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Gender Justice in Sighat Taklik Talak: Towards Equal Legal Protection for Husband and Wife in Indonesia

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ABSTRACT

The practice of sighat taklik talak in Indonesian marriage law exclusively grants the right of pronouncement to the husband, creating an imbalance in legal protection and contradicting the constitutional principle of gender equality. This research aims to analyze the ambiguous legal position of sighat taklik talak critically and to deconstruct the gender injustice embedded within it, in order to formulate an argument for legal reform towards a reciprocal model. Employing a normative juridical research method with statutory, conceptual, and historical approaches, this study analyzes primary and secondary legal materials through systematic and teleological interpretation. The findings indicate that the legal position of sighat taklik talak is problematic. While the instrument is recognized by the Compilation of Islamic Law, it misaligns with the principle of consensualism in civil law. More fundamentally, its unilateral nature creates legally legitimized gender-based discrimination by denying an equivalent protection mechanism for the husband. It is concluded that the current practice does not reflect substantive justice. Therefore, regulatory reform of sighat taklik talak is a juridical imperative to transform it into a reciprocal protection agreement that guarantees legal certainty and equality for both husband and wife.

Keywords: Gender Justice; Marital Legal Protection; Sighat Taklik Talak.

INTRODUCTION

The discourse on gender justice has become a mainstream current in global legal discourse, prompting a paradigm shift from formal to substantive equality (Suryadin et al., 2025). International commitments, as manifested in the Universal Declaration of Human Rights and more concretely in the Sustainable Development Goals, mandate states to eliminate all forms of gender-based discrimination (Larasati & Ayu, 2020). This imperative extends beyond the public sphere, permeating the private domain, including the institution of marriage. The effort to realize gender justice in daily practice is a prerequisite for dismantling structures that perpetuate discrimination, whether explicit or implicit within the family law system (Dewi & Arifin, 2019; Gadjong, 2023).

In the jurisprudence of Islamic personal status law (*fiqh al-ahwal al-syakhsiyyah*), marriage is regarded as a sacred covenant (*mitsaqan ghalizhan*) (Mangarengi & Hamzah, 2021). This bond not only legitimizes the relationship between a man and a woman but also gives rise to a series of balanced rights and obligations (Baihaqi, 2021). To ensure the fulfillment of these commitments, Islamic law introduces various legal instruments, one of which is the *taklik talak*. Although not formally classified as a pillar or an essential condition for a valid marriage, the pronouncement of the *sighat taklik talak* has become a common practice in Indonesia. This instrument has historically been positioned as a preventive protection mechanism for the wife against the husband's potential breaches of commitment or arbitrary actions. Consequently, its presence is often considered an integral part of the marriage contract ceremony (Muthoin, 2012).

The existence of *taklik talak* within the Indonesian legal system reveals a complex legal intersection. On one hand, the Compilation of Islamic Law categorizes it as a valid marital agreement. On the other hand, when examined through the civil law framework, its status as an agreement becomes problematic. Its predominantly unilateral nature, pronounced by the husband after the contract ceremony, does not fully align with the definition of an agreement under Article 1313 of the Civil Code, which requires a reciprocal consensus between the parties. This juridical dualism, coupled with its technical regulation through Minister of Religious Affairs Regulation Number 3 of 1975, indicates that *taklik talak* occupies a unique (*sui generis*) position in the constellation of national marriage law (Shodikin et al., 2021).

A paradox emerges when empirical data is juxtaposed with the philosophical objective of the *sighat taklik talak*. This instrument was designed to protect the wife and preserve the integrity of the household. However, data from BPS (2025) reveals a significant number of divorces, recording 308,956 cases of divorce suits initiated by wives (*cerai gugat*) and 85,652 cases of repudiation initiated by husbands (*cerai talak*) in Indonesia for the year 2024. This fact suggests a deeper underlying issue. The high incidence of *cerai talak*, specifically initiated by husbands, raises critical questions about the effectiveness and adequacy of existing protection mechanisms and highlights the possibility of unaddressed aspects of injustice within the current legal framework.

The most fundamental gap lies at the normative level, particularly within Article 1 point e of the Compilation of Islamic Law. This provision explicitly grants the right to pronounce the *taklik talak* exclusively to the husband. This unilateral regulation creates a structural imbalance in legal protection. In an increasingly complex social reality, a wife also has the potential to neglect obligations, which could be detrimental to the husband. The absence of an equivalent legal protection mechanism for the husband under such circumstances constitutes a legal vacuum (*rechtsvacuüm*). This unilateral granting of rights is inherently inconsistent with the principle of equality before the law and the tenets of gender justice, which demand fair and balanced treatment.

Previous studies, such as those conducted by Nabilla (2021) and Arianto and Laili (2022), have made important contributions by discussing *taklik talak* from the perspective of protecting the wife's rights. These studies generally operate within a protective-unilateral paradigm, viewing *taklik talak* primarily as an instrument for the wife. This research, therefore, seeks to move beyond this paradigm. The novelty it offers lies in the proposal to shift the analytical framework toward a protective-reciprocal paradigm, which is grounded in the principle of holistic gender justice. This study argues that genuine legal protection can only be realized if rights and protective mechanisms are granted equally to both parties within the marital bond.

Based on this background, this research has several primary objectives. *First*, to critically analyze the position and practice of the *sighat taklik talak* in Indonesia's marriage law system. *Second*, to deconstruct the normative imbalances contained in the current *taklik talak* regulation from a gender justice perspective. *Third*, to construct a juridical argument for the urgency of legal reform towards a reciprocal *taklik talak* model. This research is expected to provide a theoretical contribution by advancing a more gender-responsive Islamic family law discourse. Furthermore, it aims to offer practical benefits by serving as a policy recommendation for stakeholders, such as legislators and the Ministry of Religious Affairs, in the endeavor to create a more just and balanced marriage law system.

METHOD

This study employs a normative juridical legal research method with a prescriptive-analytical nature (Qamar & Rezah, 2020). This approach was chosen based on the study's focus, which centers on the analysis of principles, norms, doctrines, and the synchronization of legislation, or law in the ideal (*das sollen*), rather than on empirical realities in society, or law in reality (*das sein*). The prescriptive-analytical nature is utilized because this research does not merely aim to describe the legal standing of *sighat taklik talak*. It also critically analyzes its incongruity with the principle of gender justice and subsequently proposes remedial solutions or the law as it ought to be (*ius constituendum*) to achieve more balanced legal protection.

To comprehensively address the research problems, a multi-faceted approach consisting of several pillars is employed. *First*, the statute approach is applied to meticulously examine the content, consistency, and hierarchy of related regulations. *Second*, the conceptual approach is used to deconstruct and comprehend the essential meanings of key concepts such as 'gender justice', 'legal protection', and 'agreement', which form the theoretical foundation for the analysis. *Third*, the historical approach is utilized to trace the philosophical and juridical evolution of *taklik talak* from the classical period to its institutionalization in Indonesian positive law, in order to understand its formative context. *Lastly*, the comparative approach is used to compare the concept of *taklik talak* in Islamic jurisprudence (*fiqh*) with its implementation in Indonesia, as well as to distinguish it from the concept of marital agreements in civil law.

The data sources for this research are derived entirely from secondary data, which are classified into three categories of legal materials (Sampara & Husen, 2016). Primary legal materials comprise binding laws and regulations, namely the 1945 Constitution, Law Number 1 of 1974¹, the Compilation of Islamic Law, and the Civil

¹Law Number 1 of 1974, as amended by Law Number 16 of 2019.

Code. Secondary legal materials include all relevant scholarly publications, such as textbooks, legal journals, previous research findings, and academic articles discussing Islamic marriage law and gender justice. Meanwhile, tertiary legal materials, such as legal dictionaries and encyclopedias, are used as supplementary resources to provide explanations for technical terms. All these legal materials were systematically collected through library research.

The collected legal materials were analyzed qualitatively using legal interpretation methods (Irwansyah, 2020). Specifically, systematic interpretation was used to understand the norm of *taklik talak* in relation to other legal norms within a cohesive legal system, particularly concerning the principle of equality before the law as enshrined in the constitution. Subsequently, teleological interpretation was applied to explore the underlying purpose and benefits (*maslahah*) of the *taklik talak* norm, considering both its historical objective and its relevance to modern legal goals. This analytical process culminates in the formulation of a logical and coherent legal argument to demonstrate the discrepancy between the existing norm and the principle of gender justice. Through this method of analysis, the research will yield conclusions that directly answer the research objectives and lay a solid foundation for the proposed legal reform recommendations.

RESULTS AND DISCUSSION

A. The Position of *Sighat Taklik Talak* in Islamic Law and Civil Law

Conceptually, *taklik talak* is a legal construct composed of two Arabic terms: *ta'liq*, meaning to suspend or to condition, and *thalaq*, meaning the release of a bond or divorce (Rasjid, 2012). In Islamic legal doctrine (*syara'*), *thalaq* is defined explicitly as the definitive termination of the marital bond that ends the husband-wife relationship (Tihami & Sahrani, 2009). Thus, *taklik talak* terminologically refers to a pronouncement of divorce that is contingent upon the occurrence of a future event or the fulfillment of a specific condition. As concluded from the book *al-Fiqh al-Manhaji*, the essence of *taklik talak* is the occurrence of divorce from the husband to the wife, which is triggered by the fulfillment of a pre-determined condition, whether that condition relates to an act by the wife or another party (Abrahman et al., 2024).

Although rooted in the classical Islamic legal tradition, the implementation of *taklik talak* in Indonesia has undergone a fundamental paradigm shift. In classical *fiqh* texts, *taklik talak* was often positioned as a cautionary instrument from a husband towards a wife who was feared to commit insubordination (*nusyuz*). In contrast, the practice in Indonesia, institutionalized through a text

provided by the Office of Religious Affairs, has transformed *taklik talak* into a pledge of commitment from the husband to refrain from actions detrimental to the wife (Ramulyo, 1996; Tihami & Sahrani, 2009). Another crucial difference lies in its legal consequences. While in classical *fiqh* the violation of the condition automatically (*ipso jure*) effectuates the divorce (Mukhtar, 1993), positive law in Indonesia requires the wife to submit a divorce lawsuit to the Religious Court. This petition must be accompanied by the payment of a redemption fee (*iwadh*) as a condition for the divorce to be granted (Pratiwi, 2020).

Within the national legal system, the Compilation of Islamic Law serves as the primary juridical foundation governing *taklik talak*. Article 45 of the Compilation of Islamic Law explicitly recognizes *taklik talak* as a form of valid marital agreement, provided its content does not contradict Islamic law. Furthermore, Article 46 of the Compilation of Islamic Law affirms that although its pronouncement is voluntary, once pledged, the agreement becomes binding and cannot be revoked by the husband (Harahap & Siregar, 2022). It is reinforced by the view of classical scholars like Syaikh Zainuddin Al-Malibari in *Fathul Mu'in*, who permitted the practice of a divorce suspended on a condition and considered it effective upon the fulfillment of that condition (Izzati et al., 2024). Thus, the Compilation of Islamic Law grants a clear legal status to *taklik talak* as a conditional agreement within the realm of Islamic marriage law in Indonesia.

However, the position of *taklik talak* as an agreement becomes problematic when juxtaposed with the national civil law framework, particularly the Civil Code. Article 1313 of the Civil Code defines an agreement as an act by which one or more persons bind themselves to one or more other persons. This definition implies the elements of consensus and reciprocity. In practice, however, the *sighat taklik talak* is a unilateral statement pronounced by the husband shortly after the marriage ceremony. It is not the result of prior negotiation or mutual agreement. This misalignment creates significant legal ambiguity, placing *taklik talak* in a unique (*sui generis*) position that does not fully conform to the conception of an agreement under general contract law.

A deeper analysis of the conditions for a valid agreement, as stipulated in Article 1320 of the Civil Code, further highlights the juridical anomaly of *taklik talak*. The condition concerning the capacity of the parties is met, as the husband is considered legally competent. The condition of a specific subject matter is also met, as its object—a promise not to commit specific acts—is clear. Likewise, the condition of a lawful cause (*causa*) is fulfilled; its purpose of protecting the wife is not contrary to law or public order (Hadi, 2023).

Table 1. Relevance of *Sighat Taklik Talak* to the Conditions of Article 1320 of the Civil Code

| Condition under Article 1320 of the Civil Code | Relevance to <i>Sighat Taklik Talak</i> | Explanation |
|--|---|---|
| Consent of the parties | Not Fulfilled | Consent must occur voluntarily without any duress, mistake, or fraud, in accordance with the provisions of Article 1321 of the Civil Code. The <i>taklik talak</i> is a unilateral agreement pronounced by the husband to the wife. In fact, something can only be considered an agreement if the parties mutually bind themselves to one another, as stipulated in Article 1313 of the Civil Code. |
| A specific subject matter | Fulfilled | The husband who pronounces the <i>taklik talak</i> is considered legally competent as long as he is an adult (19 years old according to Law Number 16 of 2019), of sound mind, and not under guardianship. |
| Capacity of the parties | Fulfilled | The object of the agreement is clear, consisting of a promise of divorce that is contingent upon specific conditions—for example, abandoning the wife for two consecutive years, failing to provide mandatory maintenance for 3 months, causing physical harm, and neglecting (disregarding) the wife for 6 months or more. |
| A lawful cause | Fulfilled | The purpose of <i>taklik talak</i> is to protect the wife from the husband's arbitrary actions; therefore, it is considered to have a lawful cause and does not conflict with public order. |

Source: Secondary Data Processing, 2025.

The primary problem lies with the first and most fundamental condition: the consent of those who bind themselves. Article 1321 of the Civil Code stipulates that consent is invalid if given due to mistake, duress, or fraud. The standardized and ceremonial recitation of the *sighat taklik talak* post-ceremony often leaves no room for the formation of authentic and voluntary consent from both parties. The wife is positioned to receive the declaration, not as a party that participates in formulating its content. This unilateral characteristic fundamentally contradicts the essence of consent, which is the cornerstone of every agreement in civil law. Therefore, its validity as an agreement is, theoretically, debatable.

This conceptual difference becomes even clearer when *taklik talak* is compared with the marital agreement regulated in Article 29 of Law Number 1 of 1974. The marital agreement in that article is designed as a bilateral agreement, made in writing before or at the time of the marriage, and ratified by a Marriage Registrar (Putri & Salma, 2024). Its content can vary according to the parties' consensus, as long as it does not violate the boundaries of law, religion, and morality (Khair & Adawiyah, 2024). In contrast, *taklik talak* is pronounced after the ceremony, is unilateral in nature, and its content is standardized according to Minister of Religious Affairs Regulation Number 2 of 1990. The use of the phrase "at any time" in the *sighat taklik talak* text also indicates its nature as a suspended

promise rather than an immediately effective obligation, unlike a typical marital agreement (Sukatma et al., 2021).

Based on this analysis, it can be concluded that the legal position of *sighat taklik talak* is hybrid and ambiguous. On one hand, it is recognized as an agreement by the Compilation of Islamic Law; on the other, it does not fully meet the qualifications of an agreement under civil law. This juridical ambiguity and unilateral nature serve as the point of departure for an analysis of gender justice. When a legal instrument grants the right to make a binding conditional promise solely to one party (the husband), while positioning the other party (the wife) as a passive recipient, it inherently creates an imbalanced power relation structure. This imbalance is the root of gender injustice in its practice, which will be further analyzed in the next section.

B. A Gender Justice Perspective on the Practice of *Sighat Taklik Talak* in Indonesia

An analysis of the *sighat taklik talak* practice requires the use of a gender justice lens as the primary analytical framework. Gender, in this context, must be understood not merely as a biological difference but as a socio-cultural construct that assigns different roles, functions, and responsibilities to men and women (Narwoko & Suyanto, 2004). This construction-based differentiation becomes problematic when it gives rise to injustice, which manifests in various forms such as marginalization, subordination, negative stereotyping, and violence (Rahman & Jannah, 2023). Gender-insensitive legal regulations have the potential to institutionalize and perpetuate such injustices, creating a system that structurally benefits one party over the other.

In contemporary Islamic legal thought, the idea of gender justice finds a strong theological and philosophical foundation. Thinkers like Fakihi (1996), for example, argue that the essence of Islamic teachings is the liberation of humanity from all forms of oppression, including gender-based oppression (Arbain et al., 2015). From this perspective, gender justice is a prerequisite for creating a just and inclusive social order where the rights and obligations between men and women are positioned equally and in balance. Therefore, every legal product, including family law, must be continuously tested and critiqued to ensure its alignment with the spirit of justice and the higher objectives of Islamic law (*maqashid al-syari'ah*).

When juxtaposed with the supreme legal norm in Indonesia, the unilateral nature of the *sighat taklik talak* practice reveals a fundamental friction. Article 28D section (1) of the 1945 Constitution explicitly guarantees the right of every person to recognition, guarantees, protection, and fair legal certainty, as well as equal

treatment before the law. This constitutional norm is a fundamental principle that must inform all subordinate legal products. The exclusive right granted to the husband to pronounce the *taklik talak*, as regulated in Article 1 point e of the Compilation of Islamic Law, is *prima facie* inconsistent with this principle of equality before the law. This regulation creates legally legitimized gender-based discrimination, where the wife is not afforded an equivalent right and protection mechanism.

Using a historical approach, it is understandable that the institutionalization of *taklik talak* in Indonesia was indeed based on a spirit of protection for the wife, a practice that has been in place from the Mataram era to the post-independence period (Nasution, 2008; Suharto, 2019; Kudzalifah, 2022). However, this protective spirit, if left uncritiqued, can become trapped in a paternalistic paradigm that implicitly perpetuates subordination. Such a paradigm positions the wife as the weaker, passive party and a perpetual potential victim in need of the husband's protection. This outlook is no longer entirely relevant to contemporary social dynamics, where spousal relations are increasingly moving towards a pattern of equal partnership. Perpetuating a unilateral protection model means ignoring social development and maintaining an obsolete legal structure.

Furthermore, the argument that *taklik talak* serves as compensation for the husband's prerogative right of talaq requires critical analysis. Although classical *fiqh* recognizes talaq as the husband's right (Harmanto, 2021), state intervention through Law Number 1 of 1974 and the Compilation of Islamic Law has transformed this right. It has shifted from a private matter to a controlled public domain, where a talaq must be filed and decided before a court hearing (Damanik, 2020). Paradoxically, while the husband's right of talaq has been constrained by strict legal procedures, there is no explicit legal instrument designed to protect the husband from potential breaches of commitment by the wife that could lead to divorce. A legal vacuum exists here: the husband's right of talaq is regulated, yet there is no commensurate reciprocal protection mechanism equivalent to the *taklik talak* available to the wife.

Modern social realities demonstrate that the potential for breaching marital obligations is not unilateral but reciprocal. Not only husbands but also wives can potentially commit acts detrimental to the household's integrity, such as the neglect of non-economic duties, infidelity, or even domestic violence against the husband (Rahim, 2025). The impact of such actions is also experienced by men (Sukatma et al., 2021). Given the complexity of current household dynamics, maintaining a regulation that provides a protective instrument to only one party is a form of denial of reality and perpetuates injustice. Justice demands that legal protection

mechanisms be available to anyone who is potentially harmed, regardless of gender (Rimi, 2023).

From the perspective of justice theory, this situation violates the principle of commutative justice, which demands equal treatment for every individual before the law (Zahri, 2023). Providing a special legal instrument to one party while denying it to the other constitutes unequal treatment. It also misaligns with the classical justice adage from Ulpian, “to render to every person what is their due” (*suum cuique tribuere*). In this context, the right to fair and balanced legal protection should belong to both husband and wife. The absence of tangible legal protection for the husband within the *taklik talak* framework also weakens the principle of legal certainty—a principle emphasized by thinkers like Radbruch (1961) and Marzuki (2016)—by creating a grey area in the protection of legal subjects’ rights.

Therefore, legal reform of the *sighat taklik talak* practice becomes an imperative. Legal development, as emphasized by Kusumaatmadja (1976), must function as a tool for social engineering, capable of guiding social change toward a better and more just order (Pelu & Tarantang, 2021). Retaining the unilateral *taklik talak* norm means allowing the law to lag behind the evolution of public consciousness regarding the importance of gender justice. A bold reconceptualization is required to transform *taklik talak* from a unilateral protective instrument into a reciprocal protection agreement—one that can be pledged by either the husband or the wife—to realize the principle of equality and substantive justice within the institution of marriage in Indonesia.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the legal position of *sighat taklik talak* in the Indonesian legal system is ambiguous and problematic. Juridically, it is recognized as a marital agreement by the Compilation of Islamic Law, yet conceptually, it contradicts the principle of consensualism in general contract law. More fundamentally, the unilateral practice of *sighat taklik talak*, where the right of pronouncement is held exclusively by the husband, has created a structural imbalance. This imbalance engenders gender injustice and directly conflicts with the constitutional norm of equality before the law. This practice is also no longer aligned with modern social dynamics that demand an equal partnership in spousal relations.

The implication of these conclusions necessitates concrete and targeted remedial measures. Maintaining the status quo means perpetuating a discriminatory and unresponsive legal norm. Therefore, legal reform of the *sighat taklik talak* regulation is no longer merely a discourse; it has become a juridical imperative to

realize a just marriage law system. Such a system must provide equal legal protection and guarantee legal certainty for both parties, husband and wife alike.

As a follow-up, several recommendations are formulated. Policy recommendations are directed at stakeholders in the legislative and executive branches, specifically Commission VIII of the House of Representatives of the Republic of Indonesia and the Ministry of Religious Affairs. It is recommended to promptly initiate an amendment process, particularly for Article 1 point e, Article 45, and Article 46 of the Compilation of Islamic Law. The objective of this amendment is to transform the *sighat taklik talak* from a unilateral pledge into a reciprocal agreement that can be mutually consented to and pledged by both husband and wife on equal terms, with clauses that protect the interests of both parties.

Furthermore, academic recommendations are also proposed for legal researchers and gender studies advocates. Further in-depth research is needed to draft a comprehensive Academic Paper that will serve as the scholarly foundation for the proposed amendment to the Compilation of Islamic Law. Conducting socio-legal research is also crucial to map the perceptions and acceptance levels among the public, religious leaders, and legal practitioners at the Religious Courts regarding the idea of a reciprocal *taklik talak*. Comparative legal studies with other countries that have undertaken progressive family law reforms can also enrich the discourse and provide alternative models adaptable to the Indonesian context.

REFERENCES

- The 1945 Constitution of the Republic of Indonesia. <https://www.dpr.go.id/dokumen/jdih/undang-undang-dasar>
- Abrahman, M. I., Dzulraidi, D. H., Roslan, M. A., & Ramli, S. (2024). Konsep dan Aplikasi Taklik Talak di Terengganu: Analisis dari Perspektif Maqasid Al-Shariah. *Jurnal 'Ulwan*, 9(2), 170-189. Retrieved from <https://www.unimel.edu.my/journal/index.php/julwan/article/view/1832>
- Arbain, J., Azizah, N., & Sari, I. N. (2015). Pemikiran Gender Menurut Para Ahli: Telaah atas Pemikiran Amina Wadud Muhsin, Asghar Ali Engineer, dan Mansour Fakih. *Sawwa: Jurnal Studi Gender*, 11(1), 75-94. <https://doi.org/10.21580/sa.v11i1.1447>
- Arianto, A., & Laili, A. M. (2022). Shigat Ta'lik Talak Perspektif Gender. *Jurnal Ilmu Hukum*, 1(1), 16-30. Retrieved from <https://jurnal.iaih.ac.id/index.php/JURIH/article/view/331>
- Baihaqi, A. (2021). Hak Istri dalam Taklik Talak di Tinjau dari Perspektif Hukum Islam. *Khuluqiyya: Jurnal Kajian Hukum dan Studi Islam*, 3(2), 74-97. <https://doi.org/10.56593/khuluqiyya.v3i2.66>

- BPS. (2025, January 30). *Nikah dan Cerai Menurut Provinsi (Kejadian)*, 2024. Central Bureau of Statistics of the Republic of Indonesia. <https://www.bps.go.id/id/statistics-table/3/vkhwwvsztxjpvmq2zfrkamnizg9rmvo2vedsbvvumdkjmw==/nikah-dan-cerai-menurut-provinsi.html>
- Colonial Regulations, *Staatsblad* Number 23 of 1847 on the *Burgerlijk Wetboek voor Indonesie*/the Civil Code. <https://jdih.mahkamahagung.go.id/legal-product/kita-undang-undang-hukum-perdata/detail>
- Damanik, D. (2020). *Formulasi Hak Prerogatif Suami untuk Menjatuhkan Talak Berdasarkan UU No. 1 Tahun 1974, Kompilasi Hukum Islam dan Mazhab Syafi'i* [Master Thesis, Universitas Islam Negeri Sumatera Utara Medan]. Repository UIN Sumatera Utara. <https://repository.uinsu.ac.id/8649>
- Dewi, M. B. K., & Arifin, R. (2019). Emancipation and Legal Justice; Portrait of Women's Legal Protection in Indonesia. *Jurnal Cita Hukum*, 7(1), 101-114. <https://doi.org/10.15408/jch.v7i1.10261>
- Fakih, M. (1996). *Analisis Gender & Transformasi Sosial*. Pustaka Pelajar.
- Gadjong, A. A. (2023). Legal Consequences of Violating the Endogamy Marriage System in Indonesia: A Study of Legislation. *SIGn Jurnal Hukum*, 5(1), 141-154. <https://doi.org/10.37276/sjh.v5i1.229>
- Hadi, A. I. (2023). Akibat Hukum Perjanjian Perkawinan bagi Umat Islam dalam Perspektif Syarat Sahnya Perjanjian. *An-Nahdliyyah: Jurnal Studi Keislaman*, 2(1), 38-61. <https://doi.org/10.70502/ajsk.v2i1.60>
- Harahap, R. I., & Siregar, R. S. (2022). Kedudukan dan Urgensi Shighat Taklik Talak Perspektif Ketentuan KHI dan Hukum Fiqh Klasik: Analisis Wacana Kritis Anti-Tesis. *Tasyri': Journal of Islamic Law*, 1(2), 351-396. <https://doi.org/10.53038/tsyr.v1i2.28>
- Harmanto, A. (2021). Pergeseran Konsep Talak dari Kitab Fikih ke Peraturan Perundang-Undangan Indonesia: Perspektif Sosiologi Hukum Islam. *Hukumah: Jurnal Hukum Islam*, 4(1), 121-134. Retrieved from <https://ojs.staituankutambusai.ac.id/index.php/hukumah/article/view/299>
- Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Mirra Buana Media.
- Izzati, N., Efrinaldi, Sulfinadia, H., & Shalihin, R. R. (2024). Analisis Kesetaraan Gender dalam Praktik Taklik Talak di Maroko dan Indonesia. *An Nisa'*, 17(2), 70-85. <https://doi.org/10.30863/an.v17i2.6790>
- Khair, A., & Adawiyah, R. (2024). Perjanjian Perkawinan pada Masyarakat Suku Dayak Ngaju Ditinjau dari Hukum Positif: Marriage Agreements in the Dayak Ngaju Community from the Perspective of Positive Law. *Anterior Jurnal*, 23(3), 121-127. <https://doi.org/10.33084/anterior.v23i3.7965>

- Kudzalifah, R. (2022). *Urgensi Sighat Taklik Talak Sebagai Perlindungan Hak-Hak Istri Perspektif Gender (Studi Kasus Kantor Urusan Agama Kecamatan Mranggen Kabupaten Demak)* [Bachelor Thesis, Universitas Islam Sultan Agung]. Unissula Repository. <https://repository.unissula.ac.id/27666>
- Kusumaatmadja, M. (1976). *Hukum, Masyarakat dan Pembinaan Hukum Nasional: Suatu Uraian tentang Landasan Pikiran, Pola dan Mekanisme Pembaharuan Hukum di Indonesia*. Fakultas Hukum, Universitas Padjadjaran.
- Larasati, A. M., & Ayu, N. P. (2020). The Education for Gender Equality and Human Rights in Indonesia: Contemporary Issues and Controversial Problems. *The Indonesian Journal of International Clinical Legal Education*, 2(1), 73-84. <https://doi.org/10.15294/ijicle.v2i1.37321>
- Law of the Republic of Indonesia Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 1974 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 3019). <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/742>
- Law of the Republic of Indonesia Number 16 of 2019 on Amendment to Law Number 1 of 1974 on Marriage (State Gazette of the Republic of Indonesia of 2019 Number 186, Supplement to the State Gazette of the Republic of Indonesia Number 6401). <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1753>
- Mangarengi, A. A., & Hamzah, Y. A. (2021). The Position of the Marriage Law on Interfaith Marriages Abroad. *SIGn Jurnal Hukum*, 3(1), 65-83. <https://doi.org/10.37276/sjh.v3i1.127>
- Marzuki, P. M. (2016). *Penelitian Hukum*. Kencana Prenada Media Group.
- Mukhtar, K. (1993). *Asas-Asas Hukum Islam tentang Perkawinan*. Bulan Bintang.
- Muthoin, M. (2012). Taklik Talak dalam Perspektif Gender. *Muwazah: Jurnal Kajian Gender*, 4(2), 264-276. <https://doi.org/10.28918/muwazah.v4i2.162>
- Nabilla, H. (2021). *Taklik Talak Sebagai Perlindungan Hak-Hak Istri Perspektif Gender* [Bachelor Thesis, Institut Agama Islam Negeri Purwokerto]. Repository UIN Profesor Kiai Haji Saifuddin Zuhri. <https://repository.uinsaizu.ac.id/9722>
- Narwoko, J. D., & Suyanto, B. (Eds.). (2004). *Sosiologi: Teks Pengantar dan Terapan*. Kencana Prenada Media Group.
- Nasution, K. (2008). Menjamin Hak Perempuan dengan Taklik Talak dan Perjanjian Perkawinan. *Unisia*, 31(70), 333-342. Retrieved from <https://journal.uin.ac.id/Unisia/article/view/2700>
- Pelu, I. E. A. S., & Tarantang, J. (2021). *Hukum Perkawinan (Politik Hukum - Legislasi Rancangan Qanun Aceh)*. K-Media.

- Pratiwi, Y. M. (2020). *Pelaksanaan Pengucapan Sighat Taklik Talak Pada Waktu Upacara Akad Nikah di Kantor Urusan Agama Kecamatan Tampan* [Bachelor Thesis, Universitas Islam Negeri Sultan Syarif Kasim Riau]. UIN Suska Riau Repository. <https://repository.uin-suska.ac.id/26459>
- Putri, W. A., & Salma, S. (2024). Perjanjian Perkawinan dalam Perspektif Hukum Islam: Instrumen Menuju Keluarga Bahagia dan Harmonis. *Al-Mawarid Jurnal Syariah dan Hukum (JSYH)*, 6(2), 261-277. Retrieved from <https://journal.uui.ac.id/JSYH/article/view/34679>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn).
- Radbruch, G. (1961). *Einführung in die Rechtswissenschaft*. K.F. Kohler.
- Rahim, D. (2025). The Dialectic of Ishlah Principle: Contextualizing Reconciliation on the Dominant Factors of Divorce. *SIGn Jurnal Hukum*, 7(1), 406-420. <https://doi.org/10.37276/sjh.v7i1.484>
- Rahman, M., & Jannah, M. (2023). Keadilan Gender dalam Pengaturan Hukum Perkawinan di Indonesia. *Gorontalo Law Review*, 6(2), 273-281. Retrieved from <https://jurnal.unigo.ac.id/index.php/golrev/article/view/2744>
- Ramulyo, M. I. (1996). *Hukum Perkawinan Islam: Suatu Analisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam*. Bumi Aksara.
- Rasjid, S. (2012). *Fiqh Islam*. Sinar Baru Algensindo.
- Regulation of Minister of Religious Affairs of the Republic of Indonesia Number 3 of 1975 on the Obligations of the Marriage Registrar Officer and the Work Procedures of the Religious Court in Implementing Marriage Laws and Regulations for Muslims.
- Regulation of Minister of Religious Affairs of the Republic of Indonesia Number 2 of 1990 on the Obligations of the Marriage Registrar Officer.
- Rimi, A. M. (2023). The Position of Premarital Property and Joint Property after Divorce: A Study of Premarital Agreement. *SIGn Jurnal Hukum*, 4(2), 376-387. <https://doi.org/10.37276/sjh.v4i2.226>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.
- Shodikin, A., Ubaidillah, U., & Syaripuddin, M. A. (2021). Sighat Taklik Talak Ditinjau dari Hukum Perjanjian. *Mahkamah: Jurnal Kajian Hukum Islam*, 6(2), 181-195. <https://doi.org/10.24235/mahkamah.v6i2.9149>
- Suharto, M. (2019). Studi Sejarah Taklik Talak di Indonesia. *Khuluqiyya: Jurnal Kajian Hukum dan Studi Islam*, 1(1), 1-15. <https://doi.org/10.56593/staia.v1i1.15>

- Sukatma, S. P., Ardhya, S. N., & Setianto, M. J. (2021). Analisis Wacana Kritis: Tinjauan Yuridis Mengenai Urgensi Sighat Taklik Talak dalam Perkawinan Islam di Indonesia. *Jurnal Komunitas Yustisia*, 4(2), 283-289. Retrieved from <https://ejournal.undiksha.ac.id/index.php/jatayu/article/view/38080>
- The Supreme Court of the Republic of Indonesia. (2011). *Compilation of Islamic Law*. <https://perpustakaan.mahkamahagung.go.id/assets/resource/ebook/23.pdf>
- Suryadin, S., Arkiang, B. S., Yumansyah, D., & Zuhrah, Z. (2025). The Position of Daughters in Sunni and Shia Inheritance Law: A Study of Justice and Implementation in West Nusa Tenggara. *SIGn Jurnal Hukum*, 7(1), 301-318. <https://doi.org/10.37276/sjh.v7i1.447>
- Tihami, T., & Sahrani, S. (2009). *Fikih Munakahat: Kajian Fikih Nikah Lengkap*. Rajawali Pers.
- Zahri, A. (2023, February 8). *Keadilan Gender dalam Perspektif Islam dan Peraturan Perundang-Undangan Bidang Perkawinan*. Direktorat Jenderal Badan Peradilan Agama. <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/keadilan-gender-dalam-perspektif-islam-dan-peraturan-perundang-undangan-bidang-perkawinan-oleh-h-a-zahri-s-h-m-hi-8-2>