

## THE QURAN AND FAMILY CONCEPT IN MODERN SOUTHEAST ASIA: CASE STUDY OF INDONESIA AND MALAYSIA

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### **Abstract**

*This article discusses how the Quran is used to conceptualize family in Islam in modern Southeast Asia, particularly in Indonesia and Malaysia. It examines how the concept is formulated, institutionalized, and practiced. This study is important due to the need to clarify the existing irony. On one side, the family concept is the most resistant to change, on the other side, many changes in social forces and practices require response since the modern era began in 1800. It is interesting how these contradictory powers interact with one another, where the Quran is used as the fundamental source. Using a descriptive and analytic method, the discussion is organized as follows: the study context, topic limitation, Quranic norms, family administration, education, modernity, and patriarchy issue. The study finds that the state and Muslim scholars in both countries have been trying to re-use the Quran in contextualizing the family ideal concept to meet the demand of age. In Malaysia, they take the policy stuck to the accepted medieval understanding of Islam faithfully, whereas in Indonesia, they are a bit inclusive, accepting different views and practices; even though both have similar understanding of Islam, Shāfi'iyah in Islamic law and Ash-Ashariyyah in theology.*

*Dalam Islam di Asia Tenggara modern, Quran digunakan untuk konseptualisasi keluarga khususnya di Indonesia dan Malaysia. Studi ini mengkaji konsep tersebut dirumuskan, dilembagakan, dan dipraktikkan. Penelitian ini penting karena memperjelas ironi yang ada. Di satu sisi, konsep keluarga paling tahan terhadap perubahan, di sisi lain, ada banyak perubahan kekuatan dan praktik sosial yang membutuhkan respons, sejak 1800. Sangat menarik untuk dibahas kekuatan yang kontradiktif ini berinteraksi satu sama lain, dimana Quran digunakan sebagai sumber inspirasi. Dengan metode deskriptif dan analitik, penelitian diatur sebagai berikut: konteks kajian, keterbatasan topik, norma Quran, administrasi keluarga, lembaga pendidikan, modernitas, dan isu patriarki. Studi menemukan bahwa negara dan cendekiawan Muslim di kedua negara telah berupaya menggunakan kembali Quran dalam kontekstualisasi konsep ideal keluarga untuk memenuhi tuntutan usia. Di Malaysia, mereka mengambil kebijakan yang melekat pada pemahaman abad pertengahan yang diterima tentang Islam, sedangkan di Indonesia lebih inklusif, menerima pandangan dan praktik yang berbeda, meskipun keduanya memiliki pemahaman serupa tentang Islam, yaitu Shāfi'iyah dalam hukum Islam, dan Ash-Ashariyyah dalam teologi.*

**Keywords:** *The Qur'an; muslim woman; family concept; interpretation; Modern Southeast Asia*

## Introduction

Family or a group of people that consists of parents, or parent and children, and sometimes also relatives has been formulated ideally as a small unit in a society where good values and norms are nurtured. It is the oldest and most widespread social institution in the World (Ali, 2014). Even today in the Corona Virus pandemic threat (Covid 19), from the end of 2019 to 2022, family and its site become the frontier defense mechanism for a human to avoid as well as to fight for survival. In Islam, it is informed by the Qur'an, supported by Sunna and Muslim traditions, and by other traditions from time to time. Muslim scholars participate also in these social processes.

Q.S. al-Rum: 21 signifies the harmony as the basis for forming an ideal family. In building such a family, the Qur'an informs things that need attention such as respect for a partner (such as mentioned in Q.S. al-Nur: 30-31), and things need to be avoided such as adultery, cheating, and other negative actions in general. Ati (1995) describes analytically the Muslim family structure based on a religious normative and a social-behavioral system to formulate its basic structure. Muslim scholars not only resist and criticize external influences to

be influencing the concept of family, but they also use them as inputs to make some internal rationalization and adaptation. They tend to maintain the basic structure of the family and accept new things and practices if they are still in accordance with the thoughts of medieval Muslim scholars.

In modern times, the concept has been contested, debated, and negotiated among the Muslim family stakeholders, Muslim clerics, and state apparatus as well. This study is considered significant due to the need to clarify the irony that the family concept is the most resistant to change. Still, on the other side, many changes in social forces and practices require acceptance, adaptation, transformation or replacement since the modern era began. In Indonesia and Malaysia, the state and Muslim scholars have been trying to make serious efforts to reformulate and accommodate the medieval concept of family to modern living. It is interesting to see how the state and Muslim scholars in Indonesia and Malaysia make some efforts to respond to that irony and propose ideas regarding it. The question the Muslims need to answer is how to create the concept of a Muslim modern family that is accommodating to contemporary living yet deeply rooted within the Islamic tradition.

This study concerns to the concept of family in modern Southeast Asian. It covers what was known as the East Indies: the great Indochina peninsula and the vast archipelago including the state of Burma, Brunei Darussalam, Thailand, Laos, Cambodia, Vietnam, Malaysia, Singapore, Indonesia, and the Philippines. Islam is adhered to by approximately two-fifths of the population in the region, living dominantly on the Malay Peninsula, the Malay Archipelago, and the island of Mindanao, the Philippines. In Brunei "Islamic affairs remained theoretically in the hand of royal family and Muslim officials" (The Mohammedan Marriage and Divorce Registration Enactment No. 3, 1913) (Funston, 2007a). Muslim communities in the region adhere commonly to Syafi'i's school of law and to Sufi tradition. Prior to the colonial era, they lived free from one community to another. The individual religious teacher played a significant role in managing these cultural ways of life.

Muslims in the Republic of the Union of Myanmar are dispersed geographically, and highly diverse in ethnicity, religious practice, socio-economic background, and social and political integration. Historically, Muslims have often been the target of communal violence, and many live a tenuous existence, especially under the military government that has ruled since 1962. Except for Rohingya, Burma's Muslim communities have not mobilized politically along religious or ethnic lines (Lambrecht, 2007). It is said that Islam in

Southern Vietnam and Cambodia may be the earliest history of all Muslims in Southeast Asia, dated 1035. Islam was adhered to collectively here by the people known as Champa. Muslims in these two countries are a minority, less than 65,000 in Vietnam, less than 1% of the population, and about 700,000 in Cambodia constitute 5% of the population. As in other Southeast Asian countries, Muslims in these two countries adhere Sunni form of Islam. Only 10% of them are Shi'i Muslims in Cambodia (Ramsay, 2007). Muslims in the Philippines constitutes 4 to 5% of the total national population, eighty-seven million peoples. They live in different provinces scattered in twenty-six provinces, in which they live as the majority in five provinces: Maguindanao, Lanao del Sur, Sulu, Tawi-Tawi, and Basilan. Affiliated mostly with Shafi'i law school, Islam which came to the country in fourteen centuries has been marked with not always harmonious relation with the government and other religious adherents. Islam in the Philippines in modern time is marked by separatist movements like Moro National Liberation Front (MNLF) which has emerged since the 1970s, Trans national jidal groups like Jamaah Islamiyah, and dakwah movement like Tablighi jamaat which both have appeared for several decades (Collier, 2007). Muslims in Thailand are a minority constituting only 10 % compared to 90 % Buddhist, who live in the deep south areas: Narathiwat, Pattani, and Yala together with neighboring Satun and Songkhla (Funston, 2007b). They dominantly are affiliated with Sunni Islam and exercise Shafi'i form of Islam. The exceedingly small number of them embrace Shi'i form of Islam. They initially came from Persia and resided in Ayuthaya. They have religious authority to solve their dispute on inheritance and family matters, called Dato' Yutitham (Muslim Judge). The minister of justice appoints the judges (Funston, 2007b). Muslims in Singapore constitute 15 % of the population in the country. They are affiliated to Sunni and Shafi'i school of Islamic law (Funston, 2007c).

In tracing the history of changing notion of what constitutes a family and in particular Muslim notion of family, the researcher uses the work of Mufti (1982), Abdal-Ati and Abdal-Ati (1974, 1995), Chamberlayne (1968), and Fealey and Hooker (2006). These works inform the changing nature of the structure and functions of the family and how it was legally and culturally constructed by Muslim scholars within the tradition of Islam. Furthermore, changes are taking place in the traditional family notion as more women "increasingly share in the role of providing (financially) for the family unit." (Samani, 2016). These changes not only necessitate careful accommodation

from all the family but “consistent women’s labor force participation with parenting interruptions” necessarily challenge the notion of an ideal family in the contemporary context. Badran (1996) informs that “in the nineteenth and early twentieth centuries patriarchal controls were most pervasive in families of the upper strata.” The traditional view of the role of the family both in Islam and Christian is that husbands are leaders of other family members, and wives receive less inheritance than men do. They have equal status but not the equal role. Women find ways to overcome these fundamental barriers by, for example, asking consent from the spouse to engage socially or to also make money (Badran, 1996).

Muslim women scholars and activists have actively participated in gender discourse in Indonesia and Malaysia. Nurmila (2013), for example, discusses the notion of family and social expectations from the perspective of the mother/woman as a pillar of a family unit in the Indonesian context. She informs the limit access of women to many things, particularly in the production of knowledge and income-generating activities (Nurmila, 2013). Feillard and van Doorn-Harder (2013) as well as Smith and Woodward (2014) explore the roles of women scholars who were trained in Islamic traditional knowledge as well as in modern ones in contributing to gender and family discourse in Indonesia. On the other hand, Anwar (2001) discusses the roles of Malaysian women activists in shaping and negotiating the gender discourse and family. In spite of their limits, these works inform about the active engagement of some women scholars and activists. These works are offering women’s opinions as an option for understanding women and gender issues in Indonesia and Malaysia.

White (2006) interestingly discusses the notion of the ideal family in contemporary Indonesia and Malaysia, providing the various religious and social actors in defining gender and family in Southeast Asia, particularly in Indonesia and Malaysia. However, since it was published in 2006 and after more than a decade went by, the current research updates the discussions. Tong and Turner’s study on Malaysian Muslim women and personal piety (2008) is resourceful to the current research in tracing women’s roles in creating and maintaining a happy family.

Bauer (2015) informs how the classical and modern exegetes interpret the roles of wives and mothers. Maududi’s (2000), Doi’s (2005), Islahi’s (2001), and Badawi’s (1995) are important resources that inform the traditional roles of women as caregivers in a family unit. In the case of Egyptian Muslim feminists

propose a moderate stand, if not conservative, over the issue of family and gender issues. This finding is also commonly found in Muslim societies in various geographical territories, including Indonesia and Malaysia (Badran, 1996). Fealey and Hooker (2006) provide current statuses of the discourse and practice of Muslim families in the region. All these works also help the research to compare the roles of women prescribed to them by the traditions with their roles voiced by Muslim scholars and social movements in Indonesia and Malaysia today.

The concept of family has been also discussed in the status and history of family law. Eddouada (2008) documents the development of the family code in Morocco, gearing from discriminative nuance in its first code in 1957 to more egalitarian nuance since the family code reform in 2003/2004. In the context of Malaysia, there have been criticisms against the exclusive use of Shafi'i School of Law. The need to refine some unnecessary restrictions of freedom has been felt, and some of them offer the use of mixed methods in deducing relevant Islamic law such as in the case of polygamy, matrimonial property, and divorce. The *maqāṣīd al-Sharī'ah* (the Objectives of Islamic Law) and the contemporary International Human Rights Law are considered additional methodological considerations that can fulfill this initiative (Azezi et al., 2016). Edduado (2008) informs that scholar pays special attention to the history of Islamic family law in Malaysian law. There are two family law systems: family law for Muslims, and family law for non-Muslims. The state reformed it through Law Reform (Marriage and Divorce) Act 1976 which was implemented on March 1, 1982. The law administrates non-Muslim citizens. As for Muslims, the state formulates its family law according to their way of life (Abdullah & Khairuddin, 2007). In another case, Abdullah and Khairuddin (2009) clarify how shari'ah judges interpret written provisions and implement the law to allocate a certain room to make adjustments to the existing Islamic family law. In the 1990s, the literature on Islamic family law centered on certain aspects of the law, private law. Subramaniam proposes jurisdiction divide between the civil court and Syariah court and legislative reforms both at Federal and State levels to resolve the problem of family disputes between Non-Muslim and converted spouses (Subramaniam, 2018). Noor (2007) adds another point, that the interaction between Malay intellectuals with Western civilization is among the factors which had contributed to these changes. Furthermore, the state has been interpolating the fiqh rules selectively to

be codified and integrated into unified legal systems, taking advantage of Western models.

Some works deal with a non-governmental organization in responding the discourse and practice of family. For example, Malik et al. (2018) explained that IKRAM with its influential role in societies nurtures a traditional understanding of Islam based on Sunni and Syafi'i school of Islamic law. Kamaruddin et al. (2018) illustrated that the emergence of Sisters in Islam (SIS) in Malaysia begins with their dissatisfaction with the implementation of certain new Islamic Family Law that had been legislated in 1984. They proposed the method of a model of Qur'anic hermeneutics. It does not fulfill the requirements of the acceptable method for Quranic interpretation from an Islamic perspective. Noor (2007) explains that Muslim women's organization called Sisters in Islam (SIS), proposes alternatives to the government regarding public policy, including policy over Islamic family reform. SIS proposes "an egalitarian approach on the notion of the concept of gender justice, justifying their arguments with the reinterpretation of Quranic verses and rejecting the patriarchal gender notion in Islamic law which discriminates women."

## Method

This study collects the data from the Qur'an and other relevant sources and puts them into several related unit analyses which describe the effort of the state and Muslim scholars in Indonesia and Malaysia to conceptualize the concept of the ideal family in a modern context. This study describes them to clarify the irony of its status in the modern era through a number of its dimensions by structuring them into sub-chapters.

Indonesia is the most populated Muslim country in Southeast Asia (88% of the population), and Malaysia is the third (58% of the population) (Ali, 2014). In the context of both countries, the research helps to get insight into the modern discourse on women and families. By studying all the narratives of a happy family in the two countries, an insight into the best solutions to disintegrating family institutions in the two countries can be explored. Issues on the family must be discussed and negotiated within the discourse that is deeply rooted within the Islamic tradition, and the socio-economic change in the society as means to provide a better constructive solution to the disintegration of a family unit in the society. In other words, the collected data will be analytically grouped into the following subthemes: literature review, the study context (Southeast Asia), why Indonesia and Malaysia, the Qur'an

and Family, administration of family, education institution for learning about family, Muslim family and modernity, family and patriarchy, and conclusion.

## **Results & Discussion**

### **Why Indonesia and Malaysia?**

Like other countries, Indonesia, and Malaysia both have state and cultural institutions related to family matters. Interestingly, in these two countries, the Sunni school of theology and the Shafi'i legal school provide abundant interesting experiences related to this topic of discussion to study further, for example about how the discourse and practice of the family in the two countries are in a modern context.

Muslim traders who landed in Indonesia in the seventh century discovered centuries of Hindu-Buddhist civilization that pre-existed centuries prior to the coming of Islam in the region. The region which is known in modern times as Southeast Asia has constantly dynamic economic and social relations with one of its people's origins, i.e., the Indian subcontinent. These relations contribute to various expressions of Islam including the form, identity, and function of Muslims in life. Islam ties its followers together stronger than other religions found in Southeast Asia. This has implications for the strong influence on culture, social, political, and economic in the areas where it is spread. From the 13th century to the 17th century Sunni Islam was widespread, coming from the Middle East through India (De Casparis & Mabbett, 1992).

Muslims in Indonesia adhere moderate understanding of Islam which can accept the coexistence with others under the umbrella of the nation-state of Indonesia with Pancasila (Five principles) as the state philosophy. Their preference for Islamic politics which expects the Indonesian Islamic state constitutes less than fifty percent at most. Their efforts to do so do not manage to gain it. Instead, the percentage of the result of the 1955 general election for Islamic parties has never been refuted. The effort to interpolate formal Islamic values and systems to existing Indonesia's nation-state system never totally ends. The recent movement appeared in 1998, Reformation era, failed at the national level but made some progress at the region level (Fealy et al., 2007). The discussion about the relationship between state and religion has been one of the most debated themes after the independence of Indonesia. Another site of expressing Islam in Indonesia is so-called cultural Islam. Though it occupies the largest site of expression in this country, cultural Islam in the modern history of Indonesia does not receive adequate

attention yet. This form of Islam began to appear in the scene of Indonesian history after several Muslim clerics and scholars who were pioneered by Nurcholish Madjid in the 1990s made some significant efforts. Muslims find an alternative arena to express their aspirations besides Islamic parties. This form of understanding plays a vital role in proposing an Islamic perspective over any theme of discussion in the country, including the idea of moderate Islam. Furthermore, this cultural Islam too has been used to counter religious radicalism, despite a more measured approach, as done by the government (Fealy et al., 2007).

Islam in Malaysia has developed increasingly more imperative in the day-to-day lives of Muslims, and in the state's politics (Funston, 2007d). As in Indonesia and Brunei, public piety in Malaysia tends to increase since the 1990s. Politically, Malaysia implements its policy of a quasi-democratic parliamentary political system that includes regular elections and moderate political diversity, but also there are some restrictions on civil liberties, including a ban on public discussion about sensitive issues. In Malaysia, the legal system is based on British general law. The Malaysian constitution which is the highest law of the country stipulates that the federation's judicial authority will be given to two High Courts, one in Peninsular Malaysia and the other in East Malaysia, and in subordinate courts (Funston, 2007d).

The concept of the ideal family in Southeast Asia shows an interesting phenomenon because it has factual irony. On one hand, women, or wives as an important part of a family have a positive and visible place in society compared to the phenomenon of women/wives in other geographical parts of the Muslim world. Apart from differences in the education classes, women/wives in Southeast Asia have strong visions in public spaces, workplaces, fields, schools, and in other public places. On the other hand, they have certain problems in their rights, positions, and opportunities compared to their partners - men/husbands. This phenomenon is quite strong in Malaysia (Fealy, 2007).

If we trace the history of the concept of family deeper, we shall find that it has been challenged by modern discourses and practices. Modern values and systems propose alternative thoughts and practices of family life. Accordingly, traditional discourse and practice of the ideal family are inevitably challenged by the modern ones. Regarding the ideal family concept, it is understandable that the concept has been built in the framework of Syafi'i's law school. An interesting point for further discussion is the fact that the concept which

was established in the Medieval period seems not able yet to respond to the various situations, understandings, and new practices offered by modernity. For example, the administration of marriage is strictly measured in modern management, whereas the Medieval model of administering marriage still allows what so-called “under table” marriage which allows marriage to happen between couples with non-formal administration.

### **The Qur’an and Family**

In discussing the concept of family in the Qur’an, I follow the operational definition of the term family based on Hammudah ‘Abd al-Ati’s view. My aim in so doing is to provide a basic notion of the Qur’an regarding the ideal family before discussing it according to Indonesian and Malaysian state’s and Muslim scholars’ views. Abd al-Ati formulates it as “a special kind of structure whose principles are related to one another through blood ties and/or marital relationships, and whose relatedness is of such a nature as to entail ‘mutual expectations’ that are prescribed by religion, reinforced by law, and internationalized by individual.” (Al-Ati, 1995). In general, the Qur’an discusses the concept of family in relationships and interactions among family members who are bound by marriage, and blood ties. The Qur’an uses the term “*sakinah, mawadah, wa rahmah*” in two verses to illustrate a form of an ideal family: Q.S. Al-Nisa [4]: 19, and Al-Rum: 21. The two verses emphasize the importance of loving and paying attention to the spouse and other family members to maintain the harmony of the family. Family will stand strong if every member of it nurtures and supports each other in whatever situation and problem they encounter. In maintaining the creation of harmony in family life, the Qur’an approaches it, where it tolerates a few practices that have become embedded in the daily life of society while maintaining the main principle of gender relations, namely the equality before God and the devotion of each of His servants (Q.S. al-Hujurat: 13)

In Indonesia, the state through the Ministry of Religious Affairs proposes what so-called “*Keluarga Sakinah*” (Tranquil Family or loosely it can be translated as Happy Family) which was basically inspired by the two verses mentioned above (Ma’arif, 2010). Considering the importance of family as a key to success in life, Poetranto (2011) treats the family as the foundation of society where agency, role, and function of the family are expected to intermingle in the process of producing a society that upholds noble values. It represents the health of society itself. So, if every family in society is healthy, smart, and

competitive, society as a whole will follow. Furthermore, Indra (2017) identifies the Islamic values taken from the practices of the Prophet Muhammad and his Companions in rearing and bearing children can be used as a source of inspiration. If we consult the Qur'an, it also informs us of a number of things preferred to do, such as an open mind and attitude to accept God's guidance in life including family life (Q.S. Al-Anbiya: 89; Q.S. Ali Imran: 38), as well as to pray to God in order his or her family be blessed by God such as the family is granted with pious children and harmonious family, and leaders for pious generations (Q.S. al-Furqan: 74), and Q.S. Maryam: 5-6).

The Directorate General of Islamic Community Guidance and Hajj Affairs, Republic of Indonesia, Ministry of Religion Number: D / 71/1999 concerning Implementation Guidelines for Sakinah Family Development, especially in Chapter III Article 3 states:

“Sakinah family is a family that is nurtured on legitimate marriage, capable of fulfilling spiritual and material needs in a proper and balanced manner, encompassed by an atmosphere of love between family members and their environment in harmony, being able to practice, appreciate and deepen the values of faith, piety, and noble character.”

Kader in Rahman (2017) assert that Muslims in Malaysia are expected to establish a family based on Islamic teachings, regulated in the Law of Islamic Family. It seems that the government of Malaysia formulated “Keluarga Islam,” based on the whole consideration of Islamic teachings where the Qur'an, Sunnah and Hadith, and other qualified sources such as the opinions of Muslim scholars are consulted. For example, Rahman (2017) constructs the concept of “Islamic Family,” as structured by Muslim jurists, beginning with the discussion of the rules of marriage, proposing to marry, marriage, divorce, and contemporary issues. In another place, the Qur'an illustrates the family foundation as *mitsaqan ghalizan* (strong promise), mentioned in QS al-Ahzab / 33: 7, Q.S. al-Nisa / 4: 154, and Q.S. al-Nisa / 4: 21. Here, it informs two fundamental points: administrative and social functions of the family. The first point, administrative function, relate to several pre-conditions that must be fulfilled such as documentation, witnesses, dowry, and the two legal subjects themselves, namely the wedding couple (male and female). The second point, social function, relates to a few statuses and roles that every spouse and member of the family should play, such as reproduction, childbearing and rearing, households, earning money, and other social statuses and roles. Both countries administrate these two functions through the religious offices they provide.

The source of Hadith informs some dimensions about family. A Hadith, narrated by Baihaqi informs that “ If a servant (Muslim) is married, then, in fact, he has perfected half of his religion. Therefore, fear Allah to perfect some of the others.” (H.R. Baihaqi). Another narrated by Muslim informs that “the world is jewelry, and the best jewelry is a woman (wife) who is salihah.” (H.R. Muslim). Mahmud Mahdi al-Istanbuli explains that these two Hadiths, suggest that Muslim man and Muslim woman build a family life due to its beautiful function as well as their status as part of religious teachings.

Having discussed how the Qur’an and Hadiths inform about the ideal family, and how this concept has been formulated in Indonesia dan Malaysia, I now turn to discuss its practice dimensions. To begin with, the administration aspects of family are important to include in our discussion, before dealing with its education institution and its contemporary issues.

### **Administration of Family**

Although Indonesian and Malaysian Muslims have a similar affiliation to Syafi’i Islamic law school, and Sunni theology, in practice Muslims in both countries have differences. For example, Indonesia to some extent regulates religious life including family problems with certain flexibilities. On the contrary, in Malaysia, the state plays a monopolistic role and function in regulating the religious life of its citizens. In Indonesia, if a Muslim husband intends to marry a second wife or more, for example, he does not always feel obliged to follow the procedure of polygamy set out by the state.

In Indonesia, we often find a husband who marries the second wife or more as indicated from the data recorded by Direktorat Peradilan. There were 1151 registered letters to ask permission to do polygamy in 1999 alone (Fahmi, 2014). He does it informally, in that he does not go to the Office for Religious Affairs (KUA). Instead, he goes to a religious teacher or cleric to do so. The state administers it in Kompilasi Hukum Islam/KHI (the Codification of Islamic Law). For example, Verse 57 of the KHI obliges one who wants to have second wife or more (until the fourth wife) to fulfill the following requirement, (a) the first wife is unable to carry out her obligation as a wife; (b) she has disability or illness which hints her to perform wife obligations normally; and (c) the first wife is barren (Kompilasi Hukum Islam, 2001).

Government Regulation number 45, 1990 on the Amendment to the Government Regulation number 10, 1983 concerning Marriage and Divorce for State Civil Servants, Verse 4 point 1 states that a civil servant who wants

to marry more than one wife should ask permission from the state officer. The request to do so should be sent in writing, providing the reasons why he would like to do so, as mentioned at points 3 and 4 of the same Verse. The state officer here refers to the minister, attorney general, and head of State Owned-Enterprise (Badan Usaha Milik Negara/BUMN) including its branches in the provinces and regencies. The failure of gaining this permission, he can get a rebuke from his superior. In addition, the same verse points two informs also that a female state servant cannot be taken as a second, third, or fourth wife. If the husband is polygamous without following the procedures invited in the KHI, he will not receive a formal punishment from the government. He would only receive sanctions from the public who saw him as unfaithful to his first wife, even, the polygamy is considered a husband's affair (Fahmi, 2014). The only sanction that can be given to the case of polygamy is that the state does not grant any law rights to the second, third, or fourth wives and their children as mentioned in Verse 56 point 3 (Kompilasi Hukum Islam, 2001). It means the practice of polygamy in Indonesia still leaves some leaks that are potential to weaken the women and children, and not polygamous husband.

In Malaysia, a Muslim husband is left with no choice except to ask permission from his wife, and superior in the office where he works. If not, he is entitled to receive sanctions from the state religious office. In Malaysia, polygamous husbands, for example, must register their polygamy intentions in the religious affairs office, and the entire administrative process must be under state supervision through the religious affairs office. If the husband breaks the rules, for example, he is carrying out the second wife's marriage or more outside the territory of the country of Malaysia, then the state has the right to give sanction to him, and it can be resulted in bringing him into the prison, or as a substitute, the state can force him to pay.

### **Education Institution for Learning about Family**

Muslims in both countries learn about the concept of family from educational institutions such as madrasah, Islamic higher education institutions, and religious study groups. They also learn from books, provided by the state religious institutions such as Kantor Urusan Agama (Office for Religious Affairs) in Indonesia, or Jabatan Agama Islam (State Islamic Departments) in Malaysia. Institutions of Muslim social movements such as the traditionalist Community Organization (Nahdlatul Ulama (NU) and the modernist mass organization Muhammadiyah also participate in formulating the expected Muslim family

today. Muhammadiyah proposes “the Sakinah Family Mawaddah wa Rahmah,” NU “the family Maslahah,” and Persis (Persatuan Islam) “Keluarga Bahagia.” On one hand, Muhammadiyah and Persis have similar imaginations regarding it that is harmonious family, for example, Persis has Bidang Garapan/Bidgar Konsultasi Keluarga (The Division of Family Consultation) and Lembaga Konsultasi Keluarga/LKK (Institute for Family Consultation) which was established in the period of its leadership 1995-2000, aimed at providing information and services regarding family matters. On the other hand, NU looks at the functional aspect of the family, i.e., how a family functions in fulfilling its roles either reproduction, child-rearing and bearing, family earning incomes, or making family as their home.

In Malaysia, the concept of an ideal family was also constructed by various agencies including the government, mass organizations, scholars, and intelligentsias. State religious institutions such as Institut Kefahaman Islam Malaysia/IKIM, established by the former Prime Minister YABhg Tun Dr. Mahathir Mohamad on February 18, 1992, aimed at proving Islamic teachings and perspectives in making modern Malaysian Muslim. One of its programs was to spread ideas like “*Rumahku Surgaku*” (My Home, My Heaven, or Home Sweet Home) as an effort to shape the identity of happy Muslim families in the face of the growth of secular societies. Stevens (2006) stated that the government of Malaysia has been active in involving the institution of family in economic and social development. Mahathir Mohamad on separate occasions reasserted this matter. The wife of the Prime Minister has also participated actively in socializing the importance of family in nurturing noble attitudes and values. For example, Datim Seri Dr. Siti Hasmah Mohamad Ali Said asserted the participation of all agencies besides the government in making the family as the site for nurturing attitudes and values systems. And Mahathir Mohamad himself affirmed the national program called My Home, My Heaven (happy family) on one occasion in 2002, and on the occasion of presenting 2004 national budgetary in 2003 by stating that Malaysian people must hold their resilience to family values (Stevens, 2006).

Muslim feminist groups such as Sisters in Islam (SIS) established in 1988 and registered as Non-Governmental Organization (NGO) in 1993 also provided information regarding alternative meanings about women and families in Malaysia. SIS was dissatisfied with the new Islamic family law proposed by the Malaysian government in 1984. They refute it as having biases and discrimination against women. Instead, the proponents of SIS propose other

considerations based on equity and rights for women by writing an alternative understanding of Islam (the Qur'an) using the Qur'anic hermeneutic method (Kamaruddin et al., 2018). Another NGO, Islamic social movements such as Pertubuhan IKRAM Malaysia (established in 2009) offers information on traditional wisdom regarding family in Islam. The other similar NGOs, IKRAM asserts that Muslim families are happy to determine that men and women get aspirations to achieve happiness and blessing from Allah. In its regulation, chapter 9 on Tarbiyah (education), verses a and b, emphasize that the body is committed to call its member to live theoretically, and practically based on Islam at individual, family, and social levels, and nurture every member of the family of each member with religious education based on the Qur'an and Hadith. It believes that women are the backbone of society and important agents of change (Malik, 2018).

As part of a society that lives in modern times, all government institutions, Islamic social movement organizations, Muslim activists, and scholars participate in the formulation of the meaning of a happy Muslim family. They construct the concept of family ideally based on the main religious sources and contextualized them in the context of contemporary Indonesian and Malaysian society. One crucial point in strengthening a family is that it is imperative to cultivate noble values. A few Muslim scholars in both countries participate in this discourse. They provide rich information for Muslims in both countries, in Southeast Asia in general to learn about the ideal concept of family in Islam. For example, Suharto (2011) asserts that Islam as a religion is a source of noble personalities such as compassion, respect for others, honesty, patience, forgiveness, and qana'ah. These values which are not exclusively owned by Islamic teachings are moral formation, or character building.

Furthermore, Djaelani (1995) emphasizes the way family works on fulfilling the rights and obligations of its members in particular husband and wife. The ideal family can be achieved if members of the family fulfill their respective obligations, including obligations of the husband: 1) to lead, maintain and be responsible; 2) meet economic needs 3) meet biological needs; 4) and make good company. The wife's obligations: 1) obedience to God and husband, 2) maintain self-respect; 3) serving the husband's biological needs well; 4) and obligations to take care of the household. Djaelani (1995) confirms religious teachings which consider religion, *nasab*, health, and wealth as a fundamental requirement to build a happy family. He also finds that the requirement of

the religiosity of a future spouse is crucial in order for the future family could sustain everlasting and live harmoniously.

Bakry (1993) explains that the compatibility between rights and obligations in family life can be treated as indicator of the success of family life. Rights, in his view, may be defined as things that should be received by someone, whereas obligations may be defined as things that should be carried out by someone. Every member of the family should nurture and maintain his or her rights and obligations harmoniously, otherwise, a problem will follow.

### **Muslim Family and Modernity**

Modernity which has begun in 1800 necessitates the concept of family to make certain adjustments. The extended family model has been corrected severely moving toward the model of nuclear one. Accordingly, the traditional role and status model received inputs from modern practices and the modernization movement. Muslim families are also not free from these influences (Faturachman, 2001). Muslims traditionally refer to the precepts of Hadith which says that in looking for a future wife, a future husband is expected to select a future wife who has the potency to give birth to many children. The traditional way to find her is by making sure that she comes from an extended family. They do this preference because they are usually motivated to implement religious teachings, and this obedience is certainly believed as an expression of their piety. However, this preference has been corrected since the modern period due to the different demands of times.

The extended family model previously was considered ideal in the context where nature provided richly all the things for families to survive and even prosper. Now, the context of this traditional model has changed. The number of the world population and the demand for life itself which requires more knowledge and proficiencies are growing from time to time. In fact, nature has its limit to support the population of the world which grows continuously. In addition, the modern age also provides a better education, and more alternative of job markets, from more professional over nature cultivation to various and richer offers and opportunities for professional services in different fields. Accordingly, a family must be rationalized by building more nuclear families than an extended one (Faturachman, 2014; Rustina, 2014).

To transform from an extended family model into a nuclear one is not as easy as one turns back his or her hand's alms. There are a lot of practices needed to be adjusted such as the age of marriage, how to raise children,

daily life, education, job market, etc. To be ready as an independent family means we must be capable of earning money, having needed knowledge and proficiency, and mentally ready to face a new life. The contradictory point between religious precepts on one hand, and the demand of age, on the other hand, creates a few problems in modern societies including Muslim ones. For example, Muslims who commonly come from the background of poor families find it difficult to decrease the number of underage marriages. Besides the practice of underage marriage preceded in the history of Islam, this practice for some families is part of their solving problems because marriage acts in a point can be seen as releasing the parenting burden to uphold family resilience. Faturochman (2014) sees this development as a consequence of the modern era. Young Muslims must wait a little longer for their marriage up until their age is considered more mature, and their knowledge and skill are more prepared.

Therefore, more Muslim families inevitably turn out to the nuclear family model (Faturochman, 2014; Rustina, 2014). Status and role in the family follow the change of time and context. In the nuclear model management, a family is adjusted to the change of context. For example, households are not only considered as the burden of the mother, but also of other family members, or even many families ask others such as babysitters to carry out this task (Faturochman, 2014). In terms of education, parents share responsibilities with education institutions to nurture noble values and positive attitudes (Rustina, 2014). In the modern context, there is also a great shift in direction of the family. Traditionally families are oriented to uphold so-called family esteem based on higher values. Today, they tend to prepare their family sustainability in terms of economy, making sure that the family members can survive and even prosper.

Another important change worth mentioning is communication in the modern family is different from the traditional one. Obedience and communication which were common in traditional families' practices have been corrected by modern ones which urge to respect individual stand and democratic way of conversation. Muslim families face this dilemma considering the wisdom of traditional way of communication among members of the family and adopting new practices which do not violet the existing tradition. In addition, they must adapt also to the situation that wives of many Muslim families, in addition to husbands, feel obliged to earn money to support the

need of a family. This also implies to the way each member must converse with one another (Faturachman, 2014; Rustina, 2014; Kansil et al., 2017).

### **Family and Patriarchy**

Patriarchy may be defined as a system where man is positioned as the head of family (Horby, 1989), and in another reference, it may be formulated as “a politics of male privilege based on theories of sexual differentiation.” (Barlas, 2002). Barlas (2002) criticizes the definitions as both forms exaggerate men and condescend against women as unequal to others. Instead, she imagines it as “a continuum and move between its different poles in interpreting the Qur’ān,” seeking for egalitarian and antipatriarchal message of the Quran. She argues that Islam is not patriarchal religion, because the Qur’an treats man and woman as parents and spouses based on the assumption of equality. She explains that the nature of patriarchy in a family may direct some to interpret the Qur’an as having supported the patriarchal straight family.

However, Muslim scholars fall into one of the forms of the definition of patriarchy which preserves the wisdom of the medieval period. Muslim family in Indonesia and Malaysia take their inspiration from the form of Islam taught by Imam Syafi’i with Sunni theology. This madhab certainly comes from Arab as Imam Syafi’i himself a Quraishy Arab. As we know Muslim families were initially taken from traditional as well as patriarchal families of the Arabs. Though these initial practices should be better situated as form, expression, or reflection of Islamic teachings regarding family, these practices have been often treated as the only ideal offer. Muslims have even been mythologizing rather than using them proportionally (KBBi 5; Binghamlib, 2007; Joseph, 2007). For example, Muslim families in the Middle East raise members of the family more based on their patriarchal structure of a family system (Binghamlib, 2007). It means that they are expected to prioritize the father as the head of the family. Respect and honor are nurtured and kept seriously in a customized way. Parents take it seriously to train and discipline their children according to these patriarchal values.

Family matters are the priority among many Arab families. It is understandable if Joseph (2007) summarizes the nature of Arab families in this tone. He explains that the family is the core point of Arab society where matters including political, economic, social, and religious matters are determined. The structure of Arab (Muslim) families is patriarchal. Families are a human resource where every member of the family helps one another.

Like other families, Arab families respond to the issue of gender sensitivity by considering the existing family values. Accordingly, they prefer to respect the following values: philanthropy, reciprocity, pride, nobility, bravery, force, frank emotion, indirect communication, avoidance of conflict, honor, and the use of media in negotiation (Joseph, 2007). They place family matters as the priority, family is an idiom. Binghalib (2007) shows that this patriarchal system of Muslim Arab families creates jealousy among sisters due to the privileges that boys receive more.

Charles Hirschman asserts that empirical research informs that women in rural areas often participate in agricultural production and trade. In contrast, their male counterparts sometimes play roles in household tasks. This means that patriarchy has been there in the family, yet rationalization of roles has been also taking place. In other words, these practices can be treated as capital that can be used to push the development of gender equity in Malaysia, in addition, to receiving international undertaking on gender equity (Hirschman, 2016).

Bourqia (2006) argues that family in the modern context should protect the esteem of every member of the family. In her view, patriarchy is not Islamic. It is constructed in societies, and it was there when Islam was brought for the first time by Muhammad (Binghalib, 2007; Muqoyyidin, 2013). In Islam, tradition is appreciated. Patriarchy is part of a tradition. It could be this line of argumentation that certain Muslim clerics blended patriarchy as part of religion. Patriarchy itself is a dominant system of kinship in the world (Muqoyyidin, 2013). Bourqia (2006) explains that man and woman are only biological creatures. At the same time, they are also culturally constructed within the existing cultures and social practices in families and societies. In this sense, Mufidah (2010) argues that Islam has a prime role, which is to bring grace (rahmah) to all creatures and universe. So, gender relations must be discussed in this framework. The Prophet Muhammad and his Companions had shown us how to respect and bring grace, convenience, and comfort to the ummah. One of the things that they did is to reduce discrimination among men and women. Furthermore, she explains that the Qur'an does not differentiate man from woman (Q.S. An-Nahl: 97; Q.S. Al-Hujurat: 13).

Suharto (2002) gives a tip on how Muslim families can face the challenges of contemporary times. *First*, every Muslim family is expected to be independent economically. In so doing, every member to a certain extent takes responsibility for reducing the burden of family needs. The role of mother is expected to handle not only her carrier but also her role at home.

The obligation to take care of households is shared among members of a family. *Second*, in dealing with the culture of patriarchy, the Muslim family is expected to appreciate the existing values by implementing and nurturing a number of values and practices: respecting others, understanding others, not interrupting other people's talk, listening to others politely, conversing others politely, expressing disagreement respectfully, grateful for the benefits he or she receives, consult others when he or she has a problem, announcing what the family consider important when they have a meal together, not insulting other family members, not cursing at others, behave in front of others, asking permission when he or she would like to smoke, inviting another to sit, not in a hurry to give treats to guests, introducing a guest to the members of a family, and coming to the invitation. *Third*, every Muslim family is expected to pay attention to the aspect of feelings and love of all family members. Each is kindly advised to maintain and nurture grace and love for one another in the family by for example respecting status and role of each member, and by nurturing the feeling of gratitude for what all members of the family receive, gain, and start to do new things. Stivens (2006) identifies that in Malaysia, state, religion, and the media play the role of the guardian of social as well as family values and morals. They are geared toward Islamic teachings which are conservative and by orthodox global forces which nurture traditional values including traditional family values.

### **Conclusion**

The study finds that Muslim scholars and clerics in Indonesia and in Malaysia have been interpreting the Qur'an to nurture and adapt the ideal concept of family for the sake of making it relevant to the demand of the age. However, their efforts either one in the region still fall into prescriptive response over modern challenges, utilizing modern values and systems of doing things in family affairs within the constrained use. They try more on opposing modern forces rather than taking advantage of them for rationalizing, restoring, and adapting the traditional practices. As a result, the concept of the ideal Muslim family gears towards reification rather than reformation for the betterment of Muslim families living in the modern era.

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## References

- Abdullah, R. (2007). A study of Islamic family law in Malaysia: A select bibliography. *International Journal of Legal Information*, 35(3), 514-536. <https://doi.org/10.1017/S0731126500002481>
- Abdullah, R., & Khairuddin, S. (2009). The Malaysian Sharī‘ah Courts: Polygamy, Divorce and the Administration of Justice. *Asian Women*, 25(1), 21-54.
- Ali, M. (2014). Islam in modern Southeast Asian history. In *Routledge Handbook of Southeast Asian History* (pp. 225-235). Routledge.
- Al-Ati, H. A. (1995) *The Family Structure in Islam*. American Trust Publications (ATP).
- Azeez, Y. A., Zakariyah, L., Shukor, S. A., & Salleh, A. Z. (2016). Codification of Islamic Family Law in Malaysia: The Contending Legal Intricacies. *Science International*, 28(2), 1753-1762.
- Joseph, S. (2005), *Encyclopedia of Women & Islamic Cultures* 1-6, Leiden, Boston: Brill.
- Barlas, A. (2002) The Family and Marriage Retrieving the Qur’an’s Egalitarianism. In *Believing Woman in Islam: Unreading Patriarchal Interpretations of the Qur’an*. (pp. 167-202) Texas: The University of Texas Press.
- Badran, M. (1996). Feminists, Islam, and nation. In *Feminists, Islam, and Nation*. Princeton University Press.
- Binghalib, Y. (2007). *Family Dynamics between Arab Muslim Parents, Western Parents and Their Bi-Ethnic Children*. Thesis. California State University.
- Bakry, S. N. (1993). *Kunci Keutuhan Rumah-Tangga (Keluarga yang Sakinah)*. Jakarta: Pedomon Ilmu Jaya.
- Bourqia, R. (2006). The Role of the Family in the 21st Century an Islamic point of view. In Helmut Reifeld (Ed.), *Marriage, Family dan Society – a Dialogue with the Islam*. Konrad-Adenauer-Stiftung.

- Collier, K. (2007). The Philippines. In Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- De Casparis, J. G., & Mabbett, I. W. (1992). Religion and popular beliefs of Southeast Asia before c. 1500. *The Cambridge History of Southeast Asia*, 1 (part 1), 276-339.
- Djaelani, A. Q. (1995). *Keluarga Sakinah*. Surabaya: Bina Ilmu.
- Eddouada, S. (2008). Implementing Islamic Feminism: The Case of Moroccan Family Code Reform. In *Islamic Feminism: Current Perspectives*. Tampere Peace Research Institute, Occasional Paper, (96), 37-46.
- Fahmi, I. (2014). Proses pengambilan keputusan menjadi isteri kedua dalam perkawinan poligami pada wanita berpendidikan tinggi. *Psymphathic: Jurnal Ilmiah Psikologi*, 1 (2), 231-243. <https://doi.org/10.15575/psy.v1i2.479>
- Faturochman. (2001). Revitalisasi Peran Kelauarga. *Buletin Psikologi*, 9.
- Fealy, G., Hooker, V. and White, S. (2007). Indonesia. In Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- Funston, J. (2007a). Brunei Darussalam. In Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- Funston, J. (2007b). Thailand. In Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- Funston, J. (2007c). Singapore. In Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- Funston, J. (2007d). Malaysia. In Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- Hirschman, C. (2016) Gender, the Status of Women, and Family Structure in Malaysia. *Malaysian Journal of Economic Studies*, 53(1), 33-50.

- Hornby, A. S. (1989) *Oxford Dictionary Advanced Learner's Dictionary* (4<sup>th</sup> ed. edited by A.P. Cowie) Oxford: Oxford University Press.
- Indra, H. (2017). *Pendidikan Keluarga Islam dalam Membangun Generasi Unggul*. Yogyakarta: Deepublish.
- Kamus Besar Bahasa Indonesia Edisi Lima (KBBI V). Aplikasi luring resmi Badan Pengembangan dan Pembinaan Bahasa, Kementerian Pendidikan dan Kebudayaan Republik Indonesia.
- Kamaruddin, Z., Yunus, S., Embong, R., & Hashim, H. A. (2018). The History of Sisters in Islam. *International Journal of Academic Research in Business and Social Sciences*, 8(11), 551-558. <http://dx.doi.org/10.6007/IJARBS/v8-i11/4929>
- Kompilasi Hukum Islam. (2001). *Kompilasi Hukum Islam di Indonesia*. Direktorat Pembinaan Peradilan Agama Islam Ditjen Pembinaan Kelembagaan Islam Departemen Agama.
- Lambrecht, C. (2007). Burma (Myanmar. In Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- Ma'arif, S. (2010). *Konsep al-Qur'an tentang keluarga bahagia*. Thesis. Universitas Islam Negeri Syarif Hidayatullah Jakarta.
- Malik, M., Safarudin, S., & Mat, H. (2018). Islamic NGO as another actor of Civil Society: The Case of Pertubuhan IKRAM Malaysia (IKRAM). *Ulum Islamiyyah*, 23, 27-46. <https://doi.org/10.33102/uij.vol23no0.17>
- Noor, Z. (2007). Gender Justice and Islamic Family Law Reform in Malaysia. *Kajian Malaysia*, 25(2), 121-156.
- Poetranto, S. (2011). *Seri Bacaan Orang Tua: Kumpul Keluarga Rutin*, Direktorat Pembinaan Pendidikan Anak Usia Dini, Direktorat Jenderal Pendidikan Anak Usia Dini Nonformal dan Informal, Kementerian Pendidikan Nasional.
- Muqoyyidin, A. W. (2013). Wacana Kesetaraan Gender: Pemikiran Islam Kontemporer tentang Gerakan Feminisme Islam. *Jurnal Al-Ulum (Jurnal Studi-Studi Islam)*, 13(2), 490-511.

- Mufidah Ch., (2010), *Isu-isu Gender Kontemporer dalam Hukum Keluarga*, Malang: UIN-Maliki Press.
- Rahman, M. S. A. (2017) *Undang-undang Keluarga Islam, Aturan Perkahwinan: Suatu Pendekatan Berdasarkan Amalan Semasa*, Kuala Lumpur: Zafar Sdn. Bhd.
- Ramsay, J. (2007). Cambodia and Vietnam. In. Fealy, G. & Hooker, V. (Eds.) *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*. Singapore: Institute of Southeast Asian Studies.
- Kansil, R., Tangkudung, J. P., & Mewengkang, N. N. (2017). Fenomena Komunikasi Keluarga Tradisional Dan Keluarga Modern Dalam Membentuk Kepribadian Anak Di Kelurahan Bahu. *Acta Diurna Komunikasi*, 6(3).
- Rustina. (2014). Keluarga dalam Kajian Sosiologi. *Musawa*, 6(2), 287-322.
- Subramaniam, M. S. (2018). Judicial Dilemma: Secular or syariah for inter-faith family disputes in Malaysia. *CALE Discussion Paper*, (15), 1-34.
- Stivens, M. (2006). Family Values, and Islamic Revival: Gender, rights, and state moral projects in Malaysia. *Women's Studies International Forum*, 29, 354-367,
- Suharto, T. (2011). Membina Keluarga Muslim di Era Global: Pergumulan antara Tradisi dan Modernitas. *Musāwa*, 10(2), 205-214. <https://doi.org/10.14421/musawa.2011.102.205-214>