

The Practice of Nusyuz Among Tanjungbalai Tni from the Perspective of the Indonesian Ulama Council of Tanjungbalai (Case Study at Tni Lumba-Lumba Complex Tanjung Balai)

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Received: 19-06-2025

Revised: 25-06-2025

Accepted: 30-06-2025

Abstract

This study aims to examine the forms of behavior and factors that cause nusyuz among the TNI in the review of Islamic law as well as how the TNI Council's settlement mechanism for nusyuz behavior. The urgency of this problem lies in the complexity of TNI household relationships that often face challenges due to heavy military duties and have an impact on family harmony. Based on this background, this research uses a qualitative method with a legal sociology approach, where primary data is obtained through interviews while secondary data comes from Islamic legal literature and previous research results. The results show that the wife's disobedience in the TNI household does not necessarily make the wife immediately blamed, but it is necessary to first investigate the causes, including the possibility of the husband's actions triggering the disobedience. In the legal process, the wife's rights are still protected until the official divorce decision is issued. This research emphasizes that the concept of nusyuz in the context of the TNI requires a fair legal approach and clear procedures.

Keywords: Nusyuz, Indonesian National Army Soldier, Islamic law



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INTRODUCTION

The family is the fundamental unit of society, comprising the head of the family and members who live interdependently under one roof.(Syahputra, 2011). To continue the struggle of previous generations, a superior generation is needed that is born from a family that is strong in values and love. Therefore, Islam has set guidelines in forming a harmonious, loving and blessed household. Human nature tends to want to live in family ties. The family itself is the most basic institution of life, consisting of husband, wife, children, and people around them who are connected by blood or are their responsibility (Rambe & Isfahani, 2018).However, many families are unable to form a harmonious family, even failing to form a family that is *sakinah mawaddah warahmah*.

A family that achieves *sakinah, mawaddah, and rahmah* is a representation of happiness and harmony in domestic life. Every individual instinctively desires the formation of such a family order. However, in the dynamics of married life, the reality is not always as expected; various conflicts, disputes, and even forms of violence in the domestic sphere often arise. The relationship between husband and wife, as the core of the family institution, often has dualistic consequences, both positive and negative. Tensions and disturbances in the couple's interactions can arise as a result of communication disharmony, which then anifesting as

disputes, sharp disagreements, or deviant behaviors such as *nusyuz*. which ultimately has the potential to damage the stability and peace of the household (Solianti et.al., 2023).

In the reality of domestic life, it is not uncommon to find conditions that are far from calm and comfortable. Sometimes, the dynamics in the family become complex and cause psychological pressure. Such situations generally arise due to the main roles and functions of each family member, especially husbands and wives, not being carried out optimally according to the responsibilities that have been determined. Although the discussion of reciprocal rights and obligations between husband and wife has its own urgency, the author in this context will not focus on this aspect (Badawi, 2020). The main focus of this study is directed at conceptual understanding of the phenomenon of *nusyuz* in the environment of TNI soldiers.

The term *nusyuz* refers to a wife's disobedience or defiance toward her husband. When a wife refuses or disobeys her husband's orders and wishes without any justifiable reason in sharia law, then this action is categorized as a form of disobedience or violation of the norms of husband and wife relations in an Islamic perspective (Saebani, 2001). Etymologically, the word *nusyuz* comes from a term that means a place that rises or is higher than the ground. In the context of marital relations, this term represents a form of disobedience of a wife who feels higher or exalts herself against her husband. While terminologically, *nusyuz* refers to deviancy or deviant behavior committed by a wife against her husband in domestic life. However, the act of *nusyuz* is actually not limited to the wife, but also includes deviant actions committed by the husband against the wife. Therefore, *nusyuz* can occur on both sides of the marriage relationship.

However, in the context of this study, researchers will specifically focus on *nusyuz* behavior committed by wives of military members (TNI). According to Sayyid Quthub's view, *nusyuz* is a phenomenon that arises in family institutions and can be the main cause of disruption of household stability. This condition results in a loss of peace such disobedience disrupts household harmony, diminishes emotional well-being, and hinders children's educational development. Furthermore, *nusyuz* has the potential to be the beginning of the destruction of the husband and wife relationship as a whole. In essence, *nusyuz* can be understood as the non-compliance of one of the spouses with the obligations that should be carried out, accompanied by a sense of resentment, neglect, or rejection of the rights and roles of the other spouse each other in married life. The regulation of *nusyuz* in the Compilation of Islamic Law (KHI) is a form of legitimization of the fiqh construction, which implicitly places the position of women in a specific framework. Although KHI does not explicitly formulate the definition of *nusyuz*, the normative formulation and juridical consequences are considered to be more assertive or even more repressive than the classical fiqh. Based on Article 84 paragraph (1) and Article 83 paragraph (1) KHI, the concept of *nusyuz* is centered on the wife's deviation from the domestic obligations imposed on her as a form of disobedience to her husband (Solianti et.al., 2023).

The phenomenon of *nusyuz* or the wife's disobedience to her husband in the household has become a significant issue in the military family environment, especially among TNI soldiers. This research was conducted at the Lumba-Lumba Complex in Tanjungbalai, which is inhabited by 40 TNI soldiers, of which 30 are married. Of these, it was found that 6 couples experienced indications of *nusyuz* conditions based on the results of observations and

interviews. This phenomenon includes not only the wife's rejection of the husband's invitation or leaving the house without permission, but also household tensions due to psychological pressure, the husband's absence due to service, and weak communication. This complexity is exacerbated by the lack of understanding of Islamic law, both by wives and husbands, as well as the lack of coaching programs that touch on the spiritual and legal aspects of the family as a whole.

Social symptoms that arise from this case include increased domestic conflict, emotional tension, relationship disharmony, and decreased family function in supporting soldiers' duties and emotional stability. The crucial impact is not only disrupting household peace, but can also defame the TNI institution, which upholds discipline and honor. In many cases, settlement efforts through internal mediation and religious guidance have proven ineffective, due to the couple's resistance to open up and a weak understanding of the concept of nusyuz in Islam. Inappropriate handling has the potential to prolong conflict, so an integrative approach is needed between the values of Islamic law, military guidance, and the support of religious institutions such as the Indonesian Ulema Council.

From this foundation, it can be understood that *nusyuz* refers to the wife's rebellious behavior or violation of her responsibilities in the marriage bond. The legal impact of this violation, as stated in Article 80 paragraph (7), Article 84 paragraph (2), and Article 152 KHI, has implications for the complete revocation of the wife's rights. The juridical consequences of *nusyuz* are not only limited to the aspect of not giving alimony, but also reflect the issue of substantive justice and legal benefits for women in the framework of protecting their rights (Putra & Sumbulah, 2020). Based on the description above, the researcher is interested in trying to examine a study to be the subject of discussion in his research entitled The Concept of Nusyuz among the TNI Review of the Indonesian Ulema Council which aims to describe how nusyuz occurs among the TNI and how Islamic law reviews TNI wives who commit nusyuz.

Previous research by Agustin Hanapi and Yenny Sri Wahyuni, entitled Public Perceptions of Nusyuz and Its Implications for Marital Relations, explains that the public views nusyuz exclusively as the behavior of wives, with little understanding of nusyuz committed by husbands. Meanwhile, this study is broader in scope, including an analysis of the concept of nusyuz as it applies to both genders (husbands and wives) (Hanapi & Wahyuni, 2021). Previous research by Akbar Syahru Rama and Murni Murni, titled Analysis of the Concept of Nusyuz and Its Implications in Divorce Cases at the Surabaya Religious Court, highlights the formal and practical legal aspects of nusyuz, particularly how judges at the Surabaya Religious Court consider evidence of nusyuz in divorce rulings, as well as the implications for the wife's rights, such as iddah maintenance, mut' ah, and child custody rights. The difference lies in the perspective and object of study: TNI research emphasizes theological and relational aspects within the military institution (Akbar Syahru Rama & Murni Murni, 2024).

Previous research by Nur Kamilia, titled The Role of the Indonesian Army in Building Family Resilience (Case Study of Sokowaten Sorowajan Baru Banguntapan Bantul Yogyakarta Housing), explains the emphasis on the active role of the TNI institution in strengthening the resilience of soldiers' families through guidance and social approaches, without specifically examining the dynamics of internal household conflicts. This fundamental difference highlights

a research gap, namely the absence of previous studies that specifically address domestic conflicts such as nusyuz within the TNI family context from a normative-religious and legal perspective (Kamilia, 2024).

In this context, this study makes a significant contribution by integrating Islamic normative aspects, military regulations, and social dynamics within military families, particularly regarding wives accused of nusyuz, and emphasizes the importance of a comprehensive investigation before labeling a violation. This reflects that household dynamics within the military environment are not only influenced by external pressures such as workloads and discipline but also by a lack of religious understanding, weak communication, and insufficient integration between spiritual and legal approaches. This study specifically fills a research gap by highlighting how the phenomenon of nusyuz in TNI families cannot be viewed solely in tangible terms but must be understood within the framework of fair and procedural Islamic law. Thus, the discourse on military family resilience must involve synergy between religious normative approaches, institutional interventions, and social mediation strategies based on justice.

The issue of nusyuz in the families of TNI soldiers is important to study because it concerns household stability that directly affects the professionalism and dedication of soldiers to state duties. The complexities of military life such as deployment far from family, physical and mental stress, and differences in religious understanding between spouses often trigger household conflicts that are not resolved completely. The lack of understanding of the concept of nusyuz according to Islamic law and the lack of synergy between religious approaches, military institutions, and the family mediation system exacerbate this condition. This research contributes to enriching the literature of Islamic law with the current context and provides recommendations for a more responsive, fair and holistic military family development policy.

This study aims to examine and analyze the concept of nusyuz occurring among TNI military families, particularly in the Lumba-Lumba Tanjungbalai Complex, from the perspective of Islamic law and the review of the Indonesian Ulema Council (MUI). The research focuses on identifying the forms of nusyuz behavior exhibited by military wives, the factors causing it, and the legal and religious responses provided by relevant institutions, including resolution mechanisms implemented both internally by military institutions and through Islamic legal approaches. This research also aims to provide a more comprehensive understanding of the dynamics of military households and the urgency of adopting a fair, humane, and sharia-compliant approach in addressing nusyuz issues within the TNI.

RESEARCH METHODS

The type of research in this journal is empirical legal research because it wants to see how the concept of nusyuz among the TNI in the review of Islamic law occurs and is reviewed from the legal perspective of the scholars. The object of research was conducted in the Lumba-Lumba Complex in Tanjungbalai, because this area is inhabited by a number of active soldier families and shows a variety of household cases relevant to the research theme. The approach used is the sociology of law approach. The research was conducted over three months with data collection in stages. Primary data sources were obtained from interviews with a number of respondents from the TNI and scholars and direct observation by researchers. Meanwhile,

secondary data sources were obtained through a number of references in the field of Islamic law and research results.

The data analysis used is qualitative analysis. Qualitative research is a form of scientific study that produces descriptive data in the form of narratives, both oral and written, which come from the subjects observed and the behavior seen in the field (Munawir, 1979). Data collection techniques include interviews, direct observation, and documentation. Observations were made by observing social interactions within the complex environment and attending community and religious activities. The purpose of observation was to contextually understand the condition of communication and harmony in soldiers' households. Documents collected included the TNI Soldier Discipline Regulation, Compilation of Islamic Law, and TNI Law, which were obtained from institutional archives and academic references to strengthen legal analysis and compare theory and practice in the field.

This research uses a qualitative descriptive method with the aim of examining applicable legal provisions and social realities that occur in society. This research seeks to gather factual data, analyze the emerging issues, and propose appropriate solutions. (Kusumastuti & Khoirun, 2019).

RESULTS AND DISCUSSION

The Concept of Nusyuz in the Compilation of Islamic Law

In the reality of today's life, it is often seen that the relationship between husband and wife is not always in a harmonious condition. Not a few couples fail to maintain the integrity of the household, either due to internal or external problems. When one party is unable to carry out their roles and responsibilities proportionally, it manifests in the form of behavior that is prohibited in Islamic teachings, namely *nusyuz*. Etymologically, *nusyuz* is defined as an act of defiance, rejection, and hostility (Munawir, 1979). As for terminologically, *nusyuz* is defined as a condition in which a wife refuses her husband's orders, stays away from him, and causes anger on the part of the husband (Al-Jamal, 2010). *Nusyuz* behavior is not only limited to the wife, but can occur in both parties, as mentioned in the Quran in Surah An-Nisā' verse 128 and verse 34.

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

The meaning of the verse is that in the Islamic perspective, the husband has the responsibility of being the leader of the family because of the primacy and obligation of maintenance that is imposed on him. A pious wife is one who obeys Allah and maintains her honor in the absence of her husband. If a wife shows signs of *nusyuz*, then the husband is encouraged to give advice, separate the bed, and if necessary, give a mild and painless physical reprimand. However, if the wife has returned to obedience, the husband is not allowed to make things worse, because Allah is the most high and the most great.

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

The meaning of the verse above is that if a wife is worried about her husband being nusyuz or uncaring, then a sincere peaceful effort between the two is preferable, even though humans tend to be selfish. If both of them maintain goodness and avoid disobedience, Allah knows all their deeds.

Along with its development, the understanding of *nusyuz* is often interpreted as the act of a wife leaving or leaving the house without obtaining permission from her husband. In Article 84 of the Compilation of Islamic Law (KHI), *nusyuz* is explained as a form of attitude when a wife is reluctant to carry out her responsibilities, which include the main obligation to provide physical and mental devotion to her husband, as well as other obligations in the form of optimal management and organization of daily household affairs (Abdurrahman, 1992). In both the Compilation of Islamic Law and Law Number 1 Year 1974, the provisions regarding *nusyuz* are not explained in detail as stated in the Qur'an, but only discuss *nusyuz* from the wife's side, as contained in Article 84 paragraphs (1) Compilation of Islamic Law which states: "The wife is considered to have committed *nusyuz* if she is reluctant to carry out the obligations as stated in Article 83 paragraph (1), unless there are justifiable reasons" (Law, 1974). If a husband shows behavioral characteristics that reflect *nusyuz*, then he can also be categorized as a husband who commits *nusyuz* (Azizah, 2024).

Article 116 of the Compilation of Islamic Law and Government Regulation No. 9 of 1975, which is the implementation of Law No. 1 of 1974 concerning Marriage, stipulates that divorce is justified if there are strong reasons, such as adultery by one of the spouses, habitual drunkenness, drug addiction, or gambling behavior that is difficult to cure. A divorce petition can also be filed if one of the parties leaves the other for two consecutive years without justifiable cause and without permission, or if the spouse is sentenced to imprisonment of five years or more after the marriage. In addition, acts of violence or serious maltreatment, physical disability or illness that impedes the performance of duties as a husband or wife, and prolonged conflict that does not allow for a harmonious household life, are also legal grounds for divorce. Violation of the taklik talak by the husband is also included in the category of valid reasons to file for divorce according to the applicable provisions (Fadillah & Syahrui, 2023).

The understanding of *nusyuz* in the Compilation of Islamic Law (KHI) is not entirely identical to the provisions contained in the classical fiqh treasures. This is reflected in Article 84 paragraph (1) and Article 83 paragraph (1) KHI, which only emphasize the deviation of the wife's obligations as an indicator of *nusyuz*, without being accompanied by a description of the violation of obligations on the part of the husband. Based on this formulation, *nusyuz* is interpreted as a form of violation or defiance of a wife's obligations to her husband. The juridical consequence of this deviation, as stated in Article 80 paragraph (7), Article 84 paragraph (2), and Article 152 KHI, is the loss of all rights of the wife. The legal impact of the *nusyuz* status includes not only sanctions in the form of lack of maintenance, but also touches

on aspects of justice and benefit for the woman. When a wife commits nusyuz, a husband has four things to do (Yudha, 2018).

When a wife commits nusyuz, Islam teaches husbands to take several steps to resolve it gradually with wisdom. The first step This is to give good and wise advice as a form of guidance (tarbiyah) from the husband as the head of the family. This advice must be delivered with affection and must not be accompanied by a rude or demeaning attitude (Syarifuddin, 2016). If it does not work, the husband is allowed to do al-hijr or bed separation, both physically and in communication, but still maintaining ethics and not embarrassing the wife in front of children or other family members. This action is intended to awaken the wife without causing additional psychological wounds in the household (Bukhary, 2003). If after bed separation the wife still does not change, the husband is allowed to beat his wife within the limits allowed by Sharia, namely blows that are not painful, do not use tools, do not injure, and do not break bones. The aim is education, not violence. Beating that exceeds the limit will be considered a criminal offense and can have legal consequences (asad, 2010). If all these efforts do not bring results, then the last step taken is tahkim, which involves a third party as a mediator to help resolve the dispute fairly and objectively. This mediation is important so that the conflict does not escalate and a good solution can be found for both parties(As-Sabuni, 1980).

Fiqh scholars from the Hanafiyah and Hambali schools of thought state that *nusyuz* basically stems from disharmony or displeasure that arises between husband and wife. On the other hand, fuqaha from the Maliki school interpret *nusyuz* as a form of mutual harm that occurs in the relationship between husband and wife. Meanwhile, the view of the Shafi'iyah scholars is that *nusyuz* is a form of conflict or opposition that arises between husband and wife. Based on the various terminological definitions expressed by these jurists, it can be concluded that *nusyuz* is an act that reflects defiance or disobedience, both on the part of the wife and the husband, which then causes disorder and disharmony in family life (Nuruddin & Tarigan, 2004).

This understanding is in line with Al-Ṭabarī's explanation, which defines *nusyuz* as the wife's act of defiance against her husband, accompanied by hatred and turning away. view of her spouse. A similar view is also expressed by Az-Zamakhsharī, who defines *nusyuz* as "*an ta'sā zawjahā*", i.e. disobedient and sinful behavior towards the husband. A more detailed description is provided by Imam Fakhr al-Dīn al-Rāzī, who states that *nusyuz* can take the form of speech (*qawl*) or action (*fa'l*). In other words, a wife who shows verbal disrespect towards her husband has committed verbal *nusyuz*, while refusal to sleep together or disobedience to her husband is a form of *nusyuz* in action (Engineer, 2003).

Before elaborating further on the types of *nusyuz* behavior, it is important to first explain the types of *nusyuz*. Broadly speaking, *nusyuz* is divided into two categories, namely *nusyuz* from the wife and *nusyuz* from the husband. Wife's *nusyuz* is defined as "a wife's defiance of her husband in carrying out the obligations that Allah has assigned to her(Syarifuddin, 2016).Some forms of actions that fall under the category of wife's nusyuz towards her husband include when the wife leaves the house without the husband's permission, except under certain conditions such as complaining to the judge to claim her rights, helping to make a living when the husband is struggling, seeking religious explanations, buying household needs, saving herself from danger, or helping others. In addition, refusing to open the door for the husband,

claiming to have been divorced without proof, and refusing the husband's invitation to have intercourse without a reason justified by Sharia are also forms of nusyuz. According to the scholars, a wife's nusyuz also includes defiance of her husband's orders and refusal to fulfill her obligations as a wife. On the other hand, a husband's nusyuz occurs when he does not fulfill his wife's rights, such as deliberately not giving alimony even though he is able to, being rude or unloving to his wife, kicking her out of the house, withdrawing the dowry without her consent, criticizing his wife's condition, or accusing her of adultery without proof. Other forms include ordering the wife to commit immorality or having intercourse with her under circumstances prohibited by religion (Ahmad Furqan Darajat, 2017).

The Practice of Nusyuz Among Military Personnel

In principle, the provisions regarding marriage for TNI military personnel are no different from the provisions applicable to civilians, because both refer to Law Number 1 Year 1974 concerning Marriage. Nevertheless, in Within the internal scope of the TNI institution, there are special regulations that must be obeyed by all military members. As stated in the Regulation of the Commander of the Indonesian National Army Number 50 of 2014 article 5 paragraph (2), it is explained that: Article 5 paragraph (1) prohibits soldiers from living together with women or men without a legal marriage bond according to applicable legal provisions; while paragraph (2) states that female soldiers are not allowed to marry male soldiers of lower rank (Zahra, 2023).

In the lives of TNI soldiers, challenges such as assignments away from family, high work pressure, and limited communication can be a contributing factor to the emergence of nusyuz. The dual role as a soldier and head of a family often creates a dilemma between military responsibilities and domestic obligations (Ulfa, 2021). Nusyuz among TNI soldiers can occur in the form of a wife's disobedience to her husband due to the husband's frequent absence, or vice versa, a husband who is negligent in providing attention to his family. These forms show the complexity of relationships in soldiers' households. In the context of TNI's internal regulations, issues related to soldiers' family life, including issues such as nusyuz, are not explicitly regulated using religious terms as in Islamic law. However, the TNI has regulations and codes of ethics that regulate the behavior of soldiers, including responsibilities towards the family. These rules can be found in Law No. 34/2004 on the Indonesian National Army and various internal TNI regulations, such as the TNI Soldier Discipline Regulation(Eko, n.d.).

In the Tanjung Balai Dolphin Complex, there are 40 TNI soldiers living. Of these, 30 are married, while 10 are unmarried. Most soldiers get married after several years of service, namely at the age of 25-30 years. Meanwhile, the active age of soldiers in the Tanjung Balai Dolphin Complex unit generally ranges from 25-40 years. With these considerations, the average family period of married soldiers at the Tanjung Balai Dolphin Complex is in the range of 5 to 10 years. From a total of 30 TNI soldiers who have married and live in the Tanjung Balai Dolphin Complex, it was found that there are 6 married couples who are indicated to experience nusyuz conditions. This indication arises based on the results of interviews and observations of their household dynamics. The cases of nusyuz that occur also vary, ranging from wives who show an attitude of not being faithful to their spouse. obeying her husband, refusing her husband's invitation without justified reasons, to behavior that disturbs the peace

of the household such as leaving the house frequently without paying attention to family conditions. Some other cases also include neglect of the wife's obligations in supporting the husband's role as a soldier.

Based on the results of interviews with Mr. Agung Dwi Handoko Djoewari as the head of the TNI at the Lumba-Lumba Complex in Tanjung Balai, that the family conditions of TNI soldiers show diverse variations. Most families are in a harmonious condition, characterized by good communication between husband and wife, a balanced division of household responsibilities, and emotional support for each other, especially in dealing with the pressures of military duty. However, not a few families experience less harmonious dynamics, such as household conflicts triggered by work stress, lack of quality time with family, or imbalance of roles in the household. Some cases also involve more serious issues, such as alleged neglect of responsibility by one of the parties, and even reports of behavior that defames the institution. Peace efforts that have been made against married couples who are indicated to be nusyuz in the Lumba-Lumba Complex in Tanjung Balai are carried out through several stages that are preventive and curative. The first step generally taken is internal mediation facilitated by the soldier's immediate superior, where both parties are called to provide clarification and try to resolve the problem through closed dialog. Informal household counseling is also conducted by local community leaders and clergy, such as ustaz or religious advisors, to provide a spiritual approach and marriage advice.

Although various peace efforts have been made, the reality is that these efforts are still not successful in reconciling couples who are in conflict in the Lumba-Lumba Complex in Tanjung Balai. Of the 6 couples who were indicated to be experiencing nusyuz, most remained in a tenuous relationship and even showed a tendency for recurring conflict. The failure of this peace effort was caused by several factors. First, the root causes of domestic problems are generally complex and deep, such as character incompatibility, psychological pressure due to heavy military duties, and lack of healthy communication between husband and wife. Second, not all couples are willing to be open in the mediation process, mainly due to embarrassment, prestige, or fear of institutional repercussions, so the information provided is often incomplete and complicates the process. settlement. Thirdly, the mediation approach taken by institutions tends to be formal and procedural, so it is not always able to effectively touch the emotional and psychological aspects of the couple.

Based on the results of interviews with Mr. Murjianto as the Imam of the Lumba- Lumba Complex Mushollah, it is known that most wives and husbands of couples who are indicated to experience domestic conflict in the Lumba-Lumba Complex in Tanjung Balai do not really understand the boundaries or provisions regarding nusyuz clearly. Their knowledge of the concept of nusyuz in Islamic law is still limited and tends to be general, such as only considering nusyuz as a form of disobedience of the wife to the husband, without understanding the details and conditions that accompany it. Many of them do not know that nusyuz has certain indicators, such as refusal of the husband's invitation without a reason justified by sharia, leaving the house without permission, or attitudes and speech that disturb household harmony. This lack of understanding is due to the lack of religious education provided specifically related to family law, both to soldiers and their spouses. In addition, existing coaching programs focus more on general discipline and have not touched on aspects of Islamic law in depth, including

issues of rights and obligations of husband and wife from a fiqh perspective. As a result, when disputes occur, the resolution is often not on target because each party does not understand the limits of behavior that is considered a form of nusyuz and how to handle it in accordance with religious teachings.

The Mechanism for Resolving Nusyuz Behavior in Indonesian Military Families in Tanjung Balai

Soldier Harmony and Responsibility the TNI institution has a strong focus on the image and discipline of its members. If a soldier's domestic conflict comes up in the legal or public sphere, the institution tends to process the member in question to maintain TNI's honor. In this case, the soldier's husband may receive administrative sanctions if it is proven that he failed to maintain family responsibilities, even though he is not the main perpetrator of the conflict. These sanctions are more related to violations of the TNI Soldier Discipline Regulations rather than solely as a result of the wife's report. (Yusri)

Soldiers of the Indonesian National Army (TNI) have a central role as the main component of national defense, ready to carry out tasks to maintain the sovereignty of the nation, in accordance with the mandate of Article 1 of the Presidential Regulation of the Republic of Indonesia Number 10 of 2010. In carrying out their service, every member of the TNI is not only bound by physical duties, but also obliged to practice the deep TNI Soldier's Oath.

This oath emphasizes absolute loyalty to the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. Soldiers must also submit to the law, be highly disciplined, and obey superiors without disputing orders. More than that, they are fully responsible for carrying out every obligation to the country and the TNI institution, as well as maintaining the secrecy of the army as hard as possible.

Not only in the field of duty, TNI soldiers must also practice the Eight Obligations of the TNI in their daily lives. These are ethical guidelines that govern their interactions with the people. Soldiers must be friendly and polite, uphold the honor of women, and maintain their honor in public. They are also expected to set an example in attitude and simplicity, and never harm, frighten or hurt the people. Finally, TNI soldiers must spearhead efforts to overcome the difficulties of the people around them, showing their active role as an integral part of society (Dumais & Rahaditya, 2023).

In addition to the Regulation of the TNI Commander, Law No. 34/2004 on the Indonesian National Army also stipulates that TNI soldiers are obliged to comply with national laws and laws applicable in the military environment. This includes moral and social responsibilities towards the family.

In Law Number 34 of 2004 concerning the Indonesian National Army, although it does not explicitly regulate domestic conflicts or terms such as nusyuz, there are several articles that underline the obligation of TNI soldiers to maintain the safety of their families. moral and social integrity, including family responsibilities. The following content is relevant to the previous discussion:

Article 2D TNI soldiers are required to carry out their duties by complying with national law, including family law, as well as internal TNI regulations. This indicates that TNI soldiers

must comply with regulations governing family responsibilities, such as providing maintenance, maintaining household harmony, and not defaming the institution.

Article 25 of this law emphasizes the importance of moral and disciplinary development within the military. Violations of moral norms, including social responsibility to the family, are subject to disciplinary action. This includes situations where soldiers fail to fulfill their obligations in maintaining household harmony or commit acts that negatively affect the TNI institution.

Through these articles, Law No. 34/2004 makes it clear that TNI soldiers have responsibilities not only as servants of the state but also as individuals who must comply with legal and social norms, including maintaining family responsibilities. Violations of these responsibilities, even if they occur in the private sphere, can have an impact on a soldier's career if they are considered to defame the TNI institution.

Sanctions Against Violations If it is proven that TNI soldiers are involved in neglect of duty, inappropriate behavior, or defamation, the following are some of the sanctions that may be imposed according to the level of violation Reprimand or Written Warning This light sanction can be given if the violation is minor and does not significantly harm the institution, Delayed Promotion If the violation is considered serious.

In cases of serious violations, such as neglect of responsibility that damages the image of TNI or acts of domestic violence, soldiers can be honorably or dishonorably discharged according to the results of internal investigations, Military Criminal Sanctions If the violation is related to a criminal offense, such as domestic violence or neglect of legally detrimental maintenance, the soldier can be faced with a military court.

In TNI soldiers, nusyuz can appear in various forms, both from husbands and wives. Wives' disobedience to their husbands is often triggered by long distances and lack of attention due to military duties. Conversely, husbands who do not fulfill their responsibilities as head of the family can also be considered nusyuz. These forms of nusyuz demonstrate the complexity of household relationships in military life. In some cases, nusyuz can be exacerbated by psychological factors such as stress and work pressure. TNI soldiers who face extreme situations in the field often carry emotional baggage that can affect their relationships at home. Therefore, a holistic approach that includes psychological support is also needed to address this issue.

Yusri also explained the important role of pre-marital education and training for TNI soldiers to minimize the risk of nusyuz. Through this education, couples can learn about their rights and obligations in marriage and how to manage conflict constructively. This program can be an effective preventive measure. In some cases, although the wife is considered insubordinate (nusyuz) according to the perspective of Islamic law, the TNI institution can still sanction the husband if the husband is proven to have violated disciplinary responsibilities, such as not providing maintenance, not maintaining family honor, or defaming the institution. Household conflicts have a negative impact on the image of the TNI, even though the source of the conflict is the wife's actions. Military institutions highly uphold discipline and honor, so husbands as TNI members are still considered responsible for resolving family problems properly. If this is not done, the institution may consider it a violation of TNI Commander Regulation No. 46/2014 and the principles of Sapta Marga and the Soldier's Oath.

In the case of non-compliance by the wife of a TNI member, the wife is not immediately blamed. If there is a report of non-compliance, the command will first investigate the cause of the problem, including the possibility of the husband's actions. triggered the non-compliance. If it is proven that the wife made a mistake, especially if the mistake is fatal, then the wife is still considered guilty. However, all this process is done by gathering strong evidence and not rushing to blame only one party. Regarding financial matters, as long as the couple is not officially divorced, the right to salary is still given to the wife. Withdrawal of these rights is only done after the divorce is declared legal. If a TNI member reports his wife's non-compliance to the office, the process of resolving this issue is quite long and requires a lot of evidence. The first step taken is to summon both parties for mediation. If the mediation is unsuccessful, the wife can be processed through the religious court, while the husband will undergo a process through the internal TNI channels according to applicable regulations. Protection for the wife is also considered in this process, so that the decision to file for divorce cannot be made arbitrarily without clear and fair procedures.

When a wife reports a domestic conflict to the court, and the husband is a TNI soldier, the investigation mechanism will involve two different but interrelated channels of legal proceedings in court and an internal investigation by the TNI institution.

Internal Investigation by TNI Institution, When a spousal report is received and involves a member of TNI, the military institution will conduct an internal investigation, especially if the matter is defamatory or indicates a potential violation of discipline by the soldier. The mechanism includes:

a. Direct Supervisor Involvement

The soldier's immediate superior will be asked to conduct an initial clarification of the report. They will call the husband and, if necessary, the wife, to obtain information about the conflict. This process is conducted behind closed doors to protect the privacy and good name of the institution.

b. Investigation by the Mental Development Unit

The mental development unit will be involved in the mediation or deepening of the case, especially for domestic issues of a personal nature. The investigation will focus on whether the soldier violated moral responsibilities, such as neglect of maintenance or actions detrimental to domestic harmony.

c. Enforcement of Disciplinary Rules

If evidence is found that the soldier does not fulfill his/her responsibilities as head of the family or violates the TNI Soldier Discipline Rules (such as neglect of maintenance, inappropriate behavior, or defamation), administrative sanctions will be imposed. These sanctions can be in the form of reprimands, delays in promotion, and dismissal if the offense is considered serious.

d. Coordination with National Law

If the wife's report involves a violation of criminal law (such as domestic violence), the TNI institution will coordinate with civilian law enforcement. However, the case is still overseen by Oditurat Militer (military justice) if the perpetrator is a soldier.

Mui Tanjung Balai's View on Nusyuz in Tni Families

The researcher conveyed to the Chairman of MUI Tanjungbalai City, Mr. H. Hajarul Aswadi, about the condition of some families of TNI soldiers who live in Lumba-Lumba Complex Tanjungbalai. In the narrative, it is explained that there are a number of couples who face serious problems in the household, such as prolonged quarrels, wives who show insubordination to their husbands, do not carry out their obligations as wives, often leave the house without permission, speak harshly, and refuse their husbands' invitations to have sex without a shar'i justifiable reason. The researcher then asked H. Hajarul Aswadi for his views on whether this series of events was included in the category of nusyuz according to Islamic law.

In response, H. Hajarul Aswadi explained that in an Islamic perspective, the concept of nusyuz does include various forms of wife's defiance against a legitimate husband. in a shar'i manner. He emphasized that if a wife refuses her husband's invitation without a shar'i reason, disrespects her husband, speaks or acts rudely, often leaves the house without permission and neglects household duties that are her responsibility, then these actions fall under the category of nusyuz. Nusyuz, according to him, is a form of disobedience to the leadership structure in the household that has been established by sharia, where the husband is responsible as the leader and guide for his family.

Mr. Hajarul Aswadi also explained that in the TNI, a soldier's salary is still given to his wife even if he commits nusyuz. This is different from the religious provisions that allow husbands not to provide maintenance if their wives do not fulfill their obligations.

"Because she is still a wife, for the TNI, salary money is given to the wife. So if the wife is nusyuz, a husband must go through several stages, including advising, if that doesn't work then separate the bed, then it is permissible to hit that does not injure. Nusyuz is a factor that a husband may not provide for his wife, but in the TNI, the wife still gets a salary, so the husband bears a disadvantage, as his marital rights are neglected. "

He also added that the concept of nusyuz applies to anyone, both in general society and the military environment. However, in the TNI, there are additional rules to maintain the stability of soldiers' families related to the interests of the state.

"Nusyuz is in religion so that it can be applied among the laity, soldiers, military, scholars, and society as a whole, there is no difference. So that the application is the same and evenly distributed. Additional rules to maintain the stability of the TNI family because it is related to the state, so the code of ethics is an additional policy. However, the benchmark for nusyuz is still related to what has been regulated in religion."

Furthermore, he explained that a wife is categorized as nusyuz if she does not carry out her obligations in the household, including refusing her husband's invitation without a justified reason, speaking or behaving badly, and neglecting her responsibilities in the family.

"The criteria for a nusyuz wife is simple, namely that a wife does not perform her obligations in the family. This means that the husband wishes to have sexual intercourse with his wife when there is no obstacle, but she refuses. Words and actions can be categorized as nusyuz. Nusyuz also includes the act of disturbing the tranquility of household life which is sakinah, mawaddah, warahmah such as the wife's hobby of going out without paying attention to the needs in the house."

In preventing nusyuz, he provides several methods including husband and wife must be open and advise each other. Good communication, deliberation, and patience are needed so that problems in the household can be resolved without causing major conflicts.

"In a household, you must deliberate, sit down to agree, discuss problems, tell each other, you must not cover up situations and problems. Tell the weaknesses of the husband/wife to be corrected, so that it does not happen again and again. Simply put, advise each other and the weaknesses of one party are covered up, lest these weaknesses cause a big conflict. Be patient and so on."

Yusri as one of the TNI soldiers explained that the TNI Soldier Discipline Regulation regulates that every soldier must maintain the good name of the TNI institution, including in domestic life. If a soldier is involved in a domestic conflict that tarnishes the good name of the institution, the institution has the right to process it through a disciplinary mechanism, regardless of who initiated the conflict. In the case of a wife reporting her husband to court, for example for alleged neglect of responsibility or abusive behavior, the TNI can investigate further to determine whether the soldier violated the code of ethics or discipline.

The Involvement of Islamic Law and the Compilation of Islamic Law (KHI) In Islamic law, if the wife is disobedient (nusyuz) to the husband, then the wife loses her rights, such as maintenance. However, in the practice of family law in Indonesia, which refers to the Compilation of Islamic Law, the court will judge based on the evidence and facts presented. If the wife files a report, the court will not necessarily find the husband guilty, but will process it according to the applicable law. For TNI soldiers, this process can run parallel to internal disciplinary investigations in the military institution.

CONCLUSION

The phenomenon of nusyuz in the families of TNI soldiers in the Lumba-Lumba Complex in Tanjung Balai shows the existence of special challenges that are closely related to military duties and responsibilities. Based on the results of research in the Tanjungbalai Lumba- Lumba Complex, it was found that the main factors causing nusyuz behavior in TNI families were the absence of husbands due to military assignments, psychological pressure, weak communication in the household, and lack of religious understanding, both from husbands and wives. This condition is exacerbated by the non-optimal role of the institution in providing spiritual guidance and family guidance. The resolution mechanisms applied in the TNI include internal mediation by superiors, spiritual guidance by religious leaders, and administrative approaches through military disciplinary rules. However, their effectiveness is still limited because the approach tends to be procedural and does not touch the emotional and spiritual roots of the couple. Meanwhile, the view of the Tanjungbalai Indonesian Ulema Council (MUI) confirms that nusyuz behavior - such as refusing the husband's invitation without a shar'i reason, leaving the house without permission, and being abusive - is a violation of sharia that results in the loss of the wife's right to maintenance. The MUI also emphasized the importance of religious education, open communication, and deliberation as preventive measures to prevent similar conflicts in soldiers' households.

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