



Reflection of Islamic Law on Living Al-Hijr When Baganyi in The Community Nagari Canduang Koto Laweh

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Abstract. After marriage the husband will live in the wife's house (matrilocal) but must go through the bajapuik tradition first, this is the consequence when there is a conflict between husband and wife which is difficult to reconcile, the husband who leaves the residence. The departure of the husband from the wife's residence is known as baganyi. The Nagari Canduang Koto Laweh community considers baganyi to be a way of solving household problems such as when nusyuz is a wife. Baganyi is often equated with al-hijr which is permissible in Islam. The main problem in this article is how is the concept of baganyi that occurs in the Nagari Canduang Koto Laweh community, is it in line with the concept of al-hijr in Islam?, To what extent is Niniak mamak and traditional institutions involved in resolving baganyi cases?, and how effective is the baganyi in resolving household matters? In this study it was concluded that although the causes of the occurrence were almost the same, there were several differences in the practice of baganyi that occurred in the Canduang community and the concept of al-hijr which was permitted by Islam. Mamak has an important role in solving the baganyi problem, even involving his wife in this case, while the customary institution that used to act as a partner consulting body has now begun to lose its role since the KUA took over the task of marriage. Regarding the effectiveness of baganyi as a settlement of household cases it is considered less effective.

Keywords: Islamic law, Al-Hijr, Baganyi

1. Introduction

The matrilineal kinship system is the oldest kinship system in the world, even before the existence of the patrilineal kinship system. (Bandaro, 2002) The fact reveals that this kinship system is rarely applied, only two or three from all over the world, such as Africa and India. (Fatimah, 2012) Matrilineal means a lineage that follows the mother. In the matrilineal system, children born by their mothers, including men or women, all follow their mother's tribe and tribal status is permanent and cannot be moved or exchanged. Matrilineal system is a symbolic recognition that a mother is the central point of unity, because Minangkabau people give privileges to women because of their nature to perform three functions that cannot be done and replaced by men such as: pregnancy, childbirth, and breastfeeding babies. However, it should be noted that the lineage referred to here is the tribal line (customary lineage), while the lineage such as "bin" or "binti" of a child is still attributed to his father.

In the matrilineal system, marriage is not a matter of a couple wanting to form a family or household. Therefore, the Minangkabau philosophy makes everyone live together, so household matters become a common affair. According to the matrilineal system, women have full rights in the gadang house, and men only ride. Daughters who are married or married live in the chambers (rooms) of the gadang house with their husbands, while

immature girls sleep with other sisters in the living room. Boys who are seven years old are told to learn the Koran and stay at the surau. Basically, in Minangkabau, boys are forced to live apart from their parents and female siblings from a young age (school age). They are forced to live in groups in surau-surau and no longer live in gadang houses with their mothers. (Amir MS, 2011).

Furthermore, after the marriage contract occurs, the groom (marapulai) cannot immediately go home to his wife, usually he will return to his parents' house with other family groups. The groom can only return to his wife's house if he has undergone the bajapuik tradition (traditionally picked up). The term manjapuik marapulai arises when the bride's family comes to the groom's family by menjujung baban (carrying a kind of offering containing food and traditional dishes that are held on the head using ketiding) to be taken to the anak daro's (bride's) house.

This manjapuik marapulai tradition is usually held on Friday. In the morning, the marapulai is traditionally picked up by mothers consisting of bako (the father's family from the woman's side), this bako representative brings a carano containing betel nut, gambier, areca nut and money for pick-up according to custom, a neighbor representative (carrying a ketiding containing a complete chicken singgang, rice), the mamak's wife (carrying a dulang) then may be accompanied by anyone who wants to come. In the afternoon, another male representative of the female family will come to the male's house, carrying selapah santo (a wallet containing palm leaf cigarettes) which is delivered by negotiation as a signal to pick up the marapulai and will immediately take the marapulai to his wife's house. Then at night the marapulai is paraded accompanied by Rabano musical instruments and the marapulai will be escorted together to his wife's house, and when he arrives there will also be many traditions carried out, such as panitahan (pasambahan). (Yuzendri, personal communication, May 2023).

The custom of manjapuik marapulai is not the same in all regions, depending on the customary rules in the area where the bride and groom are located. That is, there is a tradition of manjapuik marapulai which is carried out at night or in the afternoon and is not paraded accompanied by rabano musical instruments. (Yuzendri, personal communication, May 2023) After the marapulai (groom) is picked up, from then on he will live in his wife's house. In custom, the husband's stay in his wife's house is known as matrilocal. Usually the husband and his wife will occupy the front room of the house, indicating that they are newlyweds.

In his wife's house the husband is called Sumando, he is considered an immigrant as well as an honored guest. (Yanasti et al, 2021) As a newcomer, his position is often described dramatically as ash ateh tunggua (dust on a stump that if a strong wind comes, it will fly away). (Nofiardi, 2018) This gesture means that the husband's position in his wife's house is very valuable, but also very weak and easy to get rid of. (Arifin, 2013) However, it can also mean that the husband must be more careful in placing himself in the environment of his wife's relatives. (Amir MS, 2011) The position of sumando is higher than the woman and her family, therefore service to sumando is like manatiang minyak panuah. This means that the sumando person must be kept in his feelings so as not to be offended. With the husband living in his wife's house (matrilocal) this has an impact on his household life. If there is a conflict in the household that is difficult to resolve, the husband will leave his wife's house. The husband's departure from his wife's house in Minangkabau custom is called baganyi. (Nofiardi, 2018)

Baganyi often occurs as a way for husbands to give lessons and warnings to wives when there is conflict in the household caused by several things, such as nusyuz or conflict with

third parties in the household. In Islam itself, it is said that one of the ways to resolve nusyuz is by al-hijr, which is often interpreted as bed separation.

In an article entitled "Kamari Bedo: Women's Dilemma in the Uncertainty of Marital Status", Silfia Yanasti, Jendrius, Maihasni mentioned that in terms of a feminist approach, the departure of the husband leaving the wife makes the status of marriage unclear, and makes women go awry, this is termed "kamari bedo" researchers found that kamari bedo women are empowered by the structure, namely the wife's obligation to the husband, the existence of limited social activities, the obligation to cover family problems, the obligation to protect children, and the negative view of widows. (Yanasti et al., 2021)

Meanwhile, Nofiardi in his writing entitled "Marriage and Baganyi: Cultural Sociological Analysis in the settlement of disputes in Banuhampu sub-district, Agam Regency" reveals that, because marriage in Minangkabau custom is a joint affair, all consequences arising from the marriage are joint responsibility, including in the settlement of baganyi, the role of niniak mamak is needed in solving this problem so that divorce does not occur. (Nofiardi, 2018)

Afnan Riani Cahya Ananda, Ricca Alfiatul Arafah and Rizki Pangestu explained in an article entitled "Islamic Reform in the Family Sector and Its Relevance to the Nusyuz Settlement Process" that in resolving nusyuz there were changes that occurred in the pre-Islamic and Islamic periods. The arrival of Islam itself brought changes to the concept of nusyuz. in ancient times nusyuz was rarely discussed by the people of jahiliyah. Women in the past could not file for divorce. This is because it can be categorized as nusyuz, but after Islam came, family law began to be changed little by little (Ananda et al., 2020).

Meanwhile, in this paper, the author wants to reveal that at first glance baganyi is claimed to be a form of implementation of al-hijr which is permitted by Islam. However, if studied further, there will be differences between the two. Based on this, the focus of the study in this paper is to compare the applicable law in adat with the rules in the Qur'an in the case of baganyi, how Islam views baganyi that occurs in the Canduang Koto Laweh nagari community, is it in line with the concept of al-hijr which Islam allows?, To what extent is the involvement of Niniak mamak and customary institutions in resolving baganyi cases, and how is the effectiveness of baganyi in resolving household cases in the Canduang Koto Laweh nagari community.

2. Methods

The type of research used in writing this article is a field study by conducting direct observation of baganyi cases, materials and materials obtained through discussions and interviews with several traditional leaders in Canduang, as well as from various literatures that have relevance to the studies conducted. Through a qualitative descriptive approach, it is known that the parties who do baganyi and consider it as the implementation of al-hijr are due to reasons of infidelity, quarrels, prolonged disputes, expulsion by one party.

3. Results and Discussion

3.1 Al-Hijr

In fostering household life, husband and wife have their respective rights and obligations. If these obligations are abandoned and the rights of the spouse are neglected, a conflict occurs which usually tends to be difficult to resolve and can take place continuously. in the discussion of fikih munakahat this conflict is called nusyuz. Nusyuz

linguistically means elevated or elevated, (Amir Syarifuddin, 2006) so that a wife who is nusyuz to her husband can be said that she feels that she is higher than her husband, as a result she feels no obligation to obey her husband. Meanwhile, in terms of terms, the meaning of nusyuz is the wife's disobedience to her husband in carrying out the obligations ordered by Allah.

One form of nusyuz wife is like she goes out of the house without the permission of the husband and the husband is not pleased, the attitude of turning away from the husband, sour face, feels heavy when called and it is different from the previous days where the wife used to be gentle and cheerful, or her harsh speech is different from the previous gentle. (al-Zuhaily, 2006) The result of this nusyuz is a dispute between husband and wife or displeasure on the part of the wife or husband accompanied by disharmonious relationships.

Nusyuz can be committed by the wife or by the husband. However, Islam has regulated the procedure for resolving nusyuz which is explained through the Qur'an and hadith, for example, if the nusyuz is the wife, the husband can resolve it in three ways, by mau'izah (advice), doing al-hijr (bed separation) or by hitting (with a blow that does not physically hurt the wife) this is explained by QS. an-Nisa' (4): 34.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Meaning: The men are the leaders of the women, because Allah has preferred some of them (men) over others (women), and because they (men) have spent some of their wealth. Therefore, the virtuous women are those who obey God, and keep themselves in the absence of their husbands, because God has taken care of them. And those women whom you fear may be unfaithful, counsel them, separate them from their beds, and beat them. Then if they obey you, then do not seek to trouble them. Verily, Allah is Most High, Most Great.

Fuqaha differ on the order of these three methods of resolving al-hijr. This difference is related to the necessity of passing from the first method to the next if it does not work or may be done based on need. The use of the letter 'ataf (waw) in the verse although basically it does not require tartib, but in this context many scholars are of the opinion that there must be tartib.

One of the ways that a married couple can resolve nusyuz is al-hijr. Al-hijr etymologically means leaving, separating and or not dealing with the object in question. Linguistically, al-hijr means a husband who does not treat his wife, does not talk to her, and does not have any relationship or cooperation with her. (as-Subki, 2010) Lafaz al-hijr has several meanings, according to Ibn Abbas, the meaning of al-hijr is if you keep her company in bed but by turning your back and not touching her. (as-Subki, 2010) According to Ibn Mujahid, al-hijr means staying away from her bed, while according to the opinion of Imam Malik, al-hijr emphasizes separating yourself with the true separation or distance.

Fuqaha differ in the meaning of al-hijr. Some fuqaha argue that al-hijr is not having biological intercourse with the wife during the nusyuz period. The implementation of al-

hijr in the household can also be characterized by speaking harshly to the wife, not just giving mau'idzah. Meanwhile, another opinion says that al-hijr is done by limiting the wife's movements in the house as a form of bonding to her to regain consciousness. (Ahmad Izuddin, 2015)

It is understood from the concept set by the Fuqaha', that al-hijr tends to be interpreted by the term bed separation between husband and wife. Separate beds that are allowed by Islam are separate beds in the sense of different sleeping rooms, but still remain in one house, the husband and wife remain in the same house and cannot leave the house, because if one of them leaves the house it will certainly spread disgrace or problems that exist in the household, and will directly cause talk for many people. Meanwhile, we know that covering the disgrace of domestic relations is an obligation for husband and wife.

This al-hijr method according to the majority of scholars is carried out after the husband gives mau'idzah or advice to the wife. Fuqaha differ in interpreting al-hijr. Some fuqaha argue that al-hijr is not having biological intercourse with the wife during the nusyuz period. The implementation of al-hijr in the household can also be characterized by speaking harshly to the wife rather than just giving mau'idzah. Meanwhile, other scholars argue that al-hijr is carried out by limiting the wife's movements in the house as a form of bonding to her so that she regains consciousness of her actions.

Imam Shafi'i limits al-hijr in the form of not talking to a maximum of 3 days, this is in line with the Prophet's hadith "has told us (Muhammad bin Ash Shabbah Al Bazzaz) said, has told us (Yazid bin Harun) said, has told us (Sufyan ats Tsauri) from (Manshur) from (Abu Hazim) from (Abu Hurairah) he said, "The Messenger of Allah SAW said: "It is not permissible for a Muslim to keep his brother silent for more than three days, if he keeps silent for more than three days and then dies, then he will enter Hell. (H.R. Ahmad)." (Basyir, t.t.)

While the maximum limit of al-hijr in the sense of not having sexual intercourse with the wife is four months as the maximum period of the ila 'oath. (Mahmud al-Mishry Abu 'Amar, 2006) In the treasures of Islamic law, al-hijr aims to provide space for introspection and gradual improvement of communication patterns between husband and wife. The time lag that occurs in the practice of al-hijr is expected to reduce the ego of one of the spouses who committed nusyuz and re-establish a sense of presence of the spouse. This is relevant to Iris Krasnow's opinion which states that the factor that makes a relationship stronger is the absence of one partner for a certain time. (Djamaan, 2006) Although most married couples tend to think that the absence of communication for a certain time will cause conflict, it is hoped that the pause in communication will be able to generate longing and desire to re-establish the relationship. This is also the case with bed separation carried out by husbands against wives who commit nusyuz.

Basically, the husband is obliged to provide physical and mental maintenance for his wife. However, when al-hijr occurs, the husband may not provide (inner) maintenance to the wife, this can be used as an excuse to warn the wife to come back to her senses and obey her husband. However, this is not the only way the husband must do it. The meaning of the concept of bed separation does not mean abandoning sexual relations between the two. Because this can be done by trying to establish communication with the wife when sleeping with her. It is hoped that over time it can be a way to reconcile and sensitize husband and wife who are in conflict. (Ananda et al., 2020) The legal basis in Islam that allows al-hijr (bed separation) is :

a. Qur'an. (QS. an-Nisa' (4):34)

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَأَهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ فَإِنْ أَطَعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

Meaning: The men are the leaders of the women, because Allah has preferred some of them (men) over others (women), and because they (men) have spent some of their wealth. Therefore, the virtuous women are those who obey God, and keep themselves in the absence of their husbands, because God has taken care of them. And those women whom you fear may be unfaithful, counsel them, separate them from their beds, and beat them. Then if they obey you, then do not seek to trouble them. Verily, Allah is Most High, Most Great.

In the interpretation of Ibn Kathir is to give lessons to wives who are worried about their defiance, namely by being given advice, if the advice is not useful then separated from their beds or separate beds, if it is not useful then it is permissible to hit them with a blow that does not leave a mark. if the first method has no benefit, do not run another method and so on.(Ahmad, 2004)

b. Hadith

Hadith from Hakim bin Muawiyah al-Qusyairi narrated by Abu Dawud, the words of the Messenger of Allah which means: "From Hakim bin Mu'awiyah al-Qusyairi from his father: I asked the Messenger of Allah: "what is the right of a wife over her husband?" The Prophet replied: "feed your wife what you eat, clothe her as you wear or seek, do not hit her in the face, do not demonize her, do not do al-hijr except at home. (HR Ahmad)."

Based on the hadith, it is understood that although al-hijr is permitted, the husband cannot do it arbitrarily, because there are certain rules that must be obeyed by the husband, namely: 1) Not allowed to expel the wife from the house, 2) Must not bring the issue of al-hijr out because this is a matter of household privacy, 3) Not exceeding the maximum time limit that has been formulated by the fuqaha'. 4) The husband must continue to provide maintenance, attention and affection for his wife.

3.2 Baganyi

As a form of consequence of matrilocal as already written at the beginning of this article, if there are household problems between husband and wife that are difficult to resolve, the husband usually leaves the wife's house and does not return for a long period of time, it can be weeks, months or even years.(Nofiardi, 2018) The event of the husband leaving his residence with his wife in the life of the Canduang Koto Laweh community is known as baganyi. The disharmony that occurs in the family to trigger baganyi is caused by various factors, such as prolonged disputes between husband and wife, infidelity or third party interference in domestic life.

In the past, the man (husband) who baganyi or left his family would go to the surau in his parents' village. Why not go back to the man's parents' house? Because going back to his parents' house is the same as saying that he has divorced his wife and it is a disgrace for the husband. During the baganyi period, the husband will mingle with the young men who at that time also sleep in the surau, so it is not wrong that in the past the surau had many functions, besides being a place to learn religion and customs for the younger generation, it also functioned as a place to sleep for men who were baganyi and widowers.

Such is the case in the Canduang Koto Laweh community, one of the areas located in Agam Regency, West Sumatra Province. If there is a continuous conflict in the household, then in this community it usually often happens that the husband will separate the bed with his wife. The separation is done by the husband leaving the house with his wife and not returning home for a long time (baganyi). This baganyi event usually takes place in a short period of time, some last for months and some even occur over a period of years. Islam does not allow a husband to leave his wife for a long period of time, especially when the situation and circumstances of the household are not good (not harmonious).

Based on discussions conducted with niniak mamak and traditional leaders in Canduang Koto Laweh village, they argue that the phenomenon of baganyi like this is commonplace, because it has happened like this since ancient times. And usually if the husband wants to return to his wife, then he will return by japuik (customarily picked up) by one of the families from the wife's side, and they will return to live together like a married couple in general. But there are also those who argue and say they do not agree with the existence of baganyi events such as what happened in Canduang. Because according to him, that the phenomenon of baganyi like this seems not in accordance with the rules allowed by Islam, because the practice of baganyi that occurs is leaving the wife for an unclear period of time so as to make the wife's status unclear, and they argue that baganyi is not a solution to solving marital problems. but to provide proper understanding to the perpetrators of this baganyi, the niniak mamak and traditional leaders have also not been able to fully because not all baganyi perpetrators want to listen, and if advised they will still insist on maintaining various reasons as a refusal.

The resolution of baganyi usually involves the extended family. This is because marital problems in Minangkabau in particular are a joint affair, not just a matter for the husband and wife. When the phenomenon of baganyi occurs in the household of his niece, Mamak (mother's brother / who is as tribal as the mother) will be involved in resolving the baganyi. The settlement of baganyi is carried out in stages such as, a) Mamak (from the wife's side) finds out first about what actually happened in the household of her niece, b) Mamak (from the wife's side) or its representative goes to the mamak (from the husband's side) to invite discussion. Then, Mamak (from the husband's side) invites his niece to discuss and find a way out of the problem, c) If the husband and wife agree to reconcile and get back together, then a representative from the wife's family will come (usually the wife of the mamak) to pick up the husband to return to his wife's house, so the one who picks up is not the person who is directly in trouble with the husband. The pick-up is no longer done with a massive tradition like when a new marriage occurs. Arriving at the wife's house there will usually be a meal together as a form of thanksgiving because the relationship between husband and wife has improved again.

In addition to mamak, in the past in the Canduang Koto Laweh nagari area there was also an institution known by local people as Angku kali / Inyik kali. Angku kali / Inyik kali

is tasked with taking care of community marriage affairs, starting from the process of implementing marriage to providing advice and guidance to husband and wife who are in trouble. However, since the transfer of authority in marital affairs to the KUA, Angku kali/ Inyia kali no longer acts as a headman to marry people off, but occasionally his presence is still used by people experiencing domestic problems.

It should be noted that not all baganyi problems can be solved that easily. According to some people, this is due to the weakening of the matrilineal kinship structure, which has resulted in a much reduced role for the mamak towards small families. This can be seen when all family problems such as husband baganyi. Mamak is often not involved in solving the husband-wife problem.

3.3 Reflections on baganyi and al-hijr

Although the attitude of baganyi is a form of demonstration from the husband to his wife and family, of course there are some things that husbands (urang sumando) need to keep in mind such as: this sulking attitude should not be known by the in-laws or other relatives of the wife who interpret the existence of a quarrel, sulking is an attitude shown to avoid domestic violence or harsh actions to the wife, avoid arguments in front of children.

The meaning of baganyi for the Canduang Koto Laweh nagari community is considered as an implementation of al-hijr as found in Q.S an-Nisa': 34, baganyi is expected to be a solution so that husband and wife are able to realize their respective mistakes. Baganyi is expected to be able to resolve household conflicts, because both (husband and wife) have both reflected on their mistakes. However, in practice, baganyi is very different from al-hijr. Because al-hijr is carried out by means of the husband separating his bed from his wife (bed separation) but still remaining in the same house. The husband may not expel the wife from the joint residence, the problems that occur must not be known by any party and this bed separation must not be done arbitrarily. Whereas in baganyi it is known that the husband leaves the house where he lives with his wife, his departure is accompanied by anger and hatred, husband and wife tend to cut off silaturahmi relations, no maintenance is given by the husband to the wife, even baganyi can occur for a long time.

The concept of al-hijr is basically one of the duties of the husband as qawwam towards his wife. the word qawwam means a leader who takes care of the wife's interests and protects her from harmful things. This is due to two aspects of the advantages of men, both those that are fitrah with their physical strength and those that are kasbiyah with the ability to make a living for the family. (al-Maraghi, 2005) The success of al-hijr in handling nusyuz has a close relationship with the implementation of the husband's qawwam functions such as: a) the ability to provide an ideal living for the wife, b) the ability to be a good imam in the family, c) the ability to provide a decent place to live for the wife, d) the ability to understand and teach good religion to the wife and children, e) managerial ability to resolve household conflicts.

The fuqaha' have provided a time limit for al-hijr, which is not to exceed 4 months, but through the practice of baganyi, the tendency is to exceed this time limit. This certainly makes the conflict that occurs cannot be resolved immediately and is even more protracted. This condition shows that not many couples carry out al-hijr in accordance with Islamic teachings. In addition to the weak internalization of Islamic teachings in everyday life, the practice of al-hijr that exceeds the maximum limit is due to poor conflict management in the family. (Ahmad Izuddin, 2015).

Basically, Islam does not teach bed separation patterns by cutting off communication completely. However, by giving a break in communication so that each other do introspection and improvement. Psychologically, this programmed communication pause helps couples solve household problems. The dynamics that occur during bed separation by cutting off communication, is actually a form of the desire to settle down from couples to postpone conflict by not facing it directly and calming down each other. (Sadarjoen, 2005) However, if done for a long time, it will trigger new problems such as seeds of infidelity with coworkers or former lovers. Psychological comfort when not communicating with their spouse for a long time, can be a trigger for divorce.

The ethics of implementing al-hijr that should be considered by the baganyi perpetrator is to localize the conflict in the domestic area only, in the sense that it does not involve many parties in the conflict resolution process to avoid parties who do not have an interest. The involvement of other people who are not interested can lead to negative excesses, such as slander or infidelity. The implementation of al-hijr is basically done by separating beds, and occurs only in the house. Conflicted couples are not allowed to separate beds outside the home. In addition, the conflicting spouses are not allowed to show the parties' indifference in front of their children, continue to meet the needs or provide for the wife and children. Because the implementation of al-hijr is intended to teach a good lesson and find a way out, not to physically, economically, sexually, or psychologically abuse the wife.

Likewise in terms of nafkah. Providing maintenance is an inherent obligation of the husband towards his wife and children. However, when baganyi husbands tend not to provide maintenance to their wives. Although some scholars say that during the long separation period the husband does not have to provide maintenance to the wife because of the wife's defiance, Ibn Hazm states that every injustice does not mean depriving the perpetrator of material rights unless there is a Qur'anic text that stipulates it. Because every injustice does not have to be repaid with injustice as well. (Ahmad Izuddin, 2015) This view is actually interesting to look at, because it could be that the reason for the wife's defiance is because of the husband's inability to provide proper and economically responsible maintenance. If during this bed separation period the husband is actually reluctant to provide maintenance to his wife as before, then of course this condition will make the wife's determination to separate even greater.

4. Conclusions

Based on the discussion above, the following conclusions can be drawn:

First, the kinship system of the Minangkabau community including Canduang Koto Laweh nagari is matrilineal, while the system in marriage is matrilocal, namely moving the husband's residence after marriage to the wife's residence. Second, the Canduang community implies al-hijr with baganyi, the community considers that if there is a wife's nusyuz, then after the wife is unsuccessfully advised, the husband may separate the bed with her. However, in practice baganyi is not in line with the concept of al-hijr taught by Islam. Baganyi is carried out by the husband leaving the wife's residence for a long time, full of anger, completely cutting off communication, and not providing maintenance for the wife. Whereas in the concept of al-hijr the husband should be the party who plays the role of qawwam (protector) for his wife, not the other way around. Third, the conflicting couples did not introspect and negotiate in order to solve the problem

together. This is exacerbated by communicative constraints so that efforts to improve household relations do not run optimally.

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