

Application of Sharia Principles in Religious Court Decisions in Divorce

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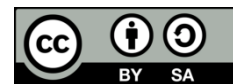
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ABSTRACT

The process of applying sharia principles to divorce decisions made by religious courts entails interpreting Islamic law and applying humanitarian and just considerations. This study finds that religious court judges apply the maqasid shariah principles particularly *hifz nafs* and *hifz nasl* in adjudicating divorce cases, especially those involving domestic violence or neglect. In addition, challenges and considerations in applying these sharia principles in handling divorce cases will also be discussed, as well as efforts to ensure that religious court decisions are in accordance with the values of applicable Islamic law and provide justice for all parties involved.

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1. Introduction

In a legal system based on Islam, the application of sharia principles plays a central role in upholding justice, especially in the context of religious court decisions on divorce cases. Sharia principles provide a comprehensive and moral framework for dealing with complex issues related to marital separation.

In essence, sharia principles offer rules about the responsibilities and rights of men, wives, and families in a marriage, along with equitable methods for settling divorce cases. In this context, religious court rulings become an important mechanism for enforcing these principles in everyday legal practice.

However, implementing sharia principles in religious court decisions particularly in Indonesia presents complex challenges, such as reconciling textual legal sources with real-life social dynamics, including domestic violence and neglect. It also involves a careful interpretation of Islamic legal texts and their application to the concrete situation faced by the parties involved.

Within this framework, the study of the application of sharia principles in religious court decisions in divorce cases is important to understand how religious values are considered and implemented in the context of modern law. Therefore, a comprehensive strategy that considers legal, moral, and humanitarian factors is essential to guaranteeing justice and the well-being of all parties engaged in the divorce process.

In this paper, we will explore various aspects of the application of sharia principles in religious court rulings in divorce cases, taking into account the challenges and opportunities that exist in the ever-evolving modern legal context. It is hoped that this discussion can provide in-depth and balanced insight into the dynamics involved in resolving divorce cases in the sharia-based legal system.

The application of sharia principles in religious court decisions, especially in divorce cases, plays an important role in ensuring justice and welfare for the parties involved. A good introduction to this topic will cover some important points:

1. General Introduction to Islamic Law: An overview of Islamic law as the foundation for sharia principles in relation to family law, including divorce. It includes Islamic sources of law such as the Qur'an, Hadith, Ijma, and Qiyas.
2. Purpose of Sharia Principles in Divorce: Explain that Sharia principles in divorce aim to achieve justice, justice, and welfare for all parties involved, including husbands, wives, and children.
3. Values Emphasized: Highlighting values such as loyalty, mutual understanding, peace, and justice that are grounded in sharia principles applied in divorce cases.
4. Authority and Legal Process: Describe how religious courts have the power to handle divorce cases and legal proceedings that follow sharia principles, such as mediation, divorce filing procedures, and legal concerns.
5. Considerations in the Decision: Highlight the factors considered in the religious court decision, such as the rights of husband, wife, and children, family needs, and the principles of justice according to sharia.
6. Openness and Opportunity for Parties Involved: Emphasizes the importance of openness and opportunities for husbands, wives, and children to express their views in legal proceedings, as well as the right to equal protection and justice before the law.
7. Hope for Reconciliation and Peaceful Settlement: Emphasizing the importance of reconciliation and peaceful settlement in divorce cases in accordance with Islamic teachings, as well as Efforts to minimize conflicts and losses that may arise.
8. The Role of Islamic Societies and Institutions: Underlining the role of Islamic societies and institutions in supporting a fair legal process and resolving family conflicts in a manner that is in accordance with sharia principles.

A comprehensive introduction like this will provide a solid understanding of the importance of applying sharia principles in religious court decisions in divorce cases as well as how these principles are integrated in the legal process.

2. Methods

This research adopts a qualitative-descriptive approach, analyzing Religious Court decisions following the Supreme Court's jurisprudence. This study applies Jasser Auda's contemporary maqasid al-shariah framework to evaluate how judicial reasoning aligns with the five fundamental objectives: hifz al-din, hifz al-nafs, hifz al-aql, hifz al-nasl, and hifz al-maal. Legal documents, including Religious Court decisions that serve as primary data. Using sources such as books, journals and research articles, it is possible to gain rich insights into relevant theories and then analyze them carefully. This approach allows researchers to construct a comprehensive and in-depth picture of the topic being studied, as well as present findings in detail and detail. As such, this approach is very useful in generating a deeper understanding and broader perspective on complex research topics.

3. Results and Discussion

3.1 Religious Court Decisions in Divorce Cases

Supreme Court Considerations, Impact on PA Decisions, Ultra Petita Principle) to help readers navigate the content and follow the logical flow because it has been proven that there has been a conversion of religion of one of the married couples. The Supreme Court considered the granting of talak raj'i permits to be more appropriate for reasons in accordance with the posita and petitum of the application. The author found that eleven decisions of the Religious Court after the two Supreme Court rulings still impose fasakh if it has been proven that one of the married couples has converted to religion even though it is not used as a reason for divorce and is not requested by the party in the petition.

An explanatory and qualitative approach is employed to analyze the legal considerations of the Religious Court's eleven rulings. The author's study's findings demonstrate that judges' opinions about the use of fiqh schools in decisions, the application of the ultra petita principle with the ex aequo et bono principle, and judges' opinions about judges' independence and jurisprudential compliance all have an impact on their considerations. Islamic law regulates all aspects of human life, including marriage, divorce. Marriage and Divorce are two things that often happen in society. Marriage occurs because of the relationship to build a household while divorce occurs because it feels that the rights are violated by one of the parties that can no longer be compromised or it can be said that happiness for the couple can no longer be realized, there is only suffering, disharmony, and sadness. The decision issued by the judge will certainly have an impact on the parties who lied in court. Whether the decision has been fair (in accordance with Islamic law) and also whether it has provided benefits for the parties. Therefore, the researcher will explain the following.

In terms of the advantages of the parties to the Bengkulu Religious Court Number 1098/Pdt.G/2021/PA. Bn ruling, the judge has prioritized justice over lust in accordance with Islamic law, as indicated by the verses already discussed. For the benefit of the parties, the judge has considered that if this marriage continues, it will cause unwanted things so that it will damage the minds of the parties who cannot realize the harmonious family. So in this, as stated by as-Syatibi. Furthermore, if the marriage that is supposed to be peaceful, but the happy life in it can no longer be realized, it will result in an unhealthy marriage and have an impact on the child who is the victim of the disharmonious marriage. Therefore, according to the researcher, to keep their feelings so that it does not have an impact on their children, the judge still accepts the case so that the problem can be resolved. With the decision that has been determined by the Judges of the Bengkulu Religious Court, the benefits and benefits for the parties will be felt, including for their children.

Post-divorce well-being can still be achieved by both parties, albeit separately, as long as justice and mutual respect are maintained. The parties' concerns over the ruling in the talaq divorce case Number 1098/Pdt.G/2021/PA are explained in the lengthy text above. According to Islamic law, Bn has been in compliance with the Law of Allah, Islamic law, and Sharia's objectives.

Islamic law revealed by Allah SWT aims to prevent damage to humans and bring benefits to them, directs to truth, justice and policy and explains the path that must be taken. In this case, it rests on five main priorities referred to as maqasid asy-shari'ah, namely maintaining religion, soul, intellect, descendants and property based on the Qur'an which is universal and dynamic. In other words, the purpose of Islamic sharia is for the benefit of human life, both spiritual and physical, individual and group (Sadiani, 2016). The marriage is declared dissolved if one of the parties dies or if there is a divorce. The reasons for divorce are not the same in all regions, but in general, the reasons for divorce are: not having children, disability, adultery, persecution, disputes either between husband and wife or between relatives concerned, and not providing

support (Syahuri, 2013). Marriage is defined as a contract that, due to the husband's bond, legalizes a man and woman's association (Nurpaiz et al., 2020). Every person on the planet aspires to have a happy, prosperous, and peaceful life with their spouse, linked by a lawful marriage. Humans in essence need marriage to meet the biological needs of both men and women (Somantri, Dahwadin, 2018) The marriage law does not prohibit divorce if it is really unavoidable, it must also be carried out properly in front of a court hearing. Such a divorce is a new thing in Indonesian society, where previously the right of divorce was completely in the hands of the husband whose implementation could be done at will. This kind of implementation is really very concerning for the wife, usually the husband after divorcing his wife does not pay attention to the rights of his wife and children at all (Manan, 2008).

3.2 Divorce Conflict

A divorce conflict is a situation in which a married couple experiences significant difficulties in their relationship and decides to officially separate. Such conflicts can arise from a variety of factors, including differences in values, misaligned life goals, infidelity, financial problems, poor communication, and differing views on roles in relationships. Here are some examples of divorce conflicts that often arise:

1. **Poor Communication:** Ineffective or even aggressive communication between spouses can exacerbate divorce conflicts. The inability to listen to each other or understand each other's views can complicate the problem-solving process.
2. **Financial Issues:** Disputes over money are often the main trigger for conflict in a marital relationship. Differences in spending styles, financial responsibilities, or debt issues can cause significant tension.
3. **Infidelity:** Infidelity or other infidelity can destroy trust in a marital relationship and is often a direct trigger for divorce.
4. **Differences in Values and Goals:** Mismatches in basic values, beliefs, or life goals often make couples feel unable to communicate or move forward together.
5. **Parental Conflict:** When a couple has children, conflicts about parenting, education, or other important decisions related to children can trigger divorce.
6. **Mental or Physical Health Issues:** Mental or physical health issues of one or both spouses can also lead to significant conflict in the relationship and even complicate the divorce process.

It's important to remember that every divorce situation is unique, and the above factors may be present in a variety of combinations and severity. Seeking professional help, such as a marriage counselor or mediator, can often help couples better navigate divorce conflicts.

3.3 Divorce Analysis

1. Definition of Divorce

Divorce is defined as the dissolution of the marriage legislation, which means that the couple is no longer able to live together in a household and are no longer in a position of being husband and wife. In the Indonesian language, divorce is defined as separation, disassociation as husband and wife, or the severing of marital ties. This is how most people perceive the term "divorce". Divorce is not an agreement therefore; marital divorce should not be based on the existence of an agreement to divorce.

Divorce is an emergency or the last alternative that can be chosen to resolve disputes in marriage. (Dr.Djoko, 2016): Only one of the multiple legal grounds listed in Law No. 1 of 1974's Article 39, paragraph (2), which are detailed in Article 19 of Government Regulation

No. 9 of 1975, may be used to carry out a divorce. So, juridically, the legal reasons for divorce are alternative, in the sense that a husband and wife can file a divorce lawsuit just for one of the legal reasons only. In addition, enumerative, in the sense of interpretation, elaboration and application of the law in a more concrete manner about each legal reason for divorce is the authority of the judge in court.

2. Causes of Domestic Violence

Women today have no space left to feel safe. The family, which is considered a place to achieve happiness and feel safe, is actually a place of torture for those who experience violence by their husbands. In the household, tension and conflict are common. Disagreements, debates, quarrels, and even cursing are common things in domestic life. These events trigger disharmony among family members (Jayanti, 2009: 40). Often problems like this are still considered in the private sphere. So some people don't want to interfere in someone's household.

3. Contested Divorce Procedure

Unless the plaintiff purposefully vacates the joint residence without the defendant's consent, the wife or his lawyer files a divorce action in the court having jurisdiction over the plaintiff's residence.

If the plaintiff resides overseas, the divorce complaint is submitted to the Court that has jurisdiction over the defendant's location. If both the plaintiff and the defendant reside overseas, the action shall be submitted to the court with jurisdiction over their marriage or to the Central Jakarta Religious Court. Initially, the alteration in the Court's relative authority. If a husband submits an application to the Court at his residence, while the wife files a lawsuit at the husband's residence, then according to Article 66 paragraph (1) and Article 73 paragraph (1) of the Religious Courts Law, the case shall be transferred to the Court that encompasses the mutually agreed joint residence. Second, it is maintained and even more emphasized that there is a distinction in divorce procedures between talaq divorce and lawsuit divorce. In KHI Article 136, it is stated about the procedure for divorce in the Religious Court:

- a. During a divorce dispute, upon the request of either party and considering potential dangers, the Religious Court may let the husband and wife to reside separately.
- b. In the context of a divorce litigation initiated by either the plaintiff or defendant, the Religious Court may adjudicate the spousal maintenance obligations of the husband.
- c. Determine the things necessary to ensure the preservation of the property that belongs to the husband or the property that belongs to the wife.
- d. A divorce lawsuit is void if the husband or wife dies before the decision of the Religious Court regarding the divorce lawsuit, in accordance with KHI Article 137. During the summons process, if the defendant's residence is ambiguous or if the defendant lacks a permanent residence, the summons is executed by affixing the lawsuit to the notice board of the Religious Court and disseminating it through one or more newspapers or other mass media designated by the Religious Court. Announcements via newspapers or mass media occur twice, with a one-month interval between the first and second announcements, and a minimum three-month interval between the second announcement and the conference date. If, following a proper summons, the defendant is absent, the lawsuit may proceed in their absence unless deemed unreasonable. The judge shall conduct the examination of the divorce lawsuit no later than thirty days after receiving the divorce lawsuit file or letter.

When scheduling the divorce litigation hearing, it is essential to consider the summons's grace period and its reception by the plaintiff, defendant, or their legal representative. During the divorce trial hearing, the husband and wife either attend personally or appoint their attorney

to represent them. However, to evaluate the spouse's representation, the judge may mandate the individual's physical presence. Concerning the resolution of a divorce litigation, KHI Article 146 stipulates that: 1) The determination of the divorce lawsuit occurs in a public hearing. A divorce is deemed to have taken place, and its ramifications are recognized from the moment the Religious Court's ruling becomes legally binding.

3.4 Sharia Principles of Religious Courts in Deciding Divorce Cases

Sharia principles in religious courts in divorce cases are very important in determining how the divorce process and the division of property and child custody are carried out in accordance with Islamic teachings. Here are some important sharia principles in this regard:

1. Justice: The main principle in sharia is justice. Religious courts must ensure that all parties are treated fairly in accordance with Islamic law, without particular bias or preferences.
2. Conditions: Before divorce can be recognized, it must be ensured that all sharia requirements are met. This includes, among other things, the existence of valid sharia grounds for divorce, such as *khulu'* (divorce agreement between husband and wife), *fasakh* (divorce by a court decision), or *talaq* (divorce by the husband)
3. Property Division: Sharia has clear provisions about the division of property in divorce. This includes the wife's right to dowry and property acquired during the marriage, as well as the husband's right to fulfill financial obligations to his wife and children.
4. Children's Interests: In divorce, the best interests of the children should be the top priority. Sharia emphasizes the importance of maintaining and protecting children's rights, including custody, maintenance, and education.
5. Peaceful Approach: Although court proceedings are necessary in some cases, sharia also encourages peaceful settlement between husband and wife wherever possible. This can be through mediation or deliberation to reach an agreement that benefits both parties.

By paying attention to these principles, religious courts can ensure that the divorce process is conducted in accordance with Islamic teachings and provide justice to all parties involved.

3.5 Application of Shariah Principles in Religious Court Decisions in Divorce Cases

The use of article 116 letter (f) of the Compilation of Islamic Law (KHI) in deciding divorce cases gives the impression that religious courts can easily issue divorce judgments for the parties to the case. Although the decision is in line with the norm, it is necessary to ask whether the reason and decision are in line with the *maqasid shari'ah* of a marriage (Risman et al., 2018, p. 68). It is undeniable that the existence of KHI is a form of modernization of family law guidelines for Muslims in Indonesia (Islamy, 2019, p. 162). However, the implications of new problems from divorce cases are also urgent to be a big consideration, such as the implications for the child's mental and life issues, as well as property problems (Kasim & Semiaji, 2022).

Regarding the consideration of the judge's decision on the granting of a divorce lawsuit which is the main object of this study, in the decision it is explained that on the day of the trial, the plaintiff personally appeared before the court, while the defendant was not present and did not send his representative/attorney to appear at the hearing, even though in fact the defendant had been officially and properly summoned. The plaintiff filed a lawsuit for divorce against the defendant on the basis of a marriage agreement registered at the Office of Religious Affairs, then the case became the absolute authority of the PA, vide Article 49 of Law No. 7 of 1989 concerning PA which has been replaced by Law No. 3 of 2006 and Law No. 50 of 2009 jo Explanation of Law No. 3 of 2006 concerning Amendments to Law No. 7 of 1989 concerning

PA letter a point 8. In this case, the plaintiff has the legal persona standi in yudictio to file a lawsuit divorce application to the defendant, vide Article 14 of Government Regulation No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage to comply with the provisions of Article 82 paragraphs (1) and (4) of the Law. No. 7 of 1989 concerning the PA which has been replaced by the Law. No. 3 of 2006 and Law. No. 50 of 2009 jo. Article 31 paragraphs (1) and (2) of Government Regulation No. 9 of 1975, the Panel of Judges has tried to reconcile the plaintiff and the defendant but has not succeeded. Next, the plaintiff's lawsuit was read out in a closed hearing to the public. Based on the testimony of the witnesses, the plaintiff and the defendant already have two children aged five and three.

As for the reason for the divorce filed by the plaintiff, namely between the plaintiff and the defendant, there are often disputes and quarrels. Not only that, the defendant also likes to beat the plaintiff so that the two do not carry out each other's rights and obligations as husband and wife. The reason for this divorce is based on the provisions of as regulated in Article 19(f) of Government Regulation No. 9/1975 in conjunction with Article 116(f) KHI (hereafter referred to as GR 9/1975 jo. KHI 116). To prove the postulates of his lawsuit, the plaintiff has submitted evidence (P) and called two witnesses. Considering evidence (P) in the form of a photocopy that has been matched with the original, that is, it is appropriate and has been sufficiently sealed, then the evidence is considered and declared to have the same proof as the original as an authentic deed that has perfect and substantial evidentiary power. Considering that evidence (P) has proven the evidence about the marriage of the plaintiff and the defendant that has been recorded at the Office of Religious Affairs. With this, the evidence is proven (Divorce Decision, 2021).

As for the perspective of contemporary sharia maqasid conceptualized by Jasser Auda, the basis of divorce law considerations that refers to the polemic of marital relations in the form of continuous quarrels, even to the point of physical violence, as well as the beating carried out by the plaintiff against the plaintiff shows the existence of a dimension of sharia maqasid values in the form of hifz aql (protection of the benefit of reason) and the value of hifz nafs (protection of the benefit of the benefit of the intellect) soul). Such a conclusion is not an exaggeration. Because the dimension of the value of maqasid in the perspective of Auda can be explained by using the expansion of the scope of the value of each masimng. First, the dimension of the value of hifz aql can be seen from the basis of the judge's consideration who sees that there is no good communication on the basis of clear thinking (reason) between the plaintiff and the defendant in settling polemics that occur in their lives, so that it often causes various forms of continuous disputes and quarrels. Second, the dimension of the value of hifz nafs can be seen from the basis of the judge's consideration who saw that there had been a form of physical violence committed by the defendant against the plaintiff triggered by the polemic of their marital life that could not be resolved in a good way.

Furthermore, based on the judge's consideration, the disputes and quarrels between the plaintiff and the defendant were also triggered by the defendant's lack of attention to the condition of their children. Meanwhile, if the defendant is reprimanded, then the defendant is angry and likes to hit the plaintiff and as a result of the quarrel, the plaintiff and the defendant since the beginning of 2020 have not carried out each other's rights and obligations as husband and wife. This is due to the quarrel between the plaintiff and the defendant that occurs continuously. Thus, the plaintiff filed for divorce on the grounds that the continuous quarrel was based on the law, in accordance with the provisions of Article 19 letter f of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 jo Article 119 letter f of the KHI. In fact, to realize the orientation of marriage in Article 3 of the KHI, as stated in the Qur'an surah Ar Rum verse (21) and to build a family as intended in Article 1 of Law No. 1 of 1974 concerning Marriage, the relationship between husband and wife must be able to be established in harmony based on the principle of mutual love,

affection, affection, respect, loyalty and mutual assistance in birth and mind. This is as stated in Article 33 of Law No. 1 of 1974 concerning Marriage (Divorce Decree, 2021). Because, in the teachings of Islam itself there is a set of rules related to the rights and obligations of husband and wife in living a good married life (Pongoliu, 2017). The condition of the quarrel between the plaintiff and the defendant that occurred continuously and could not be pursued peacefully, became a signal to the judge that the affection and affection between the two had disappeared. This shows that the plaintiff and the defendant are no longer able to uphold the various principles of married life as stipulated in Article 33 of Law No. 1 of 1974 concerning Marriage. The existence of the Panel of Judges who examined this case has reconciled the plaintiff with the defendant has failed to become a fact that the marriage condition of the two has broken up. Muhammad Zainuddin Sunarto in his study also said that the practice of mediation in divorce cases in the Religious Court can be said to be a concrete form of sharia maqasid in the form of the value of hifd al-nasl (protection of the benefit of descendants). Because, at the time of the divorce case, it is related to many issues related to the benefit of the offspring (children) (Sunarto, 2019). This condition is caused by the fact that it is impossible for the plaintiff and the defendant to realize their domestic life in harmony and harmony, and the purpose of marriage as stipulated will not be realized, so divorce is the best alternative that must be pursued by the plaintiff and the defendant. Because, the step to maintain a broken marriage will only be a disaster for both.

In addition to the above considerations, the judge was guided by the opinion of Islamic law which states that Islam permits divorce as a last resort when marital harmony is irreparably broken, reconciliation attempts have failed, and the essence of the marital bond mutual compassion and responsibility no longer exists. This aligns with the *maqasid* value of protecting individual dignity and mental well-being (*hifz al-nafs*). This is because to continue the condition of marriage is the same as punishing a husband and wife in prolonged imprisonment. This step is a persecution that is contrary to the spirit of justice and Islamic sharia.

The other judges' considerations, namely to prevent harm to life between the plaintiff and the defendant, also refer to the rules of fiqh in the form of "Dar"ul Mafaasid Muqoddamun "Ala Jalbil Masaalih," (Avoiding damage is prioritized over taking good) (Divorce Decision, 2021). The use of the basis of the above fiqh rules by judges is not excessive. This is because the existence of fiqh rules in the epistemology of Islamic law is an approach to Islamic law that also has flexibility in its application to solve dynamic and complex Islamic law problems (Alfauzi, 2020).

If viewed from the perspective of contemporary sharia maqasid conceptualized by Jasser Auda, the basis for the consideration of divorce law which refers to the polemic of the relationship between husband and wife is in the form of frequent quarrels that are the background of the defendant who has no attention and responsibility for the family's financial needs, thus causing the defendant and the plaintiff to no longer be able to realize a peaceful and loving life as shown by the existence of The dimensions of maqasid sharia values are in the form of hifz maal (protection of the benefit of property) and hifz diin (protection of religious benefits). First, the dimension of the value of hifz maal can be seen from the basis of the judge's decision consideration which sees the figure of the defendant as a father as well as the leader of the household no longer has responsibility for the obligation of alimony (economy) for the benefit of his family life. Second, the dimension of the value of hifz diin can be seen from the basis of the judge's consideration who sees the condition as well as the i'tikad, both the defendant and the plaintiff have found it difficult to be together to realize the marriage orientation as prescribed by Islamic teachings, namely the construction of a sakinah

married life, mawaddah wa rahmah. The orientation of the marriage sharia is as stated in the Qur'an Surah Ar Rum verse 21.

Furthermore, the judge's decision As for the consideration on the basis of the marriage between the plaintiff and the defendant, he already has 2 children who are 5 years old and 3 years old are not mumayyiz (still under 12 years old). In addition, the plaintiff demanded the child's maintenance costs, so the Panel of Judges in making a decision on the claim for child maintenance costs was based on the principle of propriety adjusted to the defendant's income and ability as stated by the witnesses before the trial. The defendant was given the obligation to pay child maintenance costs, each 5 years old and 3 years old each month in the amount of Rp2,000,000.00 (two million rupiah) (Divorce Decision, 2021, pp. 10–12). When viewed from the perspective of contemporary sharia maqasid conceptualized by Jasser Auda, the basis of legal considerations that gives the defendant an obligation to pay the financial needs of his two children after divorce shows the existence of a dimension of sharia maqasid values in the form of hifz nasl (protection of the benefit of offspring).

Until now, it can be known that the judge's decision on the granting of a divorce lawsuit at the Jayapura PA in case number 297/Pdt.G/2021/PA. Jpr contains the dimensions of maqasid sharia alkhomsah (five orientations of Islamic law) with a wide range of their respective benefit orientations, both related to the values of hifz diin, hifz nafs, hifz aql, hifz maal and hifz nasl. This shows that the epsteinological basis of Islamic law judges in deciding the cera lawsuit case is not monolithic, but multidimensional using various perspectives.

4. Conclusion

Being a happy, harmonious and prosperous family is the dream of every family. However, it is undeniable that divorce can occur anywhere and at any time, depending on how we manage and manage how to resolve various domestic conflicts and not take cases to court. Divorce is not prohibited in Islam but Allah SWT hates a divorce. Religious courts also work with all efforts so that a divorce is not easily granted by judges through the mediation process. In the decision, the Religious Court uses sharia principles in divorce cases using sharia muqasid. Future research should examine how these principles are applied in mediation stages, and policymakers could consider formalizing maqasid-based guidelines in judicial training modules, compliance with Islamic law, and the best interests of all parties involved, especially children. This study reveals that the application of *maqasid al-shariah* in Indonesian Religious Courts is not merely normative but reflects substantive legal reasoning rooted in justice, protection, and welfare. The multidimensional use of *hifz al-din*, *hifz al-nafs*, *hifz al-aql*, *hifz al-nasl*, and *hifz al-maal* strengthens the legitimacy of court decisions. Future research should examine the institutionalization of *maqasid*-based frameworks in judicial training and decision-making guidelines.

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