articles 44-50, these articles vary considerably in terms of their level.<sup>50</sup>

Meanwhile, matters relating to the existence of protection procedures are specifically regulated in this law. Of the 56 articles in

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<sup>47</sup> Aroma Elmina Martha, *Proses Pembentukan Hukum Kekerasan terhadap Perempuan di Indonesia dan Malaysia* (Yogyakarta: Aswaja Pressindo, 2013).

<sup>48</sup> Salim HS. dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Disertasi dan Tesis (Buku Kedua)* (Jakarta: Rajawali Pers, 2014).

<sup>49</sup> Nofarina, "Kekerasan Dalam Rumah Tangga Dilihat dari Aspek Viktimologi dan Hukum Pidana", *Jurnal Ilmiah*, Mataram: Fakultas Hukum Universitas Mataram (2012), dikutip dari <https://www.scribd.com/document/342760817/Kekerasan-Dalam-Rumah-Tangga-Dilihat-Dari-Aspek-Viktimologi-Dan-Hukum-Pidana>.

<sup>50</sup> Aroma Elmina Martha, *Proses Pembentukan Hukum Kekerasan terhadap Perempuan...*

the Domestic Violence Law, these protection provisions are regulated in 23 articles (41%) regulating temporary protection procedures and the determination of protection. The protection procedures in this law include temporary protection (Articles 16-18, Articles 28-32) and protection orders (Articles 32-36). This law is expected to serve as an adequate legal umbrella for every citizen who demands a sense of security and freedom from all forms of violence, namely domestic violence, which is a violation of human rights, a form of injustice and injustice against human dignity, and a form of discrimination that must be eliminated.

Domestic violence includes not only physical violence but also other forms. As stipulated in Article 1, number 1 of the Domestic Violence Law:

"Any act against a person, especially a woman, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household, including threats to commit acts, coercion or unlawful deprivation of liberty within the household."<sup>51</sup>

In relation to whether or not the principles and objectives of domestic violence are necessary, it is proposed through the minutes of the DPR working meeting,<sup>52</sup> with the agreement of the forum by acclamation.<sup>53</sup> Previously, the government believed that these principles and objectives were already incorporated into the draft considerations and should no longer be necessary. However, some factions proposed retaining the principles and objectives of the Domestic Violence Bill. In fact, during the substantive discussions, some proposed retaining the principles of justice and gender equality.<sup>54</sup> The principles for eliminating domestic violence are:

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<sup>51</sup>Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT).

<sup>52</sup>August 25, 2004, with the Minister of State for Women's Empowerment. This was followed by the Working Committee's opinion with the Echelon I government on August 31, 2004, and then the Drafting Team's opinion with the Echelon I government on September 3, 2004.

<sup>53</sup>These principles include: a. Respect for human rights; b. Justice and gender equality; c. Non-discrimination; and d. Protection of victims.

<sup>54</sup> Aroma Elmina Martha, *Proses Pembentukan Hukum Kekerasan terhadap Perempuan....*

Respect for Human Rights, Gender Justice and Equality, Non-discrimination, and Protection of Victims.<sup>55</sup>

Meanwhile, the objectives of the Domestic Violence Law are: Preventing all forms of domestic violence, Protecting victims of domestic violence, Taking action against perpetrators of domestic violence, Maintaining the integrity of a harmonious and prosperous household.<sup>56</sup>

The first principle is respect for human rights. Human rights are rights brought from the moment a person is born into the world. This right is a gift from God the Creator, so it must be honored and implemented.

The second principle in the Domestic Violence Law is gender justice and equality. Gender is a concept that refers to a system of roles and relationships between women that is not determined by biological differences but by the social, political, economic, and cultural environment.<sup>57</sup> As for in *Legal Dictionary* It is stated that gender is the difference in nature, role, function and status between men and women which is not based on biological differences, but is based on socio-cultural relations which are influenced by the wider structure of society.<sup>58</sup> As is well known, the supreme goal of law is justice. Justice means placing things in their proper proportions. The opposite of justice is injustice. The highest justice is God's absolute justice.<sup>59</sup> Therefore, the principle of justice and gender equality aims to ensure that the Domestic Violence Law truly complies with the highest legal objectives.

The Domestic Violence Law is also based on non-discrimination, which among other things relates to the fact that domestic violence is a form of gender-based violence and also a form of discrimination, as stated in the fourth paragraph of the General Explanation of the Domestic Violence Law, which states: "...The state

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<sup>55</sup>Article 3 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

<sup>56</sup>Article 4 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

<sup>57</sup> Sofyan A.P. Kau, *Fikih Alternatif* (Yogyakarta: Mitra Pustaka, 2013).

<sup>58</sup> M. Marwan dan Jimmy P., *Kamus Hukum* (Yogyakarta: Gama Press, 2009).

<sup>59</sup> M. Erfan Helmi Juni, *Filsafat Hukum Islam* (Bandung: Pustaka Setia, 2012).

is of the view that all forms of violence, especially domestic violence, are violations of human rights and crimes against human dignity and form of discrimination.”<sup>60</sup>

Provisions regarding the definition of “discrimination” in Article 1 of CEDAW/Law Number 7 of 1984 and Article 1 concerning the definition of “domestic violence” in the Domestic Violence Law both illustrate the connection between domestic violence and gender-based violence and discrimination.<sup>61</sup>

CEDAW introduces terms that refer to women, but the author believes there is no distinction in its implementation, given that the substance of CEDAW is tailored to the context in which it was created. In general, the definition of discrimination is as follows:

*Treating a person or particular group of people differently, especially in worse way from the way in which you treat other people, because of their skin colour, sex, sexuality, etc.*<sup>62</sup>

Humans may come from different ethnicities, nations, skin colors, homelands, and even religions, but they are all one human being. In Indonesia, these differences are united by the motto “Bhinneka Tunggal Ika.

Next is the principle of victim protection. Legal protection is something that protects legal subjects through legislation. Legal protection is divided into two forms: preventive protection and repressive protection. The definition of protection itself can actually be examined from one of the elements contained in the Domestic

<sup>60</sup> Explanation of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

<sup>61</sup> Law of the Republic of Indonesia Number 7 of 1984 concerning Pengesahan Konvensi Mengenai Penghapusan Segala Bentuk Diskriminasi terhadap Wanita (Convention on The Elimination of All Forms of Discrimination Against Women). Article 1 defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” see United Nations, *Convention on The Elimination of All Forms of Discrimination Against Women and its Optional Protocol: Handbook for Parliamentarians* (United Nations: Switzerland, 2003).

<sup>62</sup> Cambridge Dictionary, <http://dictionary.cambridge.org/dictionary/english/discrimination>, 11 Desember 2016.

Violence Law, as stated in Article 1, number 5 of the Domestic Violence Law, which states that protection is:

All efforts aimed at providing a sense of security to the victim carried out by the family, advocates, social institutions, police, prosecutors, courts or other parties, either temporarily or based on a court decision.<sup>63</sup>

The goal of protection is to provide a sense of security for victims. Security means freedom from danger, freedom from harassment, peace, and the absence of fear or anxiety.<sup>64</sup> Philosophically, the birth or enactment of the Domestic Violence Law is to protect victims of domestic violence, so that the existence of this law will provide protection for victims.

The Domestic Violence Law was enacted to ensure protection for victims of domestic violence in Indonesia. Essentially, the concept of legal protection in the law encompasses both aspects of legal protection. This is intended to prevent domestic violence.

### **Integration Principles *Mu'āsyarah bil-Ma'rūf* with the Law on the Elimination of Domestic Violence**

Marital interaction is a reciprocal relationship between husband and wife. Marital interaction is a dynamic process, comprising reason and emotion, that is difficult to separate from concrete action because these processes influence and complement each other. Marital interaction means that each husband and wife act as both agents and responders.<sup>65</sup> Good company *ormu'āsyarah bil-ma'rūf* basically, it is a shared right between husband and wife. The meaning of good social interaction is commendable morals that must be applied by every husband and wife, so that it will give birth to beautiful meaning in each person's heart and touch the heart of the partner, which will be able to create happiness in married life.<sup>66</sup> Husband and wife should interact well and not cause trouble for their partners to maintain harmony in the household. It's natural for marital interactions to have

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<sup>63</sup> Salim HS. dan Erlies Septiana Nurbani, *Penerapan Teori Hukum...*

<sup>64</sup> *Ibid.*

<sup>65</sup> Ahmad Abdurrahim, *Aku Terima Nikahnya: Bekal Pengantin Menuju Keluarga Sakinab, Mawaddah, dan Rabmah (Tubfatul-'Arusain)*, trans. Umar Mujtahid (Solo: Aqwam, 2015).

<sup>66</sup> *Ibid.*

relationship dynamics, but in reality, husband and wife should maintain their existence. *mu'āsyarah bil-ma'rūf* and eliminate domestic violence in domestic life in various situations and conditions.

Religion brings justice without distinguishing between women and men. In principle, Islam is a religion that prohibits all forms of harming, injuring, injuring oneself or others, both verbally and physically against one of the body parts. Conceptually, the main mission of the prophethood of Muhammad peace be upon him. is for grace for the whole world. Even the smallest amount of violence is diametrically opposed to the mission of grace that is carried.<sup>67</sup> As confirmed by God in the word that Meaning: And We did not send you, except to (be) a mercy for the universe. (QS. Al-Anbiyā' [21]: 107).<sup>68</sup>

This principle of mercy conceptually forms the foundation for discussions of Islamic law and the ethical framework for interpersonal relationships. It emphasizes the need to do good, provide benefits, and assist one another, prohibiting deception, prohibiting violence, and declaring war against all forms of injustice. Any form of violence can be categorized as an act of oppression, which contradicts the mission of mercy.<sup>69</sup>

Domestic violence is a form of injustice that is forbidden. To reduce this violence, Islam offers the principle *mu'āsyarah bil-ma'rūf* In a household. If household relationships are built on this principle, domestic violence can be avoided. Because violence in any form essentially reflects family disharmony due to the absence of this principle. This.

The religious call is literally directed more at husbands (because it uses the masculine form), but because *'fragrance* (the legal clause) is the same, it also becomes a call for wives. Like the call regarding *mu'āsyarah bil-ma'rūf* which not only applies to husbands but also wives, because *scent* it is the desire of syariah to get along and treat each other well.<sup>70</sup> A pious husband or wife will certainly treat their

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<sup>67</sup> Anshori dan Siti Rahmah, *Tafsir Tematik: Isu-isu Kontemporer Perempuan* (Jakarta: Rajawali Pers, 2014).

<sup>68</sup> Kementerian Agama RI, *Al-Qur'an Tajwid dan Terjemahnya...*

<sup>69</sup> Anshori dan Siti Rahmah, *Tafsir Tematik...*

<sup>70</sup> Mahmud Muhammad al-Jauhari dan Muhammad Abdul Hakim Khayyal, *Membangun Keluarga Qur'ani: Panduan untuk Wanita Muslimah (Al-Akhwāt Al-Muslimāt*

partner well, in accordance with Islamic law, common sense, and what people in general practice, both in word and deed. Principles *mu'āsyarah bil-ma'rūf* this is in line with *amar ma'rūf nahi munkār*.

The Domestic Violence Law has instrumental values<sup>71</sup> which is a prohibition against committing acts of violence, whether physical, psychological, sexual, or domestic neglect. A pious husband or wife will certainly not commit acts of domestic violence, because a pious or righteous person is a good person, one with morals as commanded by Allah and His Messenger in the Quran and Hadith. A husband or wife with this personality will not commit unjust acts in the household.

A pious husband and a pious wife will carry out their obligations appropriately and act justly towards their spouses. Therefore, if all the indicators (as mentioned in the previous sub-discussion) are met, then a household has implemented and fulfilled the principle *mu'āsyarah bil-ma'rūf*, and not committing acts of domestic violence which of course contradict the principles the principle *mu'āsyarah bil-ma'rūf* with the concept in the Domestic Violence Law integrated into a unity of fundamental values<sup>72</sup> the same, namely an ideal, harmonious, and always happy family. To make it easier to understand the integration between the principles *mu'āsyarah bil-ma'rūf* with the articles of the Domestic Violence Law, can be seen in the following chart:

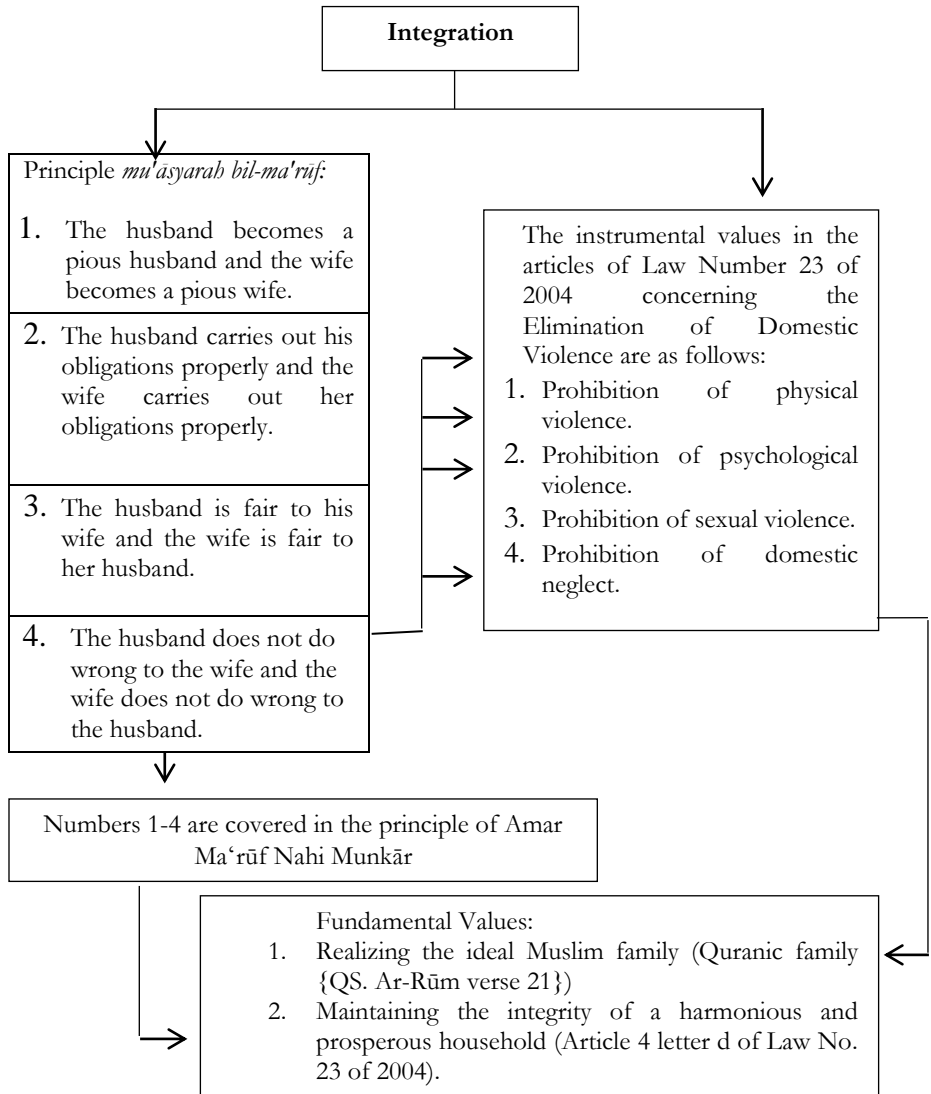
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*wa Binā Al-Ushrah Al-Qur'āniyyah*), trans. Kamran As'ad Irsyadi dan Mufliha Wijayati (Jakarta: Amzah, 2000).

<sup>71</sup> Nama kasus atau peran semantik suatu frasa nomina yang menyatakan atau berfungsi sebagai alat. Lihat KBBI versi online/ daring (dalam jaringan) <http://kbbi.web.id/>.

<sup>72</sup> Bersifat dasar (pokok); mendasar. Lihat KBBI versi online/ daring (dalam jaringan) <http://kbbi.web.id/>.

**Chart**  
Integration Principles *Mu'āsyarah bil-Ma'rūf* with Articles of Law Number 23 of 2004



Based on the explanation above, the principles of *mu'āsyarah bil-ma'rūf* which are integrated with the articles in the Domestic Violence Law are fundamental principles. These principles form the basis for the provisions in the articles. Normatively, between *mu'āsyarah bil-ma'rūf* with the PDKRT Law, they do not contradict each other, in fact they support each other.

The Domestic Violence Law contains principles of *mu'āsyarah bil-ma'rūf* which are based on Islamic teachings. This means that Muslims, as the majority community in Indonesia, must submit to and comply with these provisions. This is not only a form of obedience to government regulations, but also a form of religious obedience. If these principles are properly implemented by every married couple, domestic violence can be prevented or minimized.

However, implementing the law is not as easy as the theory. This applies not only to domestic violence but also to other legal issues. There is often a gap between *law in book* with *law in action*. Therefore, support from all parties is needed, including the government, law enforcement officials, and the community itself. Law enforcement is inseparable from these three factors.

## Conclusion

Principle *mu'āsyarah bil-ma'rūf* in the household according to QS. An-Nisā' [4] verse 19, it is the principle of social interaction in the household with proper and good social interaction in accordance with Islamic law, common sense, and what is generally practiced by people. Interacting well with each other includes words and actions in terms of carrying out each person's obligations in the best way, which is in line with the principle *amar ma'rūf is not a mankar*.

The concept of eliminating domestic violence in the articles of the Domestic Violence Law refers to 4 (four) principles, namely: (1) Respect for Human Rights, (2) Justice and gender equality, (3) Non-discrimination, (4) Protection of victims, which are expected to be used as a legal umbrella for every citizen who demands a sense of security and freedom from all forms of violence, namely domestic violence, namely physical violence, psychological violence, sexual violence, and domestic neglect, which are human rights violations, forms of injustice and injustice against human dignity and forms of discrimination that must be eliminated.

Principle *mu'āsyarah bil-ma'rūf* with the articles of the Domestic Violence Law integrated into a single, fundamental value. The Domestic Violence Law, which prohibits all forms of violence, including physical, psychological, sexual, and domestic neglect, aligns with the principle of *mu'āsyarah bil-ma'rūf*, namely interacting with each other well in all matters which include *our qaulun fi'lun* (words and

actions) with indicators: (1) The husband becomes a pious husband and the wife becomes a pious wife; (2) The husband fulfills his obligations properly and the wife fulfills her obligations properly; (3) The husband acts justly towards the wife and the wife acts justly towards the husband; (4) The husband does not do injustice to the wife and the wife does not do injustice to the husband. In addition, it was also found that the prohibition of acts of violence which is cruelty and not in line with the *ma'rūf*-an in that principle.

Integration of principles *mu'āsyarah bil-ma'rūf* is hoped that the articles of the Domestic Violence Law will raise public awareness regarding its implementation. This is because complying with these regulations also complies with religious rules, especially for Muslims, the majority in Indonesia. This way, acts of domestic violence, which continue to increase annually, can be suppressed and minimized. Healthy and happy families will result in a healthy and happy society, and such a society will ultimately lead to a healthy and happy nation.

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