



# Vitalizing Marital Harmony: Rethinking the Dominance of Fiqh in Cultivating Sakinah Relationships in Indonesia

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## ABSTRACT

This paper aims to explain why we need to rethink the fiqh approach in fostering a sakinah marriage. To date, in various discussions about the concept of a sakinah family, both in the community in the form of religious lectures and on various social media platforms, fiqh discourse has dominated. The fiqh discourse that is the focus of this paper is the rights versus obligations of husband and wife, the age of marriage, and the *ijbar* rights of parents towards their daughters. In response, this study proposes an “Integrative-Mubadalah Fiqh Framework”, a paradigm that bridges the normative dimension of classical fiqh with the relational ethics of mubadalah through the epistemology of knowledge integration. This framework redefines fiqh as a dialogical and ethical discourse that promotes equality, reciprocity, and marital harmony. As a solution, the approach of knowledge integration with the principle of mubadalah or mutuality is urgent to be disseminated as a mainstream discourse in the effort to foster a sakinah marriage. Integration of knowledge in the context of marriage means synthesizing various knowledge, perspectives, data, and experiences to form a more complete picture of the issue. Therefore, one approach, fiqh, for example, cannot be enough, because other fields such as psychology, psychiatry, sociology, philosophy, and law also address the themes of marriage. The principle of mutuality allows the married couple to have an equal voice in decision-making and to share marital and family responsibilities fairly based on their respective capacities. Mutuality in marriage also increases well-being in conjugal relationships, finances, childcare, sexual satisfaction, and relationships with in-laws. Meanwhile, mainstreaming these latest concepts is vital given that marriage is the core of the social system, the failure of marriage will undermine the larger social system.

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## Introduction

Thus far, the discourse on marriage in the context of building a *sakinah* family in Indonesian society has been dominated by the *fiqh* approach. We can easily observe this phenomenon in a number of events ranging from preaching in *majelis taklim* (traditional Islamic forum in community), public lectures, to marriage guidance at the Religious Affairs Office (KUA, Kantor Urusan Agama). As a collection of legal rules about the behavior of a Muslim based on theology, *fiqh* seems charming as an approach in discussing the concept of a functional family. Moreover, the discussion of *fiqh* is difficult to escape from statements or interpretations from authoritative scholars to support any claims, although relying solely on authority is a fallacy because it prevents one from conducting factual and logical verification (Michaud, 2018).

The patriarchal, even misogynistic, approach to *fiqh* in viewing marriage relations has become mainstream since the prospective preachers were educated in *pesantren* by studying ancient books, such as *Uqudulujoin* and *Qurratul Uyun*, which became the main reference books. *Uqudulujoin* is one of the books by Syaikh Nawawi al-Bantani (1294H/1875CE), which contributed greatly to the idea of male-female relationships in the context of marriage. Unfortunately, this book contributes to the legitimization of physical violence (wife beating), financial control in the hands of men, and domestication of women. In fact, physical violence is a violation of formal law in Indonesia. Controlling spending or access to cash is also financial abuse puts women in a submissive position, and domestication of women will stifle the self-actualization of women's potential (Amparado et al., 2014).

Meanwhile, the other book, *Qurratul Uyun; Fi al-Nikah al-Syar'i* by Sheikh Muhammad al-Tahami (1305 H/1884CE), glorifies marriage (matrimania, which is also singlism) from a male perspective, with much discussion of sexology mixed with myths about sex. Religious preaching at weddings often draws from these two sources as well, taking the message at face value. Patriarchal perspectives on marriage and family relationships are particularly detrimental to women. Mudau and Obadire (2017) examining patriarchy in South Africa, for example, found that women can be abandoned by their husbands to remarry just because they failed to bear a son (Mudau & Obadire, 2017).

In Islam, marriage is a central issue because it is the foundation of one of the *maqashid sharia*, namely *hifz nasl* or heredity protection (Abubakar et al., 2021). Children or offspring are the product of marriage, which turns marriage into a family, as the smallest social system. Muslims are also taught the concept of *sakinah* as the goal of marriage. This concept is expectedly an adoption of the *shekhinah* in Jewish marriage, which is older than Islam, derived from the word *shekhinah* meaning 'to inhabit' or 'to dwell', which refers to God's presence somewhere in the world. The *shekhinah* represents God's protection (Devine, 2016). When a man and woman marry,

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the shekhinah is between them, which means God is between them.

The meaning of *shekhinah* is parallel to the Arabic word *sakinah*, which is a reference related to the purpose of marriage in Islamic teachings. A *sakinah* marriage or *sakinah* family means that its members show each other love and affection so that all feel safe, secure, happy and prosperous (Saleh et al., 2022). It refers to the Quran, Surah Ar-Rum-21. Creating a strong and prosperous family is essential not only for the individual but also for society at large.

Unfortunately, *sakinah* cannot be achieved without an intimate relationship between the two married persons. Meanwhile, intimacy can only occur when those involved in the relationship are on an equal and fair footing (Hadiyansyah, 2018). A patriarchal and gender-biased approach to fiqh would find it difficult to produce such an intimate marriage, which is the basis of a feeling of peace. The three fiqh themes that this paper focuses on are the rights versus obligations of husband and wife, the age of marriage, and parents' *ijbar* rights (rights of consent) over daughters. The researcher observes that these three topics have become mainstream in the discourse of marriage in Indonesian society, which has the potential to create gender-based disparities and even domestic violence. Therefore, this research will explain argumentatively why all three need to be revised or re-evaluated.

To examine the issues above, the discussion of the three topics is carried out by exploring textual sources or text studies. The data obtained were analyzed qualitatively-descriptively using a scientific integration approach and using the principle of mutuality to examine how the concepts of rights-obligations, age limits for marriage and rights of consent (*ijbar*) in fiqh discourse are no longer adequate to support the concept of the *sakinah* family. Faqihuddin Abdul Kodir (2019) popularized the term *mubadalah* in his book, *Qira'ah Mubadalah: Tafsir Progresif untuk Keadilan Gender dalam Islam* (Qira'ah Mubjadi: Progressive Tafseer for Gender Justice in Islam) (Qadir, 2019). According to this perspective, husband and wife should relate in the principle of mutually pleasing each other.

Afterward, a knowledge integration approach is used to look at these three concepts from other scientific disciplines that also study the concept or system of marriage. According to Amin Abdullah (2006), knowledge/scientific integration efforts are needed in the form of interconnectivity, namely efforts to understand the complexity of life phenomena that humans face and live (Abdullah, 2006). In Amin's view, scientific disciplines do not need to be dichotomized (into religious science and world science). All disciplines need to be used appropriately to examine or solve human problems.

Specifically, this study examined classical fiqh texts commonly used in Indonesian Islamic education, as well as contemporary commentaries on marriage laws. These texts were selected because they represent both the normative-juridical and socio-theological perspectives that

shape marriage discourse in Indonesia. The analysis employed a qualitative content and hermeneutic approach (Gillo, 2021), combining textual interpretation and contextual reading to identify how fiqh notions of rights and obligations, marriage age, and ijbar rights have been constructed, internalized, and contested. The hermeneutic process involved reinterpreting the selected texts through the lens of knowledge integration and the principle of mubadalah to reveal new meanings relevant to contemporary sakinah discourse.

This article offers an original synthesis by proposing what so called an “Integrative-Mubadalah Fiqh Framework”, a model that bridges the normative dimension of classical fiqh with the relational ethics of mubadalah through the epistemology of knowledge integration. Unlike previous works that discuss mubadalah as a gender-justice hermeneutic or integration merely as an epistemic paradigm, this paper combines the two into a practical analytical lens for marital ethics and counseling in contemporary Indonesia. Through this framework, fiqh is not discarded but re-signified as a dialogical space that accommodates both textual authority and relational reciprocity.

## **Discussion**

### **Rights and Obligations of Husband and Wife**

Rights and obligations are an exchange that is considered ideal, i.e. when a person has done his obligations, he needs to get his rights. In general, fiqh requires husbands to provide maintenance, and wives to obey their husbands' commands (defined as obeying in matters that do not violate religion values and norms) (Anwar, 2021; Nurani, 2021). This rigid exchange of rights and obligations can be problematic in the context of today's society. Some women don't even need their husbands' maintenance because they earn more, so is the obligation to obey still necessary? In fact, total submission is emotional violence in marital psychology (Bear, 2014). Emotional abuse cannot be the foundation for a sakinah marriage.

Understanding of obligations is considered to motivate a person to live an orderly life because they give a person the feeling of "having" to do something. This psychological phenomenon has been studied not only in fiqh, but also in psychology and philosophy. In explaining the ontogenetics of obligation in developmental psychology, there are two major views, namely parent-child interaction and group understanding. The first view, supported by Carpendale & Lewis (2015) among others, states that the experience of living with parents is the basis for children to develop obligations as the basis for close relationships with others (Carpendale & Lewis, 2015). Marshal (2020) also reported that 5-year-old kids already believe that their parents have special obligations to their children (Marshall et al., 2020). Meanwhile, the second view explains that 3-year-old kids already have certain expectations about how group members should act. Children at

this age can speak directly and clearly about the normative relationships between them, including what one should do to the other. Children have the intuition to relate well in social groups (Chalik & Dunham, 2020).

In the meantime, Tomasello (2020) concluded that obligation involves two conditions: 1) coercion, *i.e.* obligations have a demanding power with a coercive quality (negatively), for example a person actually does not want to, but feels obliged to do so; 2) social structure, *i.e.* obligations are tied to social interactions such as contracts or agreements between individuals, even third parties can impose certain obligations on a person even if they actually disagree (Tomasello, 2020). Those who violate obligations usually get protests from the violated party, and the violator is required to apologize or even have to accept certain sanctions.

In the context of the marriage we are discussing, the rights and obligations are determined by a third party; it is not clear who first established them, but we accept them for generations. Because it is a personal decision, marriage is supposed to be a unique and authentic agreement between the two marrying parties, whose needs may be very different from one another. The concept of rights and obligations gives us the idea that our loved one should do what he or she may not actually want; conversely, it gives us the idea that we should demand something when we may not need it at all or even think about it.

A reassuring marriage must be born out of personal awareness and decision. A person is more likely to take responsibility for something that is the result of his or her own decision (Satir et al., 1991). Satir, one of the pioneers of family-based therapy, mentions that once a person is able to take responsibility, he or she will be in a congruent state, which means that people grow in harmony with their Life Energy, so that they experience a state of peace, pleasure, happiness, love and connection with their world. Congruent means integrated, real, pure and authentic. Rights and obligations that are pushed from outside will not make a person authentic in action and speech.

In every relationship, there is always a need to interact in complex ways for the success of the relationship. Hellinger (1998) mentions that there are three essential needs in any kind relationships: the need to belong (attachment), the need to maintain a balance between giving and receiving (justice), and the need for social agreement (order) (Hellinger et al., 1998). If we look at the concept of rights and obligations in many marriage literatures used as a guide in educational institutions such as pesantren, these three things are difficult to fulfill fairly, especially from the side of women in husband-wife relationships and for children in parent-child relationships.

The concept of rights and obligations opens up the potential for someone to force another party to give his rights without first carrying out his obligations. Husbands are especially vulnerable to abuse because society gives them too much power. In Indonesian society, marriage is more of a moral and social matter than an inter-personal agreement, and in some traditional

societies it can even be a matter of extended family and communal institutions. In these societies, state laws that are supposed to protect women are usually powerless in the face of local community pressure (Platt, 2017). Therefore, violence, unjust polygamy, and neglect of children and wives in the event of divorce or polygamy become commonplace in the absence of the law enforcement.

The concept of rights and obligations in a legal perspective is presented as a tool to anticipate abuse of agreed values. When everything is in order and conflicts can be resolved with forgiveness and reconciliation, the presence of the law is not necessary. This is because the law always leads to a verdict: there are winners and losers. Family is not a battlefield to compete to win-lose but a vehicle to synergize and collaborate (Hadiyansyah, 2018).

### Marriage Age

In *fiqh munakahat* (marriage laws based on fiqh), there is no ideal age at which one should get married. In fact, the fiqh books allow marriages between young boys and young girls called "*zawaj as-shighar*" (Al-Sibai, 1989; Zuhaili, 1984), which is equivalent to the Indonesian term "*pengantin cilik* (child bride)". This permissibility is accommodated in the view of the *fuqaha* (fiqh experts) because there are no verses of the Qur'an and Hadith that explicitly mention the minimum age of marriage, except for the only verse of the Qur'an that hints at a certain age limit, namely in QS. Al-Nisa: 6, "Test 'the competence of' the orphans until they reach a marriageable age. Then if you feel they are capable of sound judgment, return their wealth to them."

Hence, the age threshold for marriage is a matter of interpretation among scholars. Any Muslim-majority country today is likely to face a dilemma between following the fiqh law of the past or the state law on the minimum age of marriage. Positive law requires numbers of age, whereas the jurists stopped at discussing marriageability through physical signs and material capabilities only (Munir & Shafiq, 2019).

In our society, the classic interpretation is that the child has reached fiqh maturity or *baligh*. Baligh here means 'reaching puberty', which is characterized by wet dreams for men and menstruation for women. So, *baligh* in this case is biological matters. Hence, fatwas from scholars, such as "hasten the marriage of girls" are commonly accepted. In fact, early marriage is an evil practice that is strongly associated with a decline in the quality of health, economy, social and education (Sigirot, 2020). The practice of early marriage is prevalent in male-dominated societies (Edossa et al., 2021). In Indonesia, all public schools (elementary-highschool) and many private schools prohibit married students. Therefore, when these teenagers get married, the government indirectly cuts off their access to formal education.

According to data from Unicef, 640 million women in the world are currently married in childhood. The prevalence has decreased slightly, with one in five young women aged 20 to 24

marrying as children, compared to 1 in four women marrying at an early age 10 years ago. Early marriage for Unicef is under the age of 18. Unicef's target is to eliminate the child marriage by 2030, which is unlikely. Even Unicef itself estimates that it will take 300 years to completely eliminate child marriage from the face of the earth. Meanwhile, Unicef estimates that it will take Indonesia 60 to 80 years to reduce child marriage to 1% of the population.

In many communities, child marriage is seen as a way to protect girls and ensure their financial security (Niko, 2016), while conforming to traditional gender roles and expectations. In fact, however, child marriage is strongly associated with domestic violence (Kidman, 2016). Indonesia has the eighth highest incidence of child marriage in the world. One in nine girls in Indonesia is married before the age of 18. The situation will get worse when these children give birth (Sa'dan, 2016).

While the disadvantages of child marriage on girls' education, career opportunities, physical health and safety are well documented, the profound impact it can have on women's emotional and mental health is often overlooked (John et al., 2019). Worse, these child marriages are legitimized by many local religious leaders with fiqh arguments and the opinions of classical scholars on hastening girls' marriages (Sugiarti & Tridewiyanti, 2021).

Interpretation is naturally highly dependent on personal experience and the context in which the interpreter finds himself. Therefore, different contexts should be taken into consideration for reinterpretation. According to Hassan Hanafi (2000), interpretation must be responsible for explaining and respecting human existence within the scope of *maqashid sharia* (the objectives of Islamic laws): the preservation of religion, soul, mind, dignity, and property (Hanafi, 2000). Thus, the interpretation of the permissibility of a child to marry should be abandoned because child marriage is difficult to achieve the purpose of marriage, namely *sakinah*.

In the US, the most recent average age at marriage (2021 census data) was 30.4 for men and 28.6 for women. A decade earlier, men married at 29 and women at 27 on average. A few decades earlier, the average age of marriage for men and women was 22.9 and 20.3 in 1950. The change in the age at which a person gets married is obviously not without reason. Age certainly affects a person's level of maturity.

Nicholas Wolfinger (2015) reported that the best ideal age for marriage is around 28-32 years old, after analyzing data from census data in America during 2006-2010 and 2011-2013. He assures that age greatly affects the quality of marriage (Wolfinger, 2015). Meanwhile, the National Family Planning Coordination Board (BKKBN) of Indonesia recommends an ideal marriage age of at least 21 years for women and 25 years for men (Shanti, 2022). According to BKKBN, this recommendation is based on health science, where the ideal biologically and psychologically mature age is 20-25 years old for women, and 25-30 years old for men. This age is considered the

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best period for marriage because it is assumed that the average person can think maturely.

It is essential to emphasize the age indicator in this case because the abstract concept of maturity can be manipulated since it takes time to measure. For example, a 15-year-old girl is said to be independent and mature, then she has to be allowed to get married. It would take a miracle for a teenager (under 20 years old) to have the quality of maturity in the current context. We are fortunate that there was a revision to the Marriage Law No.1 of 1974, which previously set the minimum age of marriage at 16 years old to both men and women and now it must be at least 19 years old. We need to appreciate this decision because according to the Population Law, the minimum age of adulthood is 17 years old. Meanwhile, according to Article 30 of the Civil Code, the age of legal adulthood is 21 years old. Fuqaha now need to see this as a source of wisdom for setting the age limit for marriage rather than continuing to look backwards.

In marriage, both partners must work hard, be understanding, full and dedicated to have a healthy marriage. Effective communication, empathy, commitment, respect for each other, emotional intelligence, adaptability, shared values, and forgiveness are just some of the qualities that couples must possess. Couples can build a fulfilling and lasting marriage by developing these traits, which allow them to face life's difficulties with grace and resilience. However, these qualities are not yet possessed by teenagers.

In the discourse of psychological development, we need to mention the great name Erik Erikson (1959) with the concept of so-called "developmental polarity". Erikson's theory is known as psychosocial development, which outlines the various stages that individuals go through throughout their lives (Erikson, 1959). Each stage represents a critical point where psychosocial conflicts arise, influencing the formation of personality and behavior. In constructing his theory, Erikson emphasized the role of one's social environment and its interactions in shaping psychological growth. Therefore, looking at Erickson's theory is crucial to see one's chances of success in marriage.

At the heart of Erikson's psychosocial theory lies the idea of developmental polarity, which refers to the dynamic interaction between two opposing forces or tendencies within each stage of development. This polarity represents the conflicting demands and challenges faced by an individual, which ultimately drive them to resolve internal conflicts in a constructive manner.

Erikson's theory consists of eight distinct stages, each associated with a specific age range and unique psychosocial challenges. Where Erickson's theory intersects with marriage is the Intimacy vs. Alienation phase (Young Adults, ages 18-40). The young adult phase seeks to build close and meaningful relationships. Failure to do so can result in feelings of isolation and loneliness. At this age one should only be able to get married, which is at least 18 years old. So, it makes sense that in some surveys, the ideal marriage age is midway between 18-40 years old.

The age limit cannot be ignored in marriage because it greatly affects one's understanding of the interaction between self and external realities. Marriage requires individuals with healthy emotional qualities as an endurance to face various life challenges. A functional marriage occurs when a person has enough of themselves and is ready to share with others (Hadiyansyah, 2021). Otherwise, marriages carried out by those who are not old enough will be vulnerable from all sides (Anshor, 2016).

### ***Ijbar Rights***

Islamic tradition recognizes both love marriages and arranged marriages. Matchmaking is accommodated to give parents an important role in helping their children choose a suitable partner. Matchmaking takes two forms, namely forced marriages and arranged marriages based on the free consent of the bride and groom, with parents as mediators (Parkin, 2021).

Parents are expected to use understanding and wisdom to help their children find suitable life partners. This involvement is underpinned by the belief that parents want the best for their children. This is because Islamic societies place a high value on family unity and harmony. By bringing two families together based on shared values, culture and beliefs, arranged marriages are seen as a way of cementing these relationships. In this way, marriage is seen as the union of not only two individuals but also two families, to strengthen the larger social order (Yarham & Meiyanda, 2023).

However, family arranged marriages also have a negative side. No one does anything without personal motives, including parents towards their children (Allen, 2018). The candidate in a mother-initiated arranged marriage for a daughter, for example, may actually be the image of the ideal husband according to the mother. The same is true for fathers who initiate arranged marriages (Hadiyansyah, 2019). The desire for matchmaking is actually for the benefit of parents. The parents in this case project the ideal partner to the child. Projection is the result of psychological disability (Bradshaw, 2005). In the case of arranged marriages, individuals feel that they must accept, even though they feel pressured to reject the marriage that has been approved by the family. Individuals undergoing marriage need to be given the opportunity to provide a lot of input in the decision-making process.

In marriage, personal choice should be prioritized over traditional considerations. A person who can make conscious decisions is more likely to take responsibility for them. So, allowing a person to decide who to marry is part of spiritual growth. Unfortunately, however, coercion has been legitimized in the form of a fatwa on the permissibility of parents forcing their daughters to marry (*ijbar right*) the candidate of their choice. Some parents claim to use the fatwa to practice forced marriage in order to get the best son-in-law. However, in fact, a number of girls feel that forced marriage causes their dreams to be buried and feel that their opinions are not heard by

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their parents (Zahro, 2023).

In the Sunni tradition, the Imams of the four madhhab (Hanafi, Maliki, Shafi and Hambali) grant the male guardian (father, uncle, brother) the right of *ijbar* over the girls. The basis is that the guardian is one of the conditions for a marriage to be valid. They differ only on the position of the guardian to the widow under certain conditions. So, to be free to choose her partner, a woman must first be a widow. However, forced marriage is not in line with the *maqashid of sharia* (Gill & Hamed, 2016). The function of the guardian should be to protect the interests of the guarded, rather than to exercise authoritarianism.

Having authoritarian parents is a nightmare for children. Authoritarian parenting has potential negative consequences if used inappropriately, especially for marriage decisions that are presumed to be lifelong. There are many books and research results that explain the adverse effects of parental authoritarianism, and the most obvious impacts are the strengthening of extremism ideology, the potential for aggressive behavior towards those with weaker status, too much submission to authority, and the prevalence of conservative views (Clemens et al., 2019).

When compared to Europe, the Muslim response to forced marriage has been lacking. The UK, for example, has responded with legislation and the establishment of a Forced Marriage Unit in 2006 by an act of Parliament. The Unit receives thousands of case reports and requests for advice from people across 60 countries (Marcus et al., 2019). Indonesia only banned forced marriage in 2022 through Law Number 12 of 2022. Article 10 states that perpetrators of forced marriage can be sentenced to imprisonment for a maximum of nine years and a maximum fine of two hundred million Rupiah (12,500 USD). In the Indonesian case, parents are the main cause of forced marriage (Mahfudin & Musyarrofah, 2019). However, until this paper was written, there has been no media coverage of criminal penalties for forced marriage, despite a report by a girl to the police in 2016, before the law was enacted.

The Islamic world is still struggling to raise the age of marriage. Iran, for example, still sets the marriage limit at 13 years old for women and 15 for men (Asghari, 2019). Meanwhile, the views of some traditional scholars still allow girls to marry at the age of 9 with parental consent. In fact, human rights activists around the world advocate that there should be no marriage under 18 years of age (Horii, 2020). From this case, it can be predicted that it will take decades to bring about the abolition of forced marriages in the Islamic world, and it will certainly meet with resistance from traditional religious leaders and conservatives because it goes against centuries of parental rights.

The right of consent that leads to forced marriage cannot be used as the basis for a loving, a *sakinah* marriage. Forced marriages are a violation of human rights and a very harmful practice, not only for women, but also for men and the children of such marriages. This is because family wounds can be passed down through generations without realizing it (Bradshaw, 1996). An

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integrative approach is needed to eradicate this evil practice.

### **The Need for a New Approach**

Considering the challenges above, we need a new approach to strengthening the institution of marriage, which is based on the principle of mutuality. The earliest records of the principle of mutuality date back to the Roman Empire. One practice was for different groups of artisans to organize themselves into 'collegia': a kind of association with formal membership (Mayo, 2017). This *collegia* as a kind of labor union in the modern context.

At the root of all social organizations (including marriage as the smallest unit) is cooperation, at the heart of which is interdependence. According to Samuel Bowles and Herbert Gintis (2011), the human story over time is about such cooperation (Bowles & Gintis, 2011). Conflicts between groups are common, but there has always been a deep-rooted informal cooperation to increase the scale of mutual benefit.

In the trajectory of history, when the concept of citizenship had not yet been invented, early generations of humans recognized social cooperation as not just a way to get ahead individually, but a deeper principle, nurtured by culture and internalized over time as a set of norms and embodied as a set of social emotions. Harari (2021) mentions that what distinguishes Sapiens from other species is the ability to cooperate to a greater extent. Cooperation is entrenched as a way of success and survival for the human race (Harari, 2021). Therefore, marriage must be interpreted in terms of an agreement to cooperate between the bride and groom to achieve common life goals and individual actualization.

Thus, marriage discourse must be built on the principle of an equal relationship, not an authoritative relationship; what applies to wives must also apply to husbands, and vice versa. Partnership relationships in marriage are closer to the concept of *sakinah* than the three approaches above, so it is more necessary to be popularized among the public through various platforms, especially by religious preachers.

In a more narrowed context, in the discourse on the relationship between men and women in Indonesia, we recently recognized the concept of *mubadalah*. According to *mubadalah* perspective (Qadir, 2019), husbands and wives should relate in the principle of pleasing each other. Thus, the discourse of marriage must be built on the principle of a relationship of equality, not an authoritative relationship; what applies to the wife must also apply to the husband, and vice versa.

Thus, for example, in the concept of mutuality, the husband is not necessarily positioned to be able to teach the wife about life, religion, and others so that she becomes a pious wife (Al-Mutairi, 2004). This condition actually seems to automatically position the wife as a stupid creature and the husband as a better figure. In addition to stigmatization, this concept is very burdensome for husbands, due to the fact that today men and women have the same opportunity to study or go to

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school/university: it could be that the wife is intellectually smarter and more knowledgeable. In the principle of mutuality, each party needs to learn from the other for the good of themselves and their spouse, and this makes more sense.

The principle of mutuality allows the married couple to have an equal say in decision-making, and the responsibilities of marriage and family are shared fairly based on their respective capacities. In this way, husband and wife will have autonomy, as one of the signs of maturity. According to a study conducted by Henwood (2020), the autonomy of husbands and wives results in openness, wider social networks, fair division of tasks, and guarantees the longevity of the marriage. Henwood's findings support the idea of mutuality as the basis for a functional marriage, or *sakinah* in the Islamic context (Henwood, 2020).

In a study by Singer et.al (2015), mutuality in marriage also increased satisfaction with husband- wife relationships, finances, childcare, sexual satisfaction, and relationships with in-laws (Singer et al., 2015). The relationship with in-laws should be noted in Indonesia, due to the fact that in research conducted by Srisusanti and Zulkaida (2013) the relationship with in-laws is one of the dominant factors (in addition to sex, religious participation, and power over marriage) related to marital satisfaction for non- working wives aged 26-30 years (Srisusanti & Zulkaida, 2013). Meanwhile, for non-working wives aged 31-36, the relationship with in-laws was the most dominant factor. Mutuality is the answer to Srisusanti and Zulkaida's research, because the issue of relationships with in-laws does not arise for working wives, because of the possibilities of mutuality principles.

Mutuality also increases spouses' commitment to the marriage and this correlates with spousal well-being. This fact is confirmed by the research of Drigotas, *et.al* (1999), who found that a good marital relationship requires equal commitment between wife and husband. In order to have strong commitment, each partner needs to be independent, for only in two independent human beings can an interdependent relationship be established, which will result in a relationship that understands each other and has a clear orientation (Drigotas et al., 1999).

Moreover, the study of marriage and family is constantly evolving and research is ongoing. Therefore, the discourse on Islamic marriage and family also needs to continue to develop, rather than engaging in social regression, *i.e.* behavior that recedes back to the past, which is no longer adequate to the context in which we now live. Mutuality is a fundamental aspect of the modern marriage relationship. Since it has been proven to contribute to healthier, happier and lasting marriages, it is time for the concept of mutuality to become the mainstream of marriage discourse in Indonesia, even in the Islamic world.

Secondly, the world is increasingly connected, including information, insights and expertise from different sources and disciplines to create a more comprehensive and holistic understanding

of a subject. Knowledge integration is important for problem solving, and marriage and family issues are no exception. Knowledge integration in the context of marriage means synthesizing diverse perspectives, data and experiences to form a more complete picture of the issue. Therefore, one approach, fiqh for example, cannot be enough. This is because other knowledge, such as psychology or psychiatry, as well as sociology and philosophy, also address marriage issues. In fact, psychology consistently produces numerous qualified family counselors. Therefore, an integrative approach is one concrete solution in mainstreaming marriage discourse.

Departing from Amin Abdullah's (2006) spider web concept, Ulum (2014) looks at the map of the Islamic knowledges in three clusters. First, the cluster of understanding and practice of beliefs resulting from the interpretation of community leaders who are believed and practiced for generations without clarification and scientific qualifications. In this area, tradition and culture have merged with and are assumed as religion. Second, the scientific cluster is the result of the design of experts/ulamas in their respective fields such as the knowledge of hadith, tafseer, fiqh, kalam, and others. If the first cluster is in the practical area, this second cluster is in the area of scientific theory, both deductively formulated from the *qath'i* (definitive) and *ghairu qath'i* (speculative) texts, as well as inductively abstracted from religious practices that lived during the prophetic era, companions, *tabi'in*, and others (Abdullah, 2006; Ulum, 2014). The result is what so-called Islamic studies that Muslims have inherited from generation to generation. According to Ulum, the majority of Muslim scholars are in this cluster. Third, the critical review cluster that re-examines, revisits, recontextualizes the theories or scientific constructions that have been compiled by experts in the second cluster by dialoguing theories or methodologies in certain areas with the theories and methodologies of other knowledges. The current discourse on marriage needs to be seen in this third cluster. Thus, those who are concerned with marriage need to use other scientific disciplines in examining marriage, not just fiqh. However, using this integrative approach will invite negative responses from any conservatives because it is considered un-Islamic.

Despite the risk of being stigmatized by residents of the second and first clusters, the synthesis of knowledge is a concrete response to the complex reality of marriage: the challenges of divorce, parenting, economics, and its influence on the larger social system. In addition, the integration of knowledge approach also shows the recognition that God's knowledge is vast, not necessarily limited by what the early scholars called Islamic knowledge. Furthermore, the recognition or acceptance of other branches of knowledge that are indeed relevant to answering the problems of reality, without judging pejoratively who developed them or where they are developed, is a form of humility that is also the teaching of Islam.

The findings above demonstrate how the principle of mubadalah can be elevated from a

relational ethic to a comprehensive interpretive framework when combined with Amin Abdullah's epistemology of knowledge integration. In this sense, the present study operationalizes what may be termed an Integrative-Mubadalah Fiqh Framework, where the normative injunctions of classical fiqh are re-read dialogically through the lens of reciprocity and interdisciplinary reasoning. This synthesis allows fiqh to function not merely as a set of legal norms but as a dynamic ethical discourse that informs marital counseling and family well-being in contemporary Indonesia.

## Conclusion

Sakinah marriage is a concept rooted in tradition that emphasizes the ideals of tranquility, mercy, and spiritual harmony in the marital relationship, with the ultimate goal creating well-being and satisfaction of both partners. The concept of rights and obligations created by others is less supportive of a sakinah marriage because the agreement, another definition of marriage, needs to be contextualized with the specific needs of each couple. Marriage should be a unique and authentic agreement between the two married parties, whose needs may be very dissimilar from one another. A reassuring marriage should come from personal awareness and decision, not from coercive pressure and social structures.

The early age of marriage, which has been legalized by fiqh, also does not support a sakinah family because the meeting of two egos in marriage requires human maturity in all aspects: physiological, spiritual, intellectual, emotional, mental, and financial. It takes an approach from other disciplines to determine the minimum age at which a person can get married.

Furthermore, the right of consent of parents to marry off their children also needs to be reviewed because a number of facts show that this right is used by parents to legitimize marriages that are based on parental motives, either subtly or overtly. An arranged marriage by parents is a projection of the ideal partner according to the parents themselves. In marriage, personal choice should be prioritized, as those who can make conscious decisions are more likely to take responsibility for them.

The traditional fiqh approach in the three topics above needs to be revised to support sakinah families with at least two strategies, namely scientific integration and a mubadalah approach in examining marriage issues. The principle of mutuality in marriage has been proven to increase satisfaction with husband-wife relationships, finances, childcare, sexual satisfaction, and relationships with in-laws. Furthermore, as the realities that humans face become more complex, people need information, insights and expertise from various sources and disciplines to create a more comprehensive and holistic understanding of a subject. Knowledge integration is important for problem solving, and marriage and family issues are no exception. Knowledge integration in the context of marriage means synthesizing diverse perspectives, data and experiences to form a

more complete picture of the issue.

Building upon these two paradigms, this study proposes an Integrative-Mubadalah Fiqh Framework, a conceptual model that bridges classical fiqh with relational ethics through the epistemology of knowledge integration. This framework redefines fiqh as a dialogical and ethical discourse that promotes equality, reciprocity, and mutual responsibility within marriage. Beyond interpretive synthesis, this model contributes a theoretical foundation for developing Islamic marital ethics and counseling practices that are both textually grounded and contextually responsive.

Thus, this last discourse needs to be popularized among the public because, in reality, when the quality of marriage is decent, from which human children are born, the quality of the larger social system (from society to the state) will also improve.

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