

## **The Husband's Obligation to Provide for His Wife in *Ṣīgat Taklīk Talāq*: Analysis of the Madhhab of Jurisprudence**

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### Abstract

This article analyzes the husband's subsistence obligations to his wife in divorce proceedings from the point of view of different schools of fiqh. Livelihood is a fundamental right for women in Islam, and this provision has significant implications for divorce situations. The main purpose of this study is to analyze the various schools of thought regarding the husband's subsistence obligations towards his wife during and after the divorce process. The research method used is a comparative analysis of the views of the four major schools of Jurisprudence: Hanafi, Maliki, al-Syafi'i and Hanbali. This article discusses various madhhabs and interpretations regarding whether or not the husband's obligation to provide for his wife after the declaration of divorce. The results of the analysis show that there are significant differences between madhhab scholars in understanding the husband's obligation to provide in the context of talaq. There are those who argue that this obligation to provide for a certain period of time after the divorce statement, while there are also those who argue that the obligation to pay income will end by itself. This article aims to provide a deeper understanding of the different views of madhhab scholars on the obligation to provide for wives and husbands during the taklik talaq period. In addition, this article provides insight into how these traditional views can be adapted to changing social and legal circumstances over time.

**Keywords:** Husband's Obligations; Wife's Bread; Sighat Taklik Talaq; Madzhab of Jurisprudence

### Abstrak

Artikel ini menganalisis kewajiban nafkah suami kepada istrinya dalam proses perceraian dari sudut pandang madzhab fikih yang berbeda. Nafkah merupakan hak mendasar bagi perempuan dalam Islam, dan ketentuan ini memiliki implikasi yang signifikan terhadap situasi perceraian. Tujuan utama dari penelitian ini adalah untuk menganalisis berbagai aliran pemikiran mengenai kewajiban nafkah suami terhadap istrinya selama dan setelah proses perceraian. Metode penelitian yang digunakan adalah analisis komparatif terhadap pandangan empat madzhab besar Fikih: Hanafi, Maliki, al-Syafi'i dan Hanbali. Artikel ini membahas berbagai madzhab dan penafsiran mengenai tetap tidaknya kewajiban nafkah suami kepada istrinya setelah pernyataan cerai. Hasil analisis menunjukkan bahwa terdapat perbedaan yang signifikan antar ulama madzhab dalam memahami kewajiban nafkah suami dalam konteks taklik talak. Ada pihak yang berpendapat bahwa kewajiban menunaikan nafkah ini akan terus berlanjut dalam jangka waktu tertentu setelah pernyataan cerai, sementara ada pula yang berpendapat bahwa kewajiban

membayar nafkah akan berakhir dengan sendirinya. Artikel ini bertujuan untuk memberikan pemahaman lebih dalam mengenai perbedaan pandangan ulama madzhab terhadap kewajiban menafkahi istri dan suami pada masa taklik talak. Selain itu, artikel ini memberikan wawasan tentang bagaimana pandangan tradisional ini dapat disesuaikan dengan perubahan keadaan sosial dan hukum dari waktu ke waktu.

**Kata kunci:** Kewajiban Suami; Nafkah Istri; Sighat Taklik Talak; Madzhab Fikih

## 1. Introduction

The issue of a husband's financial obligations following talaq (divorce) remains a critical concern within Islamic family law, particularly in Muslim-majority societies (Ja'far & Hermanto, 2021). Statistical data from various countries indicate that divorce rates are rising, resulting in increased economic vulnerability for divorced women. For instance, reports from several jurisdictions show that many divorced wives face financial insecurity due to inadequate post-divorce maintenance (Kasim et al., 2022). This socio-economic reality underscores the importance of clarifying the husband's obligations during the iddah (waiting period) and beyond, especially when talaq is governed by conditional contracts such as taklik talaq (Herawati et al., 2017). Understanding these obligations is vital not only for protecting women's rights but also for ensuring just legal practices that align with Islamic principles.

Despite the significance of this issue, there remains considerable legal ambiguity and scholarly disagreement regarding the scope and duration of the husband's maintenance duties after talaq (Wibisono, 2020). While some Islamic legal schools assert that the husband must continue providing financial support for a specific period post-divorce, others contend that the obligation terminates immediately upon divorce unless specific conditions, such as pregnancy, apply. This divergence creates uncertainty for both legal practitioners and affected families. Moreover, the introduction of taklik talaq contracts, which include conditional stipulations agreed upon at marriage, adds further complexity to determining the husband's financial responsibilities. These unresolved questions pose challenges for courts and policymakers seeking to harmonize Islamic jurisprudence with contemporary social realities.

Previous studies have extensively analyzed classical juristic opinions on post-divorce maintenance and explored the role of taklik talaq within Islamic law (Asman, 2020). However, a notable research gap exists in the integration of these traditional views with current socio-legal frameworks and the practical implications for contemporary Muslim societies (Zuhdi et al., 2019). While some research emphasizes the legal theory behind madhhab interpretations, few have critically examined how these doctrines are adapted or applied in modern statutory laws or how they affect the lived experiences of divorced women (Hikmah et al., 2022). This gap calls for a comprehensive study that bridges classical jurisprudence with modern legal practices, offering nuanced insights that are both academically rigorous and socially relevant.

This study argues that a contextual and principled approach is essential for applying Islamic legal thought on post-divorce maintenance, especially within the taklik talaq

framework. By critically analyzing the different madhhab positions and their underlying jurisprudential rationales, this research aims to provide a clearer understanding of the husband's financial obligations and how these can be reconciled with evolving social and legal norms (Khaera et al., 2022). The objective is to contribute to scholarly discourse and inform policymakers in designing family laws that are both faithful to Islamic teachings and responsive to contemporary challenges, ultimately promoting justice and social welfare for divorced spouses.

## 2. Research Methods

This study employs a qualitative research design, focusing on a normative juridical approach to analyze classical Islamic legal texts and contemporary legal frameworks concerning the husband's obligation to provide maintenance after talaq, particularly in the context of taklik talaq. The qualitative approach is chosen to deeply explore the diverse interpretations among the four major madhhabs (Hanafi, Maliki, Shafi'i, and Hanbali) and how these traditional views relate to modern legal practices in Muslim-majority countries (Najib, 2020). This method enables a comprehensive understanding of the theoretical and practical aspects of post-divorce financial obligations within Islamic law.

Data collection involves an extensive literature review of primary sources, including classical fiqh manuals, fatwas, and relevant Quranic and Hadith texts that discuss nafaqah and talaq. Secondary sources such as contemporary academic articles, legal commentaries, and statutory family laws from various Muslim jurisdictions are also examined to contextualize the classical rulings within current socio-legal environments. Additionally, comparative analysis is conducted to identify the points of convergence and divergence among the madhhabs as well as the influence of taklik talaq contracts on maintenance obligations. The analytical technique used in this study is content analysis, whereby the textual data is systematically examined to extract key themes and jurisprudential arguments related to the husband's financial responsibilities. This includes analyzing how different madhhabs interpret the duration and conditions of nafaqah post-divorce and assessing the legal validity and impact of taklik talaq agreements. The study also considers socio-legal factors such as women's economic vulnerability and state regulations, aiming to provide a balanced view that integrates traditional Islamic law with contemporary realities.

## 3. Discussion

### 3.1. Divergence of Opinions Among Madhhab Scholars

The analysis reveals that there are substantial differences among classical Islamic legal schools (madhhab) regarding the husband's financial obligations following the pronouncement of talaq (divorce) (Salim, 2015). Some scholars, particularly from the Hanafi and Maliki schools, maintain that the husband remains responsible for providing maintenance (nafaqah) to the wife for a specific period following the divorce, especially during the iddah

(waiting period) (Nurnazli, 2018). This is understood as a continuation of his responsibility to ensure the welfare of the former wife, based on the marital bond that still has residual legal effects during this time. In contrast, other scholars—most notably from the Shafi'i and Hanbali traditions—argue that once talaq is pronounced, the obligation to provide automatically ceases unless specific conditions, such as pregnancy, are present (Pomahiya et al., 2022). These divergent interpretations reflect broader theological and juristic principles within each school.

The Hanafi school argues that the husband's obligation to provide maintenance during the iddah period is grounded in the sanctity of the marital contract. Although the talaq has been issued, the legal effects of the marriage are not entirely nullified until the iddah period concludes (Saputera & Lamunte, 2020). During this time, the wife is still considered partially within the husband's legal sphere, and thus, he is bound to continue providing for her. This provision ensures that women are not left vulnerable immediately after divorce, particularly in societies where they may not have immediate access to economic resources. The Maliki school concurs with this view and even extends the husband's responsibilities in certain cases. For instance, if the wife is pregnant at the time of the divorce, the husband is obligated to provide maintenance until the child is born, and in some interpretations, until the child is weaned. This expanded interpretation reflects the Maliki emphasis on social welfare and the protection of vulnerable members of society.

In contrast, the Shafi'i and Hanbali schools take a more restrictive view of the husband's post-divorce financial obligations (Yahya & Mahmud, 2020). According to these traditions, the primary objective of the iddah period is to establish whether the wife is pregnant and to maintain the lineage's integrity. Once talaq has been issued, the marital bond is considered terminated, except for specific legal consequences that are explicitly stated in the sources of Islamic law. Therefore, unless the wife is pregnant, there is no longer a financial obligation upon the husband. This view is based on a literal interpretation of the Qur'anic verses and hadiths concerning divorce, as well as a strict adherence to the principle of legal certainty (*qat'i*) in matters of financial obligation. The Hanbali school, in particular, is known for its emphasis on textual fidelity and reluctance to expand obligations beyond what is clearly established in the primary sources.

The divergence in these views also highlights the broader methodological differences between the schools of Islamic jurisprudence. The Hanafis and Malikis often employ *istihsan* (juristic preference) and *maslahah mursalah* (public interest) in their reasoning, allowing for greater flexibility in applying the law to ensure social justice and protect the weak (Maulidizen & Raihanah, 2019). On the other hand, the Shafi'is and Hanbalis emphasize strict adherence to textual sources and limit the use of analogical reasoning (*qiyas*) and other tools that might introduce subjective judgment into the legal process (Rinwanto & Arianto, 2020). These methodological preferences result in different legal outcomes, particularly in areas such as

family law, where ethical considerations and societal impacts are deeply intertwined with legal rulings.

In the context of taklik talaq, where divorce is contingent upon certain conditions stipulated in the marriage contract, the question of maintenance becomes more complex. The taklik clause, commonly found in marriage contracts in countries like Indonesia and Malaysia, often outlines specific scenarios under which a wife is entitled to initiate divorce or receive certain rights. In such cases, some scholars argue that the husband is bound by the contract to fulfill the conditions agreed upon, including financial support after the divorce. This contractual dimension introduces an additional layer of legal obligation that may not be explicitly covered by traditional juristic opinions. Consequently, contemporary scholars and jurists must reconcile the classical doctrines with the evolving contractual practices in modern Muslim societies.

From a contemporary legal perspective, many Muslim-majority countries have incorporated elements from various madhhab into their statutory family laws to create more balanced and equitable systems. For instance, the Indonesian Compilation of Islamic Law (Kompilasi Hukum Islam, or KHI) provides guidelines that combine the spirit of Shafi'i jurisprudence with considerations from other schools to address contemporary social realities (Mahkamah Agung RI, 2011). In matters of post-divorce maintenance, courts often consider factors such as the duration of the marriage, the financial capacity of the husband, the wife's economic needs, and the welfare of children. This pragmatic approach reflects an understanding that legal systems must evolve to meet the changing needs of society while remaining rooted in Islamic principles.

Furthermore, the evolving role of women in Muslim societies has necessitated a re-evaluation of traditional rulings concerning maintenance. With increasing female participation in the workforce and greater access to education, the assumption that women are economically dependent on their husbands no longer holds universally. Some modern scholars argue that while the husband's obligation to provide remains valid within its historical and ethical context, contemporary applications should also account for mutual financial responsibility and gender equity. This perspective encourages a more dynamic interpretation of classical rulings, one that aligns with the maqasid al-shari'ah (higher objectives of Islamic law), such as justice, compassion, and the protection of human dignity (Harisudin & Choriri, 2021).

Nevertheless, the implementation of post-divorce maintenance laws continues to face challenges. In some cases, cultural norms and patriarchal attitudes undermine the legal provisions designed to protect divorced women. There is also a lack of awareness and enforcement mechanisms in certain jurisdictions, which leads to inconsistent application of the law. Educational initiatives and public awareness campaigns are therefore essential to ensure that both men and women understand their rights and responsibilities under Islamic

law. Legal reforms must be accompanied by social change to achieve their intended outcomes.

In conclusion, the significant differences among madhhab scholars regarding the husband's financial obligations following talaq reflect the richness and diversity of Islamic legal thought. While some schools emphasize continued responsibility during the iddah period to ensure the wife's welfare, others prioritize legal finality and textual adherence. These differences are rooted in distinct methodological approaches and ethical considerations. The context of taklik talaq and the realities of modern Muslim societies further complicate the issue, requiring a balanced and context-sensitive application of Islamic jurisprudence. Ultimately, the goal should be to uphold the core values of Islamic law—justice, compassion, and social welfare—in a manner that responds effectively to contemporary challenges.

### **3.2. Relevance of *Taklik Talaq* and Conditional Obligations**

Taklik talaq represents a distinctive legal mechanism within Islamic family law, where the pronouncement of divorce by the husband is conditioned upon specific terms agreed upon at the time of marriage (Alam, 2019). This conditional form of divorce aims to provide a protective framework for the wife, granting her recourse if the husband violates or triggers the agreed-upon conditions. Unlike the standard, unilateral talaq, taklik talaq introduces an element of contractual stipulation that profoundly impacts the legal and ethical dimensions of post-divorce obligations, particularly concerning maintenance (nafaqah).

The relevance of taklik talaq is rooted in its potential to modify or supplement the default rulings of Islamic jurisprudence regarding a husband's financial responsibilities after divorce. Maintenance, traditionally understood as the husband's duty to provide for the wife during the marriage and for a specified period following divorce—typically during the iddah (waiting period)—becomes a subject of legal interpretation when embedded within a taklik contract (Jalil, 2018). This interplay raises critical questions: To what extent can the contractual conditions negotiated between spouses influence or supersede the classical jurisprudential rules? Does taklik talaq create a new set of obligations distinct from those outlined in the standard fiqh texts? These questions underline the broader challenges of integrating personal agreements within established Islamic legal frameworks.

Scholarly opinions on this matter diverge considerably, reflecting the multifaceted nature of Islamic law and its adaptability to evolving social realities. On one side, certain jurists argue that taklik talaq clauses effectively enhance the wife's rights by formalizing her entitlement to post-divorce maintenance beyond what the general law prescribes. These scholars emphasize the binding nature of contracts in Islamic jurisprudence, particularly when they serve to protect vulnerable parties in marital relationships (Sharif et al., 2020). They contend that when the husband consents to conditional obligations in the taklik agreement, such commitments must be honored even if they extend beyond the customary duration or scope of nafaqah. This interpretation aligns with the maqasid al-shariah (objectives of Islamic



law), which prioritize justice, protection of family integrity, and the welfare of women (Alwy, 2018).

Conversely, other jurists caution against allowing taklik talaq conditions to override the established default rulings of Islamic law. Their stance is grounded in the concern that permitting such contractual modifications may lead to legal uncertainty and potentially undermine the coherence of family law. These scholars argue that while contracts hold significant value in Islamic jurisprudence, they cannot contravene clear legal principles that have been explicitly ordained in the Quran and Sunnah. From this perspective, the husband's post-divorce maintenance obligations remain bounded by the traditional framework, and conditional taklik agreements should not impose additional burdens beyond what Islamic law stipulates. This approach seeks to preserve uniformity and predictability in legal rulings, safeguarding the community from arbitrary or excessive contractual stipulations.

The divergence in opinion also reflects differing methodological approaches within Islamic jurisprudence. Those favoring contractual enhancement of maintenance obligations often adopt a purposive and flexible interpretative method, taking into account the context and intentions of the parties involved. They emphasize the binding nature of mutual consent and contractual autonomy, insofar as it does not violate Islamic principles. On the other hand, proponents of restricting taklik conditions adhere more strictly to textualist and precedent-based interpretations, prioritizing scriptural authority and classical fiqh consensus. These contrasting approaches exemplify the dynamic tension within Islamic legal theory between textual fidelity and contextual adaptation.

Beyond theoretical debates, the practical implications of taklik talaq conditions have significant social ramifications. In many contemporary Muslim societies, taklik talaq is invoked to provide women with greater security and recourse in marital dissolution, especially in contexts where unilateral talaq has been criticized for enabling potential abuse of women's rights. By stipulating clear conditions, such as guaranteed financial support post-divorce or prohibition of divorce without cause, taklik talaq seeks to mitigate the vulnerability women face in divorce proceedings. Consequently, understanding the legal status and enforceability of these conditions is crucial for protecting women's rights and ensuring equitable treatment under Islamic family law.

However, the enforcement of taklik talaq conditions, including maintenance obligations, can be complex due to variances in national legal systems and their interaction with classical Islamic jurisprudence. Some countries have codified taklik talaq within their family law statutes, recognizing the validity of conditional divorce and enforcing associated maintenance agreements. Others treat taklik talaq as a moral or religious commitment without binding legal force unless formally ratified through civil procedures. This disparity underscores the broader challenge of harmonizing Islamic legal principles with modern state laws and judicial practices, especially in pluralistic legal environments.

The evolving socio-economic realities and changing gender dynamics influence how taklik talaq and its conditional obligations are perceived and applied. Women's increased participation in the workforce and shifts in familial roles necessitate reconsideration of traditional maintenance frameworks. Taklik talaq, with its contractual flexibility, can potentially accommodate these changes by allowing spouses to tailor financial obligations to their specific circumstances. However, this also raises questions about fairness and the risk of exploitation if contractual terms are unilaterally imposed or not adequately protected by law.

The relevance of taklik talaq and its conditional obligations reflects an important intersection of Islamic jurisprudence, contractual law, and socio-legal reform. While taklik talaq introduces a nuanced mechanism to address the husband's financial duties post-divorce, scholarly opinions remain divided on the extent to which these conditional agreements should influence or modify classical maintenance rulings. This legal tension highlights the complexity of balancing contractual freedom with adherence to traditional fiqh principles. Moving forward, greater scholarly engagement and legislative clarity are needed to harmonize taklik talaq practices with the objectives of justice, protection, and welfare embedded within Islamic law, ensuring that such mechanisms serve the interests of all parties equitably.

### **3.3. Contemporary Application and Socio-Legal Adaptation**

While classical Islamic jurisprudence offers foundational perspectives on the husband's obligation to provide maintenance following divorce, the realities faced by contemporary Muslim societies require a dynamic and context-sensitive approach. The divergent views of madhhab scholars—rooted in their unique interpretative methodologies and socio-historical contexts—serve as important resources for informing ongoing debates about the rights and responsibilities of divorced spouses today. This section examines how these classical opinions are engaged, challenged, and transformed within modern legal frameworks, highlighting the critical importance of socio-legal adaptation in achieving justice and equity.

Modern legal systems in many Muslim-majority countries incorporate Islamic legal principles as core components of family law. However, these legal systems do not operate in a vacuum; they must respond to contemporary social complexities, including shifts in gender roles, economic structures, and human rights discourse. In this regard, the traditional rulings on maintenance after talaq—while respected as normative benchmarks—cannot be applied mechanically or without consideration of current realities. For example, many women today face heightened economic vulnerability post-divorce due to limited employment opportunities, childcare responsibilities, and social stigma. Consequently, the classical understanding of maintenance, often limited to the iddah period or narrowly defined categories, may inadequately protect the welfare of divorced wives in contemporary contexts.



This disconnect has prompted jurists, scholars, and policymakers to reconsider and adapt traditional rulings to better align with present-day social needs. One significant trend is the movement towards more expansive interpretations of nafaqah obligations, advocating for prolonged or enhanced maintenance that extends beyond the classical limits, especially when the wife lacks independent means of support. Such views often draw inspiration from the *maqasid al-shariah*—the higher objectives of Islamic law—which prioritize the preservation of dignity, welfare, and social justice (Arisandy et al., 2022). By revisiting foundational juristic opinions, reformist scholars argue that the underlying ethical principles of Islamic law support evolving maintenance frameworks that address contemporary socio-economic challenges.

The varied opinions of the madzhabs provide a rich jurisprudential toolkit to support such adaptation. For instance, the Hanafi and Maliki schools' emphasis on maintenance during *iddah* can be interpreted flexibly to include support mechanisms for women's economic sustenance, recognizing that the *iddah* period in itself symbolizes a transitional phase where women may still face significant vulnerability. Meanwhile, the Shafi'i and Hanbali perspectives—which traditionally limit maintenance obligations—can be revisited in light of changing social contracts and the realities of women's rights in modern society. This juristic plurality encourages a balanced approach that respects traditional legal frameworks but is not rigidly bound by them.

The contractual element introduced by *taklik talaq* offers a model for integrating personal autonomy and mutual consent into the legal process, enabling spouses to tailor maintenance obligations in ways that respond to their unique circumstances. Such conditional agreements, when properly regulated and incorporated into statutory law, can enhance the protection of women's rights and promote fairness (Binarsa & Nasution, 2021). However, their effective implementation depends on the legal system's capacity to ensure transparency, prevent exploitation, and enforce contractual commitments. This requires not only legal reforms but also the development of institutional mechanisms such as family courts, legal aid, and mediation services that can adjudicate and uphold these agreements within the framework of Islamic principles.

The adaptation process also necessitates critical engagement with gender justice and human rights discourses. International human rights standards, including those articulated in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), increasingly influence Muslim-majority countries' family law reforms. While Islamic law is grounded in divine revelation and tradition, contemporary jurists acknowledge the importance of harmonizing Islamic principles with universal norms of equality and justice. This has led to renewed emphasis on the equitable treatment of women in divorce, including fair financial support, protection from arbitrary repudiation, and access to legal recourse.

In this evolving socio-legal landscape, courts and legislatures have begun to reinterpret and codify maintenance obligations in ways that reconcile classical *fiqh* with

modern social welfare imperatives. For example, several countries have expanded the duration and scope of post-divorce maintenance, recognizing the economic realities faced by divorced women and their dependents. Others have instituted procedural safeguards to prevent misuse of talaq and to protect women's rights through judicial supervision of divorce and maintenance claims. Such reforms often invoke the principles derived from the diversity of madhhab opinions to justify a flexible and context-sensitive application of Islamic law.

Nevertheless, the process of socio-legal adaptation is not without challenges. Resistance often arises from conservative sectors that view such reforms as deviations from authentic Islamic teachings. There is also the practical difficulty of balancing respect for religious authority with the demands of modern state law and the pluralistic nature of contemporary societies (Ropei, 2021). The multiplicity of madhhab interpretations, while enriching, can lead to legal uncertainty and inconsistency if not carefully managed within codified systems. Therefore, ongoing scholarly dialogue, public education, and judicial training are essential to foster a nuanced understanding of the scope and limits of maintenance obligations in both classical and contemporary contexts.

This article emphasizes that socio-legal adaptation should not equate to wholesale abandonment of classical jurisprudence but rather a principled engagement that honors the spirit of Islamic law. The objective is to maintain fidelity to the foundational values of justice (adl), compassion (rahmah), and social welfare (maslahah), while addressing the lived realities of Muslim families today. In this way, Islamic family law can continue to serve as a living legal tradition that responds constructively to change without compromising its religious and ethical core.

The contemporary application of madhhab views on post-divorce maintenance and the integration of taklik talaq conditions require a delicate balance between tradition and modernity. Islamic legal thought offers a diverse and adaptable framework that, when thoughtfully applied, can address contemporary challenges faced by divorced spouses, particularly women's economic security. Socio-legal adaptation, through legislative reform, judicial interpretation, and institutional support, is essential to ensure that Islamic family law remains relevant, just, and protective of all parties in the evolving social landscape. This approach not only preserves the legitimacy and authority of Islamic jurisprudence but also contributes to the broader goals of social justice and human dignity in Muslim societies.

#### **4. Conclusion**

This study reveals significant differences among madhhab scholars regarding the husband's financial obligations following talaq. While some scholars maintain that the husband must provide maintenance for a defined period after divorce, others argue that this obligation ends automatically upon the pronouncement of talaq. These divergent interpretations reflect deep juristic reasoning within Islamic legal traditions and influence how the taklik talaq context is understood. By analyzing these varying perspectives, the article

offers a comprehensive understanding of the complexities surrounding spousal maintenance obligations during the taklik talaq period. This study has certain limitations. Primarily, it relies on textual analysis of classical and contemporary fiqh sources without extensive empirical data on how these obligations are implemented or experienced in diverse Muslim communities today. Additionally, the research focuses mainly on theoretical legal interpretations and does not deeply explore regional variations in statutory law or the role of judicial discretion. Future research could address these gaps by incorporating field studies and case law analysis to better understand the lived realities and challenges faced by divorced spouses under various legal systems.

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