



## Reinterpreting Husband's Obligations in the Tabligh Jama'ah Pontianak: Analytical Study of Article 80 Compilation of Islamic Law

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### Abstract

*This study examines how the Jama'ah Tabligh Pontianak interprets a husband's obligations under Article 80 of the Compilation of Islamic Law (KHI) and how this interpretation differs from the normative legal framework. The congregation prioritizes the obligation to provide religious education to one's wife above other marital duties, even though such a hierarchy is not explicitly stipulated in the Marriage Law or the KHI. This research employs normative legal research with legal and theoretical approaches, supported by empirical data obtained through in-depth interviews with purposively selected informants. The findings indicate that the Pontianak Tabligh congregation emphasizes the spiritual and cognitive dimensions of a husband's responsibilities, marking a shift from material obligations toward moral-transcendental ones. This interpretation is grounded in the belief that seeking religious knowledge is a fundamental duty for every Muslim and in the understanding of the wife as *madrastul ulā* (the first school) for children. Consequently, the congregation constructs a hierarchical model of marital obligations, positioning religious education as the primary and permanent duty of the husband. From a normative perspective, this interpretation requires alignment with principles of positive law to prevent biased or partial readings of legal norms. Within the framework of responsive legal theory, legal rules should engage with social dynamics without undermining legal certainty and justice. This study contributes a new socio-legal perspective on the interpretation of husbands' obligations and offers insights for religious institutions and policymakers in responding to evolving legal understandings within Indonesian Islamic marriage law.*

**Keywords:** *Tabligh Congregation; Husband's Obligations; Compilation of Islamic Law.*

### Abstrak

Penelitian ini bertujuan untuk mengkaji bagaimana Jama'ah Tabligh Pontianak menafsirkan kewajiban suami dalam Pasal 80 Kompilasi Hukum Islam (KHI) serta sejauh mana penafsiran tersebut berbeda dari perspektif hukum normatif. Jama'ah Tabligh Pontianak memandang kewajiban memberikan pendidikan agama kepada istri sebagai kewajiban yang paling utama dibandingkan kewajiban lainnya, meskipun hal tersebut tidak ditegaskan secara hierarkis dalam Undang-Undang Perkawinan maupun KHI. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan dan teoritis, yang didukung data empiris melalui wawancara mendalam terhadap informan yang ditentukan secara purposive. Hasil penelitian menunjukkan bahwa penafsiran Jama'ah

Tabligh Pontianak menekankan dimensi spiritual dan kognitif dari kewajiban suami, sehingga terjadi pergeseran makna kewajiban dari aspek material menuju aspek moral-transendental. Penafsiran tersebut didasarkan pada keyakinan bahwa menuntut ilmu agama merupakan kewajiban setiap Muslim serta pemahaman bahwa istri adalah *madrasatul ūlā* (sekolah pertama) bagi anak-anak. Atas dasar itu, Jama'ah Tabligh Pontianak membangun hierarki kewajiban suami dengan menempatkan pendidikan agama sebagai kewajiban utama dan bersifat permanen. Secara normatif, pandangan ini perlu diselaraskan dengan prinsip-prinsip hukum positif agar tidak melahirkan penafsiran hukum yang bias. Dalam kerangka teori hukum responsif, norma hukum harus mampu merespons dinamika sosial tanpa mengabaikan kepastian dan keadilan hukum. Penelitian ini memberikan perspektif baru mengenai penafsiran kewajiban suami serta menjadi masukan bagi lembaga keagamaan dan pemerintah dalam merespons dinamika pemahaman hukum Islam di bidang perkawinan di Indonesia.

**Kata Kunci:** Jama'ah Tabligh; Kewajiban Suami; Kompilasi Hukum Islam.

## Introduction

The Tabligh congregation is a da'wah movement in the Islamic world that has existed for quite some time. It was first conceived by Maulana Muhammad Ilyas al-Kandahlawi in the 1920s in India (Ibnu Abid, 2022). The Tabligh congregation's journey in Indonesia began in the 1950s and grew rapidly in the 1970s. Although it has existed in Indonesia for almost a century, not all Indonesians in every region have a completely positive view of the Tabligh congregation's da'wah movement (Muhaemin, 2019). For example, the people of Pontianak question the impact of the Tabligh congregation's da'wah activities there. They question whether the regular *khuruj* (da'wah travel) activities carried out by the Tabligh congregations, ranging from 3 days to 1 year, causing them to neglect their obligations as husbands or wives in the household, especially husbands who are obliged to provide for their wives physically and emotionally. If the public has such a response, then a more incisive view on this matter comes from religious leaders and legal scholars. Muhammad Ali, a religious teacher in the city of Pontianak, said that if not careful, the *khuruj* activities carried out by the Tabligh congregation could cause husbands or wives to neglect their marital obligations, making it difficult to achieve *sakinah* (serenity) in the family (Ali, 2025). Weni, a legal scholar, even stated that if these *khuruj* activities are known to result in the husband failing to fulfil his physical and emotional obligations to his wife, they constitute a violation of Article 80 of the Compilation of Islamic Law (KHI) (Weny Ramadhania, 2025).

In response, Wildan, the head of the West Kalimantan Tabligh congregation, said that *khuruj* activities did not in any way cause members of the Pontianak Tabligh congregation to neglect their obligations to provide for their wives, both materially and spiritually. This is merely a difference in their views on the obligations of husbands as stated in Article

80 of the Compilation of Islamic Law, particularly regarding the obligation to provide religious education in point 3 and the obligation to provide physical sustenance in point 4. For husbands in the Tabligh congregation, the obligation to provide religious education to their wives is far more important than other obligations (Wildan, 2025). The views of the Pontianak Tabligh congregation regarding the obligations of husbands to their wives certainly raise questions and provide ample room for analysis when viewed from the perspectives of *fiqh* (Islamic jurisprudence), *maqashid Shari'ah* (Objectives of Islamic law), and gender justice. One of the universal values of Sharia is justice. Establishing a hierarchy of certain obligations for a husband within the household can indirectly lead to injustice for one party potentially resulting in gender inequality between husband and wife if the hierarchy is only agreed to solely by the husband. Even the KHI itself does not set out the husband's obligations in each of its articles, using the concept of hierarchy.

From an academic perspective, research on this topic is needed to provide a more fundamental, argumentative, analytical, and broad understanding of the obligations of husbands to their wives in the view of the Pontianak Tabligh congregation. This is especially true when viewed from the perspective of *maqashid Shari'ah*, *fiqh*, and gender justice. In practical terms, research on this topic should be conducted to avoid misguided and unfounded perceptions among the community regarding the Pontianak Tabligh congregation's understanding of a husband's obligations to his wife. The purpose of this study is to determine how members of the Tabligh congregation in Pontianak interpret the obligations of husbands in Article 80 of the KHI and how this interpretation differs from the normative legal perspective. Gradually and systematically, the study also aims to provide input for religious institutions and the government in their efforts to respond actively to the dynamics of legal understanding in society, especially in the field of Islamic marriage law.

Research related to this topic has been conducted. In Mustafa Rahman's thesis entitled Maintenance in the View of the Tabligh Congregation (A Study of Living Sunnah in the Kalli-kalli Maros Environment), it is mentioned that specifically, members of the Tabligh congregation do not have a good understanding of the rules and arguments related to the provision of maintenance. However, in practice they do it to the fullest (Rahman et al., 2018). In the journal article by Nurlaila et al. entitled "Community Response to the Tabligh Jama'ah: A Case Study of Jamiatun Ulama Village, Lam Ilie Teungoh, Aceh Besar, it is stated that the reason why the community's response to the Tabligh Jama'ah is not very good is because the community considers their activities to be lazy, as they are often seen at the mosque every day (Nurlaila & Liata, 2021).

While existing studies have predominantly explored the da'wah orientation, ritual practices, and sociocultural dynamics of the Tabligh Jama'ah, scholarly attention to how its members conceptualize and internalize legal obligations within the framework of Islamic family law remains markedly limited. This gap becomes increasingly important given that the Tabligh Jama'ah represents a transnational religious movement whose normative practices often diverge from formal legal doctrines. Therefore, this article offers a novel contribution by shifting the analytical lens from the movement's missionary activities to the interpretive behaviour of its members in fulfilling core legal responsibilities, particularly the obligation of maintenance (*nafkah*). By interrogating how religious identity, communal doctrines, and lived Sunnah shape members' compliance with Islamic legal norms, this study advances a more nuanced understanding of the intersection between communal piety and family law. Such an approach underscores the urgency and originality (novelty) of the research, as it not only fills a significant empirical and theoretical void but also provides deeper insights into how non-state religious movements influence the lived application of Islamic law in contemporary Muslim societies.

### Research Method

The research was conducted in Pontianak, the capital city of West Kalimantan province. Classified as normative research, with the researcher acting as an external party or non-member of the Pontianak Tabligh congregation, it sought to analyse the views of the Pontianak Tabligh congregation on the obligations of husbands in the compilation of Islamic law. The research was conducted using a legal and theoretical approach. *Fiqh* theory was used as an analytical tool to examine congregation's view for their compatibility with normative Islamic law. In addition, gender justice theory was also used as an analytical tool to examine the reality of the fulfilment of obligations and rights between husbands and wives in the families of the Pontianak Tabligh congregation. Then, responsive law theory was used to examine the response of law-making institutions to the views of the Pontianak Tabligh congregation regarding the obligations of husbands to their wives, and vice versa (Moleong, 2019).

The study utilizes qualitative methods, collecting data through in-depth interview, and selecting informants using a purposive sampling strategy. Interviews were conducted with 10 informants who met specific criteria: members of the Pontianak tabligh congregation, male, married, and frequently participating in *khuruj* activities. The number of informants was sufficient because the saturation was reached with the tenth

informant. The last two informants tended to repeat the answers of the previous informants. No new themes emerged after the eighth interview. All data obtained through interviews were approved by all informants for use as research material (Subhaktiyasa, 2024). Appropriate and academically recognised techniques must be used to maximise research outcomes in the data analysis process, (Malahati et al., 2023). Thematic analysis was used to examine the data in detail. Patterns that appeared similar and interrelated among each informant regarding the husband's obligations to his wife were examined as deeply as possible from the researcher's perspective (Heriyanto, 2019).

## **Result and Discussion**

### **The Hierarchy of Husbands' Obligations in the Perspective of the Pontianak Tabligh Congregation**

One consequences of marriage is the creation of rights and obligations for married couples (Nurani, 2021). These are logical consequences that cannot be tolerated and must be fulfilled to the best of one's ability (Nurul & Ramadhani, 2024). However, in practice, the failure to fulfil the rights and obligations between husband and wife often becomes the subject of lawsuits that are almost always present in divorce cases, especially as divorce lawsuits have been increasing every year (Jarajap et al., 2024). A wife suing her husband for divorce due to his negligence in fulfilling his obligations as a husband is one example of a sentence often used as the opening narrative in divorce lawsuits (Putri Cicilia Tambun, Novea Elysa Wardhani, 2025). This fact has led the Tabligh congregation in Pontianak to consider the need for a scale of priority in the obligations that must be fulfilled by husbands towards their wives, so that husbands are not always considered to have failed in fulfilling their obligations to their wives and are more focused in the process of fulfilling them.

The obligations of a husband to his wife are stipulated in Article 80 of the Compilation of Islamic Law:

- (1) The husband is the guide for his wife and household, but important matters concerning the household shall be decided jointly by the husband and wife.
- (2) The husband is obliged to protect his wife and provide for all the necessities of married life in accordance with his means.
- (3) The husband is obliged to provide religious education to his wife and provide her with learning opportunities and knowledge that is beneficial to the country, religion and nation.
- (4) In accordance with his income, the husband is responsible for:
  - a. providing for his wife's alimony, clothing and accommodation;
  - b. household expenses, care and medical expenses for his wife and children;

- c. children's education expenses.
- (5) The husband's obligations to his wife, as stated in paragraph (4) letters a and b above, shall take effect after there is complete *tamkin* (obedience) from his wife.
- (6) The wife may release her husband from his obligations towards her as stated in paragraph (4) letters a and b.
- (7) The husband's obligations, as referred to in paragraph (5), shall lapse if the wife is *nusyuz* (disobedient) (Kompilasi Hukum Islam, 1991).

Members of the Tabligh congregation in Pontianak believe that Article 80 of the Compilation of Islamic Law should be further interpreted, especially verses 3 and 4, so that its implementation is appropriate, both from a worldly perspective and from the perspective of Allah SWT. Based on in-depth interviews with 10 members of the Tabligh congregation in Pontianak, who are all men, married, and frequently participate in *khuruj* activities, the data in the table below was found:

**Table 1.**  
The Understanding of the Tabligh Congregation of Pontianak City  
Regarding the Obligations of Husbands to Their Wives

No	Grouping	Result (People)
1	Should the Husband's Obligations in Article 80 of the Compilation of Islamic Law be Interpreted Further?	
	Yes, overall	1
	No	1
	Part	8
2	Education for Congregation Members Regarding Husbands' Obligations to Their Wives in Tabligh Congregation Activities	
	There is	10
	Nothing	0
3	Information About the Husband's Obligations to His Wife from non-Jam'ah	
	From Academics Conducting Research	2
	From Social Media	1

	From other Statutory Regulations/Positive Legal Regulations	7
<b>4.</b>	Orientation on Fulfilling Obligations to One's Wife	
	For fear of violating positive law	1
	Because of One's Own Desire	1
	Because of the Responsibility to Allah SWT	8
<b>5.</b>	The Husband's Most Important Obligation to His Wife	
	Providing Religious Education	9
	Birth Obligations	1
	Inner Obligation	0

The data in the table above show that 8 out of 10 members of the Pontianak Tabligh congregation who were interviewed discussed matters relating to married life, specifically the obligations of husbands to their wives, and said that this article should be further interpreted. Nine out of ten said that providing religious education was more important than providing financial support to wives. One of them even said that it was more important than sexual relations. They added that only by providing religious education could a husband be respected and relied upon in the household. Religious education should be provided directly by the husband to his wife as much as possible. One of them also mentioned that providing religious education to one's wife was more obligatory than providing material support, because the best form of material support was providing religious education.

Although this statement may seem unfamiliar, their argument is based on a consistent pattern that ultimately builds a strong cognitive foundation. All members of the congregation who were interviewed said that they had received education about the obligations of husbands to their wives in the household. This was confirmed by Wildan, the head of the West Kalimantan Tabligh congregation. He said that the Tabligh congregation regularly holds *bayan masturoh* (preaching) activities, consisting of religious studies and family guidance held at the home of one of the congregation members and attended by husbands and wives, but separated by a curtain. During the *bayan masturoh* activities, members of the Tabligh congregation gained an understanding that religious education for

wives at home is a *sunnah* (highly recommended) of the Prophet, considering that mothers are the first school for their children. Children must acquire religious knowledge before other knowledge. In addition, seeking knowledge is an obligation for every Muslim.

طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ

**Meaning:** 'Seeking knowledge is obligatory upon every Muslim.' (HR. Ibn Majah)

Ibn Hajar Al-Asqalani in *Fathul Bari* understands the word knowledge in this hadith to mean religious knowledge, because if only the word knowledge is mentioned, it is understood to mean is Sharia knowledge (Wildan, 2025). In order to prepare themselves to provide religious education to their wives, members of the Pontianak Tabligh congregation consider it necessary for husbands to participate in several religious activities in the context of da'wah, as well as seeking religious knowledge. One such activity is *khuruj*. This activity requires participants to leave their homes for a period of time that varies according to the ability and desire of the congregation (Sulaiman, 2025). The shortest duration is 3 days, and the longest is 1 year. The activity is filled with religious teachings about *fiqh* or *the sunnah* of the Prophet (Sarwan et al., 2021). In addition, da'wah activities are carried out by inviting people around the neighbourhood from door to door to pray in congregation at the mosque (Krama et al., 2023). Among the main books studied by members of the Pontianak Tabligh congregation during the *khuruj* activity is *Fadhilah Amal* written by Maulana Muhammad Zakariya Al-Kandahlawi and several books of hadith containing the *sunnah* of the Prophet Muhammad SAW (Gibran et al., 2021). The religious knowledge they acquire during *khuruj* activities serves as the foundation for providing religious education to their wives at home.

Before going on *khuruj*, members of the Pontianak tabligh congregation first prepare several things related to their children and wives at home. The preparations broadly consist of three main aspects, namely biological, educational, and economic aspects (Husni et al., 2023). In the biological aspect, congregation members commit to their wives to postpone sexual relations, with the hope that this will increase intimacy and closeness in their relationship. Then, from an educational perspective, before *khuruj*, husbands first provide religious education to their wives and children at home, which is obtained through previous *khuruj*. Finally, from an economic perspective, husbands provide household operational funds, the amount of which is calculated based on the duration of *khuruj* (Santoso & Syarifudin, 2021). Linking personal married life to the transcendental aspect of religion is clear characteristic of how the Tabligh congregation in

Pontianak views the husband's obligations to his wife. From a religious perspective, this understanding is indeed very relevant to what Muslims generally understand about life after death. In the Qur'an, Surah Ar-Ra'd verse 23 states:

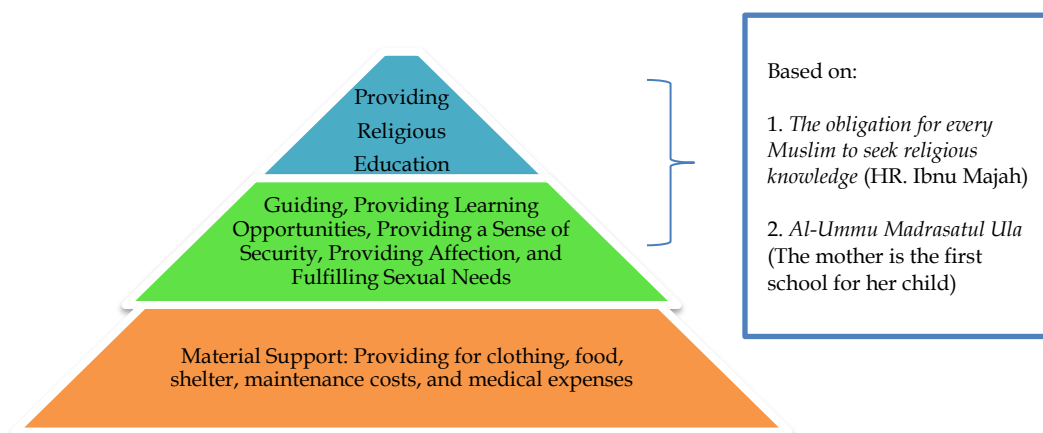
*"(That is) the Gardens of 'Adn, where they will enter along with the righteous among their forefathers, their spouses, and their descendants, while the angels will enter upon them from every gate"*

Ibn Kathir's interpretation of this verse is that in the afterlife, only families who have the same religious knowledge and obedience to Allah SWT will be reunited in Allah SWT's paradise (Siregar, M. & Matondang, 2023). Therefore, only by providing religious education to one's wife can a husband, as a servant of Allah SWT, strive to achieve reunion with his wife in the afterlife. Meanwhile, a husband's obligations to his other wives are merely temporary and will cease in this world.

However, when viewed through the perspective of positive law in Indonesia, the view of the members of the Pontianak Tabligh congregation that one of the husband's obligations, namely providing religious education, takes precedence over other obligations does not appear to be in accordance with the wording of the Compilation of Islamic Law or Marriage Law No. 1 of 1974 (Anwar, 2021). Article 34 of the Marriage Law states that the husband's obligations to his wife are to protect her and provide everything necessary for household life in accordance with his abilities (UU Perkawinan No 1 Tahun 1974, 1974). Neither the KHI nor the Marriage Law contains any sentence stating that among all the obligations of the husband, there is one obligation that is more important than the others. The interpretation of Article 80 of the KHI by the Pontianak Tabligh congregation directly gives rise to a hierarchy of the husband's obligations to his wife in the household, which can be seen in the image below:

**Figure 1.**

Hierarchy of Priorities of Husband's Obligations to Wife



Explicitly, there is no contradiction between the KHI and the Marriage Law regarding the husband's obligations to his wife. The KHI and the Marriage Law, as positive legal rules governing marriage and household matters in Indonesia, agree in their wording not to employ a hierarchical mechanism in describing the husband's obligations to his wife.

What is stated in positive law is in line with what Sayyid Sabiq mentions in his *fiqh sunnah*, which is that one of the rights of a wife that is the obligation of her husband is to provide for her in the form of food, shelter, servants, and medicine, even if he is wealthy. In his book on *fiqh*, Sayyid Sabiq does not mention that providing religious education is one of the husband's obligations to his wife (Sabiq, 2013). Other contemporary scholars, such as Wahbah Az-Zuhaili, mention that the husband's obligations to his wife are material rights in the form of financial support and non-material rights in the form of justice and good treatment. However, what is interesting in this matter is that Wahbah Az-Zuhaili adds one right of the husband which can also be referred to as the husband's obligation at certain times, namely to provide guidance when the wife does not follow the husband's commands that contain goodness. The basis for this is QS. An-Nisa verse 34:

*“Men (husbands) are protectors of women (wives), because Allah has made some of them (men) superior to others (women), and because they (men) spend from their wealth. So righteous women are those who are obedient (to Allah) and guard themselves when (their husbands) are absent, because Allah has guarded (them). As for those women from whom you fear disobedience, admonish them, leave them alone in bed, and (if necessary) beat them. But if they obey you, then do not seek excuses to harm them. Indeed, Allah is Exalted and Great.”*

At first glance, Wahbah Az-Zuhaili's understanding appears to be the same as that of the Pontianak Tabligh congregation: that husbands are obliged to provide religious education to their wives. However, in this case, Wahbah Az-Zuhaili provides a clear indicator of when providing religious education becomes the husband's obligation to his wife: when the wife does not obey her husband's commands (Wahbah az-Zuhaili, 2007).

In classical *fiqh*, specifically in the book *Al-Fiqh 'Ala Al-Madzhahib Al-Arba'ah*, the husband's obligations to his wife focus on providing three types of sustenance: First, providing food; second, providing clothing; third, providing shelter. In this book, there is no explanation from the four *madhhab* (path) scholars regarding the husband's obligation to provide emotional support to his wife (Syekh Abdurrahman Al-Juzairi, 2012).

Apart from the husband's right and obligation to teach his wife because she does not follow his good commands, which do not appear in the KHI and the Marriage Law, it is known from the above explanation that between the opinions of classical and contemporary scholars and what is

presented in positive law regarding the husband's obligations to his wife, there is actually no sharp contradiction.

Although the understanding of the four *madhhab* scholars, Sayyid Sabbiq, and Wahbah Az-Zuhaili seems to contradict what is understood by the Pontianak Tabligh congregation, which is that providing religious education is not considered the primary obligation of a husband to his wife, from the perspective of da'wah, this is appropriate considering that providing religious education is part of da'wah, which is not only obligatory for wives but also for all Muslims. In HR. Bukhari mentions, "Convey from me, even if it is only one verse."

Based on the above understanding, gender equality is more logically fulfilled between husband and wife. In Shaciko Murata's theory of gender relations, gender relations are analogous to the Taoist concept of the harmony in all aspects of life in the universe. Furthermore, harmony can occur if there is reciprocity. Therefore, in the context of the relationship between husband and wife, gender equality occurs only when there is reciprocity between the husband and wife including in the provision of religious education. Certain obligations are not gender-biased (Sigmundsson & Leversen, 2024).

If providing religious education is considered only the husband's primary obligation to his wife. Then in this context, it does not reflect reciprocity. It is as if religious education can only be provided by the husband, but what if the husband does not have good religious knowledge? From a time perspective, both the wife and husband can actually agree to make time to teach each other about religion (Lo & Kono, 2024). In fact, the women's empowerment in the family can change alongside shift in social dynamics (Islam et al., 2025). Therefore, gender equality in this matter can be achieved if providing religious education is not only the husband's responsibility but a shared responsibility between husband and wife. Reminding each other of goodness and keeping each other away from evil and sin. The dynamics of the husband's responsibilities in certain contexts should also be a reflection of the wife's responsibilities (Al-sheyab et al., 2021).

### **Providing Religious Education as a Permanent Obligation: Between *Maslahah* (Benefit) and Legal Formality**

Previously, we explained the hierarchy of a husband's obligations according to the understanding of the members of the Pontianak Tabligh congregation, which directly illustrates the scale of priorities for husbands in fulfilling their obligations to their wives. This understanding is reinforced by the husband's permanent obligation to his wife, namely to provide religious education. Based on the interview results, 7 out of 10 informants said that they knew in detail what the husband's obligations to his wife were after reading Article 80 of the KHI. It is this reasoning

regarding Article 80 of the KHI on the obligations of husbands that ultimately led members of the Tabligh congregation in Pontianak to declare that providing religious education is a permanent obligation of husbands toward their wives, a status that does not apply to other obligations. One of them even said that between housework and religious studies, it is far more obligatory for wives to study religion, and if no one takes care of the house, hiring a maid can be a solution (Wildan, 2025).

The word permanent is a standard in Indonesian term meaning something that cannot be removed (Devianty, 2021). More specifically, the word permanent refers to something physical or non-physical that cannot be replaced (Rakhmanto & Rosnani, 2023). Permanent, from a temporal perspective, refers to something that exists over a long period of time (Adisty Puji Nurjayanti et al., 2024). Many other words can be associated with permanent, such as eternal, stable, and others. Essentially, it is quite easy to understand that permanent is a word that indicates the human mind's intention to refer to something whose existence must continue. The permanent obligations of a husband to his wife, as stated by members of the Tabligh congregation in Pontianak: obligations that cannot be eliminated under any circumstances.

This statement can be analyzed from the perspective of the wording and substance of Article 80 of the KHI. Paragraphs 6 and 7 of Article 80 state that a wife can release her husband from his obligations to provide financial support, clothing, a place of residence for the wife, household expenses, and the wife's medical and healthcare expenses (Mustomi & Puspasari, 2020). In fact, these obligations of the husband are automatically void when the wife is *nusyuz* (Badriah et al., 2023). This article does not mention any obligations that can be waived apart from these. The word "exempt" in verse 6 and the word "waived" in verse 7 are terms that indicate the non-permanent nature of an obligation, meaning it can be removed or eliminated. In this context, the husband's obligations are contingent upon the wife's disobedience and her own wishes.

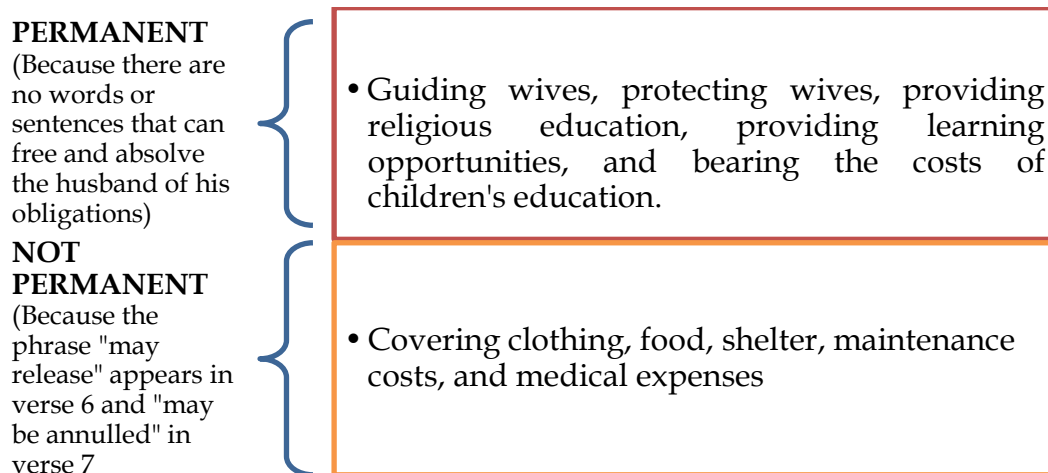
Then, from the editorial side of Article 80 of the KHI, several husband's obligations cannot be waived by the wife or waived due to certain circumstances, namely guiding the wife, protecting the wife, providing religious education, providing learning opportunities, and bearing the costs of the children's education (Muslimah, 2021). These obligations can be considered permanent, as no sentence or word in the article indicates permission for the release or lapse of these obligations.

Therefore, based on the wording of Article 80 of the KHI, the statement made by the member of the Tabligh congregation in Pontianak above is accurate, even though it gives rise to a classification of permanent and non-permanent obligations of the husband to his wife.

The existing regulations in Indonesia must have philosophical, juridical, and sociological foundations (Gea, 2024). The statement by members of the Pontianak Tabligh congregation regarding the permanent obligations of husbands to their wives aligns with the philosophical, sociological, and juridical foundations of the emergence of the KHI. This is because the KHI emerged as a positive legal regulation that seeks to accommodate the religious beliefs and perspectives of all Muslims in Indonesia (Hendrayani et al., 2025). However, when viewed alongside other regulations that set out the husband's obligations, such as Marriage Law No. 1 of 1974, there is no distinction between permanent and non-permanent obligations for husbands (Amiri, 2021).

**Figure 2.**

Classification of Husband's Obligations to Wife in Article 80 of the KHI



Providing religious education, even though it is mentioned in the KHI as an obligation that cannot be waived or revoked, is in reality somewhere between *maslahah* (benefit) and legal formalities. It makes perfect sense that providing religious education is considered a permanent obligation of a husband, given that religious understanding must be present in every cycle of human life (Bao et al., 2025). In addition, the fact that it brings more benefits than harm adds to the importance of the obligation to provide religious education to wives. The fact that it cannot be waived also confirms that this obligation is in line with the urgency of *maqashid Shari'ah*, which is the objective of Islamic law, which is based on *maslahah*. Theoretically, the purpose of providing religious education to wives is so that they can become good first teachers for their children, to raise good offspring. This goal aligns with one of the purposes of Sharia, namely *hifdzu nasl* (preserving offspring).

However, in a different context, the obligation to provide religious education to wives seems to be a legal formality that is rarely used. This can be seen from the jurisprudence of judges' decisions in the Religious Court in divorce cases. The majority of judges grant a divorce on the grounds of continuous fighting, economic problems, and domestic violence. Failure to provide religious education is often not a strong enough reason for judges to dissolve a marriage. It is not surprising that this is the case, given that the main reference for judges in the Religious Court is the KHI, which in Article 116 does not mention failure to provide religious education to wives as one of the grounds for divorce (Vanessa & Siahaan, 2024).

Although it is considered a permanent obligation that cannot be waived or revoked, providing religious education to wives is nothing more than a legal formality, written down but not used. Even more confusing is the fact that the statement about providing religious education as the husband's obligation and the statement about the grounds for divorce are contained in the same normative rule, namely the KHI. Indirectly, in this case, there is a contradiction between articles in the same rule.

### **Balancing Normative and Positive Legal Perspectives**

According to Socio-economic conditions are a common factor that necessitates legal transformation (Larisa et al., 2021). In the context of Islamic law as one of the normative rules in Indonesia, there has been a transformation in the areas of *waqf* (donation), *zakat* (obligatory payment), and marriage. This transformation can be seen in the regulation of these matters in law. The transformation of normative law into positive law in this case provides stronger legal legitimacy to Islamic law, which is also a form of universalization of good values in Islamic law (Rüdiger Lohlker, 2021). For example, marriage in Islam is regulated by the KHI and Marriage Law No. 1 of 1974, which was subsequently updated by the Law No. 16 of 2019. Ideally, every normative legal rule should be harmonious and mutually accommodating (Jana Skalova and Ladislav Mejzlik, 2015).

Nonet and Selznick, in their responsive theory of law, state that there is a significant relationship between a country's system of government and its laws. Specifically, this theory refers to this relationship as Sociological Jurisprudence. Laws must arise from sensitivity to cases that occur in the social sphere. The will of the people as manifested in social behavior must be in harmony with what comes out of legal institutions, whether in the form of rules or decisions. The law must be responsive to the society's social conditions (Dani Habibi, 2023). It is not acceptable for there to be a gap in terms of legal responsiveness in a region (Schneidmesser et al., 2020).

Based on this theory, Islamic marriage is actually regulated in positive law in Indonesia. The government has responded quite well through the Marriage Law and the KHI. Both of these positive regulations were created based on an in-depth study of classical *fiqh* books and the

archipelago commonly used by Indonesians. However, several aspects of the KHI, due to their complexity and social dynamics, need to be re-examined. One of these is the obligation of the husband to his wife in Article 80 of the KHI. It is necessary to emphasize the urgency and position of the husband's obligation to provide religious education to his wife so that the interpretation of this article can be implemented more concretely in practice.

The interpretation of the Pontianak Tabligh congregation of Article 80 of the KHI, which holds that the husband's obligations to his wife constitute a hierarchy and that providing religious education to his wife is a permanent obligation, is one of the issues that can be addressed by law-making institutions in Indonesia. This is intended so that the husband's obligations in the perspective of the Pontianak Tabligh congregation can align with the perspective of positive law in Indonesia.

## Conclusion

The interpretation of the Pontianak Tabligh congregation regarding a husband's obligations under Article 80 of the Compilation of Islamic Law (KHI) reflects a shift from material and procedural duties toward moral-spiritual and transcendental responsibilities, with religious education positioned as the primary and enduring obligation. However, this construction lacks coherence with Indonesia's positive law both the KHI and the Marriage Law as well as with classical and contemporary fiqh authorities, including the four Sunni madhhab, Sayyid Sabiq, and Wahbah al-Zuhayli, none of whom articulate marital obligations in a rigid hierarchical order. From a gender equality perspective, this interpretation is also problematic, as it neglects the principle of reciprocity that, as emphasized by Sachiko Murata, underpins egalitarian marital relations. The novelty of this study lies in its critical analysis of how a contemporary religious movement reconstructs legal norms beyond formal doctrinal frameworks, thereby revealing the socio-legal processes through which Islamic family law is negotiated at the grassroots level in Indonesia. The findings suggest a widening gap between lived religious interpretations and established legal norms, which may undermine marital justice and gender relations if unaddressed. Accordingly, this research recommends strengthening sustained dialogue between religious movements, fiqh scholarship, and state legal institutions, alongside the development of integrative educational programs that emphasize reciprocity, legal certainty, and the *maqāsid al-sharī'ah* in family law. Nevertheless, this study is limited by its focus on a single religious community in Pontianak and its qualitative, interpretive approach, which restricts generalizability

and calls for future comparative and multi-regional research to capture broader variations in contemporary Islamic legal interpretations.

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