

## ABSTRACT

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### KEY WORDS: Nusyûz, Comparison, Fiqh, Gender

All the discussion in the book of fiqh related to settlement of nusyûz is clear and explicit, moreover the *nusyûz* of wife is almost all scholars agree to handle it which is accordance to the al-Qur'an surah an-Nisa' 34. The husband uses nusyûz to confine and marginalize his wife. On the contrary in fact surah an-Nisa' 128 explains that his wife is only given two choices when the husband is nusyûz, it results in injustice to the wife and it often becomes feminists discussion in order to find the solution in accordance to the concept of gender equality. Related to the differences of the two opinions between the scholars jurisprudence and gender perspectives, the writer is interested in study and examine is further the nusyûz of wife.

This study wants to answer the statements of problem name is: What is the concept of Islamic jurisprudence about the settlement of nusyûz?. What is the settlement of nusyûz in a gender perspective?. What are the similarities and differences of nusyûz studies in Islamic jurisprudence and gender perspective?.

This study is categorized in library research (library research) or normative which is driven and focused on the materials of research literature about jurisprudence and gender. The data source are obtained from the data source of the primary, secondary and tertiary. The technique of collecting data study was documentative technique. This research focus on comparative study, so it used comparative descriptive analysis approach.

The results showed that: First, that the fuqoha agreed to react three (3) stages: first, giving advice, second, separating beds, and third, wife beating. Second, all of the problems in the settlement of nusyûz have adverse impacts for women. According to the gender perspective, the husband must not hit his nusyûz wife because there are many better ways. In addition, beating to nusyûz wife will hurt her. Third, the both of nusyûz studies generally have similarities and differences; however, the studies of nusyûz in terms of substance have different view. Scholars agree with the stages set out in the Qur'an, while the gender perspective first and second stages and agreed that beatings is not the best way.