

Application of Sharia Principles in Religious Court Decisions in Divorce

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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, particularly in the context of religious court decisions on divorce cases (Nizar, 2020; Nurhadi, 2019). Sharia principles provide a comprehensive and moral framework for dealing with complex issues related to marital separation, including responsibilities and rights of husbands, wives, and children, as well as equitable methods for resolving divorce cases (Julia, 2020; Shalihah & Irfan, 2022). In this context, religious court rulings serve as a key mechanism for enforcing these principles in everyday legal practice (Purkon, Buang, & Jamaludin, 2022; Kasim & Semiaji, 2022).

However, implementing sharia principles in religious court decisions, particularly in Indonesia, presents complex challenges. These include reconciling textual legal sources with social realities, such as domestic disputes, child welfare, and neglect, while interpreting Islamic legal texts to address the concrete circumstances faced by the parties involved (Sunarto, 2019; Wahyudi, 2022). Therefore, studying the application of sharia principles in religious court divorce decisions is essential to understand how religious values are considered and applied in modern legal contexts (Nasution & Nasution, 2021; Saefudin & Radiamoda, 2022).

A comprehensive strategy that considers legal, moral, and humanitarian factors is crucial for guaranteeing justice and the welfare of all parties engaged in the divorce process (Risman et al., 2018; Purkon et al., 2022). This paper explores various aspects of applying sharia

principles in religious court rulings on divorce, considering both challenges and opportunities within the modern legal system. It is hoped that this discussion will provide an in-depth and balanced insight into the dynamics of resolving divorce cases under a sharia-based legal framework (Nizar, 2020; Kasim & Semiaji, 2022).

The application of sharia principles in religious court decisions, especially in divorce cases, plays a vital role in ensuring justice and welfare for the parties involved. Key points include:

1. General Introduction to Islamic Law: Islamic law forms the foundation for sharia principles in family law, including divorce, drawing from the Qur'an, Hadith, Ijma, and Qiyas (Nurhadi, 2019; Julia, 2020).
2. Purpose of Sharia Principles in Divorce: To achieve justice and welfare for husbands, wives, and children (Nizar, 2020; Nasution & Nasution, 2021).
3. Values Emphasized: Loyalty, mutual understanding, peace, and justice embedded in sharia principles applied to divorce cases (Shalihah & Irfan, 2022; Risman et al., 2018).
4. Authority and Legal Process: Religious courts have the power to handle divorce cases and apply sharia-based procedures, including mediation, filing, and adjudication (Purkon et al., 2022; Kasim & Semiaji, 2022).
5. Considerations in the Decision: Rights of husband, wife, and children, family needs, and principles of justice according to sharia are considered (Saefudin & Radiamoda, 2022; Julia, 2020).
6. Openness and Opportunity for Parties Involved: Husbands, wives, and children must have the opportunity to express their views and receive equal protection under the law (Nasution & Nasution, 2021; Shalihah & Irfan, 2022).
7. Hope for Reconciliation and Peaceful Settlement: Efforts to reconcile and settle disputes peacefully, minimizing conflicts and losses, in line with Islamic teachings (Sunarto, 2019; Wahyudi, 2022).
8. The Role of Islamic Societies and Institutions: Supporting a fair legal process and resolving family conflicts according to sharia principles (Purkon et al., 2022; Kasim & Semiaji, 2022).

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

2. Methods

This research adopts a qualitative-descriptive approach to analyze Religious Court decisions following Supreme Court jurisprudence by examining judicial reasoning through both textual and contextual analysis. The study applies Jasser Auda's contemporary *maqāṣid al-sharī'ah* framework to assess how court considerations align with the five fundamental objectives of Islamic law—*hifẓ al-dīn*, *hifẓ al-nafs*, *hifẓ al-'aql*, *hifẓ al-nasl*, and *hifẓ al-māl*—using primary legal documents such as Religious Court decisions and supported by secondary sources including books, scholarly journals, and research articles. This qualitative method enables an in-depth reconstruction of judicial reasoning patterns and reveals how Islamic legal objectives are operationalized within modern legal institutions, particularly in family law cases that involve complex social realities. By integrating a systemic and purposive perspective, this approach views law not merely as a rigid textual structure but as a dynamic instrument for achieving justice, welfare, and social transformation, in line with *maqāṣid*-based legal reform and systemic thinking in contemporary Islamic legal studies (Al-Turabi, 2020; Wardatun Nabilah et al., 2024).

3. Results and Discussion

3.1 Religious Court Decisions in Divorce Cases

In terms of the legal process, the Supreme Court's considerations, including the application of the *ultra petita* principle and its impact on Religious Court decisions, are crucial for understanding how complex divorce cases are adjudicated. In cases where one of the married couples has converted to another religion, the Supreme Court considered the granting of *talak raj'i* to be more appropriate when aligned with the *posita* and *petitum* of the petition (Divorce Decree, 297/Pdt.G/2021/PA. Jpr, 2021; Purkon, Buang, & Jamaludin, 2022). However, an examination of eleven Religious Court rulings following these Supreme Court decisions indicates that judges still imposed *fasakh* when conversion was proven, even though it was not used as a reason for divorce nor requested by the parties (Nizar, 2020; Julia, 2020).

An explanatory and qualitative approach is employed to analyze the legal considerations underlying these eleven rulings. The findings show that judges' perspectives on the use of *fiqh* schools, the application of the *ultra petita* principle alongside *ex aequo et bono*, and their views on judicial independence and adherence to jurisprudence significantly influence judicial reasoning (Sunarto, 2019; Wahyudi, 2022). Islamic law regulates all aspects of human life, including marriage and divorce. Marriage is intended to establish a harmonious household, while divorce occurs when rights are violated and marital happiness can no longer be achieved, resulting in suffering and disharmony (Kasim & Semiaji, 2022; Nurhadi, 2019).

The decisions issued by judges inevitably have consequences for the parties involved. Therefore, judicial considerations must reflect justice and benefit (*maslahah*) in accordance with Islamic law. In the Bengkulu Religious Court Decision Number 1098/Pdt.G/2021/PA, the judge prioritized justice by considering that the continuation of the marriage would potentially cause greater harm and negatively affect the psychological well-being of the parties and their children (Nasution & Nasution, 2021; Saefudin & Radiamoda, 2022; Shalihah & Irfan, 2022). Such considerations align with the objectives of Islamic law, which emphasize the protection of essential human interests.

Islamic law aims to prevent harm and bring benefit to humanity by guiding individuals toward justice, wisdom, and balance. These objectives are encapsulated in the concept of *maqasid asy-shari'ah*, which includes the protection of religion, life, intellect, lineage, and property (Nizar, 2020; Risman et al., 2018). Marriage may be dissolved by death or divorce, and common grounds for divorce include continuous disputes, failure to provide support, abuse, or other conditions that undermine marital harmony (Sudarsono, 2005; Qonuni, 2022).

Although divorce is permitted when unavoidable, it must be carried out through proper legal procedures before the court to ensure justice and legal certainty for all parties involved. The Religious Court plays a vital role in safeguarding these principles by ensuring that divorce decisions uphold Islamic values, protect vulnerable parties, and promote post-divorce welfare in accordance with Islamic family law (Kasim & Semiaji, 2022; Wahyudi, 2022; Sunarto, 2019).

3.2 Divorce Conflict

A divorce conflict is a condition in which a married couple experiences serious and persistent difficulties in their relationship that ultimately lead to the decision to legally dissolve the marriage. In Islamic family law, divorce conflicts are viewed not merely as personal disputes but as situations that indicate the failure to realize the fundamental objectives of marriage, namely tranquility (*sakinah*), affection (*mawaddah*), and compassion (*rahmah*). Such conflicts usually arise from various interconnected factors that gradually weaken marital harmony and violate the rights and obligations of the spouses (Nurhadi, 2019; Nizar, 2020).

Several forms of divorce conflict commonly occur in marital relationships, including:

1. **Poor Communication:** Ineffective, closed, or aggressive communication between spouses often exacerbates marital conflict. The inability to listen to each other and to understand different perspectives hinders problem-solving and leads to prolonged disputes, which may ultimately result in divorce (Kasim & Semiaji, 2022).
2. **Financial Issues:** Financial disputes are among the most frequent causes of marital conflict. Differences in financial management, fulfillment of economic responsibilities, or disputes over household expenses and debt can create continuous tension and dissatisfaction between spouses (Sudarsono, 2005).
3. **Infidelity:** Acts of infidelity severely damage trust within a marriage and often serve as a direct trigger for divorce. From an Islamic legal perspective, infidelity constitutes a serious violation of marital obligations and moral values, making reconciliation difficult to achieve (Nurhadi, 2019).
4. **Differences in Values and Goals:** Disparities in fundamental values, beliefs, or life goals can make spouses feel disconnected and unable to move forward together. These differences often result in repeated conflicts and emotional distance that undermine marital stability (Nizar, 2020).
5. **Parental Conflict:** When children are involved, disagreements regarding parenting styles, education, custody, and child welfare frequently intensify marital conflict. Such disputes not only affect the spouses but also place children in vulnerable psychological positions (Nasution & Nasution, 2021).
6. **Mental or Physical Health Issues:** Mental or physical health problems experienced by one or both spouses can place emotional and psychological strain on the marriage. If not managed properly, these conditions may lead to misunderstandings, neglect, and escalating conflict (Kasim & Semiaji, 2022).

From the perspective of Islamic law, divorce conflicts must be addressed carefully to prevent greater harm (*mafsadah*) and to ensure the realization of benefit (*maslahah*) for all parties involved. The Religious Court plays a vital role in resolving such conflicts through mediation and judicial processes grounded in justice and proportionality. Judges are required to consider whether maintaining the marriage would result in greater harm than dissolving it, particularly in cases characterized by continuous disputes and the failure to fulfill marital obligations (Sunarto, 2019; Nizar, 2020).

Furthermore, divorce conflicts often reflect deeper structural problems within the household, such as inequality in rights and responsibilities or neglect of Islamic ethical values. Therefore, Religious Court decisions are expected not only to terminate the marital bond but also to protect post-divorce welfare, especially the rights of children to care, maintenance, and legal protection. The application of *maqasid asy-shari'ah* in divorce cases emphasizes that legal outcomes must uphold justice, dignity, and long-term social well-being (Risman et al., 2018; Saefudin & Radiamoda, 2022; Nasution & Nasution, 2021).

3.3 Divorce Analysis

1. Definition of Divorce

Divorce is defined as the legal dissolution of a marriage, which results in the termination of the marital relationship so that the husband and wife are no longer bound in a lawful household. In general understanding, divorce refers to separation or the severing of marital ties between spouses. In Indonesian legal and social contexts, divorce is not viewed as an agreement between parties, but as a legal act that must meet specific legal requirements and be carried out through judicial procedures (Sudarsono, 2005; Kasim & Semiaji, 2022).

Therefore, marital dissolution cannot be based solely on mutual consent but must be grounded in legally recognized reasons.

In principle, divorce is regarded as an emergency measure or the last resort to resolve marital disputes when reconciliation is no longer possible. Indonesian marriage law strictly regulates the grounds for divorce, as stipulated in Article 39 paragraph (2) of Law Number 1 of 1974, which is further elaborated in Article 19 of Government Regulation Number 9 of 1975. These legal grounds are alternative in nature, meaning that a divorce petition may be submitted based on one valid legal reason alone. At the same time, they are enumerative, as the interpretation, elaboration, and concrete application of each legal ground fall under the authority and discretion of judges in court proceedings (Sudarsono, 2005; Nizar, 2020).

This judicial authority underscores the important role of the Religious Court in ensuring that divorce decisions are not only legally valid but also aligned with the principles of justice and benefit (*maslahah*) within Islamic family law. Judges are required to carefully examine the facts of each case and assess whether the continuation of the marriage would result in greater harm than its dissolution, thereby ensuring that divorce functions as a solution of last resort rather than an arbitrary choice (Nizar, 2020; Kasim & Semiaji, 2022).

2. Causes of Domestic Violence

Women today often experience limited spaces in which they can truly feel safe, including within the family environment that is ideally intended to provide protection, comfort, and happiness. In reality, the household can become a site of suffering for women who experience violence, neglect, or psychological pressure from their husbands. Domestic life is not free from tension and conflict; disagreements, arguments, quarrels, and verbal abuse frequently occur and may gradually lead to disharmony among family members. Such conditions reflect the failure to uphold marital responsibilities and violate the principles of justice and protection emphasized in Islamic family law (Kasim & Semiaji, 2022; Nizar, 2020).

Domestic conflicts and violence are often still perceived as private matters that should not be interfered with by outsiders. This perception contributes to the persistence of domestic violence, as victims—particularly women—are frequently discouraged from seeking legal protection or social intervention. From the perspective of Islamic law and positive law in Indonesia, however, domestic violence and prolonged marital conflict are public legal issues that require judicial attention, especially when they result in harm and injustice. The Religious Court plays an essential role in addressing such cases to ensure the protection of women's rights and the realization of welfare (*maslahah*) for family members, including children (Nasution & Nasution, 2021; Saefudin & Radiamoda, 2022).

3. Contested Divorce Procedure

Unless the plaintiff deliberately leaves the joint residence without the defendant's consent, the wife or her legal representative files a divorce lawsuit with the Religious Court that has jurisdiction over the plaintiff's place of residence. If the plaintiff resides abroad, the divorce lawsuit shall be submitted to the court that has jurisdiction over the defendant's residence. If both the plaintiff and the defendant reside abroad, the lawsuit shall be filed with the court that has jurisdiction over the place where the marriage took place or with the Central Jakarta Religious Court. This provision reflects the regulation of relative competence in divorce cases under the Religious Courts Law (Sudarsono, 2005; Wahyudi, 2022).

Initially, changes in relative court authority may occur. For instance, if a husband submits a divorce application to the court of his residence while the wife files a lawsuit at the husband's residence, then pursuant to Article 66 paragraph (1) and Article 73 paragraph (1) of the Religious Courts Law, the case shall be transferred to the court that has jurisdiction over the jointly agreed marital residence. Furthermore, Indonesian Islamic family law clearly

distinguishes between *talāq* divorce and lawsuit divorce, a distinction that is consistently emphasized in both legislation and jurisprudence (Purkon, Buang, & Jamaludin, 2022; Wahyudi, 2022).

Article 136 of the Compilation of Islamic Law (KHI) regulates divorce procedures in the Religious Court, including: (a) during divorce proceedings, upon the request of either party and for reasons of potential harm, the Religious Court may permit the husband and wife to live separately; (b) in divorce litigation initiated by either party, the court may adjudicate the husband's obligation to provide maintenance to the wife; and (c) determine necessary measures to safeguard the property belonging to either spouse. In addition, pursuant to Article 137 of the KHI, a divorce lawsuit becomes null and void if either the husband or wife dies before the court's decision is rendered (Sudarsono, 2005; Nizar, 2020).

During the summons process, if the defendant's residence is unknown or the defendant has no permanent domicile, the summons is carried out by posting the lawsuit on the notice board of the Religious Court and announcing it through one or more newspapers or mass media designated by the court. Such announcements are made twice with a one-month interval between the first and second announcements and a minimum three-month interval between the second announcement and the hearing date. If the defendant fails to appear after a lawful summons, the case may be examined and decided *in absentia*, provided that the absence is not considered justified. The judge must examine the divorce lawsuit no later than thirty days after receiving the case file (Sudarsono, 2005; Kasim & Semiaji, 2022).

In scheduling divorce hearings, the court must consider the adequacy of the summons period and its receipt by the parties or their legal representatives. During the trial, the husband and wife may appear in person or be represented by legal counsel; however, the judge may require their personal presence if deemed necessary. Regarding the resolution of divorce litigation, Article 146 of the KHI stipulates that the decision is rendered in an open court session, and the divorce is deemed legally effective along with its legal consequences once the Religious Court's decision obtains permanent legal force (*inkracht van gewijsde*) (Nizar, 2020; Wahyudi, 2022).

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 (Divorce Decree, 297/Pdt.G/2021/PA. Jpr, 2021). 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 (Sudarsono, 2005; Wahyudi, 2022). 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 (Divorce Decree, 297/Pdt.G/2021/PA. Jpr, 2021).

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 Decree, 297/Pdt.G/2021/PA. Jpr, 2021).

As for the perspective of contemporary sharia *maqasid*, 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, shows the existence of a dimension of sharia *maqasid* values in the form of *hifz aql* (protection of reason) and *hifz nafs* (protection of the soul) (Nizar,

2020; Risman et al., 2018). Such a conclusion is not an exaggeration. Because the dimension of the value of maqasid can be explained by using the expansion of the scope of the value of each maqasid. 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 (Nurhadi, 2019).

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, 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, 297/Pdt.G/2021/PA. Jpr, 2021).

The condition of the quarrel between the plaintiff and the defendant that occurred continuously and could not be resolved peacefully signaled to the judge that the affection and harmony between the two had disappeared, indicating that the plaintiff and the defendant were no longer able to uphold the various principles of married life as stipulated in Article 33 of Law No. 1 of 1974 concerning Marriage. In line with this, research shows that mediation in divorce cases at Religious Courts often fails when the conflicting parties cannot restore their relationship, which reflects a breakdown in family cohesion and threatens the welfare of children (*hifz al-nasl*) due to prolonged conflict and unresolved marital disputes (F. Fikri et al., 2023). The failure of mediation to reconcile the parties, as seen in this case, became evidence that the marriage had irretrievably broken down. Moreover, studies on mediation practices in Religious Courts underscore the importance of mediation as a mechanism to prevent further harm to spouses and children, yet its success depends greatly on the mediator's capacity to address both legal and socio-emotional dimensions of disputes (F. Fikri et al., 2023).

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, which aligns with the maqasid orientation of protecting human dignity and life (Nizar, 2020; Risman et al., 2018).

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 Decree, 297/Pdt.G/2021/PA. Jpr, 2021, pp. 10–12). When viewed from the perspective of contemporary sharia maqasid, 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 al-nasl* (Nasution & Nasution, 2021; Saefudin & Radiamoda, 2022).

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 al-khomsah (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 epistemological basis of Islamic law judges in deciding the divorce lawsuit case is not monolithic, but multidimensional using various perspectives (Nizar, 2020; Nurhadi, 2019; Risman et al., 2018; Sunarto, 2019).

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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