

## Analysis Of Divorce Law Through Electronic Media In The Perspective Of Positive Law And Islamic Fiqh

<sup>1</sup>Ahdiyatul Hidayah

<sup>1</sup> STAI Rasyidiyah Khalidiyah Amuntai, Indonesia

<sup>1</sup>Email: ahdiyatul123@gmail.com

**ABSTRACT:** Divorce through electronic media has become an increasingly frequent phenomenon in the digital era, raising questions about its validity in both legal systems. Indonesia's positive law, particularly in the Marriage Law and the Compilation of Islamic Law (KHI), regulates formal divorce procedures, involving religious courts as the legal authority. On the other hand, Islamic fiqh has a more diverse view, where talaq can be imposed through various media as long as it meets the conditions and the established principles. This study uses a juridical normative approach method, with an analysis of primary and secondary legal sources related to divorce, both in positive law and in fiqh literature. The results of the study show that Indonesia's positive law does not recognize divorce through electronic media without a court process, while in Islamic fiqh, divorce through electronic media can be considered legal, as long as the intention and intention of the party who imposes talaq is clear. These findings reveal significant differences in the handling of divorce through electronic media between the two legal systems, which requires further study related to the integration of religious and state law in Indonesia.

**KEYWORDS:** Divorce; Electronic Media; Positive Law; Islamic Fiqh

### INTRODUCTION

Divorce is an inevitable social phenomenon in family life. In the legal context, divorce is strictly regulated, both in the positive legal system and in the teachings of Islam. Divorce is considered a last resort when efforts to maintain the integrity of the household fail (Hasram, 2024). However, in recent decades, the development of communication technology has affected various aspects of human life, including the way people submit or convey talaq. One form of this new phenomenon is divorce which is conveyed through electronic media, such as short messages (SMS) or other online communication platforms (Sholehah, 2023).

In Indonesia, divorce through electronic media has caused a considerable polemic. This is due to the contradiction between technological advances and existing legal rules, both in Indonesian positive law and in Islamic fiqh. From a positive legal perspective, the divorce process is regulated in Law Number 1 of 1974 concerning Marriage and Government Regulation Number 9 of 1975 which regulates the procedure for filing a divorce lawsuit (Syaifuddin, 2020). Indonesia's positive law views divorce as an action that must be taken before the court to give legal legitimacy to the dissolution of marriage. Divorce through SMS or electronic media is basically not explicitly regulated in the law,

so questions arise about its validity in the eyes of positive law (Effendi, 2020).

In Islamic fiqh, divorce is known as talaq. The talaq process has quite clear rules in sharia, where the husband has the right to impose talaq on his wife by following the principles and conditions that have been set (Daud, 2021). One of the forms of divorce discussed in Islamic fiqh is talaq kinayah and talaq sharih. Talak kinayah is a divorce that is conveyed with hidden words or expressions, while talaq sharih uses firm and direct words (Afandi, 2014). In the context of divorce through SMS or electronic media, there is a debate among scholars about the validity of talaq delivered without a face-to-face meeting, as well as how the intention (qasd) and seriousness (jazm) in talaq can be proven (Sururie, 2021).

On the one hand, some scholars argue that divorce through electronic media can be valid if it meets the conditions of talaq, especially related to the clarity of intention and the form of statement used. However, on the other hand, some other scholars consider that modern communication technology such as SMS or social media has the potential to cause uncertainty and misunderstanding, which can have an impact on the validity of talaq itself. Therefore, there is a need for an in-depth study to understand whether divorce through electronic media is acceptable in Islamic fiqh, as well as how contemporary scholars view this phenomenon (Daharis, 2024).

The phenomenon of divorce through SMS or electronic media also poses significant social problems. On the one hand, the ease of technology allows the husband or wife to express their wishes quickly and without having to meet face-to-face, which in some cases can speed up the divorce process. However, on the other hand, these actions are often taken without considering the psychological and social impact on the parties involved, especially for children who may be victims of sudden and unplanned divorces (Chaer, 2017).

Positive legal approaches in Indonesia and Islamic fiqh towards divorce through

electronic media require a comprehensive and in-depth study. This study aims to provide a better understanding of how the two legal systems respond to social and technological changes, as well as how justice and legal protection can be guaranteed for parties involved in divorce (Sururie, 2021).

With the phenomenon of divorce through electronic media, it is important for academics, legal practitioners, and scholars to re-evaluate existing regulations, as well as find legal solutions that are fair and relevant to the times. This study is expected to contribute to clarifying the legal position of divorce through electronic media in Indonesian positive law and Islamic fiqh, as well as finding a common ground between the two legal systems.

## METHODS

This research method uses a qualitative approach with descriptive analysis. Data was collected through literature studies, including laws and regulations related to divorce, fatwas of scholars, and relevant legal literature in the field of divorce. The analysis was carried out by comparing the positive legal perspectives of Indonesia and Islamic fiqh related to divorce through electronic media, especially SMS and other online platforms. The results of the analysis are expected to provide an in-depth understanding of the validity and implications of digital divorce law as well as recommendations for better law enforcement in the context of information technology developments (Supriyanto, 2021).

## RESULT AND DISCUSSION

### Divorce According to Indonesian Positive Law and Islamic Fiqh

#### 1. Definition of Divorce According to Indonesian Positive Law and Islamic Fiqh

In Indonesia's positive law, divorce is regulated in Law No. 1 of

1974 concerning Marriage and the Compilation of Islamic Law (KHI) for Muslims (Hudafi, 2020). Divorce is defined as:

- a. Article 38 of Law No. 1 of 1974: Divorce is the break-up of the marriage relationship between a husband and wife that is legitimate, in accordance with the provisions of the applicable laws and regulations. Divorce can only be done through a court decision after going through a valid legal process.
- b. Article 116 KHI: Divorce can occur for reasons such as persistent disputes, one party committing violence, or reasons agreed upon by both parties. A valid divorce under Indonesian law must be decided before the court (Bakry, 2021).

In the context of positive law, divorce must go through a formal mechanism in the Religious Court (for Muslims) or the District Court (for non-Muslims), and cannot be done unilaterally without the consent of the court.

In Islamic fiqh, divorce is called talaq. Talak is:

- a. Talaq is the act of a husband who unilaterally breaks the marriage bond with his wife. Talaq is considered valid when the husband pronounces a clear pronouncement (sarih) or implicitly (kinayah) with the intention of divorcing his wife.
- b. In fiqh, divorce or talaq is considered valid without having to go through a court intermediary, although it is advisable to reconcile the disputing couple before reaching a talaq decision. However, talaq must meet the specified conditions, such as the existence of free will from the husband, awareness of the act of talaq, and not in a

prohibited state (such as the wife in the state of menstruation).

Islamic fiqh also recognizes various types of talaq, such as talaq raj'i (talaq that can be referred) and talak ba'in (talaq that cannot be referred). Divorce in Islam emphasizes that even though talaq is permissible, it is an act that Allah hates if there is no strong reason.

Quick Comparison:

- a. Indonesian Positive Law: Divorce must be done through a court process and meet the formal requirements set out in the law.
- b. Islamic Fiqh: Divorce can be done directly by the husband through talaq, with the conditions specified by Islamic law, although it is recommended to be resolved peacefully or through mediation before talaq is performed.

The main difference lies in the formal procedure in positive law involving the court, whereas in Islamic fiqh, divorce can occur directly by the husband without a court process. However, in the context of a country that applies positive law, the rules of Islamic fiqh need to be adjusted to the provisions of national law.

## 2. Legal Basis of Divorce

The legal basis of divorce in Indonesia is regulated in several laws and regulations that apply nationally. This divorce law includes provisions for all Indonesian citizens, both Muslim and non-Muslim, with differences regulated based on their respective religions (Ratnawaty, 2017). The following are the legal basis for divorce in Indonesia:

- a. Law No. 1 of 1974 concerning Marriage

Law No. 1 of 1974 is the main basis that regulates marriage and divorce in Indonesia. Some important provisions regarding divorce are as follows:

- 1) Article 38: Declares that a marriage can be dissolved because:
  - a) Death
  - b) Divorce
  - c) On the court's decision. (Kasman Bakry, "Putusnya Perkawinan dan Akibatnya dalam Fikih Munakahat (Studi Analisis Undang-Undang Nomor 1 Tahun 1974 Pasal 38-41), 2021)
- 2) Article 39: Declares that divorce can only be done in the presence of a competent court after the court has attempted to reconcile the two parties. The reasons for divorce must be sufficiently proven based on valid reasons according to the law.
- 3) Article 19 of Government Regulation No. 9 of 1975: Provides several valid grounds that can be the basis for divorce, such as:
  - a) One party commits adultery, drunkenness, or gambling that is difficult to cure,
  - b) One party leaves the other party for 2 consecutive years without a valid reason,
  - c) One party is sentenced to imprisonment for 5 years or more,
  - d) Physical or mental violence in the household, Constant disputes and quarrels.

- b. Government Regulation No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974

Government Regulation No. 9 of 1975 is an implementing regulation of the Marriage Law which provides further details about the divorce process in court:

- 1) Article 14: Provides that divorce lawsuits must be filed in court in accordance with applicable law.
  - 2) Articles 15-20: Explain the divorce procedure, including the requirements for reconciling the parties before the divorce is granted, as well as the grounds on which a divorce lawsuit can be filed (Tagel, 2020).
- c. Compilation of Islamic Law (KHI)

The Compilation of Islamic Law regulates divorce for Muslims in Indonesia and applies in the Religious Court. The legal basis for divorce in the KHI includes:

- 1) Article 114 of the KHI: Declares that divorce can only be done before a Religious Court hearing after the court fails to reconcile the two parties. (Dewi Khurin'In, 2022)
- 2) Article 116 of the KHI: Stipulates several grounds for divorce in Islam which include:
  - a) One of the parties commits adultery,
  - b) The husband or wife leaves the spouse for 2 consecutive years without permission or valid reasons,

- c) The husband or wife is sentenced to imprisonment for 5 years or more,
- d) Domestic violence,
- e) Constant disputes,
- f) One of the parties has a physical disability or illness that is difficult to cure, which causes the inability to carry out marital obligations (Zubir, 2024).

KHI is the main reference for the Religious Court in resolving Muslim divorce cases.

#### d. Procedural Law in Religious Courts

Law No. 7 of 1989 concerning Religious Courts (which has been updated several times, including through Law No. 3 of 2006) regulates trial procedures in Religious Courts. The Religious Court is authorized to handle divorce cases for Muslims. Some of the key points of this law are:

- 1) Article 49: The Religious Court has the authority to examine and decide divorce cases for people who are Muslims. (Aisyah, 2018)
  - 2) Religious courts must also ensure that all procedures are carried out correctly, including efforts to reconcile the two parties before the divorce is granted (Fida, 2023).
- e. Law No. 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law)

This law plays an important role in providing legal protection for victims of domestic violence (KDRT), which can also be a legal basis for divorce. Articles 5-10 of the PKDRT Law explain the forms of physical, psychological, sexual, and domestic neglect that can be

- used as a reason for a person to sue for divorce. (Wardhani, 2021)
- f. Law No. 50 of 2009 concerning the Second Amendment to Law No. 7 of 1989 concerning Religious Courts

This law strengthens the role and authority of the Religious Court in handling marriage and divorce cases for Muslims. One of the important things in this law is to clarify the mediation procedure and reconcile the disputing parties before deciding on a divorce (Arifin, 2017).

#### g. The Qur'an and Hadith as a Reference for Muslim Divorce

For Muslims, the Qur'an and Hadith are also the legal basis for divorce, especially related to the process of talaq, iddah, and rights after divorce. The Compilation of Islamic Law (KHI) and the decisions of the Religious Courts refer to these principles in resolving divorce cases for Muslims (Nasution, 2018).

#### h. Divorce Procedure)

- 1) Religious Court (for Muslims): Muslims who want to divorce must file a lawsuit with the Religious Court. This court will process the divorce in accordance with Islamic sharia and applicable law (Sunarto, 2019).
- 2) District Court (for non-Muslims): For non-Muslims, divorce must be filed in the District Court. The procedure is similar to the Religious Court, but refers to Law No. 1 of 1974 concerning Marriage without referring to certain religious laws (Walangitan, 2024).

### 3. Divorce Through Electronic Media

Divorce through electronic media, especially those carried out

through short messages (SMS) or online platforms, is a new phenomenon in divorce legal practice that has emerged along with the advancement of information technology. This concept of divorce signifies a change in the way individuals interact and convey important decisions, such as separation in marriage. (Cipta, 2017) In the context of positive law in Indonesia, divorce is usually regulated in Law No. 1 of 1974 concerning Marriage and the Supreme Court Regulation regarding divorce procedures. However, the use of electronic media as a means to file for divorce raises questions about the validity and legitimacy of the method (Wahib, 2022).

From the perspective of Islamic fiqh, divorce (talaq) has certain conditions and pillars that must be fulfilled in order to be valid according to sharia law. Some scholars argue that talaq through electronic media is acceptable as long as it meets the requirements of clear and firm communication, while others argue that divorce must be done directly to maintain the clarity and validity of the decision. Thus, divorce through electronic media presents challenges in bridging positive law and Islamic fiqh, as well as the need to develop regulations that are adaptive to technological developments without ignoring the basic principles of existing law (Hidayah, 2023).

This phenomenon also reflects social and cultural changes in modern society, where digital communication has become an integral part of daily life. Therefore, a comprehensive understanding of divorce through electronic media is important to strengthen legal

regulations and provide clear guidance for the public in dealing with these changes (Hidayah S. A., 2024).

### **Validity of Divorce Carried Out Through Electronic Media in Positive Law**

As stated in Law No. 1 of 1974 concerning Marriage, the purpose of marriage is to build a happy and eternal family, based on the One Godhead. In the Compilation of Islamic Law (KHI), this is known as the term *mistaqon ghaliza*, which means strong bond. (Ahdiyatul Hidayah, 2023) However, in practice, many marriages have failed, which can be caused by various factors such as death, divorce, or court decisions in accordance with the provisions that have been set forth in the law. Article 38 of Law No. 1 of 1974 and article 113 of the KHI states that divorce can occur due to: 1) death, 2) divorce, and 3) religious court decisions. This shows that divorce according to law can be triggered by these three conditions (Ratnawaty, 2017).

The breakup of a marriage due to death occurs when one of the parties, either husband or wife, dies. For divorce, the Marriage Law provides clear and detailed guidelines. There are two types of divorce in this law, namely divorce talaq, which is a submission from the husband to the court to ask for permission to impose talaq on his wife, and a divorce lawsuit, which is filed by the wife or her attorney to the court based on the jurisdiction where the plaintiff lives, unless the plaintiff leaves the house without permission. The breakup of the marriage can also occur through a court decision if one of the parties goes without hearing from them for a long time (Kurniati, 2018).

In Government Regulation No. 9 of 1975 article 19 and article 116 of the KHI, there are several reasons that can lead to divorce, such as one of the parties committing adultery or engaging in bad behavior that is difficult to cure, leaving the spouse for two years without permission, or getting a long prison sentence. In

addition, domestic violence and ongoing disputes are also reasons for divorce (Mahmudah, 2018).

Furthermore, article 39 of Law No. 1 of 1974 stipulates that divorce must be carried out before the court after mediation attempts are carried out without success. Divorce can also only be done if there is a strong reason that the couple can no longer live in harmony. In addition, article 115 of the KHI and article 65 of Law No. 7 of 1989 concerning Religious Justice emphasizes that divorce is only valid if it goes through a court process (Saifullah, 2024).

Meanwhile, article 117 of the KHI explains that talaq is a husband's pledge before a religious court which is one of the reasons for the breakup of the marriage. The procedure for divorce through the court is regulated in articles 129 to 131 of the KHI, which explain the steps to apply for talaq and the court process that must be passed (Zulkifli, 2019).

Based on these provisions, it can be concluded that divorce can occur due to three factors: death, divorce, and court decision. Regarding the imposition of talaq, it must go through a clear procedure, including application and execution before the court (Aljarofi, 2019). This provision shows that talaq carried out through electronic media does not meet the requirements for validity according to the Marriage Law and the Compilation of Islamic Law, so it is considered invalid. Divorce through electronic media, in a positive legal context, is unacceptable because it is not carried out in front of the court and is not in accordance with the provisions of the applicable laws in Indonesia.

### **The Validity Of Divorce Through Electronic Media According To Islamic Fiqh**

Divorce in Islamic fiqh is defined as the termination of the marriage bond which is often called talaq, which is carried out by the word divorce or similar expressions, so that the wife's status is no longer valid for the husband afterwards (Lamid, 2022).

The concept of talaq in Islamic fiqh refers to the act of a husband who breaks the marriage bond with his wife. Talaq is a form of divorce regulated in Islam and is considered a last resort after reconciliation efforts between husband and wife are unsuccessful. In Islam, talaq is allowed, but it is considered an act that is hated by Allah, because Islam emphasizes more on the importance of maintaining the integrity of the household (Syaf, 2024).

In Islamic fiqh, talaq has several pillars and conditions that must be met in order to be considered valid:

1. Pillars of Talak:
  - a. Husband: Only the husband has the right to impose talaq. The wife does not have this right except in the case of khul' (a request for divorce from the wife approved by the husband).
  - b. Wife: Talaq must be imposed on a wife who is in a legal marriage with her husband.
  - c. Recitation (Statement): Talak must be expressed in clear words or actions, either orally or in writing.
  - d. Intention: The husband must have a clear intention to divorce his wife when imposing talaq (Ismail, 2019).
2. Valid Conditions for Talak:
  - a. The husband must be puberty and reasonable: Talaq is invalid if it is imposed by a husband who has not yet reached puberty or is insane (for example, in a drunken or insane state).
  - b. Performed in extreme or unconscious state of anger: Talak imposed in a state of extreme anger or in an unconscious state (e.g. drunkenness) is considered invalid according to some scholars.
  - c. Talaq should not be imposed when the wife is menstruating: Based on the hadith of the Prophet Muhammad SAW, talaq should not be imposed when the wife is menstruating or in a state of purity but has had intercourse after purity (Nugroho, 2018).

### 3. Types of Talak in Islamic Fiqh

There are several types of talaq known in Islamic fiqh, each with different implications:

#### a. Talak Raj'i (Referential Talak)

Talak raj'i is a talaq that can be referred to by the husband during the iddah (waiting period) of the wife, without the need for a new marriage contract.

In this talaq, the husband can return to his wife without a new marriage contract as long as the wife is still in the iddah period.

It usually applies to talaq one and talaq two, which is still possible to refer as long as the third talaq has not fallen (Mutia, 2019).

#### b. Talak Ba'in (Talak that cannot be referred)

Talak ba'in sughra (Minor Talak). This talaq ends the marriage, but the husband can remarry his ex-wife with a new contract and dowry. An example of talak ba'in sughra is talaq that occurs after khul' (the wife asks for a divorce and the husband agrees).

Talak ba'in kubra (Great Talak). This talaq occurs after the husband drops the talaq three times. After triple talaq, the husband cannot remarry his wife unless the wife has married another man, and the marriage ends naturally (without the forced divorce to be able to remarry) (Hidayat, 2018).

#### c. Sunni Talaq and Bid'i Talaq

Sunni talaq. Talaq that is in accordance with sharia rules, such as dropping talaq when the wife is in a holy state and there has not been a conjugal relationship after the wife is holy from menstruation.

Talak Bid'i. Talak that is not in accordance with sharia rules, for example imposing talaq when the wife is menstruating or talaq that is imposed at the same time (triple talaq at once). Even though it is

considered makruh and not recommended, talaq bid'i is still valid in the views of some scholars (Luthfiyah, 2014).

### 4. Procedures and Ethics in Talak

Islam teaches that talaq should be a last resort after various efforts to improve relations have been made, such as:

- 1) Advice: Husbands and wives should advise each other and try to improve the relationship before deciding on talaq.
- 2) Mediation (Hakam): In Surah An-Nisa verse 35, Allah suggests that both parties appoint a wise person from their family to reconcile them.

Iddah Period: After talaq is imposed, the wife must undergo the iddah period, which is a waiting period before the marriage is actually considered to be over. This iddah period provides an opportunity for husbands and wives to reconsider their decisions (Mardhatillah, 2015).

### 5. Talak in the View of the Fiqh School

Each school in Islam has a different emphasis on how talaq is done and what are the conditions that must be met:

- 1) Hanafi school: Tends to be looser in terms of forms of talaq, including written talaq or talaq that is given through clear signs or intentions.
- 2) Maliki school: Stricter in witness requirements and talaq procedures. They emphasized the importance of oral statements and the presence of witnesses.
- 3) Shafi'i school: Has a moderate view, where talaq can be done through various forms of communication as long as it is clear and meets the requirements of intention and pronunciation.
- 4) Hanbali School: Tends to follow the views of the Shafi'i School, but is stricter in terms of the intention and validity of talaq in certain



circumstances (such as anger or extreme emotions) (Hayati, 2017).

Based on these criteria, it is clear that if the conditions and principles of divorce are not met, the divorce made by the husband against his wife is considered null or void. Divorce through electronic media, such as SMS, occurs when the husband declares his divorce using a short message sent via mobile phone. Regarding the validity of divorce through electronic media, there are various opinions from fiqh scholars.

### **Views of Scholars Who Consider Divorce Legal through Electronic Media**

Some scholars view that divorce through electronic media can be considered valid if it meets the requirements of talaq in Islam (Asti, 2021):

1. **Validity of Talak Words:** As long as the talaq is pronounced or written clearly and the husband intends to divorce, the communication medium used is considered not very important. For example, if a husband sends a clear text message such as "I divorce you" with the intention of talaq, some scholars consider the talaq to be valid.
2. **Husband's Intention:** In fiqh, intention is a very important factor in talaq. If the husband has a clear intention to divorce and convey talaq through text messages or emails, then it is considered legitimate according to this view. Scholars who hold this view see that technology is only a means to convey talaq, and does not change the essence or validity of talaq itself.
3. **Electronic Media as the Voice of the Husband:** In the view of some scholars, electronic media functions as an intermediary of communication between husband and wife, similar to traditional written letters or messages, which in classical fiqh are also recognized as a legal means of talaq (Effendi, 2020).

### **6. Contemporary View: Ijtihad and Fatwa of Modern Ulama**

In the context of the modern world, scholars and fatwa institutions have also begun to issue views related to divorce through electronic media. Some contemporary fatwa or scholar institutions respond to this issue with a more contextual approach, for example:

- a. **Fatwa of the Indonesian Ulama Council (MUI):** In some cases, the MUI emphasizes the importance of the husband's intention and clarity of words in divorce through electronic media. The MUI also emphasized that although it is valid in fiqh, divorce should be carried out through a formal mechanism in court in accordance with positive law in Indonesia (Mustafida, 2021).
- b. **Egyptian Fatwa Institute (Dar al-Ifta):** Several fatwas from this institution state that talaq through electronic media can be considered valid if it meets the conditions set by the sharia, especially related to the intention and clarity of the pronunciation. However, they also suggest that divorce be done in a more formal and discreet way (Bahrum, 2019).

### **CONCLUSION**

Divorce through electronic media, such as text messages, emails, or video calls, is a new phenomenon that requires adjustments in the framework of positive law in Indonesia and Islamic fiqh. In both perspectives, there is a similarity that divorce must be carried out with clear intentions, meet certain conditions, and be processed through legal channels. However, there is a difference in the way of viewing the validity of divorce conveyed through electronic media.

Positive law in Indonesia, especially through Law No. 1 of 1974 on Marriage and Government Regulation No. 9 of 1975, emphasizes that divorce must be carried

out through a court process. A valid divorce is a divorce that is legalized by a court decision after going through a trial process involving both parties. Therefore, divorces that are carried out only through electronic media without going through the court are not legally recognized as positive in Indonesia. The court is also required to try to reconcile the couple before deciding on a divorce, in accordance with the provisions of the applicable law.

In Islamic fiqh, divorce through electronic media can be considered valid if it meets the basic requirements of talaq, namely the existence of a clear intention from the husband, clarity of pronouncement (both oral and written), and carried out in conditions in accordance with shlaw. Some scholars allow divorce through text messages or electronic media as long as the intention of talaq and the pronouncement are clear. However, some other scholars consider this kind of divorce invalid because it lacks formal requirements, such as witnessing talaq or clarity of the husband's mental and emotional state when saying talaq.

## REFERENCE

- Abbas, S., & Mutia, D. (2019). The Decision of Talak Raj'i in the Polyandry Case: An Analysis of Islamic Law on the Decision of the Judge of the Jantho Syar'iyah Court Number 216/Pdt. G/2015/MS-JTH. SAMARAH: Journal of Family Law and Islamic Law, 3(1), 205-222.
- Afandi, M. (2014). Divorce Law in Indonesia: A Comparative Study Between Conventional Fiqh, Contemporary Law in Indonesia and Muslim Countries from the Perspective of Human Rights and CEDAW. AL AHWAL Journal of Islamic Family Law, 7(2), 191-201.
- Afifi, M. N. (2020). The validity of divorce through electronic media according to Law Number 1 of 1974 concerning Marriage and Islamic Law. Dynamics, 26(3), 277-294.
- Aisyah, N. (2018). The Role of Religious Court Judges in the Application of Islamic Law in Indonesia. Al-Qadau Journal: Islamic Justice and Family Law, 5(1), 73-92.
- Akmal, A. M., & Asti, M. J. (2021). Problems of Siri Nikah, Online Nikah and Talaq Siri and Its Legal Implications in Marriage Fiqh. Al-Risalah Journal of Sharia and Legal Sciences, 21, 45-59.
- Al Rosyid, A. S., & Hidayah, A. (2023). Muhammad Abu Zahrah's Istinbat Method on the Law of Isbat Nasab Son of Zina Based on the Ilhaq Method. An-Nisa Journal of Gender Studies, 16(1), 93-108.
- Aljarofi, A. Z. (2019). The marriage category has not been recorded in the juridical perspective family card blank. AL-HUKAMA: The Indonesian Journal of Islamic Family Law, 9(2), 296-324.
- Arifin, A. I. (2017). Reform of the power to adjudicate religious courts based on Law Number 50 of 2009 concerning Amendments to Law Number 3 of 2006 concerning Religious Courts. Millah, 341-362.
- Asmaret, D. (2018). Divorce Through Social Media (Social Media). Menara Ilmu: Journal of Research and Scientific Studies, 12(6).
- Azkiya, S., & Hidayah, A. (2024). Concept Of Fair Polygamy In The Perspective Of Islamic Law And Positive Law In Indonesia. SAKENA: FAMILY LAW JOURNAL, 9(1), 9-16.
- Bahrum, M. (2019). Problems of Isbat Marriage Polygamous Sirri. Al-adalah: Journal of Islamic Law and Politics, 4(2), 194-213.
- Bakry, K., Sam, Z., & Usman, J. V. (2021). Breakup of Marriage and Its Consequences in Fiqh Munakahat (Analysis Study of Law Number 1 of 1974 Articles 38-41). BUSTANUL FUQAHA: Journal of Islamic Law, 2(3), 413-431.
- Cipta, H. (2017). The impact of divorce on juvenile delinquency. Edugama: Journal of Education and Socio-Religious Affairs, 3(2), 88-103.
- Daharis, A. (2024). An Analysis of Islamic Law on the Use of Social Media as a Cause of Divorce. Collaborative Journal of Science, 7(2), 887-895.

- Daud, F. K. (2021). KHULU'AND TALAK, IS IT SAME? Philosophical-Comparative Study of Women's Divorce Rights in Fiqh and Positive Law. *Al Hakam: The Indonesian Journal of Islamic Family Law and Gender Issues*, 1(1), 16-31.
- Effendi, M. (2020). Islamic Legal Views on Divorce Through Electronic Media. *Journal of The Juris Law*, 4(2), 210-220.
- Harimurti, D. A. (2021). Comparison of the division of common property according to positive law and Islamic law. *Journal of Legal Ideas*, 3(02), 149-171.
- Hariyanto, M. F., & Fida, I. A. (2023). IMPLEMENTATION OF MEDIATION IN THE DIVORCE LAWSUIT CASE OF THE PROBOLINGGO RELIGIOUS COURT CLASS IB IN 2022. *USRAH: Journal of Islamic Family Law*, 4(2), 140-155.
- Hasram, R., Agus, A. A., & Suyitno, I. (2024). Analysis of Divorce Cases during the Covid-19 Pandemic at the Bulukumba Religious Court Class IB (Period January 2019 to August 2023). *Ash-Shahabah: Journal of Islamic Education and Studies*, 10(2), 135-147.
- Hayati, Z. (2017). Arrangement of talaq and 'iddah (Comparative Study of the Perspective of Fiqh of the Four Schools and the Compilation of Islamic Law (KHI)). *Qiyas: Journal of Islamic Law and Justice*, 2(1).
- Hidayah, A., & Wahib, A. B. (2022). Defending Women's Legal Rights through Organizations in Turkey. *An-Nisa Journal of Gender Studies*, 15(2), 185-200.
- Hidayah, A., Faralita, E., Fahrozi, F., & Rifani, A. (2023). Empirical Factors of Takliq Talaq Through Electronic Media in View of Positive Law And Islamic Law. *Sharia: Journal of Law and Thought*, 23(2), 177-190.
- Hidayat, R. E. (2018). The opinion of the imam of the madhhab about the rights of wives during the iddah talaq ba'in and its relevance to the marriage law in Indonesia. *Istinbath: Journal of Law*, 15(1), 145-156.
- Hudafi, H. (2020). The establishment of the sakinah mawaddah warahmah family according to Law number 1 of 1974 and the compilation of Islamic law. *Al Hurriyah: Journal of Islamic Law*, 5(2), 172-181.
- Ismail, A. H. (2019). Marriage and Legal Conditions of Talak. *Intiqad: Journal of Islamic Religion and Education*, 11(1), 1-22.
- Khurin'In, D., Muta'alimin, M., Maulana, A., & Musyafa'ah, N. L. (2022). Divorce due to disputes and quarrels from the perspective of Islamic law. *Ma'mal: Journal of Sharia and Law Laboratory*, 3(1), 18-37.
- Kurniati, E. (2018). Protection of children's rights after parental divorce. *Journal of Authentica*, 1(1), 24-41.
- Lamid, A. (2022). Divorce outside the religious court according to Islamic law. *Journal of Islamic Law El Madani*, 2(1), 41-48.
- Luthfiah, L. (2014). Cultural and Religious Relations in Marriage. *Journal of Islamic Law*, 12(1), 13-24.
- Mahmudah, H., Juhriati, J., & Venus, Z. (2018). Child Hadhanah After Divorce Decision (Comparative Study of Islamic Law and Indonesian Positive Law). *Sangaji: Journal of Sharia and Legal Thought*, 2(1), 57-88.
- Mardhatillah, M. (2015). The Spirit of Egalitarian Al-Qur'an in the Initiating Authority and Divorce Procedure. *ESENCE: Ushuluddin Journal of Sciences*, 16(1), 1-14.
- Nashir, F., & Mustafida, L. (2021). The Position of Electronic Evidence in Divorce Decisions at the Yogyakarta Religious Court. *Fortiori Law Journal*, 1(02), 23-56.
- Nasution, M. A. (2018). Divorce according to the compilation of Islamic law (KHI) and fiqh. *eL-QANUNIY: Journal of Sharia Sciences and Social Institutions*, 4(2), 157-170.
- Nugroho, H. (2018). The Position of Taklik Talak According to Fiqh Law and Compilation of Islamic Law. *Al-Bayyinah*, 2(1), 73-90.
- Ratnawaty, L. (2017). Divorce under the hands in the perspective of Islamic law and positive law. *YUSTISI*, 4(1), 112-112.

- Rochaeti, E. (2015). Juridical Analysis of Joint Property (gono gini) in marriage according to the View of Islamic Law and Positive Law. *Journal of Juridika Insights*, 28(1), 650-661.
- Ropei, A., & Sururie, R. W. (2021). The Dynamics of the Imposition of Talaq through Whatsapp in the Paradigm of Islamic Family Law Reform. *AL-HUKAMA: The Indonesian Journal of Islamic Family Law*, 11(1), 160-184.
- Saifullah, M. (2015). The effectiveness of mediation in resolving divorce cases in the Central Java religious court. *Al-Ahkam*, 25(2), 181-204.
- Sholehah, F. D. (2023). Juridical Review of the Implementation of Pledge of Talak by Teleconference (Case Study of Ngawi Religious Court Decision No. 730/Pdt. G/2023/Pa. Ngw). *Journal of Legal Ideas*, 5(02), 80-91.
- Sunarto, M. Z. (2019). Mediation in the Perspective of Maqashid Sharia: A Study on Divorce in Religious Courts. *AT-TURAS: Journal of Islamic Studies*, 6(1), 97-115.
- Syaf, M. N. (2024). A Comparative Study of the Concept of Reference According to the Imam of Madzhab and the Compilation of Islamic Law. *Journal of Darussalam: Journal of Education, Communication and Thought of Islamic Law*, 15(2), 91-113.
- Syaifuddin, M. I. (2020). The Validity of Talaq Through Social Media from the Perspective of Islamic Law. *Journal of Islamic Family Law*, 5(2), 134-153.
- Tagel, D. P. (2020). Implementation of Marriage Registration at the Population and Civil Registration Office. *Vyavahara Duta*, 14(2), 84.
- Walangitan, S. (2024). Divorce Lawsuit at Religious Court for Muslim Women Who Change Their Beliefs Against Their Will. *Humanities*, 2(1), 82-91.
- Wardhani, K. A. P. (2021). Legal Protection for Women Victims of Domestic Violence (KDRT) at the Investigation Level Based on Law No. 23 of 2004 concerning the Elimination of Domestic Violence (UUPKDRT). *Journal of Legal Research*, 21-31.
- Yudistira, L., Abdullah, Z., & Sugiarti, T. (2019). Divorce outside the religious court is reviewed according to positive law and Islamic law (Divorce Study in Cigudeg Village, Bogor Regency). *Journal of Legal Reasoning*, 2(1), 34-51.
- Yusuf, S., & Chaer, M. T. (2017). Taklik Talak Perspectives of Mazhab Ulama and Their Influence in Marriage. *Anil Islam: Journal of Islamic Culture and Science*, 10(2), 262-284.
- Zubir, M. (2024). GAMBLER'S HUSBAND AS A REASON FOR FASAKH NIKAH (Comparative Analysis of the Reasoning of the Law of Fiqh Syāfi'iyah and Article 116 of KHI). *Journal of Sharia and Islamic Economics*, 2(1), 54-66.
- Zulkifli, S. (2019). The breakup of the marriage is due to the husband marrying without the permission of the wife. *Journal of Law Rules: Communication Media and Information Law and Society*, 18(3), 14-26.