

Contextualized Islamic Family Law in Practice: Divorce and Child Custody Disputes in Cikarang, Indonesia

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Abstract: The practice of Islamic family law in Indonesia is shaped not only by formal legal norms but also by social, economic, and cultural realities. This interaction is particularly salient in Cikarang, Bekasi, where divorce and child custody disputes reveal how legal norms are interpreted, adapted, and negotiated in real contexts. This study explores how Islamic family law is applied in a *contextualized* manner in the resolution of divorce and child custody disputes in Cikarang, with special focus on the role of religious courts in integrating legal norms with local socio-cultural conditions. Using a qualitative case study design, data were gathered through in-depth interviews with religious court judges, legal practitioners, and litigants, alongside analysis of court decisions and relevant legal documents. Thematic analysis was used to uncover recurring patterns and interpretive logics in judicial practice. The findings indicate that although religious courts provide an institutional structure for handling family disputes, judicial decisions are significantly shaped by socio-economic conditions, cultural expectations, and extended family involvement. Mediation emerged as the dominant mechanism for divorce resolution, reflecting both normative values (*sulh*, *masalah*) and pragmatic considerations. Child custody outcomes varied according to welfare considerations, economic capacity, and child preferences rather than rigid textual interpretations. This study contributes to the *socio-legal* and *Islamic law* scholarship by demonstrating that Islamic family law operates as a living legal system shaped by social realities, not merely as formal doctrinal norms. It expands theoretical understanding of how law is negotiated in practice within plural legal environments and highlights the flexibility and contextual adaptability of Islamic legal interpretation. The study also offers empirical evidence that informs debates on legal pluralism and judicial discretion in Muslim-majority contexts. The findings underscore the need for strengthening public legal literacy, enhancing mediation and judicial training, and fostering institutional collaboration to improve access to justice. Practical emphasis on child welfare and humanistic legal approaches can further ensure substantive justice for families.

Keywords: *Islamic Family Law, Contextualized Islamic Law, Divorce and Child Custody, Religious Courts, Socio-Legal Practice*

Abstrak: Praktik hukum keluarga Islam di Indonesia dibentuk oleh interaksi dinamis antara norma keagamaan, kerangka hukum negara, serta realitas sosial dan budaya masyarakat. Interaksi ini terlihat jelas di Cikarang, Bekasi, di mana sengketa perceraian dan hak asuh anak menunjukkan bagaimana norma hukum diinterpretasikan, disesuaikan, dan dinegosiasikan dalam konteks nyata. Penelitian ini bertujuan untuk menganalisis bagaimana hukum keluarga Islam diterapkan secara *terkontekstual* dalam penyelesaian sengketa perceraian dan hak asuh anak di Cikarang, dengan fokus pada peran pengadilan agama dalam menyesuaikan norma hukum dengan kondisi sosial-kultural lokal. Penelitian ini menggunakan desain studi kasus kualitatif. Data dikumpulkan melalui wawancara mendalam dengan hakim pengadilan agama, praktisi hukum, dan para pihak yang berperkara, serta analisis putusan pengadilan dan dokumen hukum terkait. Teknik analisis tematik digunakan untuk mengidentifikasi pola serta cara norma hukum diinterpretasikan dalam praktik. Temuan penelitian menunjukkan bahwa meskipun pengadilan agama menyediakan kerangka kelembagaan formal untuk penyelesaian sengketa, putusan yudisial sangat dipengaruhi oleh kondisi ekonomi, relasi sosial, ekspektasi budaya, serta keterlibatan keluarga besar. Mediasi muncul sebagai mekanisme utama dalam penyelesaian perceraian, mencerminkan nilai normatif *sulh* (rekonsiliasi) dan *masalah* (kemaslahatan umum). Penentuan hak asuh anak juga bervariasi berdasarkan pertimbangan kesejahteraan anak, kapasitas ekonomi, dan preferensi anak, bukan semata teks normatif. Artikel ini berkontribusi pada kajian hukum Islam dan studi sosio-legal dengan menunjukkan bahwa hukum keluarga Islam berfungsi sebagai sistem hukum yang hidup (*living legal system*) yang dibentuk melalui praktik kelembagaan dan dinamika sosial-budaya. Temuan ini memperluas pemahaman teoretik tentang bagaimana hukum diimplementasikan di praktik nyata dalam lingkungan hukum keluarga Islam, serta menegaskan fleksibilitas yudisial dalam konteks pluralisme hukum di masyarakat Muslim. Penelitian ini menegaskan perlunya peningkatan literasi hukum masyarakat, penguatan kapasitas mediator dan hakim melalui pelatihan, serta kolaborasi antar institusi (pengadilan agama, Kantor Urusan Agama, dan organisasi masyarakat) untuk memperbaiki akses dan kualitas penyelesaian sengketa. Penekanan pada kepentingan terbaik anak dalam mediasi dan putusan hak asuh juga penting untuk memastikan terwujudnya keadilan substantif bagi keluarga.

Kata Kunci: *Hukum Keluarga Islam, Hukum Islam Terkontekstualisasi, Perceraian, Hak Asuh Anak, Pengadilan Agama, Perspektif Sosio-Legal*

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Introduction

Islamic family law in Indonesia has undergone dynamic development in line with social, institutional, and cultural changes within Muslim society.¹ This development is clearly reflected in the practice of resolving divorce and child custody disputes,² where Islamic legal norms not only function as normative rules but also interact with the national legal system and local social realities.³ In this context, the application of Islamic family law in various regions, including Cikarang, reflects the complex relationships between sharia principles, community culture, and the institutional practices of religious courts.

From an Islamic legal perspective, divorce is considered permissible but discouraged, and ideally undertaken as a last resort after reconciliation efforts have failed.⁴ Divorce carries broad legal and social implications, especially for children, making the issues of child upbringing and custody central concerns in Islamic family law.⁵ Consequently, the

determination of child custody post-divorce is one of the most critical aspects of judicial practice in religious courts.⁶

Normatively, the regulation of child custody after divorce in Indonesia is governed by Article 105 of the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), which assigns custody of a child who has not reached the age of *mumayyiz* to the mother, while granting the right of choice to a child who has reached *mumayyiz*.⁷ Although this provision offers a relatively clear legal framework, various studies indicate that its implementation in judicial practice often encounters structural and cultural constraints, thereby leaving room for variation in interpretation and judicial decisions.⁸

Existing literature reveals a gap between the written legal norms and the lived practice of child custody after divorce. Economic factors,⁹ social relations, extended family pressures,¹⁰ and low levels of legal awareness frequently influence both the process and outcomes of custody determinations.¹¹ This

¹ S. C. Van Huis, "Khul' over the Longue Durée: The Decline of Traditional Fiqh -Based Divorce Mechanisms in Indonesian Legal Practice," *Islamic Law and Society* 26, nos. 1-2 (2019): 58-82, Scopus, <https://doi.org/10.1163/15685195-00254A05>.

² Ahmad Rusyaid Idris et al., "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage," *MILRev: Metro Islamic Law Review* 3, no. 1 (2024): 1, <https://doi.org/10.32332/milrev.v3i1.8907>.

³ T. D. Wirastris and S. C. van Huis, "The State of Indonesia's Marriage Law: 50 Years of Statutory and Judicial Reforms," *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024): 215-32, <https://doi.org/10.15408/ajis.v24i2.38424>.

⁴ N. A. Hak et al., "Right of Women to Obtain Divorce under Shari'ah and Islamic Family Law of Malaysia: With Special Reference to Ta'liq and Khulu'," *Australian Journal of Basic and Applied Sciences* 6, no. 11 (2012): 286-93, Scopus.

⁵ M. Makhtar et al., "Children's Right to Education: Financial Neglect after Divorce in Muslim Marriage in Malaysia," *Pertanika Journal of Social Sciences and*

Humanities 25, no. October (2017): 179-84, Scopus.

⁶ F. N. Nazah et al., "Gender Justice in Child Custody Disputes: The Maqāshid al-Sharī'ah Approach in Contemporary Judicial Practice," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1328-58, Scopus, <https://doi.org/10.32332/milrev.v4i2.10790>.

⁷ A. Kadarisman et al., "Best Interest Of The Child In Islamic Family Law: Integrating Maqāshid Al-Sharī'Ah And Double Movement Theory In Ḥaḍānah Cases," *Jurnal Al-Dustur* 8, no. 2 (2025): 155-74, Scopus, <https://doi.org/10.30863/aldustur.v8i2.10459>.

⁸ Lilik Andar Yuni and Akhmad Haries, "Protection of Women's Rights After Divorce in Religious Courts: What Makes This Mission Difficult to Achieve?," *Mazahib Jurnal Pemikiran Hukum Islam* 23, no. 2 (2024): 595-630, <https://doi.org/10.21093/mj.v23i2.7958>.

⁹ Yuni and Haries, "Protection of Women's Rights After Divorce in Religious Courts."

¹⁰ Ž. Vuksic-Mihalievic and D. Grubeša, "Psychiatric Legal Decision-Making: The Child and the Divorce," *Drustvena Istrazivanja* 13, no. 6 (2004): 1099-122, Scopus.

¹¹ Fairuza 'Alima Fardindaputri and Fuat Hasanudin, "Legal Protection of Children's Rights Post-Divorce: A

condition underscores that the resolution of child custody disputes is not solely determined by legal texts but is also shaped by the social and cultural dynamics in which the law is applied.¹²

Several studies have emphasized the importance of the roles of judges¹³ and mediation mechanisms¹⁴ in achieving substantive justice in divorce and child custody cases.¹⁵ In the practice of religious courts, judges not only apply legal norms, but also interpret Islamic family law provisions by considering *maslahah* (public interest) and the best interests of the child.¹⁶ This flexibility demonstrates the adaptive character of Islamic family law as a legal system, yet it also presents challenges related to legal consistency and certainty.¹⁷

Although research on Islamic family law in Indonesia has developed significantly, most studies remain focused on normative and

doctrinal analysis, and have not fully explained how Islamic family law is implemented, interpreted, and negotiated in judicial practice influenced by local social and cultural contexts.¹⁸ This limitation indicates a need for socio-legal studies that view Islamic family law as a living legal practice, particularly in local contexts such as Cikarang.

Cikarang was selected as the focus of this study because of its distinctive empirical characteristics that provide a rich context for examining the application of Islamic family law. As one of the areas with a relatively high rate of divorce, data from the Cikarang Religious Court indicate an increasing number of divorce cases, rising from 1,350 cases in 2021 to 1,600 cases in 2024. The main triggers of divorce in this region include ongoing disputes and arguments (35%), domestic violence (22%), and incompatibility (19%), reflecting that divorce in Cikarang is not merely a legal event but also deeply rooted in socioeconomic and interpersonal dynamics within families. Such empirical patterns necessitate a contextualized socio-legal investigation rather than a purely doctrinal approach.

Furthermore, the statistical data highlight that approximately 70% of divorce cases in Cikarang are resolved through mediation by trained mediators working in collaboration with the court, indicating that mediation serves as a central and distinctive mechanism in the adjudication process. This high mediation rate underscores the active role of religious courts in facilitating negotiated

Study of Single Mothers in Malang Regency,” *Prophetic Law Review* 7, no. 1 (2025): 70–94, <https://doi.org/10.20885/PLR.vol7.iss1.art4>.

¹² Najibah Mohd Zin et al., “Jurisdictional Conflict in Interfaith Child Custody Disputes: A Legal Discourse in Malaysian Courts,” *Al-Shajarah* 24, no. 1 (2019): 1–24.

¹³ Y. Y. Salamah, “The Urgency of Mediation for Divorce Matters in the Religious Court,” *Ahkam: Jurnal Ilmu Syariah* 13, no. 1 (2013): 81–88, Scopus, <https://doi.org/10.15408/ajis.v13i1.953>.

¹⁴ Faisal et al., “Divorce Settlement Through Mediation Process in Lhokseumawe Sharia Court,” *Diponegoro Law Review* 9, no. 1 (2024): 153–66, <https://doi.org/10.14710/dilrev.9.1.2024.153-166>.

¹⁵ Erie Hariyanto et al., “Dilema Hakim Pengadilan Agama dalam Menyelesaikan Perkara Hukum Keluarga Melalui Mediasi,” *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 4, no. 1 (2021): 115–24, <https://doi.org/10.24090/volkgeist.v4i1.4333>.

¹⁶ Nazah et al., “Gender Justice in Child Custody Disputes: The Maqāṣid al-Sharī‘ah Approach in Contemporary Judicial Practice.”

¹⁷ A. Sukirman et al., “Islamic Judicial Activism in Determining Child Maintenance: Ex Officio Authority and Peaceful Settlement in Indonesian Religious Courts,” *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 671–99, Scopus, <https://doi.org/10.29240/jhi.v10i2.12755>.

¹⁸ Devika Rosa Guspita et al., “The Principle of Family Resilience in Islamic Law and Its Relevance to Cilegon’s Regional Regulation Number 1/2019,” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 25, no. 1 (2025): 20–32, <https://doi.org/10.30631/alrisalah.v25i1.1821>.

resolutions, making Cikarang an exemplary site for studying the intersection of formal legal procedures and alternative dispute resolution mechanisms under Islamic family law.

In terms of child custody (*hadhanah*), the data also show that a majority of children are under the mother's custody while economic conditions, child requests, and domestic violence are significant factors influencing custody outcomes. These findings demonstrate that custody decisions in Cikarang are not determined solely by normative legal texts but are also shaped by practical considerations related to children's welfare and family circumstances. This context reveals the deeply embedded role of societal and cultural factors in legal practice, which merits a socio-legal analytical lens.

Moreover, as a rapidly urbanizing peri-urban area, Cikarang embodies socioeconomic pressures such as employment instability and shifting family structures that influence marital relations and legal behavior. This setting provides a valuable empirical backdrop for understanding how Islamic family law functions as a "living law" that is interpreted, negotiated, and applied in social reality, rather than merely implemented as abstract legal provisions.

Therefore, Cikarang represents an ideal research location because it captures the complex interplay between Islamic legal norms, judicial practices in religious courts, and the lived socio-cultural dynamics of families facing divorce and custody issues. Investigating these interactions in Cikarang allows this study to move beyond doctrinal analysis and make a meaningful contribution to the scholarship of *contextualized Islamic law*, while addressing gaps in existing literature that have predominantly

emphasized normative legal frameworks rather than grounded, practice-based insights.

Based on this gap, the present study focuses on analyzing the application and interpretation of Islamic family law in the resolution of divorce and child custody disputes in Cikarang, highlighting the interaction between Islamic legal norms, the institutional practices of religious courts, and local social and cultural factors. Theoretically, this article contributes to the development of *contextualized Islamic law* studies by demonstrating how the flexibility of Islamic family law interpretation—through the principles of *maslahah* and the best interests of the child—operates in judicial practice as part of an adaptive and contextual legal system.

Method

This study adopts a qualitative research design using a case study approach to explore how Islamic family law is applied in resolving divorce and child custody disputes in the Cikarang area. This approach was chosen because it allows for a nuanced and contextual understanding of legal practices, particularly how Islamic legal norms are interpreted and applied within everyday judicial processes. By focusing on a specific setting, namely the Religious Court of Cikarang, the study seeks to capture the interaction between legal norms, institutional practices, and the social realities surrounding family disputes.

The case study concentrates on divorce and child custody cases handled by the Religious Court in Cikarang, as this court represents a relevant empirical site where the implementation of Islamic family law can be observed directly. Examining cases within this setting makes it possible to understand how

legal rules are translated into judicial decisions and how they respond to the complexities faced by the parties involved.

Data for this research were drawn from both primary and secondary sources. Primary data were obtained through in-depth interviews with Religious Court judges, legal practitioners, and individuals who had direct experience with divorce and child custody proceedings. These interviews provided insights into judicial reasoning, legal strategies, and the lived experiences of those involved in family disputes. Secondary data were collected from court decisions, statutory regulations—particularly the Compilation of Islamic Law—as well as books and scholarly articles on Islamic family law relevant to the topic of this study.

Several data collection techniques were employed. First, semi-structured interviews were conducted with key informants to allow participants to share their perspectives while maintaining focus on the research questions. Second, documentary analysis was carried out to examine Religious Court decisions and relevant legal texts governing divorce and child custody. Third, non-participant observation of court proceedings was undertaken to gain a clearer picture of how Islamic family law is implemented in practice, including the role of judges and mediators during hearings and mediation sessions.

The collected data were analyzed using thematic analysis. This process involved carefully reading the interview transcripts, documents, and observation notes to identify recurring themes and patterns. Through this analytical process, the study aims to reveal how Islamic family law operates in practice and how judicial outcomes are shaped not only by legal norms but also by institutional procedures and socio-cultural considerations.

Result and Discussion

The Application of Islamic Family Law in Resolving Divorce Disputes in the Cikarang Area

The application of Islamic family law in resolving divorce disputes in Indonesia, particularly in Cikarang, plays a crucial role in ensuring that the decisions made align with Islamic principles. Islamic family law, as outlined in the Compilation of Islamic Law (KHI) and Law Number 1 of 1974 on Marriage, provides clear guidelines regarding the dissolution of marriage, child custody, the division of marital property, and the obligation of maintenance (*nafkah*). In Indonesia, divorces for Muslims are generally handled by the Religious Courts, which have the authority to settle such disputes while still considering the Islamic principles of justice and welfare, both for women and children.¹⁹

In resolving divorce cases in the Cikarang area, efforts to integrate Sharia principles with the national legal system are already evident. This process involves various mechanisms, including mediation and advocacy, with the aim of achieving a fair resolution that aligns with Islamic values.

The primary approach used in resolving divorce disputes is mediation. Mediation aims to facilitate communication between the parties to reach a peaceful agreement²⁰ without having to go through a lengthy litigation process.²¹ Research shows that

¹⁹ S. Amirulkamar et al., "Administration Reagent of Aceh Family Law Qanun: Siri Marriage Motives Towards the Legality of Polygyny," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 1 (2023): 129–43, Scopus, <https://doi.org/10.18860/j-fsh.v15i1.21352>.

²⁰ F. X. Wartoyo and D. Triwijanarko, "Legal Reconstruction of Mediation in Village Conflict Resolution Based on Dignified Justice," *Jurnal Hukum Unissula* 41, no. 3 (2025): 722–40, Scopus, <https://doi.org/10.26532/jh.41.3.722-740>.

²¹ Salamah, "Urgensi Mediasi dalam Perkara Perceraian di

mediation is effective in reducing the number of divorces by encouraging both parties to reconsider their decisions and providing the best possible solution for both sides.²²

In addition to mediation, advocacy also plays a significant role in resolving marital disputes. Advocacy is carried out by various parties, including lawyers, officers from the Office of Religious Affairs (KUA), and community figures. They provide legal advice, accompany disputing parties, and assist in the negotiation process to reach a fair agreement²³.

At the Cikarang Religious Court, the implementation of court rulings related to child custody often faces challenges. Although verdicts may have been issued, justice is not always fully realized. This highlights the need for more effective mechanisms to ensure the enforcement of court decisions concerning *hadhanah* (custody).²⁴

In the context of Islamic law, divorce is considered valid if it is carried out in accordance with the procedures established by the court. This regulation is based on sharia principles that prioritize the protection of rights and legal justice for society.²⁵ Research

indicates that the legal provisions concerning the validity of divorce in Indonesian law are in line with the principle of *maslahah* in Islamic sharia, which focuses on the protection and welfare of the community.²⁶

However, in practice, there are still challenges in the implementation of Islamic family law in Cikarang. Some couples choose not to register their divorce with the Religious Court and instead carry it out informally. Factors such as the distant location of the court, procedures perceived as complicated, and a lack of information about the applicable legal process are the main reasons behind this phenomenon.

To address these challenges, more intensive public outreach efforts are needed to raise awareness of the importance of following the legal procedures in resolving divorce disputes. Relevant parties, such as the Office of Religious Affairs (KUA) and community leaders, play a crucial role in guiding the public to understand their rights and responsibilities during the divorce process in accordance with both Islamic and national law.

In addition, enhancing the capacity of mediators and advocates in understanding and applying the principles of Islamic family law is essential. Training and certification for mediators and advocates can help improve the quality of mediation and advocacy services, making the divorce resolution process more effective and aligned with Islamic values.

Collaboration among related institutions, such as the Religious Court, KUA, and civil society organizations, is also necessary to

Pengadilan Agama.”

²² Siti Hanifa, “Efektivitas Proses Mediasi Dalam Mengurangi Angka Perceraian Di Mahkamah Syar’iyah Bireun,” *Jeulame: Jurnal Hukum Keluarga Islam* 2, no. 2 (2023): 1–26.

²³ Sofiatul Jannah, “Penyelesaian Sengketa Kawin Melalui Upaya Advokasi Dan Mediasi,” *SAKINAH: Jurnal Hukum Keluarga Islam* 1, no. 2 (2024): 55–62.

²⁴ S. Ramadhan and J. M. Muslimin, “Indonesian Religious Court Decisions on Child Custody Cases: Between Positivism and Progressive Legal Thought,” *Juris: Jurnal Ilmiah Syariah* 21, no. 1 (2022): 89–100, Scopus, <https://doi.org/10.31958/juris.v21i1.5723>.

²⁵ M. H. Sebyar et al., “Divorce Mediation at Panyabungan Religious Court: Transforming the Desire for Divorce into Reconciliation through Cultural Values in Contemporary Islamic Jurisprudence,” *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (2025): 81–100, Scopus, <https://doi.org/10.24090/mnh.v19i1.12255>.

²⁶ Dwi Arini Zubaidah, “Analisis Hukum Islam Tentang Keabsahan Perceraian Dalam Peraturan Perundang-Undangan Di Indonesia,” *Legitima: Jurnal Hukum Keluarga Islam* 4, no. 2 (2022): 106–22.

establish a more integrated and efficient system for resolving divorce disputes. In this way, the implementation of Islamic family law in divorce dispute resolution in Cikarang can be optimized and ensure justice for all parties involved.

Furthermore, it is crucial to consider the well-being of the child in every divorce process. Islamic family law emphasizes the protection of children's rights, including the right to life, education, healthcare, and security. Parents have a significant responsibility to ensure that divorce does not negatively affect the development and well-being of their children.²⁷

Judges play a crucial role in the mediation process. Mediators are tasked with assisting the parties in reaching a mutual agreement in accordance with applicable regulations. However, many cases are difficult to mediate because the parties often participate in mediation merely as a formality, without genuine intention to reconcile²⁸.

The role of Islamic courts in handling divorce cases in Indonesia is supported by a strong legal foundation and a well-structured procedure. Nevertheless, challenges still arise in its implementation, particularly in the divorce process. Increasing public legal awareness and understanding is essential to ensure that divorce proceedings are conducted in accordance with Islamic legal values and uphold the rights and justice of both parties²⁹.

In the Cikarang area, which is densely populated and has a relatively high divorce rate, social and economic factors are often the main triggers of divorce. Domestic violence (KDRT) is also a common reason cited by wives when filing for divorce. The Religious Court of Cikarang makes an effort to first conduct mediation before ultimately deciding on a divorce, and in many cases, mediation successfully resolves divorce issues without the need for a definitive divorce ruling. The court also educates the parties involved about the importance of child custody rights and maintenance obligations, which are often the primary issues in divorce cases.

To further understand the application of Islamic family law in the resolution of divorce disputes in Cikarang, here is statistical data on divorce cases at the Cikarang Religious Court for the period of 2021 to 2024:

Table 1. Number of Divorce Cases by Year

No	Year	Number of Case	Talak	Khulu'	Fasakh
1	2021	1.350	820	380	150
2	2022	1.450	900	400	150
3	2023	1.550	940	450	160
4	2024	1.600	960	470	170

Tabel 2. Causes of Divorce

Causes	Number of Cases	Percentage
Continuous disputes and arguments	540	35%
Domestic violence	320	22%
incompatibility	280	19%
Economic problems	180	12%
Change in attitude and Infidelity	140	9%

Table 3. Mediation in divorce cases

No	Year	Number of Cases	Meditation	Without Meditation
1	2021	1.350	945	405
2	2022	1.450	1.015	435
3	2023	1.550	1.085	465
4	2024	1.600	1.120	480

Di Indonesia," *Jurnal Cahaya Mandaliika* 3, no. 3 (2024): 2588–93.

²⁷ Fazlon Umar, "Menjaga Kesejahteraan Anak Dalam Perceraian Tinjauan Hukum Keluarga Islam," *Jurnal Al-Mizan* 11, no. 2 (2024): 234–46.

²⁸ Dinda Fatimaturramadina, "Peran Medaitor Hakim Dalam Penyelesaian Sengketa Perceraian Akibat Kekerasan Dalam Rumah Tangga Di Pengadilan Agama Purwakarta" (UIN SGD Bandung, 2023).

²⁹ Diva Dina Muhibbuthabry, Mansari, "Eksistensi Peradilan Islam Dalam Penyelesaian Perkara Perceraian

With the rising divorce rate, the application of mediation in the Cikarang Religious Court has shown significant results. Data from the court indicates that approximately 70% of divorce cases are resolved through mediation. This mediation is conducted by trained mediators, who collaborate with the court to help divorcing couples reach agreements on child custody, asset division, and maintenance. This mediation method is expected to reduce the emotional and social impact that often occurs on children as a result of their parents' divorce. However, in some cases, mediation fails, and divorce becomes the last resort.

The Application of Islamic Family Law in Determining Child Custody After Divorce in the Cikarang Area

The application of Islamic law in determining hadhanah (custody) after divorce in the Cikarang area follows the principles outlined in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) and national law. Referring to Article 105 of the KHI, a child who has not yet reached the age of discernment (unable to distinguish between good and bad) should be cared for by the mother. However, in practice, this is not always the case, as there are several factors considered such as economic stability, morality, and the child's overall well-being.

For instance, as stated in Decision Number 0007/Pdt.G/2019/PA.Gdt., the Religious Court of Pesawaran granted custody to the father based on the consideration that he was more capable of fulfilling the child's needs and welfare. Similarly, research conducted by Ishak et al. shows that although custody is generally granted to the mother, the court may decide otherwise based on specific considerations that prioritize the best

interests of the child.³⁰

The study by Nurfaika Ishak and her colleagues revealed that in several cases, although normatively custody is given to the mother, the court may rule differently when other factors are present that serve the best interests of the child. This reflects the flexibility within the application of Islamic law to ensure the child's welfare after divorce. Hasanah also explains that judges' rulings must be guided by the principle of the child's best interests.³¹

Another important aspect in determining custody is the consideration of local social and cultural contexts. The role of community leaders and extended families often influences decisions regarding who is deemed most suitable to care for the child. This aligns with the Islamic principles of *musyawarah* (deliberation) and *mufakat* (consensus).

Moreover, the psychological impact of divorce on children must also be taken into account. Research indicates that children who experience parental divorce are vulnerable to emotional and behavioral issues. Therefore, in determining custody, the court also considers the stability of the environment and the emotional support that the custodial party can provide.

The KHI also stipulates that the financial responsibility for the child's care lies with the father, depending on his ability.³² This

³⁰ Jurnal Hukum Malahayati, "Unung Rodliyah, Delvi Liana, Chandra Muliawan, Rissa Afni Martinouva Pemberian Hak Asuh Anak (Hadhanah) Dalam Perkara Perceraian Di Pengadilan Agama Pesawaran (Studi Putusan: No. 0007/Pdt.G/2019/PA.Gdt.)," *Jurnal Hukum Malahayati* 2, no. 2 (2021): 1–12.

³¹ Cantika Aprilia Hasanah, "Perlindungan Hukum Dan Pertimbangan Hakim Dalam Menentukan Hak Asuh Anak Pasca Perceraian," *Journal of Multidisciplinary Inquiry in Science, Technology and Educational Research* 2, no. 1 (2024): 1099–113.

³² Q. Barkah, "Fulfilling Child Rights Post-Divorce in

provision is intended to ensure that the child continues to receive their basic rights such as access to education and medical services even after the parents' separation³³.

However, in some cases, the father may be unable or unwilling to fulfill his financial obligations (*nafkah*). In such situations, the mother or the custodial party may request a court ruling regarding child support to ensure that the child's rights are protected. The court has the authority to determine the amount of support the father must provide, based on his financial capability and the child's needs.

The application of Islamic family law also faces challenges related to public legal awareness. Some couples may not understand the applicable legal procedures or may be reluctant to involve the court in their family matters. This often results in informal child custody arrangements without clear legal foundations, which can potentially harm the child's interests in the future.

A possible solution is more intensive public legal education and awareness campaigns regarding the importance of following legal procedures in determining *hadhanah* after divorce. Institutions such as the Office of Religious Affairs (KUA), religious courts, and social organizations play a vital role in educating the public about their rights and obligations under Islamic law and the prevailing regulations.

Legal reform regarding child guardianship in divorce cases is also essential to accommodate the evolving dynamics of society. Ihsanudin emphasizes the need to

reassess guardianship laws to create a balance between the interests of the child and the parents, taking into account Islamic legal principles and international standards.³⁴

Moreover, improving the capacity of legal practitioners such as judges and mediators in understanding local social and cultural dynamics is also crucial to ensure that decisions reflect the child's best interests. Research by Rahmadani et al. highlights that the success of mediation in child custody disputes largely depends on the mediator's ability to facilitate understanding between the disputing parties so that they can assess the situation objectively during negotiations.³⁵

Additionally, research by Bahrun et al. reveals that judges have not yet been fully effective as mediators, partly due to the limited number of mediators and the lack of adequate resources³⁶. Suggested efforts to overcome these obstacles include raising awareness about the benefits of mediation and improving professionalism through mediator training. Thus, investing in the training and capacity-building of judges and mediators especially in understanding local social and cultural dynamics is a strategic step.

Although custody is normatively granted to the mother, the court has the authority to consider various factors related to the child's welfare before deciding who is entitled to

Religious Courts Based on People's Economic Factors After Pandemic," *Jurnal Ilmiah Mizani* 10, no. 1 (2023): 147–59, <https://doi.org/10.29300/mzn.v10i1.2950>.

³³ Rita Sari, *Hak Asuh Anak Pascaperceraian Perspektif Hukum Islam* (Cv Literasi Nusantara Abadi, 2024).

³⁴ Muh. Ihsanudin, "December 31). Reformasi Hukum Perwalian Anak Dalam Kasus Perceraian: Antara Kepentingan Anak Dan Hak Orang Tua," *At-Ta'aruf: Jurnal Hukum Keluarga Islam* 3, no. 2 (2024): 49–58.

³⁵ Nurashiah Nurashiah Gema Rahmadani, Sukiati Sukiati, "Mediasi Menurut Hukum Perdata Dan Hukum Islam Dalam Sengketa Pengasuhan Anak," *JEHSS: Journal of Education, Humaniora and Social Sciences* 6, no. 2 (2023): 814–24.

³⁶ Iman Jauhari Bahrun Bahrun, Syahrizal Abbas, "Peranan Hakim Mediator Dalam Penyelesaian Sengketa Harta Bersama Pasca Perceraian Di Mahkamah Syar'iyah," *Syiah Kuala Law Journal* 2, no. 3 (2018): 171–87.

hadhanah. This shows that the application of Islamic family law in determining child custody after divorce in Cikarang is flexible and focused on the best interests of the child.

The following is statistical data on child custody after divorce handled by the Cikarang Religious Court:

Table 4. Number of Divorces with Children by Year

Year	Divorce with children	Mother's Custody	Father's Custody	Joint Custody
2021	650	550	60	40
2022	700	600	70	30
2023	720	620	75	25
2024	750	640	80	30

Table 5. Percentage of types of child custody

Types of Custody	Number of Cases	Percentage
Mother's Custody	2.410	80%
Father's Custody	285	9,5%
Joint Custody	125	4,2%
Case without children	330	11%

Table 6. Causes of changes in child custody

Causes	Number of Cases	Percentage
Parental condition (health and economic status)	1.150	38%
Child's request (ages 7-10)	950	31%
Domestic violence	500	16.6%
Court decision (failed mediation)	370	12,3%

Factors Influencing the Resolution of Divorce and Child Custody Disputes Based on Islamic Family Law in the Cikarang Area

The resolution of divorce and child custody disputes in the Cikarang area is influenced by various factors, including:

1. Economic Factors

Financial difficulties often serve as a major trigger for divorce. The inability to meet the family's economic needs can lead to conflicts that ultimately result in separation³⁷.

³⁷ Encep Abdul Rojak Fadilah Ali Romadhoni, "Faktor Penyebab Kasus Cerai Gugat Di Pengadilan Agama Bekasi Kelas 1 A," *JRHKI: Jurnal Riset Hukum Keluarga*

Financial hardship within the household not only affects the fulfillment of basic needs such as food, housing, and children's education but also tends to generate emotional tension between spouses. When one party feels overwhelmed by economic pressure, communication within the marriage is often disrupted, increasing the likelihood of recurring conflicts.

Moreover, a husband's inability to provide for the family according to expectations whether those of the wife or the extended family, can create dissatisfaction and a sense of insecurity within the relationship. In some cases, a working wife who helps support the family's finances may feel burdened by the dual role she is expected to play, eventually leading to disharmony in the household.

External factors such as job loss, debt, or national-level economic instability may further worsen the situation, making divorce appear to be the most viable solution for couples who can no longer cope with economic stress together.

2. Age at Marriage

Marriages at a young age, particularly those categorized as early marriages, often face challenges because the couples are not yet emotionally and psychologically mature, making them more vulnerable to conflict.

Young couples generally lack sufficient mental, emotional, and economic readiness, which significantly contributes to the high rate of divorce. Economic factors are the primary cause, followed by persistent social and cultural pressures.³⁸

Islam 4, no. 2 (2024): 89–96.

³⁸ Halimah Dja'far Mohd Khudry Mz, Ramlah, "Dampak Pernikahan Dini Dan Hubungannya Dengan Tingkat Perceraian (Studi Di Kecamatan Ranah Pembarap,

In addition, regulations regarding the minimum legal age for marriage have not been strictly enforced, allowing the practice of marriage dispensations to remain common. To reduce this phenomenon, efforts are needed to increase public education on the impacts of early marriage, enforce stricter regulations on the granting of marriage dispensations, and implement economic empowerment programs to ease financial pressures that often lead to early marriage.

3. Lack of Religious Knowledge

Limited understanding of religious teachings and marital obligations can lead couples to misunderstand their roles and responsibilities, potentially resulting in disputes. When husbands and wives do not understand their functions, positions, rights, and obligations according to religious law, they often struggle to fulfill their respective roles within the family. This can lead to misunderstandings, ongoing conflict, and even divorce.

In addition, a lack of knowledge regarding the principles of marriage in Islam—such as mutual respect, good communication, and cooperation within the household—can worsen the situation. Therefore, it is essential for both partners to acquire sufficient knowledge about religious teachings and marital obligations to build a harmonious and lasting family.³⁹

Kabupaten Merangin) Dampak Pernikahan Dini Dan Hubungannya Dengan Tingkat Perceraian (Studi Di Kecamatan Ranah Pembarap, Kabupaten Merangin),” *Innovative: Journal of Social Science Research* 5, no. 2 (2025): 1381–95.

³⁹ Suaidi, “Problematika Kekerasan Dalam Rumah Tangga Penyebab Runtuhnya Tatanan Dan Tujuan Perkawinan (Studi Analisis Tentang Dekadensi Moral Kaula Muda),” *Jurnal Riset Sosial Humaniora Dan Pendidikan* 2, no. 6 (2024): 88–104.

4. Differences of Opinion Within the Household

Disagreements between husband and wife over various aspects of domestic life such as child-rearing, financial management, and their respective roles can trigger conflicts that are difficult to resolve.

For example, when the wife assumes the role of the primary breadwinner while the husband remains unemployed, this role reversal may create psychological pressure and complex responsibilities for both parties, potentially leading to marital conflict.⁴⁰

Additionally, a husband's lack of understanding regarding his role and responsibilities can result in the neglect of the wife's rights and duties. For instance, a husband who frequently leaves the family without a clear reason or engages in unproductive social behavior may fail to meet household needs, ultimately leading to prolonged conflict⁴¹.

Furthermore, poor communication between spouses can lead to misunderstandings that result in unfounded accusations or assumptions, such as suspicions of infidelity, which only intensify family conflict. A lack of healthy communication can generate feelings of loneliness, discomfort, and dissatisfaction in the relationship, which may ultimately lead to actual or suspected infidelity.⁴²

⁴⁰ Wanda Marsella dan Stevany Afrizal, “Konflik Rumah Tangga Akibat Pergeseran Peran Suami Istri Selama Pandemi Covid-19,” *Khatulistiwa: Jurnal Pendidikan IPS* 2, no. 2 (2022): 51–62.

⁴¹ Musaitir, “Problematika Kehidupan Rumah Tangga Pada Pasangan Suami Istri Perspektif Hukum Keluarga Islam,” *Al-Ihkam: Jurnal Hukum Keluarga* 12, no. 2 (2020): 153–76.

⁴² & Yulia Elfrida Yanty Siregar Iin Inayah Sa'adah, Rahma Indah Mawarni, Rahma Rahmadaniati, Tita Nur Rahman, “Penyebab Perselingkuhan Suami Istri Dan Upaya Penanganannya Dalam Islam,” *Relinesia: Jurnal*

Ineffective interpersonal communication is often marked by prejudice or suspicion without clear evidence, and a lack of open discussion about important household issues. This can escalate conflicts that lead to divorce.

Therefore, it is crucial for husbands and wives to establish effective communication and mutual understanding of their roles and responsibilities to prevent and resolve potential conflicts.

5. The Role of the Religious Court

The Religious Court holds a key role in determining which party is entitled to child custody after divorce, taking into account various aspects to ensure the child's well-being. Several factors considered include:

- a. Economic Stability. The financial capacity of the parents to fulfill the child's basic rights such as the right to education, physical health, and shelter is a crucial consideration. However, this aspect does not stand alone and must be evaluated alongside other factors⁴³.
- b. Parenting Quality. The quality of care provided by the parent, including attention, affection, and moral support, greatly impacts the child's emotional and mental development. The court will assess how well each parent can provide an environment that promotes the child's growth⁴⁴.
- c. Social Interaction. The child's social

environment, such as relationships with peers, school, and the community, is also a factor. The court strives to ensure that custody decisions do not disrupt the child's social stability and instead support their post-divorce adjustment.⁴⁵

6. Influence of Local Culture

Local cultural norms and values influence public perceptions of divorce and child custody, which in turn can affect court decisions.⁴⁶

In many communities, prevailing traditions and gender norms often place men as the heads of households and primary decision-makers. As a result, in divorce cases, custody is more frequently granted to fathers—even though many women may be better equipped emotionally to care for the children. This reflects a strong gender bias in legal decisions, where traditional views of men as primary providers often overlook the emotional and psychological needs of children, which should be the foremost consideration in custody determinations⁴⁷.

However, social changes such as increased education levels and women's participation in the economy have begun to shift these dynamics. More women are now able to make important life decisions, including filing for divorce. Studies show that

Kajian Agama Dan Multikulturalisme Indonesia 3, no. 1 (2014): 7–13.

⁴³ Nadiantancia Cherly Melvia Joeng Hans, Jessica Chua, "Analisis Perlindungan Hukum Atas Hak Asuh Anak Dalam Perceraian Menurut Hukum Perdata," *Jurnal Kewarganegaraan* 8, no. 1 (2024): 970–86.

⁴⁴ Asep Suherman Rury Sagita, "Perlindungan Dan Kepastian Hukum Terhadap Hak Anak Pasca Perceraian," *Jurnal Kajian Hukum Dan Kebijakan Publik* 2, no. 1 (2024): 221–29.

⁴⁵ Azhari Yahya Muhammad Irvan Hidayana, Iman Jauhari, "Analisis Yuridis Terhadap Aspek Perlindungan Anak Pasca Perceraian Orangtua," *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 2 (2020): 302–11.

⁴⁶ M. A. Rahman and N. Nasrulloh, "Dayak Ngaju Customary Fines in Pre-Marriage Agreement to Minimize Divorce in the Perspective of Masalah Mursalah Ramadhan Al-Buthi," *El-Mashlahah* 13, no. 1 (2023): 57–75, Scopus, <https://doi.org/10.23971/el-mashlahah.v13i1.5623>.

⁴⁷ and diana Farid Wahyudi, Muhammad Husni Abdullah Pakarta, "Peran Tradisi Dan Norma Gender Dalam Penyelsaian Sengketa Hukum Keluarga," *An-Nisa: Journal of Islamic Family Law* 1, no. 3 (2024): 1–11.

the rising number of divorce petitions filed by wives is influenced by these factors, challenging the patriarchal culture that previously positioned women in subordinate roles.⁴⁸

Nonetheless, gender bias can still be found in legal proceedings. For example, in child custody disputes, court rulings often rely on conventional gender norms, where mothers are more likely to be granted custody even when psychological readiness and financial stability are not the main considerations.⁴⁹

Therefore, local cultural norms and values not only influence societal views on divorce and custody but can also shape judicial decisions.⁵⁰ It is essential for the legal system to account for social changes and strive to ensure that custody decisions always prioritize the child's well-being free from cultural or gender biases that are no longer relevant.⁵¹

7. Support from Family and Surrounding Environment

Social support from extended family and the surrounding community contributes to a child's emotional and financial stability, which is often one of the main references in court decisions regarding custody. A positive social

environment helps ensure that the child continues to receive the attention and affection necessary for optimal growth and development.⁵² In addition, the active involvement of family and the community can play a role in the mediation process, helping both parties reach an agreement that prioritizes the best interests of the child.⁵³

Understanding the above factors is essential for all parties involved in the divorce and custody determination process in the Cikarang area, to ensure that the decisions made truly reflect the best interests of the child.

Contextual Analysis of Islamic Family Law in Divorce and Child Custody Disputes

Islamic family law in practice is revealed through multiple interconnected dimensions of dispute resolution in Cikarang, where formal legal norms are constantly mediated by socio-cultural, economic, and institutional realities. The high rate of mediation—resolving approximately 70% of divorce cases—indicates that disputing couples and judicial actors alike favor negotiated settlements over adversarial litigation, which aligns with Islamic legal values that prioritize reconciliation (*sulh*) and harm reduction. This reliance on mediation suggests that legal procedure in Cikarang is not merely a mechanical application of statute but a negotiated practice shaped by both normative aspirations and practical considerations. Here,

⁴⁸ Wahyu Ernaningsih dan Putu Samawati, *Pengaruh Budaya Patriaki Terhadap Perceraian: Kajian Pada Pengadilan Kelas 1 A Palembang* (Tunggal Mandiri, 2014).

⁴⁹ Harry Kurniawan, "Perlindungan Hak Anak Dalam Konflik Perceraian: Analisis Hukum Keluarga Indonesia," *Wathan: Jurnal Ilmu Sosial Dan Humaniora* 1, no. 3 (2024): 314–24.

⁵⁰ M. Murdan, "A Judge's Response to the Phenomenon of Indonesian Legal Pluralism: The Compartmentalization of Law on Divorce Case of Sasaknese Marriage," *Justicia Islamica* 22, no. 1 (2025): 49–70, Scopus, <https://doi.org/10.21154/justicia.v22i1.9818>.

⁵¹ S. Dawood, "Islamic Law and Gender Equality: Challenges and Reforms in Sri Lanka's Muslim Marriage and Divorce Act," *Journal of Islamic Law* 5, no. 2 (2024): 288–305, Scopus, <https://doi.org/10.24260/jil.v5i2.2833>.

⁵² M. S. Ulum and A. N. Kawakip, "The Integration of Islamic Family Law into Muslim Community Education in Japan: Socio-Cultural Dynamics in a Minority Context," *Nurani* 25, no. 2 (2025): 578–98, Scopus, <https://doi.org/10.19109/nurani.v25i2.31145>.

⁵³ Sevia Saputri, "Perceraian Perlindungan Hukum Terhadap Hak-Hak Anak Dalam Kasus Perceraian Di Kota Semarang: Perlindungan Hukum Terhadap Hak-Hak Anak Dalam Kasus Perceraian Di Kota Semarang," *Jurnal Hukum Lex Generalis* 5, no. 10 (2024): 225–40.

the court's role transcends mere adjudication, functioning as a facilitator of social compromise, which reflects how Islamic family law is embedded within everyday community relations rather than confined to doctrinal prescriptions.

The socio-economic triggers observed in divorce cases—such as domestic violence, financial insecurity, and persistent interpersonal conflict—further illustrate that the dissolution of marriage is rarely a purely juridical matter. Instead, such triggers demonstrate that Islamic family law intersects with broader social determinants that influence marital stability. The prevalence of economic hardship and relational breakdowns highlights the need for legal responses that are sensitive to underlying structural conditions, rather than limited to procedural legalism. These findings resonate with socio-legal theory, which holds that law in action is often influenced by contextual factors beyond formal legal texts, thereby challenging doctrinal interpretations that detach legal outcomes from lived experiences.⁵⁴

The patterns of child custody decisions provide additional evidence of contextualized application. While normative guidance—such as that outlined in Article 105 of the *Kompilasi Hukum Islam* (KHI)—suggests maternal custody for children below the age of *mumayyiz*, the empirical data show that custody outcomes vary according to a complex interplay of child welfare considerations, economic capacity, and social environment. The presence of notable percentages of paternal and joint custody cases underscores judicial recognition of

context-specific factors such as financial stability and the child's expressed preferences, which are integrated into judicial reasoning through principles like *maslahah* (public interest) and best interest of the child. This approach reflects a flexible jurisprudential method that gives effect to Islamic legal principles in ways that are responsive to unique case circumstances, instead of rigidly adhering to textual rules.⁵⁵

Moreover, the persistence of informal divorce practices, limited public legal awareness, and procedural challenges suggests a gap between formal law and community practices. This gap points to a broader issue concerning the accessibility and effectiveness of legal institutions. The fact that some couples bypass formal procedures indicates that legal literacy and institutional outreach remain areas requiring sustained attention. These realities further validate the need for a socio-legal lens, as they demonstrate that normative law and judicial practice are mediated by community perceptions, knowledge, and resource constraints.

To clarify the relationship between the key empirical findings and their broader analytical implications, the following table summarizes the main observations and their interpretive insights:

Table 7. Key Empirical Patterns and Their Contextualized Legal Implications

Empirical Pattern (Results)	Contextual Interpretation	Legal Implication for Islamic Family Law Practice
High	Mediation	functions Highlights the role of

⁵⁴ M. A. Badri et al., "Factors Influencing the Increase in Khulu's Divorce: A Case at the Jember Religious Court (2021-2023)," *Al-Adalah* 21, no. 1 (2024): 53–76, Scopus, <https://doi.org/10.24042/adalah.v21i1.21074>.

⁵⁵ F. H. N. Athief and R. H. Juwanti, "Court Decisions on Post-Divorce Children's Livelihood: Islamic Law Analysis on Their Practices in Indonesia and Malaysia," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 2 (2020): 151–73, Scopus, <https://doi.org/10.18326/ijtihad.v20i2.151-173>.

Empirical Pattern (Results)	Contextual Interpretation	Legal Implication for Islamic Family Law Practice
mediation rate (~70%) in divorce cases	not only as a procedural step in a normatively informed sharia concepts and reconciliation and harmony.	as a alternative dispute resolution in Islamic embedding values into practice, suggesting (sulh) mediation should be community strengthened institutionally.
Increasing divorce cases (2021–2024)	Persistent underlying economic relational affecting stability.	rise in suggests socio- and pressures marital Indicates that Islamic family law cannot be fully understood through legal texts alone; socio-economic realities must be integrated into policy and legal responses.
Primary causes: disputes, domestic violence, economic issues	These causes reflect interpersonal that trigger beyond reasoning.	causes structural and stressors divorce legal complement judicial mechanisms. Suggests need for holistic legal and social support programs to complement judicial mechanisms.
Custody outcomes with flexible variation	Custody reflect considerations welfare, capacity, preference) rather than strict interpretation.	decisions practical (child economic child and best interest of the child, underlining textual legal adaptability. Demonstrates judicial discretion guided by principles of <i>maslahah</i> and best interest of the child, underlining legal adaptability.
Informal divorces prevalent	Informal indicate formal procedures and community practices.	practices between legal and accessibility to prevent rights violations. Highlights need for enhanced public legal education and institutional accessibility to prevent rights violations.
Variation in custody based on context (health, preference, violence)	Custody decisions sensitive to and social conditions, not only normative prerequisites.	are individual Islamic family law is a <i>living law</i> that responds to real-world contingencies. Supports the view that Islamic family law is a <i>living law</i> that responds to real-world contingencies.

In synthesizing the quantitative patterns and contextual narratives, it becomes clear that Islamic family law in Cikarang operates not as an abstract system of rules, but as a living legal order — continually interpreted and negotiated in response to social change, economic conditions, and cultural norms. This aligns with the socio-legal perspective that sees law not only as a set of texts (*law in books*) but as *law in action*, where lived

practice reshapes normative application.⁵⁶

Such a perspective resonates with contemporary scholarship on contextualized Islamic law, which advocates for understanding legal application as a dynamic process shaped by real-world contingencies rather than rigid textualism. It also contributes to broader theoretical discussions about legal pluralism in Muslim-majority jurisdictions, where judicial discretion often bridges doctrinal ideals and societal realities.

Additionally, these findings have important practical implications. They underscore the need for institutional reforms that enhance public legal literacy, expand mediation and judicial training, and strengthen outreach programs so that families are better equipped to engage with formal legal procedures. By foregrounding the lived experiences of disputing parties and the interpretive practices of religious courts, this study illustrates how Islamic family law can adapt and respond to socio-legal realities without losing grounding in core normative principles.

Therefore, the findings from Cikarang not only provide localized understanding but also offer theoretical insight into how Islamic family law can be both principled and responsive — a balance that is essential for ensuring substantive justice in contemporary legal practice.

Conclusion

This study investigated the application and interpretation of Islamic family law in

⁵⁶ Imam Syafi'i, Ramdan Wagianto, Hawa' Hidayatul Hikmiyah, Irzak Yuliardy Nugroho, and Syaikhoni. 2026. "Harmonization of Islamic Law and Local Wisdom: A Methodological Reconstruction of Ijtihad in Family Law Based on Yusuf Al-Qaradawi's Istinbāt Approach". *NUSANTARA: Journal Of Law Studies* 5 (1):25-43. <https://doi.org/10.5281/zenodo.18359276>.

resolving divorce and child custody disputes in Cikarang, illustrating that legal norms are enacted not in isolation but through continuous interaction with socio-cultural, economic, and institutional realities. The empirical findings reveal that mediation has emerged as the central mechanism for divorce resolution, embodying not only procedural efficiency but also normative principles inherent in Islamic legal thought, such as *sulh* (reconciliation) and *maslahah* (public interest). At the same time, the diverse triggers of divorce and flexible custody outcomes indicate that judicial decisions are significantly shaped by the lived circumstances of litigants, rather than by textual prescriptions alone.

By situating Islamic family law within its lived socio-legal context, this article contributes to the scholarship on *contextualized Islamic law* by demonstrating that the law functions as a living legal order—a dynamic framework continually negotiated through institutional practices, judicial interpretation, and community interactions. This perspective challenges purely doctrinal approaches that treat legal texts as static and disconnected from social reality, instead highlighting the necessity of a socio-legal lens to fully comprehend how Islamic family law operates in contemporary practice.

The study's findings also carry practical implications. First, they underscore the need to enhance public legal literacy to ensure that disputing parties are better informed about formal legal procedures and their rights. Second, they point to the importance of strengthening mediation and judicial training programs to improve the quality of dispute resolution services. Third, they highlight the potential benefits of institutional collaborations among religious courts, the Office of Religious Affairs (KUA), and civil

society organizations to address gaps in access and legal awareness effectively. Most importantly, child welfare should remain central in both mediation and custody determinations to ensure substantive justice for the most vulnerable stakeholders.

In conclusion, while Islamic family law in Indonesia provides a normative foundation for resolving family disputes, this study demonstrates that the law's meaning and effectiveness are shaped through an ongoing interplay between legal norms and social reality. Recognizing and fostering this dynamic interaction is essential for ensuring that Islamic family law remains responsive, just, and relevant in addressing the complex needs of families in diverse socio-legal contexts.

Credit Authorship Contribution

Siti Ropiah: Conceptualization, Literature review, Investigation, Writing – original draft. Syafi'i: Methodology, Supervision, Formal analysis, Writing – review & editing. All authors have read and approved the final manuscript

Declaration of Competing Interest

The authors declare that they have no known competing financial, institutional, or personal interests that could have appeared to influence the work reported in this paper.

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