

## The Application and Meaning of Zihar In Contemporary Muslim Family Life

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**Abstract:** The phenomenon of *zihār* in contemporary Muslim society has undergone a significant transformation from its classical understanding in Islamic jurisprudence. *Zihār* is no longer limited to the explicit verbal declaration that likens a wife to a *maḥram*, but increasingly manifests in concrete actions such as marital neglect, cessation of financial and emotional support, prolonged emotional distancing, and the absence of marital status certainty. These practices place wives in vulnerable positions, causing psychological, social, and economic harm. This study aims to analyze the concept of modern *zihār* from the perspectives of Islamic law, the Compilation of Islamic Law (KHI), Indonesian positive law, and the framework of women's protection, while examining its relevance to the normative message of QS. Al-Mujādilah. This research employs a library research method with a normative-analytical approach, integrating classical and contemporary *fiqh* sources, Qur'anic exegesis, and national legal regulations, particularly Law Number 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT). The findings indicate that modern *zihār*, although not verbally articulated, essentially constitutes a form of marital neglect that results in psychological violence and violations of wives' rights, thereby carrying moral and legal consequences. The interpretation of QS. Al-Mujādilah emphasizes that any treatment denying a wife's dignity, rights, and recognition is a reprehensible act requiring accountability. Therefore, this study highlights the importance of synergy among Islamic law, positive law, and Qur'anic values as a normative foundation for protecting women's dignity and realizing justice and the objectives of marriage in contemporary Muslim families.

**Keywords:** Zihar; Marital Neglect; Islamic Law; Women's Protection.

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### Introduction

Marriage is one of the most important social institutions in human life. From a religious and legal perspective, marriage binds two individuals in a bond governed by moral, legal, and social norms.<sup>1</sup> Marriage not only creates space for family building but also serves as the foundation for the harmonious development of society. Communication between husband and wife plays a vital role in maintaining domestic harmony, resolving conflicts, and building mutual understanding and affection.<sup>2</sup>

In contemporary Muslim families, zihar does not always manifest as explicit utterances as understood in classical jurisprudence. This practice is more often expressed as symbolic, emotional statements that are often used in domestic conflict situations. Expressions that demean the wife, liken her to a mahram to the husband, or statements that deny the relationship between husband and wife are often treated as a momentary outburst of emotion without legal consequences. This kind of meaning reduces zihar to a matter of language alone, regardless of its legal and moral dimensions. In fact, from the perspective of Islamic law, zihar does not only lie in the form of the pronouncement, but in the meaning of rejecting the marital relationship which has the potential to injure the dignity and honor of the wife. Therefore, even though the expression is not commonly used in legal discourse, its substance remains relevant to study as a form of zihar in the contemporary context.<sup>3</sup>

Furthermore, zihar nowadays does not stop at verbal expression; it can also manifest as neglect in household relationships. When expressions that contain zihar are followed by an attitude of abstinence, the cessation of mental or birth support, or the abandonment of the wife without clarity in the relationship status, then zihar has direct implications for relational injustice. In this condition, zihar intersects with the problem of psychological violence and

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<sup>1</sup> Samad, Sri Astuti A., *Kajian Hukum Keluarga Islam dalam Perspektif Sosiologis di Indonesia*, *El-Usrah* 4, no. 1 (2023): Hlm. 15.

<sup>2</sup> Barkah, Qodariah, *Kontekstualisasi Hukum Keluarga Islam di Indonesia*, *Jurnal Hukum Islam* 16, no. 1 (2024): Hlm.22.

<sup>3</sup> Nerisma Eka Putri, "Contextualization of Zihhar Based on Tafsir Literature in the Communication Relationship between Husband and Wife," *Maqasid: Jurnal Studi Hukum Islam* 5, no. 2 (2023): Hlm. 145–148.

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neglect experienced by the wife, although it is not always formally recognized as a violation of family law.<sup>4</sup>

The Qur'an through QS. Al-Mujadilah verses 1-4 clearly show that the issue of zihar departs from the real experience of a woman who faces injustice and uncertainty about her status in her household. The story of Khaulah bint Tsa'labah illustrates how Islam, from the beginning, paid serious attention to the suffering of wives who were harmed by their husbands' words, while rejecting the notion that the problem was just an ordinary domestic conflict.<sup>5</sup> By rejecting revelation directly, the Qur'an confirms that speech that denies the relationship between husband and wife is not merely a linguistic error but an action with moral, social, and legal consequences. In today's context, this message is especially relevant because many modern forms of zihar are no longer conveyed literally but are implied through condescending words, aloofness, or neglect that make the wife feel unrecognized and lose confidence in the marital relationship.<sup>6</sup>

In line with the normative message of the Qur'an, Indonesia's positive law provides a protective framework that can be used to understand and address the impact of zihar in contemporary Muslim families, even without mentioning the term directly. The provision on the separation of tables and beds in the Civil Code indicates that the state recognizes the existence of domestic conditions in which the relationship between husband and wife is limited, without requiring the dissolution of the marriage. Meanwhile, the Domestic Violence Elimination Act broadens the understanding of violence by including psychological suffering as a form of lawlessness. When the husband's words or attitudes cause the wife to feel rejected, depressed, lose her sense of security, or experience emotional instability, these actions can no longer be considered as a purely private matter. In this context, zihar is understood as a relational problem that has a real impact on the mental health and dignity of the wife. Therefore, in today's Muslim family, the meaning of *zihār* needs to be directed at efforts to protect the rights of the spouse and

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<sup>4</sup> Firdaus, "Tindak Kekerasan Psikis dalam Rumah Tangga Perspektif Hukum Islam dan Hukum Positif," *Jurnal Hukum Keluarga Islam* 4, no. 1 (2021): Hlm. 67–69.

<sup>5</sup> Arif Munandar, Muslim Djuned, "Zihar dalam Tafsir Fi Zhilal Al-Qur'an dan Tafsir Al-Mishbah," *Tafse: Journal of Qur'anic Studies*, Vol. 3, No. 1, January–June 2018,

<sup>6</sup> Nur Rofiah, *Nalar Kritis Muslimah: Refleksi atas Keislaman, Kemanusiaan, dan Keperempuan* (Jakarta: Afkaruna, 2020), Hlm. 108–113.

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justice in the household, by integrating the values of the Qur'an, the principles of Islamic law, and positive legal instruments so that the goal of marriage in the form of peace, affection, and mutual respect can be realized in real terms.

Beyond this context, this article re-examines the fundamental question of how the concept of zihar in Islamic law can be re-understood within the framework of contemporary Muslim family relations, which have shifted in form and meaning in practice. This study seeks to explore the extent to which verbal expressions and relational attitudes of husbands who deny marital relations can be qualified as *zihār* in the perspective of the Qur'an and jurisprudence, and how they affect justice and the protection of the rights of the wife. In addition, this article analyzes the relevance and positive contributions of Indonesian law in responding to these practices, especially in the context of protection against psychological suffering and neglect in the household. Thus, the purpose of this article is to formulate a more contextual, integrative, and substantive, justice-oriented understanding of zihar, in order to bridge the normative values of Islamic law with social reality and the national legal framework, and to realize a dignified and just marriage relationship.

### Methodology

This research uses a descriptive qualitative approach with the library research method, which sources all data from library materials such as tafsir books, fiqh books, scientific books, journals, and legal documents, without conducting field research.<sup>7</sup> This method examines the concept of zihar based on verses 1–4 of Surah Al-Mujādilah. The tahlili tafsir approach is used to explain the verse's meaning in detail, including its linguistic structure, the context of its descent, and *asbāb al-nuzūl*, as used in modern scientific interpretation.<sup>8</sup> The thematic approach is a method of studying Qur'anic verses based on a single theme, thoroughly examining it to construct an integrated understanding that collects all Qur'anic postulates, hadiths, and fiqh views on zihar within a single analytical unit.<sup>9</sup> In addition, a normative-juridical approach is also used, which

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<sup>7</sup> Mestika Zed, *Metode Penelitian Kepustakaan* (Jakarta: Yayasan Obor Indonesia, 2014), Hlm.3–5.

<sup>8</sup> Muhammad Husain al-Dhahabī, *Al-Tafsīr wa al-Mufasssīrūn*, Jilid 1 (Kairo: Dār al-Kutub al-Ḥadīthah, 2000), Hlm. 102–103.

<sup>9</sup> Abd al-Hayy al-Farmawī, *Al-Bidāyah fī al-Tafsīr al-Mawḍū'ī* (Kairo: Dār al-Ḥadīth, 1997), Hlm. 11–13.

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is an approach that analyzes legal issues based on sharia norms, laws and regulations, and legal doctrines to connect the understanding of verses with positive Indonesian law, especially Law No. 23 of 2004 concerning the Elimination of Domestic Violence which is relevant to aspects of verbal and psychological violence.<sup>10</sup>

The data sources in this study are divided into two categories: primary and secondary. Primary data sources include the Qur'an, especially Surah al-Mujādilah, verses 1-4; books of mu'tabar tafsir, both classical and contemporary; books of fiqh that discuss zihar; and relevant laws and regulations, especially Law Number 23 of 2004 concerning the Elimination of Domestic Violence. The secondary data sources are scientific books, journal articles, prior research findings, and other academic documents related to the themes of zihār, husband-wife relations, and verbal and psychological violence in the household.

Data analysis is carried out using content analysis, a method that systematically and objectively interprets the meaning of a text to help researchers understand the content and message of verses and interpretations. In addition, a comparative analysis is used to examine the opinions of classical and contemporary scholars on the harmony, conditions, and consequences of the law of zihar. The research also adopts a deductive approach, namely, drawing conclusions from the general principles of sharia for special cases, such as the phenomenon of digital zihar that develops on social media.<sup>11</sup> The validity of the research is strengthened through triangulation of sources, namely, cross-checking between classical interpretations, contemporary studies, and modern regulations to ensure the objectivity and reliability of the analysis results.

## Result & Discussion

### Definition of zihar

Zihar comes from the Arabic word zhahr which means back or back. In the pre-Islamic Arab tradition, a husband could say to his wife, "You are to me like my mother's back," which means making his wife haram for him as it is

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<sup>10</sup> Jonaedi Efendi dan Johnny Ibrahim, *Metode Penelitian Hukum* (Jakarta: Kencana, 2018), Hlm. 44–46.

<sup>11</sup> Moh. Nazir, *Metode Penelitian* (Bogor: Ghalia Indonesia, 2017), Hlm.63–66.

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haram for her to have a relationship with her biological mother. This kind of speech is considered a form of talaq during the Jahiliyah period and is a way for a husband to distance himself from his wife when he no longer wants it, for example due to age or physical changes. The term yuzāhirūna is the fi'il mudhari' form of zahara–yuzāhiru–muzāharatan–zhihāran, all of which are rooted in the word az-zahr (back), and their meaning indicates the act of turning their backs on or getting rid of one's partner.<sup>12</sup>

According to various scholars and explanations in fiqh literature, zihar is described as a painful speech that destroys the feelings of the wife. Zihar arises from the tradition of Jahiliyah men who want to hold their wives without actually divorcing them, so that women remain bound but do not get the right as wives.<sup>13</sup> Afif Muhammad, in *Fiqh Five Madhhab*, emphasizes that a husband who says zihar should not return to his wife until she performs kaffarah or pays ransom. Thus, zihar is recognized in Islamic law not to be justified, but to be given limitations and a mechanism for settlement so as not to harm women as happened during the Jahiliyah period.<sup>14</sup>

The Qur'an explains the law of zihar expressly in Surah al-Mujadilah, verse 3. In this verse, Allah SWT emphasizes that husbands who have said zihar to their wives, then want to withdraw the remarks and return to living a conjugal relationship, are obliged to free a slave before the two return to sexual intercourse. This provision shows that zihar is a serious offense and should not be underestimated, as it involves insulting the wife's honor. By offering the kaffarah of slave liberation, this verse emphasizes that such actions are not merely verbal mistakes but must be atoned for as a moral and spiritual responsibility.<sup>15</sup>

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<sup>12</sup> S. D Lubis, "Akibat Hukum Yang Ditimbulkan Oleh Zihar Terhadap Perkawinan Ditinjau Dari Undang-Undang Dan Kompilasi Hukum Islam," *POLITICA: Jurnal Hukum Tata Negara Dan Politik Islam* 10, no. 1 (2023): 60–69.

<sup>13</sup> Heriamsyah Simanjuntak, "Qawaid Fiqhiyyah Tentang Zihar," *Jurnal Budi Pekerti Agama Islam* 2, no. 5 (2024): 188–200. Hlm. 126.

<sup>14</sup> Ali Yusuf Al-Subki, *Fiqh Keluarga: Pedoman Berkeluarga Dalam Islam* (Jakarta: Amzah, 2010). Hlm. 96.

<sup>15</sup> Mulyana. *Dzihar Dalam Perspektif Undang-Undang dan Kompilasi Hukum Islam*. Hlm. 1168.

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This verse also states that zihar is a despicable act that is condemned by Allah SWT. The obligation to pay kaffarah before husband and wife can reconnect reflects that the sharia views zihar as an act that damages domestic harmony and hurts the feelings of the wife. Therefore, Islam does not allow a husband to easily play with his wife's status through degrading speech, but rather provides a mechanism of self-purification through ransom. This affirmation also shows Islam's concern for justice and protection of women, because zihar is essentially a Jahiliyah practice that insults the dignity of the wife and therefore must be redeemed before the marital relationship can resume normal.<sup>16</sup>

### **The concept of zihar**

#### **A. The Concept of Zihar According to Positive Law**

In Indonesian positive law, the concept of zihar is not explicitly regulated as in classical jurisprudence and Islamic law. However, the legal consequences of zihar can be analogous to the provision of bed separation in Article 242 of the Civil Code which states that even if the marriage does not break down, husband and wife are no longer obliged to live together. This provision is in line with the principle of sharia that after a husband divorces his wife, biological relations and temporary cohabitation are prohibited until the husband pays kaffarah as instructed in Q.S. Al-Mujādilah verse 3. Thus, positive law provides an analogous space in which zihar imposes restrictions on the relationship between husband and wife without dissolving the marriage.<sup>17</sup>

In addition to Article 242, Article 243 of the Civil Code also has the consequence that the separation of table and bed can be the basis for the separation of joint property, as if the marriage is close to dissolution. In the context of zihar, this analogy suggests that the husband's "distancing" of his wife through zihar words can be understood as a form of neglect or a serious emotional breakdown. In the view of Islamic law academics, zihar not only

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<sup>16</sup> D Jaya, "Dzihar as a Criminal Deed (A Literature Review)," *Jurnal At-Tadbir Media Hukum Dan Pendidikan* 30 (2020): Hlm. 37–56.

<sup>17</sup> Mulyana. *Dzihar Dalam Perspektif Undang-Undang dan Kompilasi Hukum Islam*. Hlm. 1170.

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affects worship through kaffarah, but also affects the household's social structure, as the wife feels alienated.<sup>18</sup>

In Indonesia's positive law, zihar is often seen as a form of psychological violence as stipulated in Article 1 number 1 and number 3 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT). When the husband performs zihar, the wife experiences emotional distress, loses her sense of security, and feels rejected in the marriage relationship. This places zihar as a verbal action that can trigger mental suffering, which is categorized as psychological violence by the PKDRT Law. Therefore, zihar is no longer just a matter of fiqh, but also a criminal issue when the speech causes psychological instability in the wife.<sup>19</sup>

Article 5 letter b jo. Article 7 of the PKDRT Law provides the basis that actions that cause fear, helplessness, or psychological suffering are included in the category of mental violence. Thus, zihar can be criminally accounted for if it causes a severe psychological impact on the wife, especially if the treatment lasts for a long time without settlement through the payment of kaffarah. Sanctions based on Article 45 of the PKDRT Law show that the state views verbal speech that degrades the dignity of the spouse as an unlawful act, thus strengthening a positive legal position in protecting victims of psychological violence in the domestic.<sup>20</sup>

From the perspective of the Compilation of Islamic Law (KHI), zihar is not discussed in detail as in fiqh books, but the consequences of zihar are addressed to Article 114 of the KHI, which states that a marriage can break down due to talaq or divorce lawsuits. Fiqh explains that if the husband does not pay kaffarah for a certain period and stays away from his wife, zihar can result in talaq. This shows that the KHI, as a family law guideline for Muslims, can accommodate the principles of sharia even though it does not translate all the details of fiqh. Thus, the integration of Islamic law into positive law is still

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<sup>18</sup> D. Jaya, *Dzihar as a Criminal Deed*.

<sup>19</sup> Undang-Undang No. 23 Tahun 2004 tentang Penghapusan Kekerasan Dalam Rumah Tangga.

<sup>20</sup> Undang-Undang No. 23 Tahun 2004, Pasal 5(b), Pasal 7, dan Pasal 45.

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possible, but it is more realistically applied in KHI than pluralistic national law.<sup>21</sup>

### B. The Concept Of Zihar According To Surah Al-Mujadilah

QS. al-Mujadilah ayat 1:

قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا وَتَشْتَكِي إِلَى اللَّهِ وَاللَّهُ يَسْمَعُ  
تَحَاوُرَكُمَا إِنَّ اللَّهَ سَمِيعٌ بَصِيرٌ

Artinya: "Indeed, Allah has heard the words of a woman who filed a complaint against you (Muhammad) about her husband, and complained to Allah, and Allah heard the conversation between the two of you. Indeed, Allah is All-Hearing, All-Seeing."

The descent of this verse began with the complaint of a female companion, Khaulah bint Ts'alah, who was zihar by her husband, Aus bin Shamit. Once, after prayer, her husband asked her to serve him, but Khaulah refused. Aus was angry and equated Khaulah with his mother, which is illegal under Islamic law. Khaulah then complained to the Prophet (peace be upon him), and the Prophet replied that she had not received Allah's command regarding her matter, and that, in her view, Khaulah had become haram to be associated with her husband. Khaulah responded and confirmed his complaint directly to Allah.<sup>22</sup>

According to Sayyid Quthb, as narrated by Imam Ahmad, Khaulah stated that the beginning of Surah al-Mujadilah was revealed in relation to his case with Aus bin Shamit. She told me that her husband, an old man with a bad temper, came into her room but refused. Aus then said, "You are to me like my mother's back." After that, Aus went to gather with his people, but returned to demand Khaulah. He flatly refused, stating that Aus should not want it before Allah and the Messenger had made a decision on their matter.<sup>23</sup>

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<sup>21</sup> Bisri, *Hukum Perkawinan dalam Kompilasi Hukum Islam* (Jakarta: Prenada Media, 1999), 45–47.

<sup>22</sup> M. Quraish Shihab, *Membumikan al-Qur'an: Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat* (Bandung: Mizan, 1994), Hlm.67.

<sup>23</sup> Sayyid Quthb, *Tafsir Fi Zhilal al-Qur'an*, 186.

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Khaulah then went to a neighbor's house to borrow clothes and met the Prophet (peace be upon him) in front of her, Khaulah narrated the whole incident and complained about her husband's bad behavior. The Prophet advised her to fear Allah in the face of her frail husband, but Khaulah insisted on waiting for a revelation that would clarify her question. Shortly afterwards, the Prophet received a revelation, and Allah sent down verses that explained the principles of the law and the nature of zihar, which were later elaborated in the Qur'an. al-Mujadilah verse 2.<sup>24</sup>

الَّذِينَ يُظَاهِرُونَ مِنْكُمْ مِمَّا هُنَّ أُمَّهَاتِهِمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي وَلَدْنَهُمْ وَإِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَزُورًا وَإِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ

Meaning: "Those who recite their wives among you, (consider their wives to be their mothers, even though) their wives are not their mothers. Their mothers were just the women who gave birth to them. And indeed they have uttered a false and false word. And verily Allah is Forgiving, Forgiving."

After Allah affirms that the word zihar is an untrue word and a lie, QS. Al-Mujadilah verses 3-4 stipulate kafarat for a husband who recites to his wife. This kafarat is a form of atonement for such wrongdoing, and Islam provides three levels of punishment or action to be performed: The first level of kafarat is the liberation of a slave. This shows that zihar is considered serious and gives rise to a great moral responsibility. Freeing slaves not only atones for sin, but also provides social benefits for people who were previously shackled in slavery. If one is unable to free the slave, the second kafarat is to fast for two consecutive months. This fasting is not only to suppress hunger and thirst but also to serve as a means of reflection and self-control, teaching patience, discipline, and regret for one's deeds. If one is still not willing to fast, the last level of kafarat is to feed sixty poor people. This affirms the social principle in Islam, where moral responsibility is realized by providing benefits to society and by educating husbands to be more caring and fairer to others.<sup>25</sup>

<sup>24</sup> Arif Munandar, Muslim Djuned, "Zihar dalam Tafsir Fi Zhilal Al-Qur'an dan Tafsir Al-Mishbah," *Tafse: Journal of Qur'anic Studies*, Vol. 3, No. 1, January–June 2018,

<sup>25</sup> Ibn Kathir, *Tafsir al-Qur'an al-'Azim*, Juz 6, Beirut: Dar al-Fikr, hlm. 89–90

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Through these three levels of kafarat, Islam emphasizes that the saying of zihar is not just empty words, but an act that gives rise to legal and social responsibility. Kafarat is also a means of moral education, teaching respect for wives' rights, household justice, and social care for those in need. Thus, the laws of zihar and kafarat are not only ritual, but have comprehensive ethical, moral, and social values.

## The Difference Between Classic and Contemporary Zihar

In classical jurisprudence, *zihār* is understood as a speech-based legal act in which the husband explicitly equates his wife with a woman who is permanently unlawful to marry, such as a mother or sister. This remark has clear legal consequences, namely the prohibition of marital relations until the husband performs *kafārat*. Thus, the essence of classical *zihār* lies in the utterance spoken consciously and directly, not in a continuous series of actions or attitudes. This practice was born in the context of early Islamic Arab societies which strongly emphasized the power of speech as a determinant of one's legal and social status.<sup>26</sup>

In contrast, in contemporary Muslim family life, practices that substantially resemble *zihār* no longer always manifest as explicit speech. Denial of wife is more often manifested through neglect, both emotionally, economically, and relationally. The husband does not utter the resemblance as in classical *fiqh*, but instead rejects the wife's status by not providing support, not fulfilling the inner sustenance, avoiding communication, and allowing the wife to live without the certainty of the marital relationship. In this practice, the wife is in a "hanged" position, not divorced but also not treated as a wife in its entirety.<sup>27</sup>

This fundamental distinction suggests that if classical *zihār* is ephemeral and declarative, then contemporary *zihār* is processual and continuous. In the contemporary context, neglect by husbands often persists for a long time and has a real impact, including psychological suffering, economic insecurity, and the loss of the wife's dignity within the household. This practice factually reflects the substance of *zihār*, although it is no longer expressed through

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<sup>26</sup> Ahmad Tholabi Kharlie, "Zihār dalam Perspektif Fikih Klasik," *Ahkam: Jurnal Ilmu Syariah*, Vol. 15 No. 2 (2015), hlm. 233–235.

<sup>27</sup> Nur Rofiah, "Penelantaran Istri sebagai Kekerasan Berbasis Gender dalam Rumah Tangga," *Musawa: Jurnal Studi Gender dan Islam*, Vol. 17 No. 2 (2018), hlm. 195–198.

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specific utterances, but rather through the act of silence and neglect of obligations as a husband.<sup>28</sup>

Thus, the difference between classical and contemporary *zihār* lies in the form of its manifestation. In classical times, *zihār* is present as a clear, normatively defined speech, whereas in the contemporary context it is more evident in the form of wives' neglect, which eliminates the function of marriage as a relationship of protection, affection, and shared responsibility.

### **Analysis of the Contemporary Zihar Phenomenon**

The phenomenon of *zihar* in today's household life is no longer as easy to recognize as it was in classical times. In the books of jurisprudence, *zihar* is described as the utterance of a husband who explicitly likens his wife to a *maḥram* woman, such as her mother or sister, which results in the prohibition of marital relations until *kaffarah* is performed. This definition arose from the context of pre-Islamic Arab society, where a single speech could immediately give rise to legal and social consequences. However, in modern society, this form of speech is almost no longer found in practice. However, the change in form does not mean that the practice of *zihar* has completely disappeared; rather, it has undergone a transformation in line with changes in how humans communicate and form household relationships.<sup>29</sup>

In contemporary conjugal relationships, the substance of *zihār* is more often expressed as a rejection of the marital relationship itself, even if it is not explicitly stated. This rejection is evident in the way we speak, attitudes, and relationship patterns that slowly undermine the wife's role as a life partner. A wife can remain legally and socially bound in marriage, but no longer be treated as an equal partner in the relationship. In such conditions, marriage still takes place formally but loses its relational meaning because the functions

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<sup>28</sup> Lilik Andaryuni, "Penelantaran Nafkah dan Dampaknya terhadap Perempuan dalam Perkawinan," *Al-Ahwal: Jurnal Hukum Keluarga Islam*, Vol. 12 No. 1 (2019), hlm. 60–63.

<sup>29</sup> Nerisma Eka Putri, "Contextualization of *Zihār* Based on Tafsir Literature in the Communication Relationship between Husband and Wife," *Jurnal Studi Hukum Islam* 5, no. 2 (2023). Hlm. 145–148.

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of affection, togetherness, and responsibility are no longer carried out in practice.<sup>30</sup>

One of the most obvious forms of contemporary zihar is found in speeches that demean a wife's dignity. Sentences that deny the wife's existence as a partner, statements that she is no longer desirable, or expressions that equate the wife with someone unworthy of touch and respect often appear in the dynamics of domestic conflict. In social practice, this kind of speech is often seen as a momentary outburst of emotion or as part of a normal argument. In fact, if examined more deeply, these expressions contain the meaning of denying the relationship between husband and wife, because they reject the recognition of the wife as a legitimate and dignified couple.<sup>31</sup>

In addition to words, today's ziharr also occurs a lot through silence and withdrawal that takes place in a sustainable manner. Your husband may no longer communicate openly, avoid conversations, stay away emotionally, or stop an inner relationship without ever giving a clear explanation of the direction of the marriage. In such a situation, the wife is not divorced, nor is she treated as part of the whole couple. She is in a hanging position, bound by legal status as a wife, but loses the certainty and clarity of the relationship in daily life.<sup>32</sup>

This condition becomes even more severe when the attitude of withdrawal is accompanied by neglect of livelihood, both physically and mentally. The cessation of economic support, the neglect of emotional needs, and the abandonment of the relationship's future without certainty make zihar no longer symbolic; they have a direct impact on the wife's life. In this situation, the wife often bears the psychological, social, and economic burdens, while her status as a wife limits her freedom to make independent decisions. Marriage relationships that should be a refuge have turned into a source of ongoing injustice.<sup>33</sup>

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<sup>30</sup> Nerisma Eka Putri, "Contextualization of Zihhar Based on Tafsir Literature in the Communication Relationship between Husband and Wife," Hlm. 145–148.

<sup>31</sup> M. Quraish Shihab, *Perempuan* (Tangerang: Lentera Hati, 2018), Hlm. 213–217.

<sup>32</sup> Nur Rofiah, *Nalar Kritis Muslimah* (Bandung: Afkaruna, 2020), Hlm. 166–172.

<sup>33</sup> Abdullahi Ahmed An-Na'im, *Islam and the Secular State* (Cambridge: Harvard University Press, 2008), Hlm. 187–192.

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If viewed from the perspective of the Qur'an, especially QS. al-Mujadilah verses 1-4, it is clear that zihar was understood from the beginning as a matter of humanity and relational justice, not just a matter of words. The story of Khaulah bint Tsa'labah shows how the Qur'an responds to the real suffering of a woman trapped in the uncertainty of her relationship because of her husband's words. The descent of this verse confirms that Islam does not allow women to be in a position of being bound without clarity, and shows that women's voices and experiences are an important basis in the determination of the law.

The Qur'an even calls the practice of ziharr an unlawful word, which shows that the practice is not only legally problematic, but also morally and socially wrong. The determination of kaffarah obligations is a concrete form of responsibility, so that the relationship between husband and wife is not left in limbo. In today's context, the spirit of this verse is very relevant to understand that the attitude of shunning, neglect, and dependence remains contrary to the values of justice and compassion, which are the main goals of marriage in Islam.<sup>34</sup>

In Indonesia's positive law, the condition of the relationship that is unclear is also recognized, one of which is the concept of separating tables and beds, as stipulated in Article 242 of the Civil Code. This concept describes a situation in which a husband and wife remain legally bound but no longer live together and do not carry out the marital relationship as they should. Functionally, this condition is similar to the post-zihar state before kaffarah is fulfilled, namely, the restriction of relationships without terminating the marriage bond.<sup>35</sup>

Problems arise when these conditions persist for an extended period without a fair and clear resolution mechanism. In a situation like this, the relationship that is suspended turns into a form of neglect that is structurally detrimental to the wife. The inequality of relationships that are allowed to drag on can no longer be seen as a purely private matter; it has touched the realm of the legal

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<sup>34</sup> Fazlur Rahman, *Major Themes of the Qur'an* (Chicago: University of Chicago Press, 2009), Hlm. 48–53.

<sup>35</sup> Kitab Undang-Undang Hukum Perdata, Pasal 242.

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protection of the individual's basic rights in marriage, especially the right to certainty and justice.<sup>36</sup>

Furthermore, the practice of neglect that occurs in the context of modern zihar often intersects with psychological violence. Law Number 23 of 2004 concerning the Elimination of Domestic Violence emphasizes that mental suffering, fear, and loss of sense of security due to the treatment of spouses are included in the category of psychological violence. Thus, prolonged silence, emotional withdrawal, and neglect of relationships can no longer be considered as ordinary domestic conflicts, but rather as actions that have serious legal and social repercussions.<sup>37</sup>

Within the framework of the Compilation of Islamic Law, although the term zihar is not explicitly regulated, the values underlying it remain clear. KHI emphasizes that marriage must be carried out fairly and responsibly, and that it must not cause prolonged suffering for either party. When marital relationships become a source of injustice and suffering, KHI opens up a space for settlement through legal mechanisms, including divorce as a last resort to protect the aggrieved party.<sup>38</sup>

## Conclusion

The phenomenon of contemporary zihar shows a shift from explicit utterances to actions and patterns of relationships that deny the relationship between husband and wife, such as condescending speech, shunning attitudes, termination of birth and mental support, and neglect without clarity of marital status. Although it is not pronounced literally, the substance of zihar remains alive in behaviors that suspend relationships and harm the wife. QS. al-Mujādilah verses 1–4 affirm that zihar is an immoral act that harms women's dignity and demands moral responsibility, so it is relevant to read modern neglect practices as a form of substantive zihar. In a positive legal perspective, this condition can be analogous to the separation of tables and beds in the Civil

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<sup>36</sup> Sudikno Mertokusumo, *Hukum Perdata Indonesia* (Yogyakarta: Liberty, 2014), Hlm. 134–139.

<sup>37</sup> Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga, Pasal 7.

<sup>38</sup> Kompilasi Hukum Islam, Pasal 39 dan Pasal 116.

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Code, but if it lasts for a long time, it turns into relational injustice and psychological violence as stipulated in the Law on the Elimination of Domestic Violence. The Compilation of Islamic Law provides a normative basis for legal settlement, ensuring justice and the benefits of marriage. Based on these findings, a policy is needed that explicitly recognizes emotional neglect and neglect as a form of violence and violation of the rights of wives in marriage, as well as encourages harmonization between Islamic law and positive law. Further research is recommended to examine the application of the concept of substantive zihar in religious justice practice and to formulate clearer juridical indicators to protect women from relational injustice in contemporary Muslim families.

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