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RETHINKING ISLAMIC DIVORCE LAW IN INDONESIA THROUGH JASSER AUDA'S SYSTEMS APPROACH

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ABSTRACT

The rising rate of divorce in Indonesia reveals a widening gap between normative legal regulations and the evolving social realities of Muslim families. Islamic family law, which aims to preserve marital harmony, is often perceived as overly formalistic and insufficiently responsive to contemporary social and gender dynamics. This study examines Islamic divorce law in Indonesia through the systems theory developed by Jasser Auda within the broader framework of *maqasid al-shari'ah*. Using a normative legal approach with qualitative analysis of statutory regulations, the *Kompilasi Hukum Islam*, Supreme Court regulations, and selected judicial decisions, the study operationalizes the six features of Auda's systems theory: cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness to analyze the structure and implementation of divorce law. The findings reveal several systemic weaknesses, particularly in the effectiveness of mediation, the enforcement of post-divorce financial obligations, and the legal protection of women and children. These issues indicate that divorce regulation operates within a complex interaction between legal norms, judicial practices, and changing social conditions. The study therefore argues that Islamic divorce law in Indonesia should be understood as an open and evolving legal system rather than a purely doctrinal framework. By applying Auda's systems perspective, this research contributes to extending *maqasid* analysis beyond normative interpretation toward a systemic evaluation of contemporary Islamic family law.

Keywords : *Divorce Law, maqasid, systems approach*

ABSTRAK

Meningkatnya angka perceraian di Indonesia menunjukkan adanya kesenjangan yang semakin melebar antara regulasi hukum normatif dan realitas sosial yang berkembang dalam kehidupan keluarga Muslim. Hukum keluarga Islam yang pada dasarnya bertujuan untuk menjaga keharmonisan rumah tangga sering kali dipersepsikan terlalu formalistik dan kurang responsif terhadap dinamika sosial dan gender kontemporer. Penelitian ini mengkaji hukum perceraian Islam di Indonesia melalui teori sistem yang dikembangkan oleh Jasser Auda dalam kerangka *maqasid al-shari'ah*. Dengan menggunakan pendekatan hukum normatif melalui analisis kualitatif terhadap peraturan perundang-undangan, *Kompilasi Hukum Islam*, peraturan Mahkamah Agung, serta sejumlah putusan pengadilan terkait perceraian, penelitian ini mengoperasionalkan enam fitur teori sistem Auda: *cognitive nature*, *wholeness*, *openness*, *interrelated hierarchy*, *multidimensionality*, dan *purposefulness* untuk menganalisis struktur dan implementasi hukum perceraian. Hasil penelitian menunjukkan adanya sejumlah kelemahan sistemik, terutama dalam efektivitas mekanisme mediasi, penegakan kewajiban nafkah pasca perceraian, serta perlindungan hukum terhadap perempuan dan anak. Temuan ini menunjukkan bahwa regulasi perceraian beroperasi dalam interaksi yang kompleks antara norma hukum, praktik peradilan, dan perubahan kondisi sosial. Oleh karena itu, hukum perceraian Islam di Indonesia perlu dipahami sebagai sistem hukum yang terbuka dan terus berkembang, bukan sekadar kerangka normatif yang bersifat doktrinal. Dengan menerapkan perspektif sistem dari Auda, penelitian ini berkontribusi memperluas analisis *maqasid* dari sekadar interpretasi normatif menuju evaluasi sistemik terhadap praktik hukum keluarga Islam kontemporer.

Kata Kunci: *hukum perceraian, maqasid, pendekatan sistem*

INTRODUCTION

Over the past two decades, the increasing rate of divorce in Indonesia has become a significant socio-legal concern, exposing the growing gap between normative marital regulations and the changing realities of Muslim family life. Data from the Central Bureau of Statistics (Badan Pusat Statistik/BPS) indicate that in 2023 the number of divorce cases filed before the Religious Courts reached a significant level, with the upward trend continuing into 2024 and 2025 across most provinces in Indonesia. (Statistik, 2025) This tendency not only reflects a growing rate of marital dissolution but also deeper social challenges, including fragile family resilience, limited public understanding of marital values, and structural weaknesses within the marriage law system. Divorce can no longer be viewed merely as a private matter between husband and wife; rather, it has evolved into a social problem with far-reaching implications for children, household economic stability, and even national development.

This issue cannot be assessed solely through statistical indicators, but must also be understood through the broader social dynamics that accompany it. Reports from the Central Bureau of Statistics (BPS) demonstrate a consistent increase in divorce over the last two decades, with causes ranging from economic hardship and incompatibility of character to domestic violence. Badan Pusat Statistik, Jumlah Perceraian Menurut Provinsi These data signal a crisis within the family institution, which ideally functions as the foundation of social harmony. From a legal perspective, the regulatory framework governing divorce under Law Number 1 of 1974 on Marriage and the *Kompilasi Hukum Islam* (KHI) appears to remain predominantly oriented toward formal and procedural aspects, rather than addressing the substantive problems experienced by the parties involved.

Normative issues within Indonesia's divorce law therefore warrant serious attention. Law Number 1 of 1974 on Marriage and the *Kompilasi Hukum Islam* (KHI) are frequently regarded as insufficient in ensuring adequate protection for women and children. In the context of post-divorce maintenance, for instance, judicial practice reveals that many court rulings are not consistently implemented by former husbands. Rohayati and her colleagues emphasize that weak law enforcement against former husbands who fail to comply with court orders constitutes a primary factor contributing to women's vulnerability after divorce. (Rohayati et al., 2025) This situation is further aggravated by the limited range of positive legal instruments available to compel compliance.

In addition, divorce practice in Indonesia reveals a noticeable gap between statutory texts and judicial implementation. Supreme Court Decision Number 137/K/AG/2007, (*Yurisprudensi Mahkamah Agung Republik Indonesia No. 137/K/AG/2007*, 2007) for example, represents an important precedent concerning nafkah iddah; however, its application has often been inconsistent. Julia's analysis of this decision demonstrates that judicial reasoning has not fully incorporated a maqasid al-shari'ah approach, thereby leaving unresolved gaps in the protection of women's rights. (Julia, 2020) Zulkifli further notes that although the Supreme Court has provided interpretative guidance through this ruling, lower-court judges frequently construe it in a narrow and strictly normative manner. **Ritonga Zulkifli, "Pemberian Nafkah Iddah Cerai Gugat Menurut Mazhab Syafi'i (Analisis terhadap Putusan Mahkamah Agung No. 137/K/Ag/2007)," Jurnal Landraad: Jurnal Hukum Keluarga Islam dan Hukum Muamalah 1 (2022): 23–34.**

A further weakness can be observed in the mediation mechanism as an instrument of dispute resolution. Supreme Court Regulation Number 1 of 2016 formally establishes a clear mediation framework; Mahkamah Agung Republik Indonesia, Peraturan Mahkamah Agung Nomor 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan (2016). however, in practice mediation often becomes a procedural formality and has not significantly reduced divorce rates. A study by I Gede Satya Bala Putra Dewa and colleagues at the Badung Religious Court demonstrates that many cerai talak cases ultimately proceed to full adjudication despite having undergone mediation, indicating that mediation has not functioned effectively as a final safeguard for marital preservation (Dewa et al., 2019). These conditions illustrate that Indonesia's divorce regulations frequently remain normative and partial, failing to fully address the complexity of contemporary Muslim family life.

Beyond legal and procedural issues, divorce also produces significant social consequences. As Mendoza, Tolba, and Saleh observe in their study of Egypt, divorce consistently generates economic and psychological vulnerability among women and children (Mendoza et al., 2019). Although Egypt and Indonesia differ in cultural context and legal structure, similar patterns of vulnerability are evident in Indonesian divorce cases, particularly when former husbands fail to fulfill their obligations concerning nafkah iddah and mut'ah as determined by court decisions. This suggests that divorce in Indonesia cannot be understood solely within a legal-formal framework but requires a broader analysis encompassing social, economic, and legal dimensions.

From the standpoint of academic literature, numerous studies have examined divorce from diverse perspectives within Islamic family law. Achmad, Supardin, and Asni highlight judicial efforts to resolve divorce disputes through amicable judgments by drawing upon a maqasid al-shari'ah framework (Achmad et al., 2022). Kartini and her colleagues emphasize a maqasid approach in addressing early divorce resulting from underage marriage (Kartini, 2022). Fauzi, Hermanto, and Taqwa analyze divorce in relation to Lampung Pepadun customary law within the framework of maqasid al-shari'ah (Fauzi et al., 2022), while Firdawaty and co-authors explore the dominance of wives over marital property within the Lampung Sai Batin customary community using a similar perspective (Firdawaty et al., 2024). These studies demonstrate a growing scholarly interest in employing maqasid al-shari'ah as an analytical framework for understanding divorce in Muslim societies. However, these studies generally focus on specific legal issues or case-based discussions and do not examine how divorce law operates as a broader legal system interacting with social and institutional realities.

Other studies have begun to apply Jasser Auda's systems theory within broader discussions of Islamic law. Budiyanto and Andika Mubarak analyze marriage registration through the lens of Auda's maqasid-based systems perspective (Budiyanto & Mubarak, 2023). Similarly, Muchamad Toif Chasani examines the application of Auda's systems theory within Islamic legal philosophy (Muchamad Toif Chasani, 2022), while Nabilah, Putri, and Rizal discuss the implementation of the systems approach in the regulation of marriage dispensation in Indonesia. Wardatun Nabilah, Dewi Putri, and Deri Rizal, "Jasser Auda's System Approach in the Rules of Marriage Dispensation in Indonesia (Review of Maqashid Syariah)" (2024): 265–281. Although these studies illustrate the growing relevance of Auda's framework, they do not specifically address the dynamics of divorce law in Indonesia. Consequently, the application of Auda's six systemic features to analyze divorce law as an integrated legal system in Indonesia remains largely unexplored. Recent bibliometric studies also indicate that Islamic family law scholarship in Indonesia remains largely dominated by normative approaches, with limited engagement in multidisciplinary frameworks, highlighting the relevance of systemic perspectives such as Jasser Auda's theory (Maimun et al., 2024)(Mohammed, 2024).

Based on the author's review of existing scholarship, no study has systematically analyzed Indonesian divorce law through a comprehensive application of the six features of Jasser Auda's systems theory. Most existing studies rely on textual interpretation or partial

maqasid-based analysis and therefore do not fully capture how divorce law operates as a complex legal system interacting with social realities. This gap indicates the need for a more integrative analytical framework capable of examining divorce law not merely as a normative regulation but as a dynamic system shaped by multiple interacting factors. A systemic analysis based on the six features of Jasser Auda's theory therefore provides an important analytical perspective for understanding the interaction between legal norms, judicial practices, and social realities in Indonesian divorce law.

Jasser Auda's systems theory offers such a framework through six principal features: cognition, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness (Jasser Auda, 2008). These features provide a dynamic analytical framework that allows Islamic law to be understood not only through textual interpretation but also through its interaction with social and institutional contexts. Through this perspective, divorce law can be examined as part of a broader legal system that continuously interacts with social realities and institutional structures.

Building upon this theoretical perspective, the present study approaches divorce law in Indonesia not merely as a set of normative regulations but as a living legal system shaped by multiple interacting factors. By linking the empirical phenomenon of rising divorce rates, the normative weaknesses of existing regulations, and the analytical potential of systems theory, this study seeks to address an important gap in the literature on Islamic family law.

Accordingly, this research pursues two principal objectives. First, it examines Islamic divorce law in Indonesia through a systemic analytical approach grounded in the six features of Jasser Auda's theory. Second, it contributes theoretically to Islamic family law by demonstrating how systems-based maqasid analysis explains the interaction between legal norms, judicial practices, and social realities in contemporary Muslim societies.

RESEARCH METHOD

This research employs a normative doctrinal legal research design using a qualitative descriptive–analytical approach. The normative approach is employed because the inquiry focuses on law as a system of norms expressed in statutory regulations, legal doctrines, and judicial reasoning, rather than merely as observable social behavior. Within Islamic legal research, this approach enables the analytical examination of legal texts and judicial interpretations in order to understand how legal norms are constructed and applied in practice. As emphasized by Maylissabet in her discussion of normative methodology in

Islamic legal studies, normative analysis remains central for examining the interaction between legal doctrines and institutional legal practices (Maylissabet, 2022).

Islamic divorce law in Indonesia is examined by analyzing both its regulatory framework and judicial interpretation. The analysis focuses on how legal norms concerning divorce are formulated within statutory regulations and how they are interpreted and applied by courts. Through this perspective, divorce law is treated not merely as a collection of legal provisions but as part of a broader legal system that interacts with institutional practices and socio-legal contexts.

Primary data consist of authoritative legal sources regulating divorce in Indonesia, including Law Number 1 of 1974 on Marriage, the Kompilasi Hukum Islam (KHI), and selected Supreme Court decisions concerning divorce cases. The Marriage Law functions as the principal normative foundation of marital regulation in Indonesia and operates as a harmonizing instrument between religious law, customary law, and state law. The Kompilasi Hukum Islam represents a codification of fiqh-based norms adapted to Indonesia's legal context and is widely used by judges of the Religious Courts in adjudicating divorce disputes. In addition, Supreme Court decisions provide interpretative guidance on statutory provisions contained in both the Marriage Law and the KHI, enabling the identification of patterns of judicial reasoning as well as variations in legal interpretation.

In addition to primary legal sources, secondary data are derived from academic literature, including scholarly books and peer-reviewed journal articles. These sources encompass prior research on divorce law in Indonesia, studies on *maqasid al-shari'ah*, and methodological discussions concerning the application of systems theory in Islamic legal analysis. The inclusion of secondary literature allows the analysis to situate Indonesian divorce law within broader academic debates and theoretical developments in contemporary Islamic legal scholarship.

The analytical framework is grounded in Jasser Auda's systems theory as elaborated in *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The framework is operationalized through six analytical features: cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness. These features function as analytical lenses for examining how divorce law operates within the Indonesian legal system.

The cognitive dimension is used to analyze how divorce is conceptualized within statutory regulations and judicial reasoning. This examination considers whether divorce is framed primarily as an individual right, a religious obligation, or a procedural legal

mechanism, as well as how judges justify their decisions through references to religious norms, statutory provisions, and judicial precedents.

The feature of wholeness enables a comprehensive examination of divorce law as part of an integrated legal system rather than as isolated legal provisions. Through this perspective, divorce regulation is analyzed in relation to broader social, economic, and institutional contexts that influence the operation of family law in Indonesia.

Openness is employed to assess the extent to which divorce law remains responsive to legal and social change. Particular attention is given to debates surrounding amendments to marriage regulations as well as developments in constitutional and judicial interpretation that illustrate the evolving character of family law.

The feature of interrelated hierarchy is applied to analyze the relationship among legal norms operating at different levels of the legal system. In this structure, the Marriage Law functions as a general legal framework, the Kompilasi Hukum Islam operates as a more specific normative reference within Islamic family law, and Supreme Court decisions serve as interpretative authorities shaping judicial practice.

Multidimensionality enables the analysis of divorce beyond its strictly legal dimension by considering psychological, social, and gender-related aspects. Through this perspective, divorce law is examined in relation to broader questions of gender justice, economic vulnerability, and social welfare.

Finally, the feature of purposefulness is used to evaluate whether the regulation and judicial implementation of divorce law reflect the objectives of *maqasid al-shari'ah*. This evaluation focuses on whether divorce law contributes to the protection of individual rights, the prevention of harm, and the realization of justice within family relations.

Analytically, the research proceeds through three stages: identifying relevant legal norms within statutory regulations and judicial decisions, interpreting these norms through the six analytical features of Auda's systems theory, and synthesizing the findings to evaluate how divorce law operates as a systemic legal framework within the Indonesian context.

Through this analytical procedure, divorce law in Indonesia is examined as a dynamic legal system shaped by the interaction of legal norms, judicial interpretation, and broader social realities.

FINDINGS AND DISCUSSION

Re-Examining the Regulation and Practice of Divorce in Indonesia

Divorce law in Indonesia represents one of the most complex and contested domains within Islamic family law. Formally, the regulation of divorce is governed by Law No. 1 of 1974 on Marriage and the *Kompilasi Hukum Islam* (KHI) for Muslim citizens, complemented by several Supreme Court regulations, including PERMA No. 1 of 2016 on mediation procedures and PERMA No. 3 of 2017 concerning guidelines for adjudicating cases involving women in conflict with the law. These legal instruments collectively reflect a normative commitment to preserving family stability and protecting the welfare of family members, particularly women and children. Nevertheless, a closer examination of legal practice reveals a persistent tension between the formal design of the regulatory framework and the social realities encountered in divorce cases.

Over the past two decades, divorce in Indonesia has demonstrated a consistent upward trajectory. Data published by the Central Bureau of Statistics (Badan Pusat Statistik/BPS) in 2024 and 2025 indicate that divorce cases are triggered by diverse factors, including economic hardship, domestic violence, incompatibility of character, and changing marital expectations (Statistik, 2025). While such statistical data illustrate the magnitude of the phenomenon, they do not fully explain how divorce law operates within judicial institutions. The courtroom dynamics of the Religious Courts often reveal that the implementation of divorce regulations depends not only on legal norms but also on institutional capacity, judicial discretion, and the socio-cultural background of the parties involved.

One regulatory mechanism intended to prevent divorce is mediation. PERMA No. 1 of 2016 requires judges to facilitate mediation before proceeding to adjudication, reflecting the legal system's attempt to prioritize reconciliation. However, empirical findings from the Badung Religious Court indicate that the effectiveness of mediation is largely contingent upon the initiative of the presiding judge and the willingness of the disputing parties. Dewa, "Penerapan PERMA," 131. In practice, mediation frequently becomes a procedural formality rather than a substantive effort to restore marital harmony, as many marital conflicts have already escalated beyond reconciliation by the time divorce cases reach the Religious Courts (Nurlaelawati, 2010). This condition illustrates a structural limitation within the mediation framework: although reconciliation is normatively mandated, its implementation remains

situational and dependent on individual judicial initiative rather than on a robust institutional design.

Judicial interpretation also plays a significant role in shaping the practical application of divorce law. Supreme Court Decision No. 137/K/AG/2007, for instance, addresses the obligation of husbands to provide *nafkah iddab* and *mut'ab* following divorce. Julia's analysis demonstrates that despite the existence of clear normative provisions, **Julia, "Maqasid Analysis," 95.** the enforcement of these financial obligations frequently encounters obstacles in judicial practice, particularly when former husbands refuse to comply with court decisions. Such situations reveal a paradox within the legal system: although statutory and jurisprudential norms affirm the protection of women's rights, the absence of effective enforcement mechanisms limits the realization of those rights in practice.

Tensions between normative regulation and social reality are also visible in the structure of the *Kompilasi Hukum Islam*. Azizah argues that several provisions of the KHI retain a predominantly doctrinal orientation derived from classical fiqh and do not fully accommodate contemporary marital dynamics, such as divorce caused by psychological incompatibility or economic stress (Azizah, 2012). This observation challenges the assumption that the KHI has fully adapted to modern social conditions. Nurhadi further notes that informal practices of *cerai talak* continue to occur in certain regions despite contradicting formal legal procedures (Nurhadi, 2019). These practices demonstrate that legal norms formulated at the national level do not always correspond to the lived realities of Muslim communities, thereby exposing a gap between legal regulation and social practice.

The role of judges in mediating divorce disputes also reflects the complex interaction between legal norms and judicial discretion. Research conducted by Achmad, Supardin, and Asni at the Polewali Religious Court indicates that judges can actively formulate solutions grounded in the principles of *maqasid al-shari'ah*, particularly in encouraging reconciliation and safeguarding family welfare (Achmad et al., 2022). This finding suggests that even within a rigid normative framework, judicial reasoning can introduce elements of flexibility when guided by considerations of *maslahah*. However, such flexibility remains uneven across different courts. Variations in judicial competence, institutional resources, and local legal culture contribute to disparities in the effectiveness of mediation practices throughout Indonesia.

The interaction between formal law and customary norms further illustrates the complexity of divorce regulation. Fauzi and his colleagues highlight the Lampung Pepadun

community, where adat traditions continue to influence divorce practices, particularly with regard to property distribution and maintenance obligations (Fauzi et al., 2022). The persistence of these customary norms indicates that state law does not operate in isolation but rather interacts continuously with social and cultural frameworks. Consequently, divorce law cannot be understood solely as a statutory arrangement; it constitutes part of a broader socio-legal system in which state regulation, religious doctrine, and customary practices intersect.

Concerns regarding the protection of women's and children's rights remain particularly significant in this context. Rohayati and her colleagues document instances in which former husbands fail to fulfill their obligations to provide *nafkah iddah* and *mut'ah*, revealing weaknesses in the supervision and enforcement of judicial decisions (Rohayati et al., 2025). These findings raise an important normative question: whether the current legal framework is sufficiently capable of safeguarding vulnerable parties, or whether deeper structural reform is necessary to align legal practice with the objectives of *maqasid al-shari'ah*.

At the same time, academic scholarship on Islamic family law in Indonesia has tended to emphasize normative legal analysis while giving comparatively limited attention to empirical, social, and gender dimensions. Through bibliometric analysis, Maimun et al. demonstrate that although divorce has become an increasingly prominent topic in Indonesian legal scholarship, most studies still concentrate on textual interpretation rather than on systemic analysis (Maimun et al., 2024). This tendency underscores the need for a broader analytical framework capable of examining divorce law not only as a normative construct but also as a dynamic system that interacts with social realities.

A closer examination of the regulatory framework and judicial practice therefore reveals several structural paradoxes. First, although legal regulations emphasize the protection of rights, their implementation frequently encounters institutional and cultural obstacles. Second, while mediation is formally mandated, its effectiveness remains dependent on individual judicial initiative rather than institutional consistency. Third, the continued influence of customary norms demonstrates that formal law does not fully govern social behavior. These contradictions indicate that divorce law in Indonesia cannot be adequately understood through a purely doctrinal approach.

From the perspective of Jasser Auda's systems theory, these dynamics illustrate the multidimensional nature of divorce law. The cognitive dimension highlights the divergence between formal legal norms and the perceptions of society regarding divorce. The principle

of wholeness becomes evident in the interaction between statutory regulation, judicial practice, social norms, and customary traditions. Openness emphasizes the necessity for legal adaptability in response to social change, while interrelated hierarchy reflects the complex relationship between religious norms, state legislation, and customary law. Viewed through this systemic lens, divorce law emerges not merely as a collection of statutory provisions but as a dynamic legal system shaped by institutional practice and social context.

In light of these observations, a critical reassessment of divorce regulation in Indonesia becomes necessary. The increasing prevalence of divorce cases challenges the assumption that existing legal frameworks are fully responsive to contemporary family realities. A systemic perspective therefore offers an alternative analytical approach capable of integrating regulatory structures, judicial interpretation, and socio-cultural dynamics within a unified framework oriented toward the objectives of *maqasid al-shari'ah*. This reflection serves as the foundation for the subsequent analysis employing the six features of Jasser Auda's systems theory in the following sections.

Applying Jasser Auda's Systems Theory as an Analytical Framework

This section analyzes divorce law in Indonesia through the analytical framework developed in Jasser Auda's systems approach to Islamic law. Auda conceptualizes Islamic law as a dynamic and interconnected system characterized by six principal features: cognitive nature, wholeness, interrelated hierarchy, openness, purposefulness, and multidimensionality (Jasser Auda, 2008). These features are not intended to operate as isolated analytical categories; rather, they function as mutually reinforcing dimensions that allow Islamic law to be interpreted within a broader social, institutional, and normative context.

Within Auda's framework, legal norms cannot be understood solely as textual prescriptions. Instead, they must be examined as part of a complex system involving interpretation, institutional structures, and social realities. Consequently, the analysis of divorce law requires more than a doctrinal reading of statutory provisions such as Law No. 1 of 1974 and the *Kompilasi Hukum Islam* (KHI). It also requires an examination of how legal norms interact with judicial practice, social dynamics, and the broader objectives of Islamic law (*maqasid al-shari'ah*) (Jasser Auda, 2008).

For analytical clarity, this study organizes the six features of Auda's systems theory into three broader thematic classifications that guide the analysis of divorce law in Indonesia. This grouping does not alter the conceptual integrity of the theory; rather, it provides a

structured analytical pathway that facilitates a more coherent examination of divorce law. Each classification reflects a distinct stage in understanding how legal norms are constructed, adapted, and experienced within the broader socio-legal system.

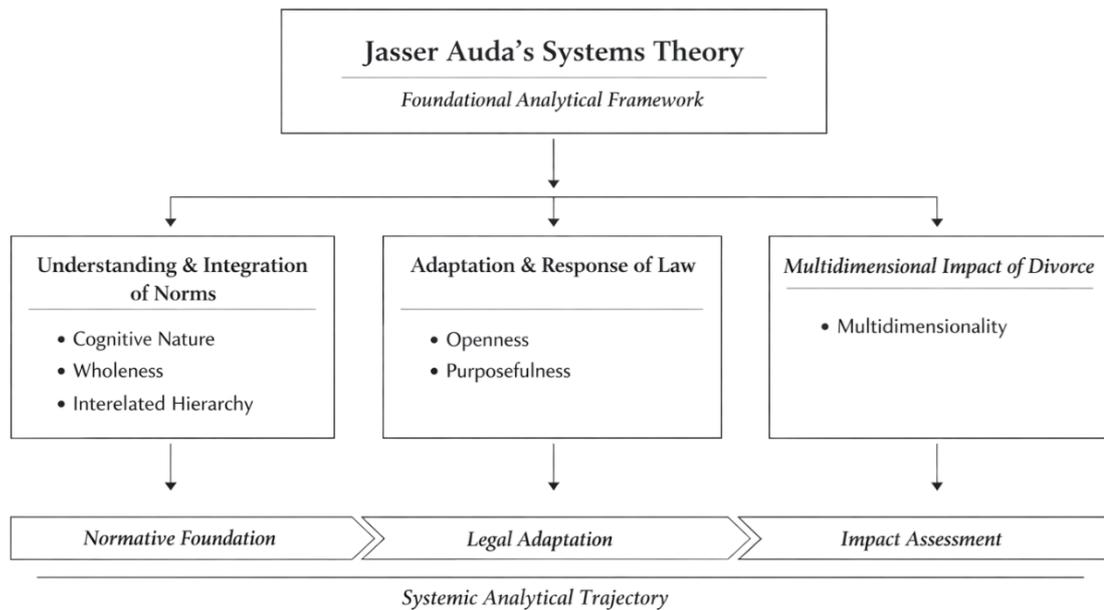


Figure 1. Systemic Analytical Framework of Divorce Law in Indonesia Based on Jasser Auda's Systems Approach

The diagram shows how Auda's systems theory functions as the overarching analytical framework from which three interconnected classifications are derived: Understanding and Integration of Norms, Legal Adaptation and Normative Orientation, and Multidimensional Consequences of Divorce. These classifications organize the six systemic features of Auda's theory and establish the analytical structure used to examine divorce law in Indonesia.

Through this framework, the analysis proceeds sequentially. It begins with the interpretation and integration of legal norms, continues with an examination of how law adapts to social change while pursuing the objectives of *maqasid al-shari'ah*, and concludes with an evaluation of the multidimensional consequences of divorce within society. This structure enables divorce law to be analyzed not merely as a set of statutory provisions but as a dynamic legal system shaped by institutional practice and social realities.

The subsequent discussion elaborates these three classifications in detail. The analysis begins with Understanding and Integration of Norms, followed by Legal Adaptation and Normative Orientation, and concludes with Multidimensional Consequences of Divorce.

Understanding and Integration of Norms (Cognitive Nature + Wholeness + Interrelated Hierarchy)

Understanding and integration of norms constitute a central analytical dimension within the systems approach to Islamic law proposed by Jasser Auda. In this framework, legal norms cannot be interpreted as isolated textual prescriptions; rather, they must be understood within a broader network of institutional practices, social realities, and normative objectives. Islamic law therefore operates not merely as a fixed collection of legal rules but as a dynamic system that continuously interacts with changing human conditions while remaining oriented toward the higher objectives of the law (*maqasid al-shari'ah*) (Jasser Auda, 2008).

Within this systemic perspective, the cognitive nature of law refers to the interpretive processes through which legal actors legislators, judges, and legal scholars construct meaning from normative texts. Law does not function mechanically; instead, it is mediated through human reasoning, institutional procedures, and social expectations. Consequently, the interpretation of divorce law in Indonesia cannot be reduced to a literal reading of statutory provisions such as Law No. 1 of 1974 on Marriage or the *Kompilasi Hukum Islam* (KHI). Rather, these legal instruments operate within a broader interpretive environment shaped by judicial reasoning, doctrinal traditions, and social dynamics (Lukito, 2005).

Empirical developments in Indonesia illustrate the significance of this interpretive dimension. Data from the Religious Courts show that divorce cases have increased significantly over the past two decades, with the majority of petitions submitted as *cerai gugat* (divorce initiated by wives) (Indonesia, n.d.). Scholars have observed that this trend reflects not only demographic change but also shifting interpretations of marital rights and obligations within Indonesian Islamic family law (Cammack et al., 1996). The increasing use of *cerai gugat* demonstrates how legal norms are interpreted and mobilized by social actors to respond to marital conflict, economic hardship, and changing gender relations in contemporary Indonesian society.

From a systemic perspective, this phenomenon indicates that divorce law is shaped by a complex interaction between textual norms and social realities. Judges in the Religious

Courts frequently exercise interpretive discretion when assessing legal grounds for divorce, particularly in cases involving persistent marital conflict (*perselisihan dan pertengkaran terus-menerus*). In such cases, judicial reasoning often incorporates broader considerations of justice and social welfare, reflecting an engagement with the ethical objectives of Islamic law rather than a purely formal application of statutory provisions (Nurlaelawati, 2013).

The second element of this analytical cluster wholeness emphasizes that legal norms must be understood as components of an integrated legal system. In Indonesia, divorce law operates within a multilayered legal framework that includes statutory legislation, Islamic legal doctrine, judicial interpretation, and social practice. The Marriage Law provides the primary statutory foundation for regulating marital dissolution, while the *Kompilasi Hukum Islam* offers doctrinal guidance for Religious Court judges. At the same time, judicial decisions and institutional practices continue to shape how these legal norms are implemented in everyday legal practice (Salim, 2008).

This systemic interdependence becomes particularly visible in disputes concerning post-divorce financial obligations such as *nafkah iddah*, child support, and marital property distribution. Although statutory provisions establish the formal legal framework, judicial decisions often reflect broader considerations of fairness and social protection. As several studies on Religious Court practice demonstrate, judges frequently attempt to reconcile doctrinal provisions with practical concerns relating to family welfare and economic justice.

The third feature of this analytical cluster interrelated hierarchy further clarifies how normative integration operates within the Indonesian legal system. Islamic family law exists within a hierarchical structure in which constitutional principles, statutory legislation, and Islamic legal doctrine interact in complex ways. The 1945 Constitution establishes fundamental commitments to justice, human dignity, and equality before the law, while the Marriage Law provides the statutory basis for regulating marital relations. Within this hierarchy, the *Kompilasi Hukum Islam* functions as an interpretive bridge between classical Islamic jurisprudence and the national legal system applied by the Religious Courts (Lukito, 2005).

Nevertheless, this hierarchical structure is not free from tension. Scholars have noted that the *Kompilasi Hukum Islam* often reflects a relatively limited jurisprudential orientation, drawing predominantly on classical Shafi'i doctrine (Salim & Azra, 2003). As a result, the integration of Islamic legal principles into the national legal system sometimes produces

normative rigidity, particularly when judicial interpretation remains closely tied to traditional doctrinal formulations rather than broader *maqasid* considerations.

A concrete illustration of this dynamic can be observed in judicial practice concerning post-divorce financial rights. Studies of Religious Court decisions indicate that judges increasingly interpret existing legal provisions in ways that enhance the economic protection of divorced women, particularly in cases involving *nafkah iddah* and child support (Nurlaelawati, 2013). Such judicial reasoning demonstrates how hierarchical legal norms are mediated through interpretive engagement rather than applied as rigid commands.

Viewed through the perspective of *maqasid al-shari'ah*, the integration of these normative layers plays a crucial role in safeguarding fundamental human interests within family law. Divorce regulation is not intended merely to formalize the dissolution of marriage; it also aims to protect broader social objectives, including family stability, the protection of women and children, and the promotion of justice within marital relations (Kamali, 2011). The systemic integration of legal norms therefore becomes essential to ensuring that divorce law functions not merely as a procedural mechanism but as an instrument for realizing the ethical purposes of Islamic law.

Taken together, these dynamics demonstrate that the understanding and integration of norms within Indonesian divorce law cannot be reduced to a linear process of legal interpretation. Rather, it represents a continuous interaction between textual authority, institutional practice, and evolving social realities. In this sense, divorce law functions as a living legal system one that constantly negotiates the relationship between Islamic principles, state regulation, and social transformation.

Adaptation and Response of Law (Openness + Purposefulness)

One of the defining characteristics of Islamic law, as articulated in the systems approach developed by Jasser Auda, lies in its adaptive capacity. Within this framework, Islamic law is not conceived as a closed legal structure confined to textual prescriptions; rather, it functions as an open normative system that continuously interacts with evolving social realities. The feature of openness refers to the ability of the legal system to absorb new institutional arrangements, social expectations, and interpretive developments, while purposefulness ensures that legal responses remain directed toward the realization of the higher objectives of the law (*maqasid al-shari'ah*), particularly justice, welfare, and the protection of human dignity (Jasser Auda, 2008).

In the Indonesian context, these features are visible in the evolution of regulatory mechanisms governing divorce and family disputes in the Religious Courts. One notable example is Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Court, which institutionalizes mediation as a mandatory stage in civil litigation, including divorce cases. Rather than functioning merely as a procedural formality, mediation is designed to create an institutional space for reconciliation and negotiated settlement between spouses. From a systemic perspective, this mechanism reflects a preventive orientation within Islamic family law, where the legal system seeks to preserve family stability before resorting to formal dissolution of marriage (Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan, 2016).

Empirical research on the implementation of mediation in Religious Courts, however, reveals the limits of this adaptive mechanism. Studies examining the application of PERMA No. 1 of 2016 show that mediation frequently fails to prevent divorce because marital conflict has already escalated beyond reconciliation when litigation begins (Dewa et al., 2019). This finding suggests that the effectiveness of mediation is shaped not only by procedural design but also by broader social dynamics surrounding marriage and family conflict. Nevertheless, the institutionalization of mediation remains a meaningful indicator of systemic openness, demonstrating that the legal system has incorporated restorative approaches into the formal adjudication process even when practical outcomes remain constrained.

Openness is also reflected in the judiciary's growing attention to gender justice within family law disputes. Supreme Court Regulation (PERMA) No. 3 of 2017 on Guidelines for Adjudicating Cases Involving Women in Conflict with the Law represents an effort to address structural inequalities faced by women during legal proceedings. By instructing judges to avoid gender bias and to consider the social vulnerabilities experienced by women in litigation, this regulation introduces a normative framework that aligns judicial practice with broader commitments to substantive equality. In the context of divorce cases, such guidelines encourage courts to scrutinize issues of economic dependency, domestic violence, and unequal power relations within marital relationships (Peraturan Mahkamah Agung Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum, 2017).

The principle of purposefulness becomes particularly evident in judicial reasoning when judges interpret divorce-related provisions in light of broader considerations of justice

and social welfare. Studies of Religious Court practice indicate that judges often move beyond strict textual adherence to statutory provisions and instead interpret legal norms in ways that better reflect the ethical objectives of Islamic law. Nurlaelawati's analysis of Religious Court decisions, for example, demonstrates that judicial reasoning increasingly emphasizes the protection of women's post-divorce rights, particularly in matters concerning *nafkah iddah*, child support, and marital property distribution (Nurlaelawati, 2013). This interpretive tendency suggests that the practical application of Islamic family law in Indonesia is shaped not only by doctrinal provisions but also by a purposive orientation toward safeguarding vulnerable family members.

Yet the adaptive responsiveness of the legal system remains uneven. One of the most persistent challenges concerns the enforcement of court decisions in post-divorce disputes. Empirical studies show that many former husbands fail to comply with court orders regarding maintenance and child support, creating a significant gap between normative protection and practical enforcement (Cammack et al., 1996). This enforcement deficit illustrates a structural limitation within the legal system: while judicial reasoning may reflect maqasid-oriented considerations of justice, the realization of those objectives ultimately depends on institutional capacity and societal compliance.

From the perspective of Auda's systems theory, this tension should not be interpreted simply as a failure of legal reform. Rather, it reflects the dynamic character of an open legal system that continuously negotiates between normative aspirations and social realities. Islamic law, in this sense, does not function as a static body of rules but as a responsive normative framework that evolves through regulatory reform, judicial interpretation, and societal engagement. The adaptive development of divorce law in Indonesia therefore illustrates how openness and purposefulness operate as complementary features within a living legal system.

At the same time, this dynamic raises an important question concerning the broader consequences of divorce. Legal adaptation acquires its full meaning only when examined in relation to the social effects of marital dissolution. Divorce does not end with a judicial decree; it generates profound social and economic repercussions within families and communities. Assessing whether the legal system truly fulfills its maqasid-oriented objectives therefore requires an examination of these wider consequences. For this reason, the following section analyzes the multidimensional impact of divorce in Indonesian society.

Multidimensional Impact Of Divorce (Multidimensionality)

One of the central features of the systems approach developed by Jasser Auda is multidimensionality, which emphasizes that legal issues must be understood through interconnected social, economic, psychological, and institutional dimensions. Within this framework, Islamic law cannot address social problems through a single doctrinal perspective. Instead, legal analysis must consider the broader consequences of legal decisions across multiple spheres of human life. When applied to divorce in Indonesia, this perspective reveals that marital dissolution cannot be understood merely as a procedural legal event but as a complex phenomenon that generates far-reaching consequences for individuals, families, and society.

Recent statistical data confirm that divorce has become a significant social phenomenon in Indonesia. Reports published by Badan Pusat Statistik show a continuing rise in divorce cases, with persistent conflict, economic pressure, and marital disharmony emerging as dominant causes (Statistik, 2025). These figures suggest that divorce is not simply an episodic family matter but reflects structural transformations within Indonesian society, including economic instability, changing gender roles, and evolving expectations regarding marital relationships.

From a multidimensional perspective, the psychological consequences of divorce represent one of its most immediate effects. Research on post-divorce family dynamics indicates that marital dissolution often generates emotional distress, social stigma, and a diminished sense of security, particularly for women and children (Nurlaelawati, 2013). Children exposed to prolonged parental conflict may experience disruptions in emotional development and educational stability. Within the framework of *maqasid al-shari'ah*, these consequences directly implicate the protection of life (*hifz al-nafs*) and intellect (*hifz al-'aql*). Islamic law therefore cannot limit its concern to the legality of divorce procedures; it must also consider how legal outcomes affect the psychological welfare of those involved.

The economic dimension of divorce constitutes another critical aspect of its multidimensional impact. Studies of divorce litigation in Indonesian Religious Courts demonstrate that women frequently face economic vulnerability following marital dissolution, particularly when enforcement of post-divorce maintenance obligations remains inconsistent (Cammack et al., 1996). Disputes concerning *nafkah iddah*, child support, and the division of marital property illustrate how divorce generates new forms of economic insecurity for former spouses and their children. In this regard, the multidimensional

perspective highlights the close relationship between legal enforcement mechanisms and the maqasid objective of protecting property (*hifz al-mal*) and family welfare.

Gender inequality represents an additional dimension that shapes the social consequences of divorce. Scholars have noted that women often experience a disproportionate burden after divorce, including economic marginalization and social stigma (Mulia, 2010). This imbalance partly reflects structural inequalities within marital relations as well as limitations in the enforcement of family law judgments. From the standpoint of maqasid, the protection of dignity (*hifz al-'ird*) and family integrity (*hifz al-nasl*) requires legal institutions to ensure that divorce procedures do not result in systemic injustice toward vulnerable parties.

Legal disputes frequently continue even after the formal dissolution of marriage. Conflicts over child custody, maintenance payments, and the division of marital assets often generate prolonged litigation within the Religious Courts. Research on Islamic family law practice in Indonesia indicates that post-divorce disputes can become a recurring source of legal and social tension, illustrating that divorce does not necessarily resolve family conflict but may instead transform it into new legal challenges (Nurlaelawati, 2010). From a systemic perspective, this pattern demonstrates how divorce functions as a node within a broader network of legal, economic, and social relations.

Cultural dimensions also shape the experience of divorce within Indonesian society. In many communities, divorce continues to carry social stigma, particularly for women, which may affect their economic opportunities and social integration after marital dissolution. At the same time, changing social attitudes toward marriage and gender roles have contributed to the growing number of divorce cases initiated by women through the Religious Courts. This development illustrates how legal institutions have become an important arena for negotiating gender justice and family rights in contemporary Indonesian society.

Taken together, these psychological, economic, legal, and socio-cultural dimensions demonstrate that divorce constitutes a genuinely multidimensional phenomenon. The systems perspective advanced by Auda underscores that Islamic law must address these interrelated consequences through a holistic legal framework. If divorce regulation focuses solely on procedural legality while neglecting its broader social implications, the legal system risks producing partial solutions that fail to protect the welfare of those most affected by marital dissolution.

From the standpoint of *maqasid al-shari'ah*, the multidimensional consequences of divorce highlight the need for a legal system capable of integrating the protection of life (*hifz al-nafs*), intellect (*hifz al-'aql*), property (*hifz al-mal*), lineage (*hifz al-nasl*), and dignity (*hifz al-'ird*). In this sense, the effectiveness of divorce law should not be evaluated solely through its procedural efficiency but through its ability to safeguard human welfare in the aftermath of marital breakdown.

Ultimately, the multidimensional impact of divorce demonstrates that Islamic family law operates within a complex social environment. Legal regulation, judicial interpretation, and social realities interact continuously in shaping how divorce affects individuals and families. By recognizing these interconnected dimensions, the systems approach provides an analytical framework that allows Islamic law to respond more effectively to the real human consequences of marital dissolution.

CONCLUSION

This study demonstrates that Islamic divorce law in Indonesia cannot be adequately understood through fragmented or purely doctrinal approaches. Instead, it requires a systemic analytical framework such as that proposed by Jasser Auda. By applying the six key features of the systems approach cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness. This study reveals that divorce regulation in Indonesia operates within a dynamic interaction between normative texts, judicial practice, and evolving social realities, all oriented toward the broader objective of *maslahah*.

At the normative level, Indonesian divorce law appears to possess relatively comprehensive legal instruments, including the Marriage Law, the *Kompilasi Hukum Islam* (KHI), and various Supreme Court regulations. However, the analysis shows that significant gaps persist between regulatory design and practical implementation. These gaps are particularly visible in the limited effectiveness of mediation, weak enforcement of post-divorce maintenance obligations, and the continuing vulnerability of women and children after marital dissolution. Such conditions confirm that legal norms cannot function effectively in isolation from the broader social, economic, and cultural environment in which they operate.

The socio-legal consequences of divorce further demonstrate its multidimensional character. Divorce not only alters the legal status of marriage but also produces psychological

distress, economic vulnerability, custody disputes, and social stigma. Within the framework of *maqasid al-shari'ah*, these consequences directly relate to the protection of life (*hifz al-nafs*), intellect (*hifz al-'aql*), property (*hifz al-mal*), lineage (*hifz al-nasl*), and dignity (*hifz al-'ird*). The findings therefore indicate that a reductionist legal approach focusing solely on procedural legality is insufficient; what is required is an integrative perspective capable of addressing the broader social implications of divorce.

This study contributes theoretically by demonstrating the relevance of Auda's systems approach as an analytical framework for examining contemporary Islamic family law in Indonesia. Methodologically, it illustrates how the integration of socio-legal analysis and maqasid-oriented reasoning can reveal structural tensions between legal norms and social realities in the regulation of divorce.

In light of these findings, several policy implications emerge. First, mediation mechanisms within Religious Courts should be strengthened so that they function not merely as procedural requirements but also as meaningful platforms for conflict resolution and family counseling. Second, enforcement mechanisms for post-divorce financial obligations must be improved in order to provide effective protection for women and children. Third, regulations concerning marriage and divorce registration should be reinforced to prevent informal divorce practices that create legal uncertainty. Finally, maqasid principles should be more explicitly integrated into judicial interpretation and *ijtihad* so that legal reasoning moves beyond formal legality toward substantive justice.

Ultimately, when viewed through Auda's systems perspective, Islamic divorce law in Indonesia emerges as an open and evolving legal system. The principal challenge lies not in the absence of normative provisions but in the capacity of legal institutions to translate those norms into socially effective practices. Recognizing the multidimensional nature of divorce and strengthening maqasid-oriented legal reasoning are therefore essential steps toward developing a family law system that is not only normatively sound but also socially responsive and just.

REFERENCES

- Achmad, Z., Supardin, & Asni. (2022). The Effort of Judges in Finding the Solution of Divorce Case with Reconciliation Verdict Refers to Maqashid al-Sharia Perspective (Case Study at the Religious Court of Polewali Class 1 B). *IJIS: International Journal of Islamic Studies*, 2(2), 179–190. <https://doi.org/10.24252/ijis.v2i2.35050>
- Azizah, L. (2012). Analisis Perceraian dalam Kompilasi Hukum Islam. *Al'Adalah*, 10(4), 415–422. <https://doi.org/10.24042/adalah.v10i2.295>
- Budiyanto, & Mubarak, A. (2023). Pencatatan Pernikahan Perspektif Maqashid Syariah Jasser Auda. *An-Natiq: Jurnal Kajian Islam Interdisipliner*, 3(2), 143–152. <https://doi.org/10.33474/an-natiq.v3i2.20220>
- Cammack, M., Young, L. A., & Heaton, T. B. (1996). Legislating Social Change in an Islamic Society: Indonesia's Marriage Law. *The American Journal of Comparative Law*, 44(1), 45–73. <https://doi.org/10.2307/840514>
- Dewa, I. G. S. B. P., Budiarta, I. N. P., & Dewi, A. A. S. L. (2019). Penerapan PERMA No. 1 Tahun 2016 tentang Prosedur Mediasi di Pengadilan Agama Badung dalam Pencabutan Perkara Cerai Talak. *Jurnal Analogi Hukum*, 1(1), 130–136. <https://doi.org/10.22225/.1.1.1450.130-136>
- Fauzi, M. Y., Hermanto, A., & Taqwa, S. U. (2022). Divorce in the View of Lampung Pepadun Customary Law: A Maqasid Sharia Perspective. *Justicia Islamica*, 19(2), 351–370. <https://doi.org/10.21154/justicia.v19i2.3920>
- Firdawaty, L., Asnawi, H. S., & Mahmudah, S. (2024). Semanda Lekok in the Sai Batin Community, Lampung: Wife's Domination of Marital Assets from Maqāṣid al-Sharī'ah Perspective. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(3), 1734–1762. <https://doi.org/10.22373/sjkh.v8i3.19894>
- Indonesia, M. A. R. (n.d.). *Laporan Tahunan Peradilan Agama*. Mahkamah Agung RI.
- Jasser Auda. (2008). *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. The International Institute of Islamic Thought.
- Julia. (2020). The Maqasid Analysis on the Nafkah Iddah of Divorce Lawsuit in the Compilation of Islamic Law (KHI) Article 149(b) and the Supreme Court Verdict Number 137/K/AG/2007. *Ulumuddin: Journal of Islamic Legal Studies*, 1(1), 91–108. <https://doi.org/10.22219/ulumuddin.v1i1.12866>
- Kamali, M. H. (2011). Maqasid al-Shari'ah and Ijtihad as Instruments of Civilisational Renewal. *Islam and Civilisational Renewal*, 2(2), 245–271.
- Kartini. (2022). Maqasid al-Shari'ah Perspectives in Solution of Divorce Cases for Early Marriage. *International Journal of Health Sciences*, 6, 8685–8697. <https://doi.org/10.53730/ijhs.v6nS5.11775>
- Lukito, R. (2005). The Islamic Legal System in Indonesia. *Journal of Legal Pluralism and Unofficial Law*, 37(53–54), 57–75. <https://doi.org/10.1080/07329113.2005.10756569>

- Maimun, M., Anggriani, J., Harlina, I., & Suhendar, S. (2024). The Dynamics of Family Law in Indonesia: Bibliometric Analysis of Past and Future Trends. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(1), 518–537. <https://doi.org/10.22373/sjhk.v8i1.21890>
- Maylissabet. (2022). Analysis Of Legal Functions And Maqashid Sharia On Islamic Marriage Law In Indonesia. *As-Shahifah : Journal of Constitutional Law and Governance*, 2(1), 76–90. <https://doi.org/10.19105/asshahifah.v2i1.6987>
- Mendoza, J. E., Tolba, M., & Saleh, Y. (2019). Strengthening marriages in Egypt: Impact of divorce on women. *Behavioral Sciences*, 10(1), 1–8. <https://doi.org/10.3390/bs10010014>
- Mohammed, T. A. S. (2024). A scientometric study of Maqasid al-shariah research: trending issues, hotspot research, and co-citation analysis. *Frontiers in Research Metrics and Analytics*, 9. <https://doi.org/10.3389/frma.2024.1439407>
- Muchamad Toif Chasani. (2022). Analysis of a System Approach in Islamic Law Philosophy (Jasserauda's Perspective). *Journal of Social Interactions and Humanities*, 1(2), 141–156. <https://doi.org/10.55927/jsih.v1i2.1118>
- Mulia, S. M. (2010). *Islam and Gender Justice*. Gramedia.
- Nabilah, W., Putri, D., & Rizal, D. (2024). *Jasser Auda's System Approach in The Rules of Marriage Dispensation in Indonesia (Review of Maqashid Syariah)*. 265–281.
- Nurhadi, N. (2019). Illegal Divorce in Perspective of Islamic Law and Indonesian Law. *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)*, 1(2), 179–201. <https://doi.org/10.20885/mawarid.vol1.iss2.art5>
- Nurlaelawati, E. (2010). *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts*. Amsterdam University Press.
- Nurlaelawati, E. (2013). Muslim Women in Indonesian Religious Courts: Reform, Strategies, and Pronouncement of Divorce. *Islamic Law and Society*, 20(3), 242–271. <https://doi.org/10.1163/15685195-0010A0003>
- Peraturan Mahkamah Agung Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum (2017).
- Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 Tentang Peosedur Mediasi Di Pengadilan, Mahkamah Agung (2016). <https://doi.org/10.1093/aristotelian/84.1.31>
- Peraturan Mahkamah Agung Republik Indonesia Nomor 1 Tahun 2016 Tentang Prosedur Mediasi Di Pengadilan (2016).
- Rohayati, D., Mohammad Ridwan, Arifin, T., Suhaila Zulkifli, Ramdani Wahyu Sururie, Edy Saputra, & Abdulah Pakarti, M. H. (2025). Legal Enforcement Against Non-Compliance by Ex-Husbands with Court Orders on Iddah and Mut'ah Support. *Nurani: Jurnal Kajian Syariah Dan Masyarakat*, 25(1), 157–170. <https://doi.org/10.19109/nurani.v25i1.26653>

- Salim, A. (2008). The Shift in the Implementation of Islamic Law in Indonesia. *Studia Islamika*, 15(1), 1–36. <https://doi.org/10.15408/sdi.v15i1.541>
- Salim, A., & Azra, A. (2003). *Shari'a and Politics in Modern Indonesia*. Institute of Southeast Asian Studies.
- Statistik, B. P. (2025). *Jumlah Perceraian Menurut Provinsi dan Faktor Penyebab Perceraian (Perkara), 2024*. Badan Pusat Statistik.
- Yurisprudensi Mahkamah Agung Republik Indonesia No. 137/K/AG/2007 (2007).
- Zulkifli, R. (2022). Pemberian Nafkah Iddah Cerai Gugat Menurut Mazhab Syafi'i (Analisis terhadap Putusan Mahkamah Agung No. 137/K/Ag/2007). *Jurnal Landraad: Jurnal Hukum Keluarga Islam Dan Hukum Muamalah*, 23–34.