



Judicial review of the rights of the ex-wife due to divorce associated with article 149 compilation of islamic law (decision study number: 624.Pdt.G/2021/Pa.Krw)

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ABSTRACT

In Islam, divorce is most commonly known as talak. Divorce is a husband's statement to separate from his wife that can be done formally (according to sharia law) or informally (kinayah). Divorce can be seen as a husband formally asking his wife for a divorce. A woman who is divorced from her husband is the one who is undergoing the iddah period, not the man or her husband. A woman must undergo an iddah period whether she is divorced from her husband or not in any way, whether she lives or dies, whether she is pregnant or not, and whether she is menstruating or not. According to the Law on Marriage and Compilation of Islamic Law, this study aims to find out the judge's considerations in Case Number: 624.Pdt.G/2021/Pa.Krw and women's rights after divorce. This essay uses a normative legal writing style. Normative juridical is used to collect data, analyze it, and investigate secondary materials in the form of laws and regulations, legal doctrines, and other legal concepts. In this divorce case, the judge used *Inkracht*, or a decision with permanent legal force, based on the results of the examination in the judge's considerations, both the decision of the Religious Court, which was not appealed by cassation, and the decision of the High Religious Court, which was not appealed within the allotted time. Because there were still disputes between the petitioner and the respondent that could not be resolved as husband and wife or as a household, the factor of divorce was present.

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1. INTRODUCTION

Humans are social and independent beings; that is, they cannot live their lives without being influenced by others. Apart from relying on their own abilities, humans also depend on other people in some situations and will always need other people in those situations to live their lives. Aside from other people, humans require a life partner. Marriage allows the realization of a life partner. Of course, to start a family (Triyo Supriyatno, 2020).

Marriage is a spiritual act and a very noble method of starting a family and having children. Marriage allows humans to fully realize their potential as social beings because it is a manifestation of rights as God's creation. The ability of God Almighty to create humans, which consist of male and female partners, is one example of His majesty. By carrying out marriages in accordance with

religious teachings, humans are given a place to pray as well as reproduce (Mohammad Ridwan, n.d).

The marriage did not go as expected. The number of divorce cases that occur in the surrounding environment is caused by differences of opinion and a lack of harmony and compatibility, but without realizing that divorce is not a good solution to solving problems. Divorce is an act of severing the relationship between husband and wife, which means violating the law of marriage so that the two are no longer considered husband and wife and are no longer living together (Syahrul Mustofa, 2019.)

Divorce can be divided into three types, namely (Rika Handayani, 2022): 1. Islam is more commonly known as divorce. Divorce is a husband's declaration to divorce his wife; divorce can be done openly (sharih) or subtly (kinayah). Divorce can be interpreted as a request filed by a husband to divorce his wife. Article 66 Paragraph 1 of Law Number 7 of 1989 states that "A husband who is about to impose a divorce on his wife submits a request both orally and in writing to the Religious Court whose territory the wife lives in, accompanied by reasons, and requests that a trial be held for the purpose of divorce." 2. According to Article 132 regarding contested divorce, namely: a. Unless the woman leaves the house together without the husband's consent, a divorce suit can be filed by the wife or her legal adviser at the Religious Court whose jurisdiction includes the plaintiff. b. If the defendant is domiciled abroad, the Head of the Religious Court will notify him through the local RI representative. 3. Khuluk is explained in Article 148, as follows: a. A wife who requests a divorce with humility submits her application to a religious court whose jurisdiction includes reasons. b. The Religious Court summons the wife and husband at least one month in advance to hear their testimonies separately. c. The Religious Courts gave an explanation of the Khuluk effect and gave their recommendations during the trial. d. The Religious Courts provide provisions that allow the husband to file for divorce before the Religious Court hearing if the parties agree on the amount of iwad or ransom money. This decision does not have an appeals or cassation process. e. If the ransom or iwad cannot be agreed upon, the Religious Court will review the case and make a decision as if it were normal.

If the parties cannot pay the ransom or iwad, the Religious Court will review the case and make a decision, as is the case in other cases, namely (Ahmad Syahrus Sikti, 2015): 1. Either party commits adultery, develops an irreversible addiction, or becomes a drinker, gambler, or addict. 2. A person is separated from another for two consecutive years without their consent, without good reason, or due to circumstances beyond their control. 3. After marriage, one of the parties receives a prison sentence of five years or a more severe sentence. 4. One party engages in brutality or serious abuse that endangers the other party. 5. One of the parties is unable to fulfill his obligations as a husband or wife because of a physical disability or illness.

Husband and wife are always fighting, and it is unlikely that peace will return to the house. There are two types of divorce in the religious courts, namely (Tinuk Dwi Cahyani, 2020) which are divorce Divorce, namely the divorce process filed by the husband or the petitioner and divorce, namely the divorce process filed by the wife or plaintiff

Article 114 of the Compilation of Islamic Law regulates divorce. Talak is one of the dissolutions of a marriage involving the husband making an agreement before the Religious Court. Divorce proceedings are broken down into three distinct stages: divorce 1, divorce 2, and divorce 3. Article 118 Summary of Islamic Law specifies the divorce procedure in two cases, also known as talak raj'i or talak ruj'i. Sayuti said the issue of divorce is regulated in Al-Qur'an Surah Al-Baqarah 2:29, where it is stated that men and women may divorce each other a maximum of two times before reconciling and remarrying. Divorced husbands and wives can still reconcile and remarry under certain circumstances, even if the husband cancels one or two divorces. Whereas Article 120 of the Compilation of Islamic Law regulates triple divorce, which is often known as "ba'in kubra divorce." According to verse 230 of Surah Al-Baqarah in the Qur'an, for a woman to remarry after her husband gives her a third divorce, she must first have sexual relations with another man (Imam Asy-Syafi'i, 2016).

In the event of a divorce, the husband's obligation to provide for his ex-wife through the payment of maintenance is a kind of restitution. In addition, requiring alimony after divorce helps determine whether a woman's uterus is still contaminated with her husband's sperm and also

encourages the husband to reconsider his decision to divorce his wife. However, the concept of gender equality and equal protection under the law cannot be violated by allowing every divorce case to go to court because it will unfairly burden the husband once the divorce is finalized (Pontianak.go, 2023).

Divorce in which the husband submits the first divorce request to the wife. If the husband's application for divorce is granted, the wife is entitled to the benefits specified in Article 149 of the Summary of Islamic Law. A divorce case was filed by a woman against her husband at the Religious Court. After the divorce is granted, a woman is entitled to alimony, half of the joint property of the spouse (according to Articles 96 and 97 of the Compilation of Islamic Law), and the right to hadhanah. (Dudung Abdul Razak dan Widia Sulastri, 2022).

The petitioner, brother Makmun Efendi Bin Sardjono, divorced the respondent, sister Indriyani Bin Edy Sunardi, via Karawang Religious Court Decision Number: 624/Pdt.G/2021/Pa.Krw. The divorce filed by the petitioner or Makmun's relatives stated that in April 2018, household conditions began to be disharmonious between the petitioner and the respondent (Karawang.go, 2023). This was due to the unfavorable attitude of the respondent as a wife, where the respondent was always excessively jealous of the petitioner, and because of that, the petitioner and the respondent were always at odds. In January 2021, when the situation got worse, the petitioner and the respondent had a heated argument and decided to live separately. The petitioner finally moved out of the house, and the respondent moved into the house. The marriage between the petitioner and the respondent ended at that time.

As a result, the petitioner filed an appeal with the Chairman of the Karawang Religious Court. The trial has started, and the judges have reached the following verdict after reviewing the evidence which are I granted the petitioner's request, giving permission to the petitioner to impose one divorce against the respondent before the Karawang Religious Court and charge all legal costs incurred as a result of this case (Edi Marsis, 2021).

In line with Perma Number 1 of 2016, the panel of judges, after hearing the petitioner and respondent, ordered the parties to mediate and choose or appoint a mediator. Although the mediator attempts mediation, he admits that it is not working. According to Article 149 of the Compilation of Islamic Law, "a husband who is going to divorce his wife is obliged to pay: Mut'ah, Iddah, Kiswaah, Madhiyah, and Hadhonah," said the respondent.

Before, research had been done on "The Rights of Ex-Wives After Divorce and Talak in Relation to the Compilation of Islamic Law." To make this writing seem real, the author cites two previous studies about the rights of ex-wives after a divorce. These studies are: 1). Alfiyahwati, Implementation of Husband's Obligations in Fulfilling the Rights of Ex-Wives Due to Divorce, State Islamic University of Malik Ibrahim Malang, Malang, Indonesia. What distinguishes this research is that it is located at the Lamongan Religious Court. This study also looks at the practical implications of Article 6 letters (b) and (c) of Perma Number 3 of 2017 concerning the husband's obligation to satisfy his ex-wife due to divorce and 2). Defi Uswatun Hasanah, Iddah Aid Rights After Divorce Lawsuit and Their Implementation at Tanjung Pati Religious Court, Faculty of Sharia and Law, Syarif Hidayatullah State Islamic University Jakarta, Faculty of Sharia and Law. What makes this research different is that it analyzes the reasons behind the court decision 176/Pdt.G/2012/PA.LK.

From the background information, problems can be seen, such as: According to the Compilation of Islamic Law, what rights do ex-wives have after a talak divorce? What is the judge's consideration in case number 624/Pdt.G/2021/Pa.Krw?

2. RESEARCH METHOD

Law, both codified in books and interpreted by judges in a legal trial, is the subject of this study's normative juridical methodology, which includes normative juridical research. Soejono Soekanto, who is an expert in his field, says that the normative legal method is legal research that is based on secondary sources like principles and published literature. In addition, the author consults relevant laws, regulations, and court decisions. This technique is used to study how spousal support rules and regulations are implemented in different states (Lexy J Moeleong, 2001).

A case study was conducted to better understand this issue. In this case study or methodology, normative juridical is used, which focuses on legal research on literature through the study of secondary data and literature sources. This study has a normatively oriented justice framework, and its descriptive-analytic specifications provide an overview of current challenges.

This study takes legal research data from three levels: primary, secondary, and tertiary. To complement our research findings, we used secondary data obtained from online databases and physical library collections. Reading, citing, and studying research sources in the form of document studies is a literature review, which is used to obtain the direction of thought and research objectives. The data collected was subjected to qualitative analysis based on legal reasoning techniques, which is one method of studying scientific responsibility in the context of legal science for procedures for making legal decisions that contain arguments and logical reasons for the justifications made (Soerjono Soekanto dan Sri Mamudji, 2013).

3. RESULTS AND DISCUSSIONS

Divorce has significant social consequences for families, particularly those with children, and is therefore not something that everyone wishes for. In the process of divorce, it is common to find respondents who do not know the law, who do not claim a living after the divorce from their ex-husband, and who cause physical and emotional harm to their children as a result of the divorce. Actually, there is no provision for determining the amount that specifically regulates this matter, but with the theory of legal certainty, women can determine both the type and amount according to a court decision as long as it does not conflict with the Compilation of Islamic Law (Maimun dan Muhammad Thoha, 2018).

When a marriage relationship fails, it's usually because one or both partners have trouble cultivating the kinds of close relationships that are essential to a happy family life. When a husband and wife fight all the time, it usually means they can't live together for very long. Divorce decision support systems can help plaintiffs find out the outcome of an affair and get answers to their questions or recommendations for next steps. Decisions are made based on national law, which can be interpreted in many different ways. During a divorce, there are also other things to think about at key points. (Kemenag.go, 2023) Most divorce cases and the rights a woman has in those situations depend on the specifics of the case.

According to Al-Baqarah verse 233, marriage provides a living for husband and children. That a divorced woman has a legal responsibility to pay child support in proportion to her means. According to Article 149 of the Compilation of Islamic Law, divorced women are responsible for paying hadhanah for their children under the age of 21 (Alfiyahwati, 2019).

The rights of ex-wives as a result of divorce according to the Compilation of Islamic Law

Marital status is becoming less meaningful in modern society because of the increasing prevalence of marriages formed for selfish reasons, such as social advancement, economic gain, or security. Paragraph (1) Article 38 of Law Number 1 of 1974 concerning Marriage lists divorce as the basis for divorce. Divorce affects property, custody and legal status (Pasal 38 UU, n.d.). Depending on who wants out of the marriage, the process may go one of many ways, namely (Abd Basir, 2022): a) Dissolution of marriage at the command of Allah SWT through the death of a partner or wife. Marriages are ended by death itself, b) The husband's right to dissolve the marriage at his will is determined in a certain language. Thus, divorce is known as talak, c) Dissolution of marriage at the request of the wife because she saw the events that led to the dissolution of the marriage against the wishes of the husband. Khuluk refers to the desire to end the marriage expressed by the woman to her husband and followed by the words "divorce to end the marriage" and d) Dissolution of marriage at the will of the court if the judge determines from something within the husband or wife that the marriage cannot be continued.

Buya Hamka claims that divorce in Arabic is "Ath-tholaaq," which means choosing or leaving. Divorce is defined as the dissolution of a marriage and the dissolution of a husband and wife relationship. Islam forbids divorce in theory unless there is a valid reason for it, such as the husband's or wife's infidelity. According to Ibn Umar R.A., he inherited what the Prophet Muhammad had conveyed. "He said Katsir bin Ubaid Al-Himsi said, he said Muhammad bin Khalid from Ubaidullah bin Al-Walid Al-Washshafi, he said Dri Muharib bin Ditsar from Abdullah bin Umar,

and Rasulullah SAW said: Halal officials are the most hated by Allah because of divorce (H.R. Ibnu Majah)" (Peter Mahmud Marzuki, 2009).

According to Article 209 of the Civil Code, there are a number of things that can lead to a divorce, including (Soemiyati, 1982) : a). Adultery or proselytizing, b). Left the house together in bad faith, c). After marriage, the offender is sentenced to five years in prison or a more severe sentence and d). A husband or wife has hurt or abused their partner in a way that could put their life in danger or cause injuries that could be life-threatening.

The law prohibits divorce by consent or between husband and wife; rather, divorce should be handled through the courts and serve a good purpose. Specifically, as stated in Article 39 of the Marriage Law, which stipulates the conditions for divorce (Heniyatun dkk, 2017) : a). A divorce can only be finalized before a court hearing if the court in question has tried and failed to mediate a settlement between the parties, b). There must be strong evidence that husband and wife will not get along and live peacefully as husband and wife should before divorce is granted and c). Statutory law governs divorce proceedings prior to court hearings.

Women's rights based on Article 149 of the Compilation of Islamic Law state that as a result of a marriage breaking up due to divorce, the husband is obliged (Siti Musawwamah dan Eka Susylawati, 2020) : a) If the ex-wife gets divorced during the iddah period, the ex-husband must pay her an iddah (support for the waiting period) until the ex-wife commits nusyuz (immorality), b) Madhiyah allowance (past life), also called madhiyah maintenance, is the first income when the ex-husband doesn't take care of his ex-wife while they are still legally married and haven't paid off the rest of the dowry owed, c) Unless the ex-wife is divorced or nusyuz and not pregnant, the ex-husband must pay for the ex-wife's kiswah (clothing) and maskan (place to live) during the iddah period, d) Mut'ah wages (comfort). Unless the ex-wife is Qabla al Dukhul (a husband and wife who have never had sex), mutah wages are gifts given by ex-husbands to divorced ex-wives in the form of money or other goods and e) Hadhanah (child rearing). Hadhanah is the right to care for children who are not yet mumayyiz (the function of their minds is already visible) or who are less than 12 years old, or who are more than 12 years old but want to be cared for by their mother.

According to the explanation above, the consequences of breaking up a marriage by divorce according to positive law are related to the former rights of the wife, including custody and maintenance of children, joint assets, iddah maintenance, madhiyah maintenance, kiswah maintenance, and mut'ah maintenance (Articles 96 and 97 of the Compilation of Islamic Law). In accordance with Article 149 of the Compilation of Islamic Law, ex-husbands are required to give qobla al dukhul to ex-wives when the marriage ends in divorce (M. Nurul Irfan, 2022).

According to Article 149 of the Compilation of Islamic Law and the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia, Number: KMA/032/SK/IV/2006, concerning the responsibility to provide for husbands in the divorce process, namely (Mahkamah Agung.go, 2023): a). As long as it can't be proven that the wife has done nusyuz, the Religious Court or the Syari'ah Court can decide automatically that the husband has to take care of his wife, b). The Religious Court, or Syari'ah Court, aims to find out exactly the husband's occupation, level of education, and the projected average monthly salary to be used as a yardstick in calculating the cost of living.

According to Allah SWT's command in Al-Qur'an Al-At-Thalaq Verse 6: "A woman in the iddah period, waiting for the time of divorce ba'in, and she is pregnant, she is also allowed to earn a living from her ex-husband until the child is born." "Place them (wives) according to your ability and do not bother them to constrict their hearts." If they (divorced women) are pregnant, give them a living until they give birth, and if they breastfeed (your children), they will be rewarded, and everything will be fine, and if you encounter difficulties, another woman may breastfeed her child" (Repository Unej, 2023).

In every case of divorce, the legal basis governing the rights of ex-wives is considered binding, and ex-husbands are obliged to provide for ex-wives. Even if a woman gets a divorce that is approved by her religion, she still has to go through the iddah period. According to maqasid al-shariah, the ex-wife must be provided for during the iddah period because she will be in danger without it.

A Judge's Considerations in Granting the Ex-Wife's Rights as a Result of Divorce

In the Convention, Makmun Effendi Bin Sardjono is the petitioner asking to impose divorce on Indriyani Binti Edy Sunardi, who is called the respondent. Whereas in the divorce case, it was alleged that the respondent was always suspicious and jealous of the petitioner. The petitioner, a manager at a large company, complained that he and his colleague, the respondent, often argued despite their heavy workload and the fact that they had young children.

Indriyani Binti Edy Sunardi filed a counterclaim against the applicant, stating that "a husband who is going to divorce his wife must pay Mut'ah, Iddah, Kiswa, and Hadhanah." Convention and convention are the same thing. The respondent to the convention becomes the plaintiff, while the petitioner becomes the defendant. The respondent countersued the petitioner in response. The counterclaim plaintiff seeks rights under Article 149 of the Compilation of Islamic Law for public welfare.

For decisions by judges, there are several considerations so that a decision is made by the panel of judges based on facts, judgments, and analysis of the conclusions that exist in the trial.

Legal Considerations

In Convention: Considering that the aims and objectives of the petitioner's are as described, based on the petitioner's application letter and the parties' responses, it can be concluded that the main point of contention between them in the convention was the divorce petition.

Considering that the implementation of the intended divorce pledge, based on the provisions of Article 70 paragraph (3) of Law Number 7 of 1989 concerning the Religious Courts, as amended and supplemented by Law Number 3 of 2006 and Law Number 50 of 2006-2009, will be determined by the Court after the divorce permit decision has permanent legal force (*incracht van gewijsde*), by summoning the Petitioner and the Respondent.

In Reconvension: Considering the intent and purpose of the plaintiff's reconvension. Considering that everything that has been considered in the convention must be considered and become part of the considerations in the convention as long as there is relevance.

Given that Article 66 paragraph (5) of Law Number 7 of 1989, as amended and supplemented by Law Number 3 of 2006 and Law Number 50 of 2009, Concerning the Religious Courts, states that "the request for control of children, maintenance of children, maintenance of wife, and joint assets of husband and wife can be filed together with a divorce application for divorce or after the divorce pledge is pronounced," the lawsuit for the custody of the children was filed. a) Mut'ah is given that the Panel of Judges believes that it has satisfied the sense of justice and propriety, as well as the duration of the counterclaim plaintiff and counterclaim defendant's marriage, and based on the evidence, as a private employee with the position of assistant manager and a net income of around Rp. 26,083,000.00 (twenty-six million eighty-three thousand rupiah), if the counter-conventional defendant is sentenced to pay mut'ah to the plaintiff, b) Iddah income is considering that the Panel of Judges is of the opinion that it has fulfilled the sense of justice and propriety if the Reconvension Defendant is sentenced to pay a living during the period of the Plaintiff's iddah (daily meal) with the nominal amount as will be stated in the verdict, this opinion is based on the minimum requirement of 3 (three) meals a day, with one meal costing Rp. 35,000.00 (thirty-five thousand rupiah) for the iddah period of 3 (three) months, c) Kiswa is considering that based on these considerations, the plaintiff's claim regarding maintenance during the iddah period (maintenance, maskan, and kiswa) can be granted in a nominal amount, as will be stated in the ruling below, d) Children's Livelihood is given these considerations, the Panel of Judges ordered the Petitioner/Reconvension Defendant to submit mut'ah and maintenance during the proceedings in order to protect the rights of wives who are divorced by their husbands and to assist wives in obtaining their rights in divorce, and so that the decision does not go in vain (*illusoir*) and e) Common Right is based on these considerations, the Panel of Judges believes that the Plaintiff's petition regarding the agreement should be granted by declaring that a Memorandum of Understanding signed by the Plaintiff and the defendant on April 1, 2021, is valid and legally binding for the Plaintiff and the defendant and punishes both parties for failing to comply with the agreement.

Judge

In Convention: a) The petition of the Convention Petitioners was granted and b). Letting the Convention Petitioner (Petitioner) divorce the Convention Respondent (Respondent) with one raj'i divorce before the Karawang Religious Court hearing.

In Reconvention: a) Partially granted the plaintiff's counterclaim and b) Punish the counterclaim defendant to pay the counterclaim plaintiff in the form of: 1) Mut'ah in the form of IDR 10,000,000 (ten million rupiah), 2) Support during the IDDAH period is a total of IDR 9,000,000 (nine million rupiah), 3) Kiswa during the iddah period in the amount of Rp.3,00,000.- (three million rupiahs), which was handed over to the plaintiff in the counterclaim shortly before the divorce vow was pronounced, 4) The costs of maintaining Virza Efendi are borne by the counter-defendant through the counter-plaintiff in the amount of Rp. 5,000,000 (five million rupiahs) per month, with an annual increase of 10% (without including school fees or child health care). The individual has reached the age of majority in his country, which in the United States is 21 years, or can function as a free-living adult, 5) Confirm that the Counter Plaintiff and Counter-Defendant Mutual Agreement Letter dated April 1, 2021 is an agreement between the parties that is valid and enforceable and 6) Punish the counterclaim defendant and counterclaim plaintiff for failing to comply with and implement the contents of the Mutual Agreement Letter dated April 1, 2021.

4. CONCLUSION

According to the philosophy of Islamic law, a talak bain (a talak husband to a wife whose iddah period has expired) has the same economic rights as a talak raj'i (a talak husband to a wife whose 1st and 2nd talaks have not expired). This is because the law presumes that the woman either dies or spends the iddah period with her ex-husband at her home. Divorce is a solution, not a conduit for revenge and suffering, which is why it's important to repeat the process healthily and at the right time.

The quarrel between the petitioner and the respondent required the two of them to divorce. Through Karawang Religious Court Decision Number: 624/Pdt.G/2021/Pa.Krw., the judge granted the petitioner's request in the Convention to divorce before the Religious Court trial and granted part of the counterclaim or reconvention. This decision is irrevocable in nature, and there is no ordinary legal remedy that can be taken back. The author realizes that there are several shortcomings in this study, including: limitations of the authors analyze the data obtained from the previous sample, limitations in finding sample data according to research at religious court agencies that require several permits.

Suggestions from the author are, as a student, you must first understand previous research from the data that will be processed into a study. So that when the research was running, there were no more obstacles or deficiencies in the research being studied. Suggestions for the community is to understand every legal consideration that is obtained from this research so that it will make it easier for the community to get justice, especially in talak divorce.

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REFERENCES

- Abd Basir. (2022). Hukum Islam Tentang Perkawinan&Waris, Tohar Media, Yogyakarta, h, 96.
- Ahmad Syahrus Sikti. (2019). DAF'U AL-DARAR Dalam Putusan Hakim Pengadilan Agama, Puri Kartika Banjarsari, Serang h, 77. <https://doi.org/10.1093/jxb/33.1.140>
- Alfiyahwati. (2019). Implementasi Kewajiban Suami Dalam Memenuhi Hak Mantan Isteri Akibat Cerai Talak, Jurnal, Malang.
- Dudung Abdul Razak dan Widia Sulastri, (2022). Putusnya Perkawinan Dan Akibat Hukumnya Dalam Bingkai Hukum Islam, Bintang Semesta Media, Jakarta, h, 68.
- Edi Marsis. (2021). Eksekusi Nafkah Madhliyah, CV Amerta Media, Banyumas, h,30

- Heniyatun dkk. (2018). Pemberian Mut'ah dan Nafkah Iddah Dalam Perkara Cerai Gugat, Jurnal, Magelang.
- Imam Asy-Syafi'i. (2016). AL-UMM Kitab Induk Fiqih Islam, PT Pustaka Abdi Bangsa, Jakarta, h, 260. <https://doi.org/10.4236/ajac.2013.47a003>
- Karawang.go. (2023). <https://web.pa-karawang.go.id/> diunduh tanggal 10 Januari 2023 Pukul 08:05. <https://doi.org/10.1016/j.jhazmat.2010.05.064>
- Kemenag.go. (2023). <https://moraref.kemenag.go.id/> diunduh tanggal 20 Januari 2023 Pukul 09:24 WIB. <https://doi.org/10.1080/02757540.2012.744831>
- Lexy J Moeleong. (2021). Metodologi Penelitian Kualitatif, Rosda Kary, Bandung, h, 3. <https://doi.org/10.1016/j.cej.2006.08.015>
- MahkamahAgung.go. (2023). <https://jdih.mahkamahagung.go.id/> diunduh tanggal 05 Februari 2023 Pukul 19:30 WIB.
- Maimun dan Muhammad Thoha. (2018). Perceraian Dalam Bingkai Relasi Suami-Istri, Duta Media Publishing, Pamekasa, h, 3. <https://doi.org/10.15171/ijpni.2015.05>
- Mohammad Ridwan. (n.d.). Wawasan Keislaman, Yogyakarta, h, 236. <https://doi.org/10.1016/j.jhazmat.2005.06.018>
- M. Nurul Irfan. (2022). Nasab Dan Status Anak Dalam Hukum Islam, Amzah, Jakarta, h, 292.
- Pasal 38 UU. (n.d.). Akibat Hukum Perceraian Berdasarkan Pasal 38 Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. <https://doi.org/10.1016/j.jhazmat.2006.12.055>
- Peter Mahmud Marzuki. (2019). Penelitian Hukum, Kencana, Jakarta, h, 93. <https://doi.org/10.1016/j.jhazmat.2009.05.075>
- Pontianak.go. (2023). <https://www.pa-pontianak.go.id/> diunduh tanggal 25 Januari 2023. Pukul 20:21 WIB. <https://www.researchgate.net/publication/228843342>
- Repository Unej. (2023). <https://repository.unej.ac.id/> diunduh tanggal 05 Februari 2023 Pukul 20:15 WIB.
- Rika Handayani. (2022). Dasar Kesehatan Reproduksi, Yayasan Kita Menulis Id, Sumatera Utara, h, 54.
- Siti Musawwamah dan Eka Susylawati. (2020). Penerapan Peraturan Mahkamah Agung Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum Di Peradilan Agama, Duta Media Publishing, Surakarta, h, 75. www.oseanografi.lipi.go.id/%5Cn
- Soemiyati. (1982). Hukum Perkawinan Islam dan Undang-Undang Perkawinan, Penerbit Liberty, Yogyakarta h, 48. <https://doi.org/10.1088/1755-1315/251/1/012012>
- Soerjono Soekanto dan Sri Mamudji. (2013). Penelitian Hukum Normatif, Raja Grafindo Persada, Jakarta, h, 13. <https://repository.ipb.ac.id/handle/123456789/84841>
- Syahrul Mustofa. (2019). Hukum Pencegahan Pernikahan Sejak Dini. Guepedia, h, 11.
- Tinuk Dwi Cahyani. (2020). Hukum Perkawinan, UMM Press, Malang, Bogor, h, 11.
- Triyo Supriyatno. (2020). Paradigma Pendidikan Islam Berbasis Humanis Spiritual Teologis, Malang. <https://doi.org/10.1016/j.cej.2005.07.007>