

THE RIGHTS OF AN APOSTATE WIFE WHOM HER HUSBAND DIVORCES BASED ON THE JUDGMENT OF ISLAMIC RELIGIOUS JUDGES

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Abstract: This study delves into the analysis of the rights of apostate wives divorced by their husbands, with a specific focus on the decision rendered by the Klaten Religious Court with case number 0082/Pdt.G/2022/PA. Klt. The research aims to address existing gaps in Marriage Law No. 1 of 1974, as amended by Law No. 16 of 2019, and the compilation of Islamic law, particularly regarding the need for detailed regulations on the legal consequences following post-divorce due to apostasy (riddah). Employing a normative juridical methodology through literature research, the study adopts a comparative approach to analyze the data. The findings reveal that the Klaten Religious Court's decision, registered as 0082/Pdt.G/2022/PA, recognizes apostasy as a valid ground for the dissolution of marriage, in accordance with Article 114, letter (h) of the compilation of Islamic Law listing reasons for marriage dissolution. The court, acknowledging apostasy as grounds for termination, granted the apostate wife the rights to iddah and Mut'ah. Consequently, the ex-wife is entitled to assert her rights. In conclusion, the decision of the Klaten Religious Court addresses the rights of apostate wives post-divorce, yet underscores the necessity for a more detailed and comprehensive legal framework to guide similar cases and safeguard the rights of the involved parties.

Keywords: *Islamic law; marriage; divorce due to conversion*

Abstrak: Penelitian ini menyelami analisis hak-hak istri murtad yang bercerai dari suaminya, dengan fokus khusus pada keputusan yang diambil oleh Pengadilan Agama Klaten dengan nomor perkara 0082/Pdt.G/2022/PA. Klt. Penelitian ini bertujuan untuk mengatasi kesenjangan yang ada dalam Undang-Undang Nomor 1 tahun 1974 tentang Perkawinan, yang telah direvisi menjadi Undang-Undang Nomor 16 tahun 2019, dan dalam kompilasi hukum Islam, terutama terkait kebutuhan akan regulasi rinci mengenai konsekuensi hukum pasca-perceraian akibat murtad (riddah). Dengan menggunakan metodologi yuridis normatif melalui penelitian literatur, penelitian ini mengadopsi pendekatan komparatif untuk menganalisis data. Temuan penelitian menunjukkan bahwa keputusan Pengadilan Agama Klaten, yang tercatat dengan nomor 0082/Pdt.G/2022/PA, mengakui murtad sebagai dasar sah untuk pembubaran perkawinan, sesuai dengan Pasal 114 huruf (h) dalam kompilasi Hukum Islam yang mencantumkan alasan pembubaran perkawinan. Pengadilan, yang mengakui murtad sebagai dasar untuk pemutusan, memberikan hak-hak iddah dan Mut'ah kepada istri yang menjadi murtad. Akibatnya, mantan istri berhak untuk menegakkan hak-haknya. Sebagai kesimpulan, keputusan Pengadilan Agama Klaten menangani hak-hak istri yang menjadi murtad pasca-perceraian, tetapi menekankan perlunya kerangka hukum yang lebih rinci dan komprehensif untuk membimbing kasus serupa dan melindungi hak-hak pihak yang terlibat.

Kata kunci: *Hukum Islam, perkawinan, akibat hukum perceraian karena pindah agama*



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Introduction

Islam viewed marriage as a sacred covenant, meaningful worship to Allah, following the Sunnah of the Prophet and carried out based on sincerity, responsibility, and following the provisions of the law that must be done. In Law No. 1 of 1974 on marriage chapter I Article 1, marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family based on the Almighty God.¹

Marriage is a sacred covenant between a man and a woman. A marriage between a man and a woman is based on a mutual love for each other, mutual liking, and willingness between both parties. So that there is no compulsion to one another. The sacred covenant in a marriage is expressed in an *ijab* and *qobul* that must be made between the prospective male and female, who are both entitled to themselves. When in a state of insanity or are still minors, they can act as their legal guardians.²

In simple terms, disconnect means not connecting anymore or no more connection than previously connected or connected. In marriage, the breakup of a wedding is a legal term used in marriage law to describe "divorce" or the end of the marital relationship between a man and a woman who has been living as husband and wife. When you divorce, you will be forgiven.³

The household is a space for forming an Islamic generation by guiding all responsibilities of husband and wife. Regarding the obligations of husband and

wife, the Compilation of Islamic Law is detailed in a special chapter, contained in CHAPTER XII, Rights and Obligations of Husband and Wife, Articles 77 to 84.⁴ The enormous burden of responsibility presented in the Compilation of Islamic Law illustrates that marriage is a long process of worship. However, it does not always end happily during the marriage itself. Negligence in carrying out the responsibilities of one of the husband and wife can trigger the breakup of the marriage.⁵ Dissolution of marriage can be categorized into four possibilities⁶:

1. Dissolution of marriage at the will of Allah SWT Himself through the death of a husband or wife. With death, the marriage relationship ends.
2. Dissolution of marriage at the husband's will for certain reasons and the intention is also stated in certain words. Such a divorce is called *talak* or *talak* divorce.
3. The marriage is broken up at the wife's will because the wife sees something that wants the marriage to be broken, while the husband does not want it to be. The husband accepted the intention to break up that was conveyed by the wife by paying compensation money (*iwadh*), and he continued with his words to break up the marriage. Dissolution of this kind of marriage is called *khulu*.
4. Dissolution of marriage at the Judge's will serve as a third party after seeing something in the husband or wife indicating that the marriage relationship cannot be continued. Dissolution of marriage in this form is called *fasakh*

¹ Aisyah Ayu Musyafah, "Perkawinan Dalam Perspektif Filosofis Hukum Islam," *CREPIDO* 2, no. 2 (November 29, 2020): 111–122, accessed January 30, 2023, <https://ejournal2.undip.ac.id/index.php/crepido/article/view/9555>.

² Muhammad Khoiruddin, "Wali Mubir Menurut Imam Syafi'i (Tinjauan Maqâshid Al-Syar'i'ah)," *Al-Fikra: Jurnal Ilmiah Keislaman* 18, no. 2 (2020): 257–284.

³ Suhaila Zulkifli, "Putusnya Perkawinan Akibat Suami Menikah Tanpa Izin Dari Istri," *Jurnal Hukum Kaidah: Media Komunikasi dan Informasi Hukum dan Masyarakat* 18, no. 3 (April 15, 2019):

14–26, accessed January 30, 2023, <https://jurnal.uisu.ac.id/index.php/jhk/article/view/1184>.

⁴ Pangeran Harahap, *Hukum Islam Di Indonesia* (Ciptapustaka Media, 2014), 263.

⁵ In accordance with article 77 paragraph (5) which states: "If a husband or wife neglects their obligations, each party can file a lawsuit with the religious court", and emphasized in article 79 paragraph (3) which states: "each party has the right to take legal action".

⁶ Amir Syarifuddin, "Hukum Perkawinan Islam Di Indonesia: Antara Fiqh Munakahat Dan Undang-Undang Perkawinan" (2011): 197.

Article 38 of Marriage Law No. 1 of 1974, revised to become Law No. 16 of 2019, explains that marriages can break up because of Death, Divorce, and by Court Decisions.⁷ The reason for the breakup of a marriage is contained in Article 116 of the Compilation of Islamic Law which states divorce can occur for reasons or reasons:

1. One of the parties commits adultery or becomes a drunkard, addict, gambler, etc., which is difficult to cure;
2. One party leaves the other party for 2 (two) consecutive years without the other party's permission and valid reasons or for other reasons beyond his control;
3. One of the parties gets a prison sentence of 5 (five) years or a more severe punishment after the marriage takes place;
4. One of the parties commits cruelty or serious persecution that endangers the other party;
5. One of the parties gets a disability or illness with the result that they cannot carry out their obligations as husband and wife;
6. Between husband and wife, there are constant disputes and fights, and there is no hope of living in harmony in the household;
7. The husband violates the *taklik* divorce;
8. Conversion of religion or apostasy causes disharmony in the household⁸.

Regarding apostasy (*riddah*), Islamic law views that if in a marriage, one of the husband or wife changes religion (apostasy), leaving Islam to a religion other than Islam. The marriage becomes void, and the two must be separated immediately.⁹ The etymological definition of apostasy or *riddah* means turning back.¹⁰ Meanwhile, the view of

Wahbah Al-Zuhaili, quoted by Hassan Saleh, is that leaving Islam becomes a disbeliever (after believing), either with intentions, words, or actions that cause a person to become a disbeliever. In the aspect of belief or purpose, for example, he says that nature is eternal or God is the same as His creatures, from the part of the behaviour of an apostate person, it can be known from his actions that violate the Shari'ah. At the same time, from the amount of his speech, he shows his disbelief. For example, he says God does not exist or has a son.¹¹

In the context of the rights of divorced wives due to different religions, there are differences of opinion among mujtahid scholars. The following are some of the different views regarding the rights of wives who are divorced due to religious differences:

1. The opinion of Imam Abu Hanifa: according to Imam Abu Hanifa, if a wife changes her religion so that her marriage with her husband becomes invalid, then the wife is not entitled to iddah and MUT'ah. The reason is that iddah aims to determine pregnancy, and in case of divorce due to religious differences, there is no doubt about the status of the wife's pregnancy. In addition, MUT'ah was not given because the marriage was considered void from the beginning.
2. Imam Malik's opinion: Imam Malik held that if the wife changes her religion and divorces because of religious differences, she is still entitled to iddah but not MUT'ah. Iddah is given to ensure clarity of pregnancy status, while MUT'ah is not given because the fault of either party does not cause the divorce.
3. The opinion of Imam Ash-Shafi'i: according to Imam Ash-Shafi'i, a wife who divorces because of religious

⁷ Soemiyati, *Hukum Perkawinan Islam Dan Undang-Undang Perkawinan (Undang-Undang No. 1, Tahun 1974, Tentang Perkawinan)* (Liberty, 1982), 18.

⁸ Harahap, *Hukum Islam Di Indonesia*, 267.

⁹ Sayuti Thalib, "Indonesian Family Law," *Prints V, Jakarta: University of Indonesia* (2009): 119.

¹⁰ Harifuddin Cawidu, *Konsep Kufr Dalam Al-Qur'an: Suatu Kajian Teologis Dengan Pendekatan Tafsir Tematik* (Bulan bintang, 1991), 150.

¹¹ Hassan Saleh and Hasan Shohibi, "Kajian Fiqh Nabawi Dan Fiqh Kontemporer" (Rajawali Pers, 2008), 462-463.

differences is entitled to iddah and MUT'ah. Iddah is given to determine pregnancy, and MUT'ah is given as compensation for a divorce that occurred through no fault of the wife.

4. The opinion of Imam Ahmad bin Hanbal: Imam Ahmad bin Hanbal argues that wives who are divorced due to religious differences are entitled to iddah but are not entitled to MUT'ah. The reason for awarding iddah is the same as Imam Malik's opinion, while not awarding MUT'ah is that divorce occurs because the wife changes her faith, not because of the husband's fault.

Suppose a marriage is broken due to *fasakh* due to apostasy (*riddah*). In that case, this is not regulated in detail in the Marriage Law No. 1 of 1974, which has been revised into Law No. 16 of 2019, as well as the Compilation of Islamic Law also does not stipulate in detail and unequivocally the legal consequences of post-divorce due to apostasy (*riddah*). So that in this case, the Judge's interpretation is possible for mistakes to occur and even out of Islamic values themselves. In Decision no. 0082/Pdt.G/2022/PA. Klt is written as follows:

As for the Decision of the Klaten Religious Court Number 0082/Pdt.G/2022/PA. Klt stated: Granted Paniman bin Harjo Suwito's request with Subsidiaries Permitted Petitioner Paniman bin Harjo Suwito to impose one *raj'i* divorce on the Respondent before the Klaten Religious Court session, Punished Paniman bin Harjo Suwito to give Titis Trigono Sasiatun bint Sadibyo Mut' ah in the form of money in the amount of Rp. 1,000,000,- (one million rupiah), Ordered Paniman bin Harjo Suwito to hand over mut'ah to Titis Trigono Sasiatun Binti Sadibyo no later than shortly before the Petitioner pronounced his divorce vow to Titis Trigono Sasiatun Binti Sadibyo, Punished Paniman bin Harjo Suwito to pay a living during the Iddah period to Titis Trigono Sasiatun Binti Sadibyo for IDR 2,400,000 (two million four hundred thousand rupiahs), Judge's decision in case 0082/Pdt.G/2022/PA. Klt, who prioritizes adjudicating by selecting applications that

are subsidized and not on primary issues, seems clumsy and deserves more in-depth research—bearing in mind that all petitions that are Subsidiary are only a judge's consideration to provide a fairer decision because the primary case petition is subjective in the heart of the Petitioner. Then it was also considered appropriate to conduct an in-depth study of the decision in case No.0082/Pdt.G/2022/PA.Klt, which was proven to have riddah of the Respondent but still received his rights in the form of iddah and mut'ah.

Previous research on the rights of apostate wives divorced by their husbands has explored several important aspects of this topic. For example, research by Al-Bukhari (2015) discusses the legal consequences of apostasy in the context of Islamic Family Law, while Suryadi (2018) explores the influence of Islamic law and national legislation in determining the rights of apostate wives post-divorce. However, previous studies have yet to specifically discuss the decision of the Klaten Religious Court Number 0082 / Pdt.G/2022 / PA: the Atos and the implications of the decision in a broader legal context.

The specificity of this study lies in its focus on the decision of the Klaten Religious Court Number 0082/Pdt.G/2022 / PA. Atos and how the decision fills gaps in Marriage Law No. 1 of 1974, revised into law No. 16 of 2019, and the compilation of Islamic law, which does not provide detailed regulations on the legal consequences of post-divorce due to apostasy (*riddah*). The study also evaluated how the decision affected the rights of apostate wives divorced by their husbands and the need for a more detailed and comprehensive legal framework to guide similar cases.

Literature Review

In writing this research, it is also very important to make a distinction/foundation of each scientific work from one another; these differences include: both the theory used in the approach and in the method of collecting data and conclusions to be studied in writing, exploring and analyzing then

determining some references which can be used as a reference for literature review, include the following:

1. Bhudiman, Budy, and Latifah Ratnawaty. "Legal Review Of Divorce Due To Apostasy According To Positive Law." *Justisi* 8, no. 1 (May 1, 2021): 53–64. <https://doi.org/10.32832/yustisi.v8i1.4686>;
2. Rofiq, M. Khoirur. "Providing Child Custody in Divorce Due to Conversion of Religion (Apostasy)." *Journal of Islamic Studies and Humanities* 6, no. 2 (2021): 97–106 ;
3. Zulkifli, Suhaila. "Break Up Of Marriage Due To Husband Married Without Permission From The Wife." *Journal of Rule of Law: Communication Media and Information on Law and Society* 18, no. 3 (April 15, 2019): 14–26. <https://doi.org/10.30743/jhk.v18i3.118>

¹² Kusdiyana, Samsudin, and Muhammad Wildan Nur Akmal, "Accuracy of Qibla Direction Mosque at Rest Area Toll Road on the Qibla Jurisprudence Perspective," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 19, 2023): 31–39.

¹³ Desy Maryani et al., "A Model of Implementing Restorative Justice Perspective of Trong Yowari Traditional Jurisdiction, Jayapura Regency," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 27, 2023): 40–51.

¹⁴ Robi Musthofa Al Ghazali, "Boarding House Rent Refunds During Covid 19 Based On Sharia Economic Law," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 38–47.

¹⁵ Wahyu Ziaulhaq, "Buying and Selling Used Clothing: An Islamic Economy Law Perspective," *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 29–37.

¹⁶ Soerjono Soekanto and Sri Mamudji, "Normative Legal Research a Brief Overview," *Jakarta: Raja Grafindo Persada* (2001): 13–14.

¹⁷ Muhammad Kurtubi, "Child Playing Online Game in the Sadd Al-Zari'ah's Perspective," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 9–20.

¹⁸ Faiz Zainuddin and Imam Syafi'i, "Environmental Jurisprudence; Environmental Preservation Efforts In Islam," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 18, 2023): 23–30.

Method

In this study, the authors took a normative juridical approach, meaning that they examined and examined secondary data in the form of positive law related to marriage in Islamic law.¹² This research is normative juridical.¹³ Namely, the research method uses a literature study.¹⁴ According to Soerjodo Soekanto,¹⁵ this research uses secondary data from legal principles and applicable legal norms.¹⁶ This research is descriptive analysis,¹⁷ namely making systematic,¹⁸ factual,¹⁹ and accurate insights about facts.²⁰ In addition, it is also intended to provide as accurate data as possible about humans²¹ and other phenomena²². Thus this research will describe various legal problems²³ and other phenomena related to marital status as a result of one of them changing religions, the legal consequences,²⁴ and the position of the rights of wives who are apostate and divorced,²⁵ then analyze them to obtain a complete²⁶ and

¹⁹ Muhammad Fitri Adi, "Hadhonah Rights of Children (Not Mumayyis) Based on Compilation of Islamic Law and Child Protection Act," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 9–22.

²⁰ suryaningsih, "Impact of Gadget Addicts on Family Harmony Perspective of Islamic Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 50–64.

²¹ Meta Riskia, "Implementation Of Mudharabah Financing On Baitul Maal According Majelis Ulama Indonesia," *Journal of Nusantara Economy* 1, no. 1 (December 9, 2022): 1–13.

²² Ishaq, *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi*, ALFABETA, Cv, 2017.

²³ Muhamad Imam Muddin, "Inheritance System Mayorat on the Komeri Tribe in Urf Perspective," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 21–32.

²⁴ Wahyuziaulhaq Wahyu and Ahmad Azmi Perkasa Alam, "Interfaith Marriage Perspective of Fiqh Law and Positive Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 33–39.

²⁵ Abdul Hakim, "Maxim Law Fiqh And Its Application During The Covid-19 Pandemic," *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 1–8.

²⁶ Vincentius Setyawan, "Pancasila As A Philosophical Basis Of Law Formation In

comprehensive picture of these problems—the problems examined²⁷ by using the method of legal interpretation.²⁸

The author in this study conducted library research,²⁹ namely looking for concepts,³⁰ theories, expert opinions, or findings that are closely related to the subject matter so that analysis was carried out with library research,³¹ namely, the author examined secondary data in the form of primary law, namely regulations legislation, as well as existing theories to obtain a written legal basis in analyzing the issues discussed.³² The analytical method used in this study is normative qualitative, that is, based on³³:

1. One law may not conflict with other laws;
2. Observing the hierarchy of laws and regulations;
3. Realizing legal certainty;
4. Looking for laws that live in society, both written and unwritten

The data obtained is structured qualitatively to achieve clarity on the issues discussed.³⁴ This research is carried out by considering that one regulation with another may not conflict, seeks legal certainty, and must pay attention to the laws that live and develop in society.

Results and Discussion

The decision of the Klaten Religious Court Number 0082/Pdt.G/2022/PA. Klt in Review of the Authority of Judges and Islamic Law.

Conversion is the language used to compile Islamic law to equate apostasy. However, if it is drawn in the context of marriage based on Islamic law, then the conversion is apostasy. Apostasy in the study of fiqh impacts marital status, namely *fasakh* (breakdown of the marriage). When a marriage breaks down, it breaks the bond but does not break the family bond between children and parents. In the study of Indonesian Family Law, apostasy has not had a juridical impact on the breakup of marriage. Thus, apostasy in the provisions of Article 116 letter (h) compilation of Islamic law is understood with the understanding that apostasy (conversion) can be a reason for divorce if the occurrence of apostasy has an impact on the event of disharmony in the household of the parties who filed for divorce.³⁵

A person can be declared apostate on the condition that he is (1) reasonable; therefore, the apostasy of a madman is not valid. (2) has reached the age of puberty (adulthood), therefore invalid murtad small children who have reached the age of

Indonesia,” *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 1–8.

²⁷ Maulana Iqbalwa, “Practice Brokerage Services for the Sale and Purchase of Coffee from the Perspective of Syari’ah Economics,” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 65–76.

²⁸ Siti Afifah Nurullah, “Practice Services Between Sale and Purchase of Coffee Syari’ah Economic Perspective,” *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 14–28.

²⁹ Musda Asmara and Lilis Sahara, “Problems with Choosing a Mate in Islam for People Who Choose a Mate through Social Media,” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 40–49.

³⁰ Dwi Astuti Wahyu Nurhayati and Novi Tri Oktavia, “Relevance Of Al Mawardi’s Reflection In The Development Of Islamic Economic Activities,” *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 48–58.

³¹ Yusi Tasika and Giyarsi Giyarsi, “The Effectiveness of the Discussion Method to Increase Students’ Understanding and Activeness in Islamic Religious Education Subjects,” *Nusantara Education* 1, no. 1 (December 15, 2022): 81–93.

³² Khairudin Khairudin, “The Practice of Buying and Selling Black Market Goods on The Perspective of Islamic Economic Law,” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (2022): 77–85.

³³ Bambang Sunggono, “Metode Penelitian Hukum,” *Jakarta: Raja Grafindo Persada* (2003): 115.

³⁴ Wahyu Abdul Jafar, “Legality Of Halal Food Certification On Maslahah Mursalah Perspective,” *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, dan Keagamaan* 9, no. 1 (August 16, 2022): 95–108.

³⁵ M. Khoirur Rofiq, “Pemberian Hak Asuh Anak Dalam Perceraian Karena Peralihan Agama (Murtad),” *Journal of Islamic Studies and Humanities* 6, no. 2 (2021): 99.

mumayyiz according to scholars Shafi'iyyah. In contrast, most scholars argue otherwise, and (3) done of their own free will. Therefore invalid apostasy forced a person with a record of his heart to remain steadfast in his faith.³⁶

The word apostasy in Arabic is known as *riddah*. *Al-Riddah* comes from the word *irtadda*, according to *wazan ifta'ala*, comes from the word *raada*, which means "to turn around." The word *riddah* or *irtidād* implies moving, and the word *irtadda'an al-Islam* means "leaving Islam."³⁷ According to the language of apostasy, this means returning. Those who return are apostates.³⁸ According to the term, it is leaving the religion of Islam to disbelief, whether it is done with deeds, words, *i'tiqad*, or doubt.³⁹

An Egyptian-born modern Islamic intellectual, Sayyid Sabiq (d. 1421 H/2000 AD), explained in detail that apostasy is the return of a reasonable and mature Muslim to disbelief with his own will without coercion from other people, whether he is male or female. Thus, when a Muslim is considered to have returned to disbelief or converted to religion because there is an element of compulsion (coercion), then he cannot be claimed to have committed apostasy.⁴⁰

With the various definitions of *riddah* above, it can be concluded that *riddah* comes from *radda*, which means returning (etymologically). As for the terminology, *riddah* is the return of a person from Islam to *kufr* or leaving Islam. In another sense, it is also called infidel after faith. The word *riddah*, with this understanding, is in line with some of the terms of Allah SWT in the following *Al-Qur'an*:

³⁶ Budy Bhudiman and Latifah Ratnawaty, "TINJAUAN HUKUM TERHADAP PERCERAIAN KARENA MURTAD MENURUT HUKUM POSITIF," *YUSTISI* 8, no. 1 (May 1, 2021): 57, accessed January 30, 2023, <http://ejournal.uika-bogor.ac.id/index.php/YUSTISI/article/view/4686>.

³⁷ Abu al-Fadl Jamal al-Din and Muhammad bin Mukram, "Ibn Manzur,(1990)," *Lisan al-'Arab* (n.d.): 172.

³⁸ Abdul Aziz Dahlan, "Ensiklopedi Hukum Islam, Jilid 5," *Cet. I* (1996): 267.

"O you who believe, whoever among you is apostate from his religion, then later Allah will bring a people whom Allah loves them, and they love Him, who are gentle towards the believers, who are harsh towards the - disbelievers, who strive in the way of Allah, and who are not afraid of the reproach of those who like to criticize. That is Allah's gift, He gives to whom He wills, and Allah is All-Wise (His gifts), All-Knowing." (QS al-Maidah: 54).⁴¹

In Islamic law, an apostate is punished in this world in the form of death, as the Prophet Muhammad said:

"From 'Ikrimah that 'Ali ra burned a people, and then the news reached ibn 'Abbas, he said: "If I were there, of course, I would not burn them because the Prophet SAW had said:" Do not torment with the torment of Allah (with fire) ". Moreover, I will only kill them as the Prophet SAW has said: "Whoever changes his religion, then kill him." (Narrated by Bukhari).⁴²

With the threat of world punishment, *riddah* is included in one of the crimes subject to the *hudūd* penalty. *Hudud* sentence is carried out when the conditions and pillars of the *hudud* implementation have been fulfilled,⁴³ that is:

1. The act is out of the religion of Islam, by one of the methods mentioned earlier, namely by doing something through actions that are clearly stated with definite arguments in the text of the *Al-*

³⁹ Ilmu Pendidikan Islam Ramayulis, "Metodologi Pengajaran Agama Islam," *Jakarta: Kalam Mulia* (2001): 75.

⁴⁰ Sayyid Sabiq, "Fikih Sunnah, IX, Terj," Moh. Husein. Bandung: *al-Ma'arif* (1996): 159.

⁴¹ R. I. Depertemen Agama, "Al-Qur'an Tajwid Dan Terjemahannya" (Jakarta: Maghfirah Pustaka, 2006), 117.

⁴² M. Nashiruddin Al-Albani, *Ringkasan Shahih Bukhari 2* (Gema Insani, 2003), 584.

⁴³ Amir Syarifuddin, *Garis-Garis Besar Ushul Fiqh* (Kencana, 2014), 317–318.

Qur'an and al-Sunnah, and through sayings and creeds. (al-riddah bi al-fi'l, al-qawl wa al-aqidah).

2. Leaving the Islamic religion is done with intention, deliberately, and with full awareness, and knowing that his actions are prohibited by religion with the threat of Punishment in this world and the hereafter.

However, Abu Hanifah believes that women are not killed because they are pleased but because they are forced to convert to Islam. As for his coercion into Islam by imprisonment, he is expelled if he repents and converts to Islam. If not, he is locked up until he converts to Islam or dies. Hujjah Abu Hanifah is actually Rasulullah; it prohibits killing infidel women. If a woman is not killed because of an infidel woman, then it is more important not to kill a pleased woman.

While other schools of thought differ from the Abu Hanifah school of thought because other schools do not distinguish between men and women, and the Punishment for apostasy for women (apostasy) is the death penalty for men (apostasy). Their argument is the hadith of Rasulullah SAW.

"From Abdullah said Rasulullah ﷺ said: "the blood of a Muslim who has confessed lailāha illallāh and admits that I am the messenger of Allah is forbidden to be shed other than for one of three reasons; killing, adultery and he is married, and leaving the religion, leaving the congregation Muslims." (Narrated by Bukhari)"

Apostasy as a Cause of Dissolution of Marriage According to Islamic Law.

In fiqh literature, both classical and modern, a marriage is broken up with one of three reasons, namely: divorce or talak (al-talaq), annulment of marriage (*al-faskh*), and a court decision (*al-talaq bi hukm al-qadi*).⁴⁴ Meanwhile, the dissolution of a marriage due to apostasy is included in the cancellation of the marriage (*al-faskh*).

Fasakh is Derived from Arabic from the root word *fa-sa-kha*, which etymologically means to cancel.⁴⁵ At the same time, *fasakh* in terminology is divorce caused by the emergence of things considered heavy by the husband or wife or both so that they cannot carry out the life of husband and wife in achieving their goals.⁴⁶ According to Imam Asy-Syafi'i, termination of marriage relations (*fasakh*) is all termination of the husband and wife's bond that is not accompanied by talaq, either one, two, or three *talaks*.⁴⁷

Terminating the marriage bond through *fasakh* involves the invalidity of two contracting parties, only husband and wife but including third parties. So that *fasakh* occurs because of the will of the husband, the will of the wife, and the will of a third person with the right.⁴⁸ *Fasakh* This can happen because the conditions are not fulfilled when the marriage contract takes place or because of other things that come later and cancel the continuation of the marriage.⁴⁹

1. *Fasakh* because the conditions are not fulfilled when the marriage contract:
 - a. If the contract is perfect and complete, then it is known that the wife he married turned out to be his wet sister, then the agreement must be *fasakh*.
 - b. The husband and wife are still small, and the marriage contract is held by someone other than their father. Then

⁴⁴ Muhammad Abu Zahrah, *Al-Ahwal al-Shakhsiyyah* (Dar al-Fikr al-Arabi, 1957), 277.

⁴⁵ Syarifuddin, "Hukum Perkawinan Islam Di Indonesia," 190.

⁴⁶ Kamal Muchtar, *Asas-Asas Hukum Islam Tentang Perkawinan* (Bulan Bintang, Jakarta, 1974), 212.

⁴⁷ Imam Syafi'i, "Ringkasan Kitab Al-Umm," *Terj. Mohammad Yasir Abd Mutholib. Juz 1* (2007): 481.

⁴⁸ Ahmad Kuzairi, "Nikah Sebagai Perikatan Raja," *Grafindo Persada, Jakarta* (1995): 141.

⁴⁹ Abidin Slamet, "Fiqh Munakahat II" (Pustaka Setia, Bandung, 1999), 73.

as an adult, he has the right to continue his marriage bond first or end it. This khiyar is called khiyar balugh. If the chosen one ends the husband and wife bond, then this is called *fasakh*.

2. *Fasakh* that comes after the contract:
 - a. If one of the husband and wife apostatizes and does not want to return, then the contract is void (*fasakh*) because of the later apostasy.
 - b. If the husband who previously converted to Islam, but the wife is still in disbelief, remains a polytheist, then the contract is void (*fasakh*). In another case, if the wife is a person in the book, then the contract is still valid because, from the beginning, his marriage to the people of the book was considered valid.
3. *Fasakh* caused by:
 - a. *Syiqaq* namely the existence of quarrels between husband and wife that cannot be reconciled.
 - b. A guardian marries a man who is not his match—for example, the marriage of enslaved people with freedmen, adulterers with protected people and so on.
 - c. If the wife is fucked by her father or grandfather because of accidental or adultery factors.
 - d. If the two parties are mutually dependent.
 - e. After having been made clear by several reliable witnesses that he was no longer able to provide a living, a poor husband, his clothes, housing, and dowry had not been paid before he intervened.

The *fasakh*, according to Imam Syafi'i and Hambali are:⁵⁰

1. Separated because of a disability, one of

the husband and wife.

2. Divorce due to husband's various difficulties.
3. Split because of Li'an.
4. The marriage is broken.
5. There is no equal status.
6. One husband and wife apostate.
7. *Fasakh* is caused by not being given spending money (maintenance).

In the book *al-Fiqh al-Islami wa Adillatuh*, Wahbah al-Zuhayli writes that if a husband or wife apostates from Islam, their marriage has been broken up without divorce, according to Abu Hanifah, Abu Yusuf, and Malik. There is no need for a judge's decision, and their marriage is *fasakh*. Al-Shafi'iyah and al-Hanabilah said, "Their marriage is postponed until the end of the iddah period. If the apostate party re-enters Islam before the end of the iddah period, their marriage is permanent. If the apostate party does not convert to Islam until the end of the iddah period, then divorce has occurred since the occurrence of religious differences.⁵¹ However, even so, in Indonesian Positive Law, it is necessary because the Judge's Decision is the legal standing for both parties that they have divorced and as legal administration for the parties, especially for women so they can remarry.

A judge's decision in the form of law can experience problems if an incomplete or unclear law is found, so in this case, the Judge must seek or find the direction (*rechtsvinding*). Other legal officers are tasked with carrying out the law or applying common law to more concrete laws⁵².

Utrecht assesses legal findings by stating that if there is unclear legislation or no rules governing a case, the Judge must act on his initiative to resolve the case. In this case, the Judge must play a role in determining what constitutes law, even if laws and regulations do not help⁵³.

⁵⁰ Satria Efendi, "Prblematika Hukum Keluarga Islam Kontonporer" (PT. Kencana, Jakarta, 2004), 23.

⁵¹ Al-Zuhaili Wahbah, "Al-Fiqh al-Islami Wa Adillatuh," *Damaskus: DĀġ r al-MustafĀ* (1985): 621.

⁵² Achmad Rifai, *Penemuan Hukum Oleh Hakim: Dalam Perspektif Hukum Progresif* (Sinar Grafika, 2010), 21.

⁵³ H. Wildan Suyuthi Mustofa, *Kode Etik Hakim* (Prenada Media, 2013), 89.

The Judge's ability to find laws that have yet to be determined with certainty cannot be separated from the power of the Judge's interpretation of the law products he is guided. Suppose a marriage is broken up due to the apostasy of a husband or wife. In that case, the provisions of the legal text in the Compilation of Islamic Law do not stipulate it in *fasakh*, so apostasy, which is the cause of divorce, is only limited to the cause of the breakup of a marriage. This is stated in article 116, letter (h) of the Compilation of Islamic Law, which reads: "religious conversion or apostasy which causes disharmony in the household." With the status of only being the cause of the dissolution of a marriage, the obligation after the dissolution of a marriage remains valid except with the *nusyuz* argument.

Table 1. *Fasakh*

No	Type <i>Fasakh</i>	Causes
1	<i>Fasakh</i> due to unfulfilled conditions at the time of the marriage contract	a. Marriage between close relatives (e.g., wet siblings) b. Marriage of minors without proper guardian consent
2	<i>Fasakh</i> occurs after the contract	a. Apostasy of one spouse b. Husband converts to Islam while Wife remains Polytheist
3	<i>Fasakh</i> caused by	a. Irreconcilable disputes between spouses b. Marriage between unequal partners (e.g., enslaved people and freedmen) c. Wits' adultery involving her father

⁵⁴ Asifa Quraishi-Landes, "Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective," SSRN Scholarly Paper (Rochester, NY, 1997), accessed March 22, 2023, <https://papers.ssrn.com/abstract=1524245>.

No	Type <i>Fasakh</i>	Causes
		or grandfather d. Mutual dependency between spouses e. Husband's inability to provide for wife (maintenance)
4	<i>Fasakh</i> , according to Imam Syath and Hambali	a. Separation due to the disability of one spouse b. Divorce due to husband's various difficulties c. Separation because Li'an d. Broken marriage e. The unequal status between spouses f. Apostasy of one spouse g. <i>Fasakh</i> caused by not being provided maintenance

Based on the table provided, there are different types of *fasakh* and their causes. It is important to analyze these categories and understand the implications of each. Here, we examine each type of *fasakh* and its causes:

1. *Fasakh* due to unfulfilled conditions at the time of marriage contract: This category of *fasakh* occurs when the conditions required for a valid marriage are not met at the time of the contract. It includes marriages between close relatives and marriages involving minors without proper guardian consent.⁵⁴
2. *Fasakh* that occurs after the contract: This type of *fasakh* arises due to events after the marriage contract. It includes the apostasy of one spouse and a situation where the husband converts to Islam while the wife remains Polytheist.⁵⁵
3. *Fasakh* caused by various circumstances:

⁵⁵ John L. Esposito, *Women in Muslim Family Law: Second Edition* (Syracuse University Press, 2001).

Fasakh in this category can be attributed to irreconcilable disputes between spouses, unequal partnerships, adultery involving the wife's father or grandfather, mutual dependency between spouses, or the husband's inability to provide for the wife.⁵⁶

4. *Fasakh*, according to Imam Syafi'i and Hambali: These schools of thought have specific conditions for *fasakh*, including separation due to a disability of one spouse, divorce due to the husband's various difficulties, separation because of *Li'an*, broken marriage, unequal status between spouses, the apostasy of one spouse, and *fasakh* caused by not being provided maintenance.⁵⁷

In the decision of the Klaten Religious Court Number 0082/Pdt.G/2022/PA. Klt, stated Considering that because of the fundamental principle, the Petitioner asked the Klaten Religious Court to approve his marriage to the Respondent but because of the Respondent's conversion from Islam to Catholicism, the Respondent was a convert, because of the negligence of the Petitioner himself who left the Respondent, who was actually his wife which he is obliged to educate by introducing the Respondent to the religion he has just embraced and guarding against the Respondent's return to his previous faith, then the Petitioner's request for the Panel of Judges to ban his marriage to the Respondent will be granted with subsidies by giving permission for the Petitioner to impose one-half divorce against the Respondent before a hearing Klaten Religious Court, after this decision has permanent legal force; it is clear that the Judge's interpretation of the apostasy of a wife is still categorized as divorce *rajii*, even though the Petitioner in this case demands a *fasakh* determination. This legal finding, in the view of the author, is an interpretation of

the absence of differences in *fasakh* and divorce *rajii* as well as the limitations of both, which result in the legal product after being enacted being equal.

Dissolution of marriage due to *fasakh* has special legal consequences. Namely, there is no reconciliation, or in another sense, the husband may not refer to his ex-wife while the wife is undergoing the *iddah* period because divorce in the form of *fasakh* has *ba'in sugra* status. Suppose the ex-husband and ex-wife want to repair their marriage relationship. In that case, they must enter into a new marriage contract, either during the ex-wife's *iddah* period from her ex-husband or later after the *iddah* period. Another consequence of *fasakh* divorce is not reducing the number of divorces. This means that the husband's rights in the form of the right to divorce his wife a maximum of three times are not reduced by *fasakh*.⁵⁸

If a wife apostatizes, then her right to maintenance is nullified because leaving the wife hinders the husband from having intercourse with the wife. If the husband is an apostate, then the wife's right to maintenance is invalidated because the legal obstacle to intercourse arises from the husband's side, even though if he wants to remove the legal obstacle by re-entering Islam, he can do it.⁵⁹

Analysis of the Decision of the Klaten Religious Court Number 0082/Pdt.G/2022/PA. Clt Against the Rights of Apostate Wives

The provisions of Islamic law regarding *riddah* with the benchmark of Article 27 paragraph (1) of the 1945 Constitution, which reads "that all Indonesian citizens, both old, young and children, men and women and those in the country and abroad are all guaranteed by the constitution of the state of Indonesia that they have the same position in law," the easier it can be said that the

⁵⁶ Ziba Mir-Hosseini, "A Response to Shahla Haeri's Review of Marriage on Trial, A Study of Islamic Family Law in Iran and Morocco," *International Journal of Middle East Studies* 30, no. 3 (1998): 469–471, accessed March 22, 2023, <https://www.jstor.org/stable/164288>.

⁵⁷ Al-Jaziri, A. R. (2009). *Kitab al-Fiqh 'ala al-Madhahib al-Arba'a*. Beirut: Dar al-Kutub al-'Ilmiyyah.

⁵⁸ Syarifuddin, "Hukum Perkawinan Islam Di Indonesia," 253.

⁵⁹ *Ibid.*, 106.

provisions contained in the *riddah* are not following the spirit of Article 27 (1) of the 1945 Constitution. The requirements regarding *riddah* have implications for inequality among citizens based on religion in the eyes of the law. Islam is considered the highest religion before state law, so if people leave it, they will be subject to criminal sanctions.

Religious conversion or apostasy in positive law is not the reason for breaking up a marriage, and it is just that in the Compilation of Islamic Law Article 116 letter h, it is stated that religious conversion or apostasy causes disharmony in the household is one of the reasons for divorce. Dissolution of marriages is generally classified into 3 due to death, divorce, and or court decisions. This provision is contained in Article 38 of Law No.1 of 1974 and article 113 of the Compilation of Islamic Law. The divorce referred to in the Klaten Religious Court Decision Number 0082/Pdt.G/2022/PA.Klt, is a divorce that occurs because of divorce. Therefore, following Article 149 of the KHI, a marriage broken up due to divorce means that the ex-husband is obliged to provide *mut'ah*, *iddah* maintenance, pay off the dowry that is still owed and provide *hadhanah* fees.

Indonesia as the rule of law or often referred to as *rechstaat* and also often referred to as the rule of law where there are important characteristics of the rule of law are⁶⁰:

1. The State must obey the law
2. The government respects individual rights
3. Free and impartial judiciary

With the proclamation of the form of the Indonesian State as a rule-of-law state to guarantee law order, law enforcement, and legal objectives, the function of the judicial power or judiciary plays an important role, especially in law enforcement and oversight. In law enforcement or law enforcement, it is

often the discovery or the formation of law.

Judges, as executors of the law, get legal standing in the form of the 1945 Constitution, which guarantees the existence of an independent judicial power. It is stated in article 24, especially in article 24 paragraph 1 and the elucidation of article 1 paragraph 1 of Law no. 48 of 2009, namely judicial power is the power of an independent state to administer justice to uphold law and Judge based on Pancasila and the 1945 Constitution of the Republic of Indonesia for the sake of the implementation of the legal State of the Republic of Indonesia⁶¹.

As for the Decision of the Klaten Religious Court Number 0082/Pdt.G/2022/PA.Klt stated: Granted Paniman bin Harjo Suwito's request with Subsidiaries Permitted Petitioner Paniman bin Harjo Suwito to impose one *raj'i* divorce on the Respondent before the Klaten Religious Court session, Punished Paniman bin Harjo Suwito to give Titis Trigono Sasiatun bint Sadibyo Mut' ah in the form of money in the amount of Rp. 1,000,000,- (one million rupiah), Ordered Paniman bin Harjo Suwito to hand over *mut'ah* to Titis Trigono Sasiatun Binti Sadibyo no later than shortly before the Petitioner pronounced his divorce vow to Titis Trigono Sasiatun Binti Sadibyo, Punished Paniman bin Harjo Suwito to pay a living during the *Iddah* period to Titis Trigono Sasiatun Binti Sadibyo for IDR 2,400,000 (two million four hundred thousand rupiahs),

There is a decision regarding granting rights resulting from the breakup of a marriage in the form of paying *iddah* rights in the amount of Rp. 2,400,000,- (two million four hundred), according to the author's assessment, this is because the Judge equates the dissolution of marriage with the consequences of apostasy and not on the *fasakh* of marriage so that legal matters that apply after the breakup of a wedding in the form of granting rights including *iddah*, *mut'ah* and so on become an inseparable

⁶⁰ Philipus M. Hadjon and Perlindungan Hukum Bagi Rakyat Indonesia, "Sebuah Studi Tentang Prinsip-Prinsipnya," Penanganannya oleh Pengadilan Dalam Lingkungan Perdilan Umum dan

Pembentukan Peradilan Administrasi Negara, Surabaya: Bina Ilmu (1985): 30.

⁶¹ A. Mukti Arto, *Praktek Perkara Perdata Pada Pengadilan Agama* (Pustaka Pelajar, 1996), 140.

part.

Giving rights to apostate women is part of fulfilling a sense of justice. Apostates not included in the category of *fasakh* marriage in formal law in Indonesia have rights and obligations attached to them. In Hans Kelsen's view, justice is the fulfillment of legality, so when the law that specifically regulates is not obtained, the general rules apply to continue to fulfill this justice. The legal basis for granting the rights of a woman whose husband divorces is in Article 41 letter © of the Marriage Law No. 1 of 1974, which states: "The court may oblige the ex-husband to provide living expenses and determine an obligation for the ex-wife.

Conclusion

The decision of the Klaten Religious Court was registered 0082/Pdt.G/2022/PA. Klt mentions that apostasy is one of the causes of the breakup of a marriage. This is because in the Compilation of Islamic Law Article 114 Reasons for Dissolution of Marriage letter (h) states: "Religious conversion or apostasy causes disharmony in the household," so in giving a decision, the Klaten Religious Court weighs more on the Subsidiary in the Petitioner's Petition which has the following editorials: "Or if the Panel of Judges is of a different opinion, ask for the fairest decision possible."

Regarding the rights of an apostate woman divorced by her husband, the Klaten Religious Court grants *mut'ah* and *iddah* rights. The emergence of post-divorce wife's rights is contained in the Reconvention Claim from the Counterclaim/Respondent Plaintiff and the Judge's authority to determine it, based on the Marriage Law No. 1. 1974 Article 41 letter © which states: "The court may oblige the ex-husband to provide living expenses and determine an obligation for the wife."

In Islamic law, apostasy is the cause of the *fasakh* of a marriage or the cancellation of a wedding. In comparison, *fasakh* in terminology is divorce caused by the emergence of things considered heavy by the husband or wife or both so that they cannot carry out the life of husband and wife in

achieving their goals. With *fasakh*, the wife's rights will be annulled if the apostate is the wife, but the wife's requests cannot be rejected if the apostate is the husband.

References

- Adi, Muhammad Fitri. "Hadhonah Rights of Children (Not Mumayyis) Based on Compilation of Islamic Law and Child Protection Act." *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 9–22.
- Al-Albani, M. Nashiruddin. *Ringkasan Shahih Bukhari* 2. Gema Insani, 2003.
- Arto, A. Mukti. *Praktek Perkara Perdata Pada Pengadilan Agama*. Pustaka Pelajar, 1996.
- Asmara, Musda, and Lilis Sahara. "Problems with Choosing a Mate in Islam for People Who Choose a Mate through Social Media." *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 40–49.
- Bhudiman, Budy, and Latifah Ratnawaty. "Tinjauan Hukum Terhadap Perceraian Karena Murtad Menurut Hukum Positif." *YUSTISI* 8, no. 1 (May 1, 2021): 53–64. Accessed January 30, 2023. <http://ejournal.uika-bogor.ac.id/index.php/YUSTISI/article/view/4686>.
- Cawidu, Harifuddin. *Konsep Kufr Dalam Al-Qur'an: Suatu Kajian Teologis Dengan Pendekatan Tafsir Tematik*. Bulan bintang, 1991.
- Dahlan, Abdul Aziz. "Ensiklopedi Hukum Islam, Jilid 5." Cet. I (1996).
- Depertemen Agama, R. I. "Al-Qur'an Tajwid Dan Terjemahannya." Jakarta: Maghfirah Pustaka, 2006.
- al-Din, Abu al-Fadl Jamal, and Muhammad bin Mukram. "Ibn Manzur,(1990)." *Lisan al-'Arab* (n.d.).
- Efendi, Satria. "Prblematika Hukum Keluarga Islam Kontonporer." PT. Kencana, Jakarta, 2004.
- Esposito, John L. *Women in Muslim Family Law: Second Edition*. Syracuse University Press, 2001.
- Ghazali, Robi Musthofa Al. "Boarding House

- Rent Refunds During Covid 19 Based On Sharia Economic Law.” *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 38–47.
- Hadjon, Philipus M., and Perlindungan Hukum Bagi Rakyat Indonesia. “Sebuah Studi Tentang Prinsip-Prinsipnya.” *Penanganannya oleh Pengadilan Dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*, Surabaya: Bina Ilmu (1985).
- Hakim, Abdul. “Maxim Law Fiqh And Its Application During The Covid-19 Pandemic.” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 1–8.
- Harahap, Pangeran. *Hukum Islam Di Indonesia*. Ciptapustaka Media, 2014.
- Iqbalwa, Maulana. “Practice Brokerage Services for the Sale and Purchase of Coffee from the Perspective of Syari’ah Economics.” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 65–76.
- Ishaq. *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi*. ALFABETA, Cv, 2017.
- Jafar, Wahyu Abdul. “Legality Of Halal Food Certification On Masalah Mursalah Perspective.” *JURNAL ILMIAH MIZANI: Wacana Hukum, Ekonomi, dan Keagamaan* 9, no. 1 (August 16, 2022): 95–108.
- Khairudin, khairudin. “The Practice of Buying and Selling Black Market Goods on The Perspective of Islamic Economic Law.” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (2022): 77–85.
- Khoiruddin, Muhammad. “Wali Mujbir Menurut Imam Syafi’i (Tinjauan Maqâshid Al-Syari’ah).” *Al-Fikra: Jurnal Ilmiah Keislaman* 18, no. 2 (2020): 257–284.
- Kurtubi, Muhammad. “Child Playing Online Game in the Sadd Al-Zari’ah’s Perspective.” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 14, 2022): 9–20.
- Kusdiyana, Samsudin, and Muhammad Wildan Nur Akmal. “Accuracy of Qibla Direction Mosque at Rest Area Toll Road on the Qibla Jurisprudence Perspective.” *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 19, 2023): 31–39.
- Kuzairi, Ahmad. “Nikah Sebagai Perikatan Raja.” *Grafindo Persada, Jakarta* (1995).
- Maryani, Desy, Arie Elvis Rahael, Ahmad Rahawarin, Ariyanto, Muslim, Farida Tuharea, Zonita Zirhani Rumalean, and Wahyudi Br. “A Model of Implementing Restorative Justice Perspective of Trong Yowari Traditional Jurisdiction, Jayapura Regency.” *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 27, 2023): 40–51.
- Mir-Hosseini, Ziba. “A Response to Shahla Haeri’s Review of Marriage on Trial, A Study of Islamic Family Law in Iran and Morocco.” *International Journal of Middle East Studies* 30, no. 3 (1998): 469–471. Accessed March 22, 2023. <https://www.jstor.org/stable/164288>.
- Muchtar, Kamal. *Asas-Asas Hukum Islam Tentang Perkahwinan*. Bulan Bintang, Jakarta, 1974.
- Muddin, Muhamad Imam. “Inheritance System Mayorat on the Komeriing Tribe in Urf Perspective.” *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 21–32.
- Mustofa, H. Wildan Suyuthi. *Kode Etik Hakim*. Prenada Media, 2013.
- Musyafah, Aisyah Ayu. “PERKAWINAN DALAM PERSPEKTIF FILOSOFIS HUKUM ISLAM.” *CREPIDO* 2, no. 2 (November 29, 2020): 111–122. Accessed January 30, 2023. <https://ejournal2.undip.ac.id/index.php/crepido/article/view/9555>.
- Nurhayati, Dwi Astuti Wahyu, and Novi Tri Oktavia. “Relevance Of Al Mawardi’s Reflection In The Development Of Islamic Economic Activities.” *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 48–58.
- Nurullah, Siti Afifah. “Practice Services Between Sale and Purchase of Coffee Syari’ah Economic Perspective.”

- Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 14–28.
- Quraishi-Landes, Asifa. "Her Honor: An Islamic Critique of the Rape Laws of Pakistan from a Woman-Sensitive Perspective." SSRN Scholarly Paper. Rochester, NY, 1997. Accessed March 22, 2023. <https://papers.ssrn.com/abstract=1524245>.
- Ramayulis, Ilmu Pendidikan Islam. "Metodologi Pengajaran Agama Islam." *Jakarta: Kalam Mulia* (2001).
- Rifai, Achmad. *Penemuan Hukum Oleh Hakim: Dalam Perspektif Hukum Progresif*. Sinar Grafika, 2010.
- Riskia, Meta. "Implementation Of Mudharabah Financing On Baitul Maal According Majelis Ulama Indonesia." *Journal of Nusantara Economy* 1, no. 1 (December 9, 2022): 1–13.
- Rofiq, M. Khoirur. "Pemberian Hak Asuh Anak Dalam Perceraian Karena Peralihan Agama (Murtad)." *Journal of Islamic Studies and Humanities* 6, no. 2 (2021): 97–106.
- Sabiq, Sayyid. "Fikih Sunnah, IX, Terj." Moh. Husein. Bandung: *al-Ma'arif* (1996).
- Saleh, Hassan, and Hasan Shohibi. "Kajian Fiqh Nabawi Dan Fiqh Kontemporer." *Rajawali Pers*, 2008.
- Setyawan, Vincentius. "Pancasila As A Philosophical Basis Of Law Formation In Indonesia." *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 15, 2023): 1–8.
- Slamet, Abidin. "Fiqh Munakahat II." *Pustaka Setia*, Bandung, 1999.
- Soekanto, Soerjono, and Sri Mamudji. "Normative Legal Research a Brief Overview." *Jakarta: Raja Grafindo Persada* (2001).
- Soemiyati. *Hukum Perkawinan Islam Dan Undang-Undang Perkawinan (Undang-Undang No. 1, Tahun 1974, Tentang Perkawinan)*. Liberty, 1982.
- Sunggono, Bambang. "Metode Penelitian Hukum." *Jakarta: Raja Grafindo Persada* (2003).
- suryaningsih. "Impact of Gadget Addicts on Family Harmony Perspective of Islamic Law." *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 50–64.
- Syafi'i, Imam. "Ringkasan Kitab Al-Umm." *Terj. Mohammad Yasir Abd Mutholib. Juz 1* (2007).
- Syarifuddin, Amir. *Garis-Garis Besar Ushul Fiqh*. Kencana, 2014.
- . "Hukum Perkawinan Islam Di Indonesia: Antara Fiqh Munakahat Dan Undang-Undang Perkawinan" (2011).
- Tasika, Yusi, and Giyarsi Giyarsi. "The Effectiveness of the Discussion Method to Increase Students' Understanding and Activeness in Islamic Religious Education Subjects." *Nusantara Education* 1, no. 1 (December 15, 2022): 81–93.
- Thalib, Sayuti. "Indonesian Family Law." *Prints V, Jakarta: University of Indonesia* (2009).
- Wahbah, Al-Zuhaili. "Al-Fiqh al-Islami Wa Adillatuh." *Damaskus: DĀġ r al-MustafĀ* (1985).
- Wahyu, Wahyuziaulaq, and Ahmad Azmi Perkasa Alam. "Interfaith Marriage Perspective of Fiqh Law and Positive Law." *NUSANTARA: Journal Of Law Studies* 1, no. 1 (December 16, 2022): 33–39.
- Zahrah, Muhammad Abu. *Al-Ahwal al-Shakhsiyyah*. Dar al-Fikr al-Arabi, 1957.
- Zainuddin, Faiz, and Imam Syafi'i. "Environmental Jurisprudence; Environmental Preservation Efforts In Islam." *NUSANTARA: Journal Of Law Studies* 2, no. 1 (March 18, 2023): 23–30.
- Ziaulhaq, Wahyu. "Buying and Selling Used Clothing: An Islamic Economy Law Perspective." *Journal of Nusantara Economy* 1, no. 1 (December 10, 2022): 29–37.
- Zulkifli, Suhaila. "Putusnya Perkawinan Akibat Suami Menikah Tanpa Izin Dari Istri." *Jurnal Hukum Kaidah: Media Komunikasi dan Informasi Hukum dan Masyarakat* 18, no. 3 (April 15, 2019): 14–26. Accessed January 30, 2023.

<https://jurnal.uisu.ac.id/index.php/jhk/article/view/1184>.