

# Legal Status of a Wife Leaving Her Husband and Vice Versa in Contextual Fiqh Studies: A Pre-Divorce Analysis

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**Abstract:** The issue of a wife leaving her husband or vice versa before an official divorce is a critical topic in Islamic jurisprudence (*fiqh*), raising legal, ethical, and social concerns. This study examines the legal status of such separations through the lens of various schools of thought (*madhhab*), analyzing spousal rights and obligations in pre-divorce contexts. Employing a qualitative method, it draws from primary Islamic legal sources, as well as contemporary statutory frameworks in Muslim-majority countries. Findings reveal that Islamic law distinguishes between justified and unjustified separation. A wife who separates without valid reason may be deemed *nusyuz*, which affects her right to *nafaqah* (maintenance), while a husband remains responsible for financial obligations until the divorce is finalized. Conversely, if separation is due to harm, negligence, or abuse, mechanisms such as *fasakh* (annulment) or *khulu'* (divorce initiated by the wife) may be pursued under Islamic principles. These doctrines aim to protect the rights of both parties and prevent injustice in marital relationships. From the perspective of civil law, legal separation is not explicitly codified, but courts may provide temporary arrangements through mediation and judicial orders. Customary law often manages informal separations through community mediation and traditional consensus. In Indonesia, religious courts (*peradilan agama*) handle pre-divorce separations as part of divorce proceedings, emphasizing mediation and evaluating interim living arrangements, financial duties, and child custody. Beyond legal analysis, the study highlights broader social consequences: women and children are often left vulnerable during informal separations, while unresolved conflicts can fragment social harmony.

**Keywords:** Pre-divorce separation, *nusyuz*, Islamic law, civil law, legal consequences

**Abstrak:** Permasalahan istri meninggalkan suami atau sebaliknya sebelum terjadi perceraian resmi merupakan isu krusial dalam fikih Islam, yang menimbulkan persoalan hukum, etika, dan sosial. Penelitian ini mengkaji status hukum dari pemisahan semacam ini melalui perspektif berbagai mazhab, dengan menganalisis hak dan kewajiban pasangan dalam konteks praperceraian. Metode yang digunakan adalah kualitatif dengan mengacu pada sumber-sumber hukum Islam primer serta kerangka hukum positif yang berlaku di negara-negara mayoritas Muslim. Hasil penelitian menunjukkan bahwa hukum Islam membedakan antara pemisahan yang dibenarkan dan yang tidak. Istri yang meninggalkan rumah tanpa alasan syar'i dapat dikategorikan sebagai *nusyuz*, yang berdampak pada gugurnya hak nafkah, sementara suami tetap berkewajiban menafkahi hingga perceraian sah terjadi. Sebaliknya, apabila pemisahan disebabkan oleh kekerasan, kelalaian, atau ketidakadilan dari pihak suami, maka istri dapat mengajukan *fasakh* (pembatalan nikah) atau *khulu'* (cerai atas permintaan istri) sesuai prinsip hukum Islam. Konsep-konsep ini bertujuan menjaga keadilan dan perlindungan terhadap hak kedua belah pihak. Dalam perspektif hukum perdata, pemisahan belum diatur secara eksplisit, tetapi dapat ditangani melalui mediasi peradilan atau penetapan kewajiban sementara oleh pengadilan. Adapun hukum adat sering mengakomodasi pemisahan informal melalui mekanisme mediasi tokoh masyarakat dan musyawarah tradisional. Di Indonesia, pengadilan agama menangani kasus pemisahan praperceraian sebagai bagian dari proses perceraian, dengan menekankan pentingnya mediasi dan mempertimbangkan pengaturan tempat tinggal sementara, kewajiban nafkah, serta hak asuh anak. Selain aspek hukum, penelitian ini juga menyoroti dampak sosial yang signifikan: perempuan dan anak-anak rentan mengalami kerugian tanpa perlindungan hukum yang memadai, dan konflik yang tak terselesaikan dapat mengganggu tatanan sosial masyarakat.

**Kata kunci :** Pemisahan sebelum perceraian, *nusyuz*, hukum Islam, hukum perdata, konsekuensi hukum

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## Introduction

Every marriage begins with a marriage contract, legally and spiritually binding a man and woman as husband and wife. This bond is expected to create a happy and eternal household (*sakinah, mawaddah, wa rahmah*) based on the guidance of Allah SWT.<sup>1</sup> However, married life is not free from challenges. Some marital problems can be resolved through communication and mutual understanding, leading to peace and harmony. However, some conflicts remain unresolved, resulting in prolonged disputes that may lead to separation or divorce. Therefore, those intending to marry should ensure their marriage is officially registered and legally recognized, as an unregistered marriage can create legal uncertainties, especially in cases of separation or divorce.<sup>2</sup>

A legally registered marriage is proven by a marriage certificate, which serves as formal evidence of the marital relationship. If a couple decides to divorce, the court can process the case and issue a legal decision, ensuring that both parties' rights and responsibilities are addressed. In contrast, couples in *sirri* (unregistered) marriages may face difficulties in proving their marital status in court, as the absence of a marriage certificate can lead to legal complications, including the inability to file for divorce.<sup>3</sup> This situation creates challenges, particularly for women, as they may struggle to claim their

rights, such as financial maintenance (*nafaqah*), child custody, and inheritance.<sup>4</sup>

One of the most concerning issues in marital disputes is when one spouse leaves the other without going through legal procedures. In many cases, a husband may abandon his wife without officially divorcing her, leaving her uncertain. If the wife has a legally recognized marriage certificate, she may seek legal recourse through the Religious Court. However, if the marriage was unregistered, she may struggle to prove her marital status, making it difficult to file for divorce or claim her rights.<sup>5</sup> This raises significant legal and ethical concerns regarding the status of pre-divorce separation and the rights of abandoned spouses.

Similarly, in some cases, a wife may leave her husband for various reasons, including emotional distress, financial instability, or domestic violence. However, she remains legally bound to the marriage if she leaves without obtaining an official divorce. This can create further complications, especially if she wishes to remarry. Islamic law strictly prohibits a woman from remarrying before her previous marriage is legally dissolved. The absence of legal documentation can lead to further disputes, particularly concerning child custody, inheritance, and marital obligations.

However, separation before divorce not only raises legal issues, but also has a significant impact on the psychological aspects of the spouse and children involved. When one spouse chooses to leave the house without a clear legal settlement, it can trigger anxiety, confusion, and emotional instability.

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<sup>1</sup> Y Siregar, *Peran keluarga sakinah dalam membentuk kepribadian remaja (studi kasus di Kelurahan Pintupadang Kecamatan Batang Angkola Kabupaten Tapanuli Selatan)* (etd.uinsyahada.ac.id, 2021).

<sup>2</sup> Siti Malaiha Dewi dkk., "Pencegahan Perkawinan Dini dan Sirri melalui Collaborative Governance Berbasis Gender di Kabupaten Pati Berbasis Gender di Kabupaten Pati," *PALASTREN Jurnal Studi Gender* 12, no. 2 (5 Desember 2019): 519, <https://doi.org/10.21043/palastren.v12i2.6357>.

<sup>3</sup> K Muhajarah, "Secercah Pandang Mengungkap Kasus Nikah Sirri Di Indonesia," *Sawwa: Jurnal Studi Gender*, 2015.

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<sup>4</sup> Z Zulpan, *Analisis hukum Islam terhadap tanggungjawab orang tua pada anak dari pernikahan sirri di Kecamatan Angkola Sangkunur Kabupaten Tapanuli Selatan* (etd.uinsyahada.ac.id, 2023).

<sup>5</sup> nursbmd Zaki, *Status Anak Yang Lahir Dari Pernikahan Sirri (Studi Muqaranah Terhadap Putusan Hakim Jabatan Kehakiman Syariah Terengganu ...* (repository.uin-suska.ac.id, 2023).

Children who witness conflict without formal resolution often become invisible victims, experience feelings of loss, confusion about their family status, and even prolonged trauma. In a society that still holds tightly to religious and cultural values, separation without formal divorce also poses a heavy social burden, especially for women who are often negatively labeled by the surrounding environment.

The social stigma against women who separate without an official divorce is a worrying phenomenon. Society often judges them as unfaithful wives, unfaithful women, or women who fail to take care of the household, even though the reasons for the separation can be as rational as domestic violence or economic neglect.<sup>6</sup> This stigma not only impacts women's social status, but also affects their access to justice and legal support. Therefore, there is a need for a legal approach that is sensitive to the social and cultural dimensions, especially in the protection of women who have experienced pre-divorce separation.

In the context of Islamic law, it is necessary to distinguish between temporary separation (*hajr*) and formal divorce (*ṭalāq*, *khulu'*, or *fasakh*). *Hajr* refers to the act of temporarily distancing oneself due to domestic conflicts, which is often not followed by formal legal proceedings. Although *hajr* can be a form of temporary solution, if it goes on for too long without a legal settlement, it will cause uncertainty about the legal status of husband and wife. Islamic law stipulates that a wife who performs *hajr* without a justified reason can be considered *nusyuz*, which has an impact on her right to maintenance, while the

husband who performs *hajr* is still obliged to provide for maintenance until divorce occurs.

Meanwhile, in the civil law system, some jurisdictions already have clear arrangements regarding legal separation, including the determination of child custody, alimony, and residence rights during the separation period. For example, in the legal systems in Malaysia and Tunisia, there is a legal separation mechanism that provides temporary legal protection without having to divorce immediately. In Indonesia, the arrangement of separation before divorce has not been explicitly regulated in positive law, although in practice religious courts can provide limited protection during mediation proceedings or divorce hearings.<sup>7</sup>

In the framework of building an ideal family—*sakinah, mawaddah, wa rahmah*—separation without proper legal settlement has the potential to obscure the meaning of this idealism. These values should be the foundation for preventing separation, through communication, counseling, and early mediation. Therefore, the discussion of pre-divorce separation needs to be placed not only in the legal framework, but also in the framework of strengthening the family institution as a whole. Thus, this study not only seeks to fill the literature gap regarding the legal status of pre-divorce separation, but also affirms the importance of synergy between the principles of Islamic law, civil law, and customary law in addressing the challenges of contemporary Muslim families. Through a multidisciplinary and comparative approach, this study aims to make a real contribution to the reform of family law that is fair, humane, and relevant to the social needs of today's society.

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<sup>6</sup>Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 155.

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<sup>7</sup>Dewi Fransiska Mamonto et al., "Islamic Civil Law in Indonesia: Developments, Challenges, and Future Prospects," *NUSANTARA: Journal Of Law Studies* 3, no. 02 (December 25, 2024): 50–58, <https://juna.nusantarajournal.com/index.php/juna/article/view/103>.

Much research on divorce law in Islamic fiqh has been conducted, especially concerning *ṭalāq* (divorce by husband), *khulu'* (divorce at the request of the wife), and *fasakh* (annulment of marriage by the court). One of the relevant studies is the work of Laras Shesa et al. (2024), which conducted research entitled *Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection*. The analysis results show that reforming the fiqh of divorce in SEMA No. 1 of 2022 provides a better platform for protecting women's rights in divorce proceedings, including encouragement for mediation and peaceful dispute resolution. Furthermore, this study identifies challenges in applying this principle, including cultural and social resistance.<sup>8</sup> Another research by Muhammad Ulil Absar et al. explains the Problem of Divorce in Married Couples with a Marriage Age under 5 Years.<sup>9</sup>

Although there has been much research on divorce law in Islamic fiqh, especially those related to *ṭalāq*, *khulu'*, and *fasakh*, this research has a uniqueness that distinguishes it from previous research. One of the main differences is the focus on the legal status of wives who leave their husbands and vice versa before divorce, which has not been widely discussed in the existing fiqh literature. Previous research, such as that conducted by Laras Shesa et al. (2024) in *Reformulating Progressive Fiqh of Talak*

(Divorce), emphasizes changes in fiqh related to divorce and the protection of women's rights in divorce procedures, including mediation and peaceful dispute resolution. While important, the focus does not include an analysis of unilateral separations not followed by formal divorces, nor the social, economic, and legal implications that arise from such separations.

Likewise, Muhammad Ulil Absar et al.'s research on the problem of divorce in couples with a marriage age under five years touches on the issue of divorce but does not directly discuss pre-divorce separation and the rights that arise in the condition of separation, both for wives who leave their husbands and vice versa. Thus, this study offers a novelty with a focus on the legal status of spousal abandonment before divorce in the context of fiqh, which includes a more in-depth analysis of alimony rights, child custody, period of 'iddah, and the consequences of fiqh on couples who separate without a formal divorce. The study also explores how modern law in Muslim-majority countries applies this rule, which has not been found in many previous studies.<sup>10</sup>

This research also seeks to fill in the gaps in understanding the social and psychological impacts of this kind of separation, which are rarely discussed in depth in the fiqh literature. Therefore, this research brings a new perspective that connects classical fiqh with modern social realities and the challenges of its application in the field. Thus, the novelty of this research lies in the study of the legal status of separation before divorce, as well as the broader social and legal impacts, which

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<sup>8</sup> Laras Shesa dkk., "Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection," *MILRev: Metro Islamic Law Review* 3, no. 2 (13 Desember 2024): 236–62, <https://doi.org/10.32332/milrev.v3i2.9950>.

<sup>9</sup> Muhamad Ulil Absor and Suhadi Suhadi, "Divorce Problems in Married Couples Under 5 Years of Marriage (Case Study at the Jepara Religious Court in 2021-2022)," *JIMSIA: Journal of Shari'a Science* 2, no. 2 (November 13, 2023): 62–82.

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<sup>10</sup> wahyuziaulaq wahyu and Ahmad Azmi Perkasa Alam, "Interfaith Marriage Perspective of Fiqh Law and Positive Law," *NUSANTARA: Journal Of Law Studies* 1, no. 1 SE-Articles (December 16, 2022): 33–39, <https://juna.nusantarajournal.com/index.php/juna/article/view/3>.

have not been highlighted much in previous studies.

The issue of pre-divorce separation is particularly relevant in societies where religious and civil laws intersect. In Islamic law, a wife who leaves her husband without justification may be considered *nusyuz* (disobedient), which can affect her rights, including financial support. Meanwhile, a husband who leaves his wife remains responsible for her maintenance until the divorce is finalized. In civil law systems, legal separation mechanisms regulate financial and custodial responsibilities, ensuring that both parties' rights are protected. However, in customary legal traditions, community mediation is crucial in resolving marital conflicts before they escalate to divorce.

Another significant problem arises when a wife is abandoned but does not file for divorce due to social or economic reasons. Some women remain in a legally unresolved marital status for years, unable to remarry or claim their rights. For example, some women state that their husbands abandoned them for more than two years, yet they are unable to sue for divorce due to the lack of legal documentation. In such cases, legal frameworks must provide clear solutions to protect individuals from unjust abandonment and ensure their marital status is appropriately resolved.

This study examines the legal implications of pre-divorce separation from different legal perspectives, including Islamic law, civil law, and customary law. By analyzing the legal status of a husband leaving his wife and vice versa, this research addresses the rights and obligations of both spouses during the separation period. Furthermore, it highlights the importance of legal marriage registration to prevent legal uncertainties and protect the rights of individuals in marital disputes.

Understanding the legal consequences of pre-divorce separation is essential to ensuring fairness and stability in family law. By comparing various legal frameworks, this study contributes to a broader discussion on how different legal traditions approach marital abandonment and the necessity of precise legal mechanisms to regulate pre-divorce separation. Strengthening legal frameworks and increasing public awareness about the importance of legally registered marriages are crucial steps toward resolving marital conflicts just and equitably.

## Method

This research employs a qualitative research method that combines normative, comparative, and sociological approaches to examine the issue of pre-divorce separation. The normative approach is used to analyze legal sources such as Islamic jurisprudence (*fiqh*),<sup>11</sup> statutory laws, court rulings, and academic literature. Data were collected through library research, focusing on primary legal documents and secondary sources including books, journal articles, theses, and dissertations. A comparative analysis was conducted to highlight the similarities and differences among Islamic law, civil law, and customary law in regulating marital separation before divorce. In addition, the sociological approach was employed to understand the social impact of pre-divorce separation, particularly on women and children. Empirical data were gathered through case studies from Religious Courts, involving document analysis and informal interviews with affected parties such as abandoned wives, family members, and community figures. This approach allowed the researcher to explore the psychological

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<sup>11</sup> Muhamad Hasan Sebyar, "Marlojong Custom Contribution in Marriage Dispensation Case at Panyabungan Religious Court" 21, no. 01 (2022): 307–25.



effects and social stigma experienced by the parties involved, as well as the broader consequences on family stability and child protection. By integrating these methods, the study aims to provide a comprehensive understanding of the legal frameworks and social dimensions of pre-divorce separation and propose constructive legal solutions for the future.

## Result and Discussion

### Legal Perspectives on Pre-Divorce Separation

Pre-divorce separation is a critical issue in family law, as it directly affects both spouses' legal rights and obligations. A husband or wife may often leave the marital home due to unresolved conflicts, financial difficulties, or personal dissatisfaction, leading to an uncertain legal status. Understanding the implications of pre-divorce separation from various legal perspectives—Islamic, civil, and customary law—is essential to ensure fairness and legal clarity.

In Islamic law, marriage is a sacred contract (*aqd nikah*) that binds a husband and wife in a legal and moral relationship. When a spouse leaves without initiating formal divorce proceedings, it creates ambiguity regarding their marital rights and responsibilities.<sup>12</sup> According to Islamic jurisprudence, if a wife leaves her husband without a valid reason, she may be considered *nusyuz* (disobedient), which can affect her right to financial maintenance (*nafaqah*). However, if the husband leaves without fulfilling his obligations, he may be held accountable for neglecting his marital duties.

The concept of *nusyuz* is widely discussed in Islamic legal traditions.<sup>13</sup> Classical scholars such as Imam Malik, Imam Shafi'i, and Imam Abu Hanifa argue that a wife who leaves without justification forfeits certain rights, particularly financial support. However, if the husband is abusive or fails to provide adequately, she may have legitimate grounds for separation. The *nash* (legal texts) from the Qur'an and Hadith emphasizes that husbands must provide for their wives, and failure to do so can be a valid reason for seeking divorce through *khulu'* (divorce initiated by the wife).

Civil law, on the other hand, provides different mechanisms for handling pre-divorce separation.<sup>14</sup> In many legal systems, couples can file for legal separation before an official divorce. This legal status allows spouses to live apart while determining property division, child custody, and financial support. Civil courts often recognize pre-divorce separation under specific regulations in countries where Islamic law is incorporated into national legal systems, such as Indonesia and Malaysia. The Indonesian Marriage Law No. 1 of 1974, for instance, outlines conditions under which a spouse may file for divorce, including prolonged separation without valid justification.

A significant issue in civil law is the recognition of marital abandonment. In some jurisdictions, if a husband or wife leaves their spouse without maintaining financial support or fulfilling their obligations, the abandoned spouse may seek legal recourse. This is particularly important for wives who are left without financial security. Courts often require proof of abandonment before granting a divorce or financial compensation.

<sup>12</sup> Siti Musawwamah, "Akseptabilitas Regulasi Kriminalisasi Pelaku Kawin Sirri Menurut Pemuka Masyarakat Madura," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 8, no. 2 (2014): 245–78, <https://doi.org/10.19105/al-lhkam.v8i2.350>.

<sup>13</sup> F N Ana, *Hak Nafkah Istri yang Nusyuz Menurut IBN Hazm* (eprints.uinsaizu.ac.id, 2023).

<sup>14</sup> Chris S. Oiladang, "Perceraian Sebagai Pilihan Rasional: Kasus Perceraian Di Desa Tanah Merah, Kupang – Ntt," *Sosiohumaniora* 14, no. 3 (2012): 235, <https://doi.org/10.24198/sosiohumaniora.v14i3.5493>.

The challenge, however, lies in cases where the marriage was unregistered, as legal claims may be dismissed due to a lack of official documentation.

Customary law plays a significant role in many societies where family disputes are resolved outside formal legal institutions. In traditional communities, marital conflicts are often mediated by elders, religious leaders, or family members before legal action is taken. While this approach can help preserve familial relationships, it sometimes lacks enforceable legal protections, particularly for women whom their husbands abandon.<sup>15</sup> Customary practices vary widely, with some cultures allowing informal divorce without legal documentation, while others emphasize reconciliation efforts before separation is recognized.<sup>16</sup>

One of the significant legal dilemmas surrounding pre-divorce separation is the lack of formal documentation in *sirri* (unregistered) marriages. In many Muslim-majority countries, *sirri* marriages remain a common practice despite legal requirements for official registration. When a separation occurs in an unregistered marriage, proving the marital relationship becomes complicated, preventing the abandoned spouse from seeking legal redress. In such cases, religious and community mediation often serves as the only resolution, which may not always be fair or effective.

The legal implications of a husband leaving his wife differ from those of a wife leaving her husband. In Islamic law, a husband's financial responsibility remains

intact until the divorce is finalized. However, sometimes, husbands abandon their wives without providing maintenance, leaving them vulnerable. This is particularly problematic for women who are financially dependent on their husbands. While Islamic courts can enforce financial support obligations, the lack of legal documentation or enforcement mechanisms can render these rulings ineffective.

Conversely, the situation is more complicated if a wife leaves her husband. Islamic law generally disapproves of a wife leaving her husband without proper justification. If she does so without obtaining a formal divorce, she may face legal and social consequences. In some interpretations, her right to financial support may be revoked, and she may be accused of neglecting her marital duties.<sup>17</sup> However, in cases of domestic violence, abuse, or financial neglect, she may have legitimate grounds for leaving and seeking divorce through the legal system.

In modern legal frameworks, pre-divorce separation is increasingly recognized as a formal legal status. Some jurisdictions allow couples to apply for legal separation, which provides them with temporary legal protection while they decide on the next steps.<sup>18</sup> This legal status clarifies financial obligations, child custody arrangements, and property division, preventing disputes that arise from informal separations. However, in countries where such laws are not well established, spouses—especially women—often face difficulties claiming their rights.

<sup>15</sup> Muhamad Hasan Sebyar dan Nur Azizah, "Facing Divorce With Family Resilience : Challenges and Post-Mediation Solutions in the Panyabungan Religious Court" 28, no. 2 (2024): 285–94.

<sup>16</sup> Supriyadi dan Siti Suriyati, "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 136–61, <https://doi.org/10.19105/AL-LHKAM.V17I1.6060>.

<sup>17</sup> Yoga Prasetia dan Muhamad Hasan Sebyar, "Legal Aspects of the Rights of Children from Siri Marriages," *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 9–17.

<sup>18</sup> Yusefri Yusefri, Mu'adil Faizin, dan Wahyu Abdul Jafar, "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (31 Juli 2024): 1188, <https://doi.org/10.22373/sjnh.v8i2.24559>.

Another important issue is the right to remarry after separation. Islamic law strictly prohibits a woman from remarrying before her previous marriage is officially dissolved. If a woman remarries without a formal divorce, it can lead to accusations of adultery (*zina*),<sup>19</sup> which carries serious legal and social consequences in some Muslim societies. This restriction underscores the importance of obtaining an official divorce before entering a new marital relationship.

Furthermore, pre-divorce separation impacts child custody and inheritance rights. Legal disputes may arise regarding custody and financial support if a husband leaves his wife and children without official divorce proceedings. Islamic law prioritizes the welfare of children, emphasizing that fathers are responsible for their financial needs.<sup>20</sup> However, if the father is absent or uncooperative, enforcement mechanisms may be needed to secure child support payments. Similarly, inheritance rights can be complicated if a marriage is informally dissolved without legal recognition.

Legal uncertainty also arises in cases where one spouse claims abandonment as grounds for divorce. Some legal systems recognize prolonged separation as sufficient justification for divorce, while others require additional evidence of neglect or harm. In Islamic jurisprudence, if a husband is absent for an extended period without contact or support, the wife may file for divorce on the grounds of abandonment.<sup>21</sup> However, the

process can be lengthy and complicated, requiring judicial approval.

From a policy perspective, strengthening legal frameworks to address pre-divorce separation is crucial. Governments and religious authorities should work together to ensure that marriages are correctly registered and that legal protections are in place for abandoned spouses. Public awareness campaigns can help educate individuals about their legal rights and the importance of legal marriage registration to prevent future complications.

In conclusion, pre-divorce separation has significant legal, social, and economic consequences. Islamic law, civil law, and customary practices provide different approaches to handling marital abandonment, each with strengths and limitations. Legal reforms are necessary to protect the rights of spouses during separation, ensuring that financial obligations, custody rights, and legal status are clearly defined. By addressing these issues, family law can better serve individuals in uncertain marital situations, ultimately promoting societal fairness and stability.

### **Legal Consequences of Pre-Divorce Separation**

Pre-divorce separation carries various legal consequences that significantly impact the rights and obligations of both spouses. In many cases, leaving the marital home without an official divorce can create legal uncertainty, particularly concerning financial support, child custody, property division, and the possibility of remarriage. The implications of such separation vary depending on the legal system governing the marriage, whether Islamic law, civil law, or customary law. Understanding these consequences is essential to ensure both parties receive fair legal treatment and protection.

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<sup>19</sup> A H Najmuddin, N Khamimah, dan ..., "Perceraian Di Era Digital: Pengaruh Media Sosial Dan Teknologi," *Causa: Jurnal Hukum* ..., 2023.

<sup>20</sup> Ahmad Rivaldi, "Legal Protection and Children ' s Rights based on the 1945 Constitution in the Dynamics of Government in Indonesia," *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 1–8.

<sup>21</sup> Strasheim indy, "How Divorce Affects Children:Developmental Stages," *University of Nebraska–Lincoln Extension, Institute of Agriculture and Natural Resources G2209*, no. divorce (2013): 1–2.



One of the primary legal consequences of pre-divorce separation is the obligation of financial support. In Islamic law, a husband must provide financial support (*nafkah*) to his wife and children as long as the marriage remains valid. If a husband abandons his wife without financial support, the wife has the right to file a claim in the religious court. However, if the wife leaves the husband without a valid reason, her right to financial support may be questioned. In civil law systems, financial responsibilities during separation vary by jurisdiction. Some legal systems allow the abandoned spouse to claim temporary financial support, while others require a formal divorce before such claims can be processed.

Pre-divorce separation also affects child custody rights. Under Islamic law, the custody of young children is typically granted to the mother, while the father remains financially responsible. However, if the mother leaves the home without justification, her custody rights may be challenged. Conversely, if the father abandons the family, the mother may struggle to secure financial support for the children. In civil law systems, courts may grant temporary custody to one parent while legal proceedings are ongoing.<sup>22</sup>

Another issue arising from pre-divorce separation is the division of marital property. In many legal systems, assets acquired during the marriage are considered joint property, and their division is determined after divorce. However, when one spouse leaves the home without finalizing the divorce, disputes may arise regarding ownership and rights to those

assets. In Islamic law, a wife retains ownership of property she possessed before and during the marriage. If the husband leaves without officially divorcing her, it becomes difficult for the wife to claim her rightful share of jointly acquired assets.

The legal status of abandoning a spouse is also a significant concern. In Islamic jurisprudence, leaving a spouse without a valid reason (*hajr*) can be grounds for divorce. A wife abandoned without financial support has the right to seek *fasakh* (judicial annulment) through the religious court. In some interpretations of Islamic law, if a husband disappears for an extended period, the wife may be granted an automatic divorce. In civil law systems, abandonment is often recognized as a legitimate reason for divorce, although proving such cases can be challenging.<sup>23</sup>

Another critical consequence of pre-divorce separation is the right to remarry.<sup>24</sup> Under Islamic law, a woman cannot remarry until her existing marriage is legally dissolved. If she remarries without a proper divorce, she may be accused of committing *zina* (adultery), which carries severe legal and social consequences. Meanwhile, men generally have more flexibility in remarrying, particularly in jurisdictions where polygamy is permitted. However, if a husband remarries without officially divorcing his first wife, legal complications may arise regarding the status of both marriages.

Inheritance rights also become an issue in cases of pre-divorce separation. If a husband leaves his wife without officially

<sup>22</sup> Zainab Akmal dan Sheikh Adnan Ahmed Usmani, "Digital Rights and Women's Empowerment in Pakistan: An Analysis of Contemporary Islamic Legal Perspectives in the Age of Social Media," *MILRev: Metro Islamic Law Review* 3, no. 1 (11 April 2024): 95–118, <https://doi.org/10.32332/milrev.v3i1.8642>.

<sup>23</sup> Wahyu Abdul Jafar dkk., "The Childfree Phenomenon Based on Islamic Law and Its Respond on Muslim Society," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (9 November 2023): 389, <https://doi.org/10.29240/jhi.v8i2.7865>.

<sup>24</sup> Dian Apriana dan Nanda Silvia, "Imbalance of Rights and Obligations of Husband and Wife in the Family," *MILRev: Metro Islamic Law Review* 1, no. 2 (27 Desember 2022): 214–30.

divorcing her and later passes away, the wife is still entitled to inheritance under Islamic law. However, if the separation lasts an extended period, disputes may arise over whether she can still be considered a legitimate spouse. In civil law, inheritance claims often require proof of marital status at death. If the marriage was not officially registered or the separation was informal, the abandoned spouse may face difficulties claiming inheritance rights.

In many Muslim communities, pre-divorce separation is often addressed through mediation by religious leaders or customary institutions before being taken to court. While this approach can help reconcile couples and prevent unnecessary divorces, it may also disadvantage women, particularly in patriarchal societies where men often dominate decisions. Some customary practices even pressure women to remain in unhappy marriages due to social expectations. Therefore, legal reforms are needed to ensure equal protection for both spouses.

Table 1: Legal Consequences of Pre-Divorce Separation

| Legal Aspect               | Islamic Law  | Civil Law  | Implications/Challenges  |
|----------------------------|--|--|--|
| Financial Support (Nafkah) | Obligatory for husband as long as marriage is valid; wife loses right if she leaves unjustifiably. | Varies by jurisdiction; some allow temporary support only after formal separation. | Disputes arise if husband refuses support without divorce; burden of proof can be difficult. |
| Child Custody              | Custody to mother; financial support by father; unjustified abandonment affects rights.            | Temporary custody possible during proceedings; based on child's best interest.     | Mother's rights may be undermined if she leaves; lack of financial support is a key issue.   |
| Property Division          | Wife owns pre-marital and personal property;   | Division typically occurs post-divorce;  | Unclear boundaries lead to ownership conflicts during long separations                       |

| Legal Aspect                    | Islamic Law  | Civil Law   | Implications/Challenges  |
|---------------------------------|--|---|--|
| Legal Status of Abandonment     | joint assets need court clarification. Grounds for fasakh; long disappearance may lead to court-granted divorce. | joint assets may be disputed. Abandonment may justify divorce but must be proven.   | Varying interpretations; courts may be slow to act without clear documentation.  |
| Right to Remarry                | Forbidden before divorce; remarriage without divorce may lead to zinā charges.                                   | Must dissolve prior marriage formally; polygamy not permitted.                      | Severe consequences for women; legal contradictions in polygamous contexts.  |
| Inheritance Rights              | Wife still inherits if no divorce; disputes arise in long-term separations.                                      | Must prove marital status at time of death; informal separations complicate claims. | Lack of documentation can disqualify legitimate heirs.   |
| Customary & Religious Mediation | Encouraged as first step; may lack fairness in patriarchal societies.  | May not be legally binding unless brought to formal legal forum.                    | Risk of coercion and gender imbalance; reforms needed for fairness.  |
| Social & Psychological Impact   |  | Social stigma, emotional distress, instability for children.                        | Similar impacts; lack of support mechanisms deepens trauma. Urgency of psychosocial support and legal clarity to protect vulnerable individuals. |

Table 1 provides a comparative overview of the legal consequences of pre-divorce separation under Islamic and civil law systems, highlighting both the areas of overlap and divergence. It illustrates that while Islamic law mandates ongoing financial and custodial responsibilities until a formal divorce occurs, civil law often requires legal separation procedures before such claims are enforceable. The table also reveals that ambiguities surrounding

property rights, inheritance, and the legal status of abandonment are prevalent in both systems, particularly when separation occurs without formal documentation. Moreover, it underscores the gendered impact of remarriage laws, where women in Islamic contexts face severe legal and social penalties for remarriage without formal dissolution, unlike men in polygamous jurisdictions. The role of customary mediation and the psychological toll of prolonged separation further complicate the legal landscape, making it evident that clearer, more equitable legal frameworks are essential to protect vulnerable spouses—especially women—and ensure just outcomes in marital conflict.

Beyond legal consequences, pre-divorce separation also has psychological and social impacts. Abandoned spouses often experience emotional distress, social stigma, and financial insecurity. In cultures where marriage is considered a fundamental institution, separation without a formal divorce can lead to social isolation, particularly for women. Children from separated families also face emotional challenges and instability, which can affect their development. Therefore, it is crucial to have a legal system that clarifies the rights and obligations of spouses in pre-divorce separation situations.

More substantial legal reforms are necessary to address the challenges arising from pre-divorce separation. Governments should strengthen marriage registration requirements to prevent disputes related to unregistered marriages. Additionally, legal systems must establish precise mechanisms for handling financial support, child custody, and property division during separation to protect both spouses' rights. Efforts should also be made to align Islamic law with modern legal principles to ensure adequate

legal protection, particularly for abandoned spouses.

By understanding the legal consequences of pre-divorce separation, individuals can better prepare for the challenges associated with such situations. Awareness of marital and divorce rights and obligations can help couples make informed decisions when facing marital conflicts. Comprehensive legal reforms and public awareness campaigns on the importance of marriage registration can effectively prevent legal uncertainties arising from pre-divorce separation. With explicit legal protections, justice and social stability can be better ensured.

## Conclusion

Pre-divorce separation carries significant legal, social, and psychological consequences that affect spouses and their families. From the perspective of Islamic law, a husband who separates from his wife without pronouncing divorce remains obligated to provide financial support (*nafkah*), and the wife may petition for *fasakh* through the religious court. In civil law, abandonment can serve as grounds for divorce, but legal procedures to establish such claims are often cumbersome and lack standardized mechanisms. Socially, prolonged separation without legal clarity contributes to emotional instability, social stigma, and hardship, particularly for women and children. Therefore, this study recommends concrete legal reforms: first, codifying clear provisions in both Islamic and civil law to address pre-divorce separation, including timelines and procedures for dispute resolution; second, reinforcing civil registration of marriages and divorces to ensure legal certainty and access to justice; third, providing legal aid and psychological support to vulnerable spouses, particularly abandoned women; and fourth, developing

legal literacy programs to educate communities on marital responsibilities and available legal remedies. Additionally, a harmonized legal framework that integrates Islamic jurisprudence with state law is urgently needed to ensure protection, fairness, and procedural efficiency in handling marital separation. These recommendations aim not only to resolve current legal ambiguities but also to minimize the long-term social impact of this phenomenon on Indonesian society.

### Credit Authorship Contribution

**Haddad Ulum Harahap:** Conceptualization, Legal Framework, Writing – Original Draft, Review & Editing.

**Muhammad Fadhlan Is:** Literature Review, Data Collection, Legal Case Analysis.

**Amrar Mahfuz Faza:** Methodology Design, Theoretical Integration, Draft Refinement.

**Muhamad Hasan Sebyar:** Supervision, Critical Review, Final Editing & Validation.

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The authors declare no competing interests related to this study. There are no financial or personal relationships that could have appeared to influence the work reported in this paper.

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### References

Absor, Muhamad Ulil, dan Suhadi Suhadi. "Problematisasi Perceraian Pada Pasangan Suami Istri Dengan Usia

Pernikahan Dibawah 5 Tahun (Studi Kasus Di Pengadilan Agama Jepara Tahun 2021-2022)." *JIMSYA: Jurnal Ilmu Syariah* 2, no. 2 (13 November 2023): 62–82.

Akmal, Zainab, dan Sheikh Adnan Ahmed Usmani. "Digital Rights and Women's Empowerment in Pakistan: An Analysis of Contemporary Islamic Legal Perspectives in the Age of Social Media." *MILRev : Metro Islamic Law Review* 3, no. 1 (11 April 2024): 95–118. <https://doi.org/10.32332/milrev.v3i1.8642>.

Ana, F N. *Hak Nafkah Istri yang Nusyuz Menurut IBN Hazm*. eprints.uinsaizu.ac.id, 2023.

Apriana, Dian, dan Nanda Silvia. "Imbalance of Rights and Obligations of Husband and Wife in the Family." *MILRev : Metro Islamic Law Review* 1, no. 2 (27 Desember 2022): 214–30.

Dewi Fransiska Mamonto, Selfrinda Rezkita Mahmud, Risnawati Utina, Geya Sukmawati, and Fahira Nadra Male. "Islamic Civil Law in Indonesia: Developments, Challenges, and Future Prospects." *NUSANTARA: Journal Of Law Studies* 3, no. 02 (December 25, 2024): 50–58. <https://juna.nusantarajournal.com/index.php/juna/article/view/103>.

Dewi, Siti Malaiha, Rahayu Rahayu, Kismartini Kismartini, dan Tri Yuniningsih. "Pencegahan Perkawinan Dini dan Sirri melalui Collaborative Governance Berbasis Gender di Kabupaten Pati Berbasis Gender di Kabupaten Pati." *PALASTREN Jurnal Studi Gender* 12, no. 2 (5 Desember 2019): 519. <https://doi.org/10.21043/palastren.v12i2.6357>.

Indy, Strasheim. "How Divorce Affects Children: Developmental Stages." *University of Nebraska–Lincoln Extension, Institute of Agriculture and Natural Resources G2209*, no. divorce (2013): 1–2.

Jafar, Wahyu Abdul, Zulfikri Zulfikri, Amin Sadiqin, Usman Jayadi, dan Irma Suriyani. "The Childfree Phenomenon Based on Islamic Law and Its Respond on Muslim Society." *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (9 November 2023): 389. <https://doi.org/10.29240/jhi.v8i2.7865>.

Muhajarah, K. "Secercah Pandang Mengungkap Kasus Nikah Sirri Di Indonesia." *Sawwa: Jurnal Studi Gender*, 2015.



- Musawwamah, Siti. "Akseptabilitas Regulasi Kriminalisasi Pelaku Kawin Sirri Menurut Pemuka Masyarakat Madura." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 8, no. 2 (2014): 245–78. <https://doi.org/10.19105/al-lhkam.v8i2.350>.
- Najmuddin, A H, N Khamimah, dan ... "PERCERAIAN DI ERA DIGITAL: PENGARUH MEDIA SOSIAL DAN TEKNOLOGI." *Causa: Jurnal Hukum ...*, 2023.
- Oiladang, Chris S. "Perceraian Sebagai Pilihan Rasional: Kasus Perceraian Di Desa Tanah Merah, Kupang – Ntt." *Sosiohumaniora* 14, no. 3 (2012): 235. <https://doi.org/10.24198/sosiohumaniora.v14i3.5493>.
- Prasetia, Yoga, dan Muhamad Hasan Sebyar. "Legal Aspects of the Rights of Children from Siri Marriages." *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 9–17.
- Rivaldi, Ahmad. "Legal Protection and Children's Rights based on the 1945 Constitution in the Dynamics of Government in Indonesia." *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 1–8.
- Sebyar, Muhamad Hasan. "Marlojong Custom Contribution in Marriage Dispensation Case at Panyabungan Religious Court" 21, no. 01 (2022): 307–25.
- Sebyar, Muhamad Hasan, dan Nur Azizah. "FACING DIVORCE WITH FAMILY RESILIENCE: Challenges and Post-Mediation Solutions in the Panyabungan Religious Court" 28, no. 2 (2024): 285–94.
- Sebyar, Muhamad Hasan. "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court." *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 155.
- Shesa, Laras, Muhammad Abu Dzar, Elkhairati, dan Henny Septia Utami. "Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection." *MILRev: Metro Islamic Law Review* 3, no. 2 (13 Desember 2024): 236–62. <https://doi.org/10.32332/milrev.v3i2.9950>.
- Siregar, Y. *Peran keluarga sakinah dalam membentuk kepribadian remaja (studi kasus di Kelurahan Pintupadang Kecamatan Batang Angkola Kabupaten Tapanuli Selatan)*. etd.uinsyahada.ac.id, 2021.
- Supriyadi, dan Siti Suriyati. "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 136–61. <https://doi.org/10.19105/AL-LHKAM.V17I1.6060>.
- Yusefri, Yusefri, Mu'adil Faizin, dan Wahyu Abdul Jafar. "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (31 Juli 2024): 1188. <https://doi.org/10.22373/sjhk.v8i2.24559>.
- ZAKI, NURSBMD. *STATUS ANAK YANG LAHIR DARI PERNIKAHAN SIRRI (STUDI MUQARANA TERHADAP PUTUSAN HAKIM JABATAN KEHAKIMAN SYARIAH TERENGGANU ...*. repository.uin-suska.ac.id, 2023.
- Zulpan, Z. *Analisis hukum Islam terhadap tanggungjawab orang tua pada anak dari pernikahan sirri di Kecamatan Angkola Sangkunur Kabupaten Tapanuli Selatan*. etd.uinsyahada.ac.id, 2023.
- Absor, Muhamad Ulil, dan Suhadi Suhadi. "Problematisasi Perceraian Pada Pasangan Suami Istri Dengan Usia Pernikahan Dibawah 5 Tahun (Studi Kasus Di Pengadilan Agama Jepara Tahun 2021-2022)." *JIMSYA: Jurnal Ilmu Syariah* 2, no. 2 (13 November 2023): 62–82.
- Akmal, Zainab, dan Sheikh Adnan Ahmed Usmani. "Digital Rights and Women's Empowerment in Pakistan: An Analysis of Contemporary Islamic Legal Perspectives in the Age of Social Media." *MILRev: Metro Islamic Law Review* 3, no. 1 (11 April 2024): 95–118. <https://doi.org/10.32332/milrev.v3i1.8642>.
- Ana, F N. *Hak Nafkah Istri yang Nusyuz Menurut IBN Hazm*. eprints.uinsaizu.ac.id, 2023.
- Apriana, Dian, dan Nanda Silvia. "Imbalance of Rights and Obligations of Husband and Wife in the Family." *MILRev: Metro Islamic Law Review* 1, no. 2 (27 Desember 2022): 214–30.
- Dewi, Siti Malaiha, Rahayu Rahayu, Kismartini Kismartini, dan Tri Yuniningsih. "Pencegahan Perkawinan Dini dan Sirri melalui Collaborative Governance Berbasis Gender di Kabupaten Pati Berbasis Gender di Kabupaten Pati."



- PALASTREN *Jurnal Studi Gender* 12, no. 2 (5 Desember 2019): 519. <https://doi.org/10.21043/palastren.v12i2.6357>.
- indy, Strasheim. "How Divorce Affects Children:Developmental Stages." *University of Nebraska–Lincoln Extension, Institute of Agriculture and Natural Resources G2209*, no. devorce (2013): 1–2.
- Jafar, Wahyu Abdul, Zulfikri Zulfikri, Amin Sadiqin, Usman Jayadi, dan Irma Suriyani. "The Childfree Phenomenon Based on Islamic Law and Its Respond on Muslim Society." *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 (9 November 2023): 389. <https://doi.org/10.29240/jhi.v8i2.7865>.
- Muhajarah, K. "Secercah Pandang Mengungkap Kasus Nikah Sirri Di Indonesia." *Sawwa: Jurnal Studi Gender*, 2015.
- Musawwamah, Siti. "Akseptabilitas Regulasi Kriminalisasi Pelaku Kawin Sirri Menurut Pemuka Masyarakat Madura." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 8, no. 2 (2014): 245–78. <https://doi.org/10.19105/al-lhkam.v8i2.350>.
- Najmuddin, A H, N Khamimah, dan ... "PERCERAIAN DI ERA DIGITAL: PENGARUH MEDIA SOSIAL DAN TEKNOLOGI." *Causa: Jurnal Hukum ...*, 2023.
- Oiladang, Chris S. "Perceraian Sebagai Pilihan Rasional: Kasus Perceraian Di Desa Tanah Merah, Kupang – Ntt." *Sosiohumaniora* 14, no. 3 (2012): 235. <https://doi.org/10.24198/sosiohumaniora.v14i3.5493>.
- Praselia, Yoga, dan Muhamad Hasan Sebyar. "Legal Aspects of the Rights of Children from Siri Marriages." *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 9–17.
- Rivaldi, Ahmad. "Legal Protection and Children' s Rights based on the 1945 Constitution in the Dynamics of Government in Indonesia." *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 1–8.
- Sebyar, Muhamad Hasan. "Marlojong Custom Contribution in Marriage Dispensation Case at Panyabungan Religious Court" 21, no. 01 (2022): 307–25.
- Sebyar, Muhamad Hasan, dan Nur Azizah. "FACING DIVORCE WITH FAMILY RESILIENCE: Challenges and Post-Mediation Solutions in the Panyabungan Religious Court" 28, no. 2 (2024): 285–94.
- Shesa, Laras, Muhammad Abu Dzar, Elkhairati, dan Henny Septia Utami. "Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection." *MILRev: Metro Islamic Law Review* 3, no. 2 (13 Desember 2024): 236–62. <https://doi.org/10.32332/milrev.v3i2.9950>.
- Siregar, Y. *Peran keluarga sakinah dalam membentuk kepribadian remaja (studi kasus di Kelurahan Pintupadang Kecamatan Batang Angkola Kabupaten Tapanuli Selatan)*. etd.uinsyahada.ac.id, 2021.
- Supriyadi, dan Siti Suriyati. "Judges' Legal Culture in Dealing with High Number of Applications for Child Marriage Dispensation during Covid-19 Pandemic at the Kudus Religious Court." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, no. 1 (2022): 136–61. <https://doi.org/10.19105/AL-LHKAM.V17i1.6060>.
- wahyu, wahyuziaulaq, and Ahmad Azmi Perkasa Alam. "Interfaith Marriage Perspective of Fiqh Law and Positive Law." *NUSANTARA: Journal Of Law Studies* 1, no. 1 SE-Articles (December 16, 2022): 33–39. <https://juna.nusantarajournal.com/index.php/juna/article/view/3>.
- Yusefri, Yusefri, Mu'adil Faizin, dan Wahyu Abdul Jafar. "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (31 Juli 2024): 1188. <https://doi.org/10.22373/sjhh.v8i2.24559>.
- ZAKI, NURSBMD. *STATUS ANAK YANG LAHIR DARI PERNIKAHAN SIRRI (STUDI MUQARANAH TERHADAP PUTUSAN HAKIM JABATAN KEHAKIMAN SYARIAH TERENGGANU ...*. repository.uin-suska.ac.id, 2023.
- Zulpan, Z. *Analisis hukum Islam terhadap tanggungjawab orang tua pada anak dari pernikahan sirri di Kecamatan Angkola Sangkunur Kabupaten Tapanuli Selatan*. etd.uinsyahada.ac.id, 2023.