



**Marriage Contract in the Perspective of Mubadalah Ethics:
An Analysis of the Practice of Conditional Divorce and Mutual Partnership
Agreements**

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Abstract

The marriage contract in classical Islamic law is frequently interpreted within a relational framework that may perpetuate inequality in marital relationships. In Indonesia, legal practices such as *taklik talak* and reciprocity pacts represent efforts to reconstruct the marriage contract toward a more egalitarian and reciprocal partnership. This study offers an original contribution by integrating normative *fiqh* analysis, critiques of gender bias, and institutional practices of Islamic family law in Indonesia through the framework of *mubadalah* ethics. The study aims to examine the concept and practice of the marriage contract and its implications for spousal relations from the perspective of *mubadalah* ethics. Employing a qualitative approach, this research applies descriptive-analytical and comparative methods based on library research, drawing upon Islamic legal literature, legal documents, and empirical studies concerning marital practices in Indonesia. The findings indicate that *taklik talak* functions as a protective mechanism for wives; however, it remains unilateral and does not substantively embody reciprocal marital relations. In contrast, reciprocity pacts reflect a more relational approach by establishing mutual commitments at the outset of marriage. The study also identifies a gap between normative frameworks and social practices, including limited public understanding of *taklik talak* and the influence of socio-cultural conditions and premarital education on the quality of marital relationships. The practical implications of this study underscore the need to strengthen regulatory frameworks, enhance premarital education, and develop innovative marriage contract practices within Religious Affairs Offices (*KUA*) to better align with the principles of gender justice and reciprocity. Accordingly, this study contributes to the development of Islamic family law by proposing a more comprehensive framework that integrates normative, ethical, and practical dimensions through the lens of *mubadalah* ethics.

Keywords: Marriage contract, *mubadalah* ethics, *taklik talak*, reciprocity pact, Islamic law

Abstrak

Akad nikah dalam hukum Islam sering kali ditafsirkan dalam kerangka relasi yang berpotensi menghasilkan ketimpangan dalam perkawinan. Di Indonesia, praktik hukum seperti taklik talak dan pakta kesalingan menunjukkan upaya rekonstruksi akad nikah menuju relasi yang lebih setara. Penelitian ini memiliki orisinalitas dalam mengintegrasikan analisis normatif fikih, kritik terhadap bias gender, serta praktik institusional hukum keluarga di Indonesia dalam kerangka etika mubadalah. Penelitian ini bertujuan untuk menganalisis konsep dan praktik akad nikah serta implikasinya dalam relasi suami-istri melalui perspektif etika mubadalah. Metode yang digunakan adalah pendekatan kualitatif dengan metode deskriptif-analitis dan komparatif berbasis studi pustaka terhadap literatur hukum Islam, dokumen hukum, serta hasil penelitian empiris terkait praktik perkawinan di Indonesia. Hasil penelitian menunjukkan bahwa taklik talak berfungsi sebagai mekanisme perlindungan terhadap istri, namun masih bersifat satu arah dan belum mencerminkan relasi kesalingan secara substantif. Sebaliknya, pakta kesalingan menunjukkan pendekatan relasional dengan membangun komitmen timbal balik sejak awal perkawinan. Selain itu, ditemukan adanya kesenjangan antara norma dan praktik, seperti rendahnya pemahaman masyarakat terhadap taklik talak serta pengaruh faktor sosial, budaya, dan edukasi pranikah terhadap kualitas relasi perkawinan. Implikasi praktis penelitian ini adalah pentingnya penguatan regulasi, edukasi pranikah, dan inovasi praktik akad nikah di KUA agar lebih berorientasi pada prinsip keadilan gender dan kesalingan. Oleh karena itu, penelitian ini berkontribusi terhadap pembaharuan hukum keluarga Islam secara menyeluruh dengan mengintegrasikan aspek normatif, etika dan praktik melalui pendekatan etika mubadalah.

Kata Kunci: *Akad nikah, etika mubadalah, taklik talak, pakta kesalingan, hukum Islam*

Introduction

Marriage is not only a physical union between a man and a woman, but more than that, an emotional bond between the two partners, even in a broader context, uniting two families. So, marriage is not only a legal event, but also a part of the social and cultural events, especially in Indonesian society.¹ Therefore, in many traditions in Indonesia, marriage begins with a marriage contract that will bind commitments, sacrifices, gifts or offerings, from the man to the woman in the form

¹ Ibnu Elmi AS. Pelu and Ahmad Dakhoir, "Marital Property within the Marriage Law: A Debate on Legal Position and Actual Applications," *al-Jamiah: Journal of Islamic Studies* 59, No. 1 (2021). Ah Fajruddin Fatwa and Marliyah Marliyah, "When Rules and Tradition Collide: A Human Rights Perspective on Legal Policy Denial on Islamic Javanese Marriage Ethnomathematical Norms," *Journal of Indonesian Islam* 18, No. 2 (2024). Atun Wardatun, "Knitting Reciprocity and Communalism: Countering the Privatization of Family in Bimanese Muslim Local Marriage of Eastern Indonesia," *Journal of Islamic Law* 5, No. 2 (2024).

of a dowry and gifts (in the form of money or goods). This is a symbol of the union between two large families or even two different traditions if the marriage is inter-regional or inter-cultural.²

The marriage contract, as the primary gateway to forming a family, is a moral commitment³ that binds two individuals into a reciprocal relationship with equal rights and responsibilities.⁴ This demonstrates that the marriage contract is more than just a formal procedure. Islamic law, or *fiqh*, views the marriage contract as a *mitsāqan ghalīzan*, a strong and sacred agreement to build a harmonious and reciprocal family that demands responsibility from both men and women. Regarding the ethics of *mubadalah*, the Prophet Muhammad (peace be upon him) advised men to treat their wives with respect, based on piety to Allah SWT, the implementation of His mandate, and commitment to His teachings (*kalimah*).⁵

From a *mubadalah* perspective, this Hadith text also urges women to treat their husbands with respect, based on piety, trustworthiness, and the word of God. This means that the marriage contract for both bride and groom is a trust from Allah SWT. According to Islamic law, the goal of family can only be achieved if it is based on the principle of mutuality (*mubadalah*) and noble morals in the husband-wife relationship. However, in practice, both legally and socially, the marriage contract is often defined with a gender-biased interpretation that does not reflect the reciprocal responsibility between the two parties.

Classical *fiqh* studies frequently define the marriage contract as an agreement between the woman's guardian (*wali*) and the prospective husband. This interpretation has the potential to create hierarchical relationships that often place women in subordinate positions. Such an understanding also indirectly limits women's roles as passive parties with limited authority in determining their own choices in life.⁶ In the contemporary discourse, the understanding of marriage as a "contract of exchange" may likewise contribute to unequal marital relations.⁷ Furthermore, contemporary Islamic family law practices continue to face challenges related to gender bias, particularly regarding women's access to justice.⁸

²Dian Aries Mujiburohman, et.al., "The Issues of Land Tenure in Mixed Marriage," *Jurnal Ilmiah Peuradeun* 11, No. 1 (2023). Mursyid Djawas, et.al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, No. 2 (2023).

³ Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia* (Jakarta: Kencana Prenada Media Group, 2011). H. M. A. Tihami dan Sohari Sahrani, *Fikih Munakahat: Kajian Fikih Nikah Lengkap* (Jakarta: Rajawali Pers, 2010), p. 15.

⁴ Faqihuddin Abdul Kodir, *Fiqh Al-Usrah: Fondasi Akhlak Mulia dalam Hukum Keluarga* (Bandung: Afkaruna.id, 2025), p. 102.

⁵ Faqihuddin Abdul Kodir, *Fiqh Al-Usrah*, 101. *Sunan Abī Dāwud*, no. hadis 1907.

⁶ Musdah Mulia, *Ensiklopedia Muslimah Reformis: Pokok-Pokok Pemikiran untuk Reinterpretasi dan Aksi* (Jakarta: Dian Rakyat, 2019), p. 55.

⁷ Mulki Al-Sharmani, "Marriage in Islamic Interpretive Tradition: Revisiting the Legal and the Ethical," *Journal of Islamic Ethics* 2, no. 1–2 (2018), p. 76–96.

⁸ Hotnidah Nasution and Ahmad Rifqi Muchtar, "Access to Justice for Women and Children in Divorce Cases in the Indonesian Religious Courts," *Ahkam: Jurnal Ilmu Syariah* 20, no. 2 (2020).

Criticism of the classical *fiqh* interpretation of marriage has been expressed by several scholars such as Mir-Hosseini, Al-Sharmani, and Omaina Abou-Bakr, who argue that such relational structures are inconsistent with the concepts of *tawhid* and justice in the Qur'an.⁹ Similar criticism has also been advanced by Musdah Mulia¹⁰ who contends that both the conceptual construction and implementation of marriage in contemporary family law practices risk perpetuating gender inequality. Meanwhile, efforts to reconstruct the meaning of the marriage contract have become increasingly important in response to social developments in order to ensure equal rights and responsibilities within marital relationships.¹¹ This urgency is reflected in the rising divorce rates and the growing complexity of modern family relations, both of which demand more just and equitable relationships.¹²

In practice, the Indonesian Islamic family law offers optimism for realizing reciprocity between husband and wife through the institution of *taklik talak* (conditional divorce pronouncement). Conceptually, *taklik talak* is intended as an instrument to protect against potential violations of rights within marriage. However, in practice, its implementation is often ineffective and has even lost much of its urgency.¹³ In many cases, women, as one of the parties within marital relationships, remain vulnerable to injustice, including situations where they are abandoned by their husbands without clear legal status. This demonstrates a gap between legal norms and the actual protection of women's rights in marital practice.¹⁴ In the other words, within existing social dynamics, marriage law requires normative certainty and a more responsive approach. Therefore, innovation in legal practice is necessary to bridge the gap between the values of justice and the social realities of the society.¹⁵

Social dynamics in Indonesia have stimulated various innovations in marriage law practices aimed at fostering mutuality within marital relationships. Instruments such as *taklik talak* (conditional divorce pledges) and mutuality agreements represent efforts to institutionalize the principle of justice within the marriage contract. In practice, family law, customary law, and other forms of positive law in Indonesia are closely interconnected, although their implementation may at

⁹ Mulki Al-Sharmani, "Marriage in Islamic Interpretive Tradition: Revisiting the Legal and the Ethical," *Journal of Islamic Ethics* 2, no. 1–2 (2018), p. 76–96.

¹⁰ Musdah Mulia, *Ensiklopedia Muslimah Reformis*, p. 55.

¹¹ Al-Sharmani, "Marriage in Islamic Interpretive Tradition, p. 76–96.

¹² Fatum Abubakar, "Islamic Family Law Reform: Early Marriage and Criminalization (A Comparative Study of Legal Law in Indonesia and Pakistan)," *Ahkam: Jurnal Ilmu Syariah* 4, no. 2 (2019).

¹³ Faiq Fauzilla, "Urgensi Perjanjian Ta'lik Talak dalam KHI (Studi Kasus di Desa Pulo Wilayah Kantor Urusan Agama Kecamatan Jombang Kota)," *El-Usrah: Jurnal Hukum Keluarga* 5, no. 2 (2022).

¹⁴ Zaitun Abdullah et al., "Women's Rights Protection Through Taklik Talak: A Response to Missing Person Problem in Sukahati Village, Bogor, West Java," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 2 (2025). Alfitri, Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Studia Islamika* 27, No. 2 (2020).

¹⁵ Ahmad Rajafi dan Ressi Susanti, "Kaweng Turung: The Absence of State's Role in Harmful Marriage Tradition" *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023).

times generate legal and social tensions.¹⁶ Moreover, the presence of religious texts that prohibit forced marriage for women reflects the ethical foundation of Islamic teachings, which emphasize justice, consent, and the welfare of the family.

Although the marriage contract has been widely examined in existing scholarship, most studies have focused primarily on Islamic jurisprudence (*fiqh*) and prevailing legal regulations. Only a limited number of studies have comprehensively integrated the ethical dimension, particularly through the perspective of *mubadalah* (mutuality), with institutional practices in Indonesia. Consequently, a significant research gap remains in linking the normative construction of the marriage contract, critiques of gender bias within *fiqh*, and the implementation of mutuality principles in contemporary Indonesian marriage law. Unlike previous studies that tend to treat normative Islamic jurisprudence, gender critique, and legal practice as separate domains, this study integrates these three dimensions within a unified analytical framework grounded in the ethics of *mubadalah*.

This study aims to reconstruct the understanding of the marriage contract in Islamic jurisprudence from the perspective of *mubadalah* ethics, which emphasizes reciprocity and mutuality between spouses. It further examines how these ethical principles are implemented within national legal practices, particularly through the mechanisms of mutuality agreements and *taklik talak*. By integrating a normative ethical framework with practical legal implementation, this research contributes to the development and reformulation of Islamic family law in Indonesia based on the principles of equality, justice, and mutuality.

This research employs normative legal research methods,¹⁷ while data analysis is conducted using descriptive-analytical and comparative methods to examine the concept of the marriage contract in Islamic jurisprudence literature and its application in modern Islamic family law in Indonesia. This combination allows for a critical examination of written norms to ensure their relevance to social developments. Furthermore, to maintain analytical depth despite its library-based nature, this research also reviews secondary documents such as rulings, supporting literature, and records of related institutional practices.

The data analysis process is carried out using descriptive-analytical and comparative methods through the following stages: (1) examining the concept of the marriage contract in classical Islamic jurisprudence and Islamic family law literature; (2) identifying criticisms of normative constructions that have the potential for gender bias; (3) comparing this concept with contemporary family law practices in Indonesia, particularly *taklik talak* (religious divorce agreement) and pacts of mutual consent; and (4) interpreting the overall findings using the ethical perspective of *mubadalah* as the primary analytical framework. This method is applied to explore

¹⁶ Rr Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia : Tension and Constraints," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023).

¹⁷ Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif dan Empiris*, Jakarta: Prenamedia, 2018. Peter Mahmud Marzuki, *Penelitian Hukum*, Edisi Revisi. Jakarta: Prenada Media, 2017.

the correlation between Islamic legal norms and the reality of their application, resulting in a more critical, in-depth, and contextual study. This research is limited to a conceptual study of the marriage contract from the perspective of Islamic jurisprudence and the ethics of *mubadalah*, as well as its implementation in the reality of Indonesian Islamic family law. Therefore, this method will produce a comprehensive analysis by integrating the normative, ethical, and practical dimensions of Islamic family law.

Mubadalah Ethics in a Theoretical Framework

This study on the marriage contract, which integrates the ethical dimension of *mubadalah*, builds upon a number of relevant studies concerning Islamic family law, the concept of *mubadalah*, and contemporary practices in Indonesia, including *taklik talak* (conditional divorce pledges) and mutual agreements (*musaling*). Theoretically, *mubadalah* is understood as an alternative paradigm to the patriarchal framework that has long characterized classical Islamic jurisprudence. As argued by Nurul Hidayah and Nasrulloh,¹⁸ *mubadalah* emphasizes equality and reciprocal relations between individuals regardless of gender in all aspects of life. Amid the dominance of gender-biased interpretations in classical *fiqh*, the *mubadalah* approach provides an important alternative framework for reinterpreting the concept of marriage in order to realize gender justice.

Critical studies of Islamic family law further demonstrate the unequal relations between men and women embedded within classical Islamic jurisprudence on marriage, thereby highlighting the need for reinterpretation grounded in ethics and gender justice. Nevertheless, most studies on *mubadalah* remain largely theoretical and have not been systematically connected to the implementation of family law within formal institutions in Indonesia.¹⁹ In practical terms, research conducted by Fauziah Hayati and colleagues on marriage contracts indicates that women have historically played a role in the marriage contract, a fact acknowledged by several Islamic scholars. However, such recognition remains largely confined to the contractual process itself and has not yet been adequately reflected in post-marital relations between husband and wife. This finding demonstrates that women's direct involvement in the marriage contract is not a new phenomenon but rather part of the broader Islamic intellectual traditions. Despite this historical and theoretical foundation, its practical development within society has yet to be fully optimized.²⁰ Other studies also reveal that marriage contract practices in Indonesia continue to

¹⁸ Nurul Hidayah, "Mubadalah sebagai Paradigma Kesalingan dalam Relasi Suami Istri," *Al-Istinbath: Jurnal Hukum Islam* 2, No. 1 (2025).

¹⁹ Al-Sharmani, "Marriage in Islamic Interpretive Tradition."

²⁰ Fauziah Hayati, et al., "Representasi Ijab dan Qabul yang Diwakilkan dalam Kitab An-Nikah Karya Muhammad Arsyad Al-Banjari," *Indonesian Journal of Islamic Jurisprudence*, no. 2 (2024).

evolve in response to social changes, particularly the growing awareness of women's rights and status within family relationship.²¹

In addition, studies on institutional innovation in Indonesia demonstrate significant developments in promoting more egalitarian marital relations. Research conducted by Nabila Aulia, et.al., identified an innovation introduced by the Office of Religious Affairs (*Kantor Urusan Agama/KUA*), namely the Mutual Pact, which contributes to strengthening more equal relationships between husband and wife. These findings suggest that the *mubadalah* perspective has gradually moved beyond the conceptual level into institutional practice, thereby reinforcing the equal status of individuals in marriage regardless of gender. An educational approach combined with a shared commitment between spouses is considered more effective in preventing divorce than merely formalistic legal approaches.²² This value-oriented and ethically grounded approach is consistent with other research emphasizing the importance of transforming family relations through non-repressive and partnership-based mechanisms.²³ However, existing studies continue to focus primarily on institutional practices and have not yet comprehensively connected these practices to the ethical framework of *mubadalah* as a systematic basis for analysis.

On the other hand, contemporary Muslim feminist thought provides a strong epistemological foundation for critiquing the patriarchal construction of classical Islamic family law. Mulki Al-Sharmani highlights that the interpretive traditions of Islam, reflected in both classical exegesis and contemporary family law, often construct marriage through the concepts of *qiwāmah* and *wilāyah*, which tend to produce hierarchical relationships between husband and wife. This argument is consistent with the perspectives of Sa'diyya Shaikh, Mir-Hosseini, Abou-Bakr, and Amina Wadud, who argue that patriarchal constructions are neither absolute nor sacred. Rather, such constructions emerge through interpretive processes shaped by particular socio-historical contexts. Consequently, the reinterpretation of Islamic family law becomes essential for realizing justice and fostering reciprocal relationships between husband and wife based on the principle of *tawhīd* (monotheism).²⁴

Within the context of marriage, the relationship between men and women may therefore be understood as a dynamic social construct that remains open to legal reinterpretation aimed at achieving justice and equality, as emphasized in

²¹ Deni Setiyawan, et al., "Exploring Abhakalan Culture (Early Marriage) in Madura: A Dialogue of Customary Law, Religion, and The State," *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024).

²² Nabila Aulia, et al., "Institutional Innovation of the Office of Religious Affairs of Batanghari, East Lampung in Fostering the Sakinah Family," *Usroh: Jurnal Hukum Keluarga Islam* 9 (2025).

²³ Annisa Karomah, et al., "Pakta Kesalingan Terhadap Relasi Suami Istri di Batanghari Lampung Timur Studi Hukum Keluarga Islam," *Equalita: Jurnal Studi Gender dan Anak* 7, no. 2 (2025).

²⁴ Al-Sharmani, "Marriage in Islamic Interpretive Tradition", p. 82.

contemporary Islamic legal studies.²⁵ In this regard, Muhazir examines the marriage contract from the perspectives of Islamic jurisprudence (*fiqh*) and Indonesian positive law, conceptualizing it as a civil bond that generates reciprocal rights and obligations for both husband and wife.²⁶ Furthermore, various references in the jurisprudence of *munākahāt* explain that the marriage contract constitutes not only a legal agreement but also a moral bond that forms the foundation of family relations.²⁷ These studies collectively demonstrate that the marriage contract possesses inseparable normative and ethical dimensions within Islamic family law.²⁸

Although contemporary Islamic legal scholarship increasingly views marriage as an evolving social construct, the existing literature remains limited in several respects. Most studies continue to separate normative analyses of Islamic jurisprudence, feminist critiques of patriarchal constructions, and contemporary legal practices in Indonesia. Only a limited number of studies have comprehensively integrated epistemological critiques of patriarchal *fiqh* with institutional practices such as *taklik talak* and mutual agreements within the framework of *mubadalah* ethics. Moreover, studies examining the marriage contract from a *mubadalah* perspective remain predominantly conceptual and have not been systematically connected to the actual practices of family law in Indonesia.

Based on these considerations, this study seeks to address the existing gap by reformulating the concept of the marriage contract through a more integrative approach and by analyzing contemporary ceremonies and legal practices from the perspective of *mubadalah* ethics as the primary analytical framework. In doing so, this research not only bridges the gap between theoretical discourse and legal implementation in Indonesia but also contributes to the renewal of Islamic family law grounded in the principles of equality, reciprocity, and mutual relations.

Conceptual Framework of *Mubadalah* Ethics

1. *Mubadalah* Ethics in Islamic Family Law

Etymologically, the term *mubadalah* refers to “mutuality” or “reciprocity.” Within the context of the Islamic family law, this concept functions both as a normative value and as an analytical framework for examining and reconstructing social relations between husband and wife in marriage. *Mubadalah* serves not merely as an ethical concept but also as a critical framework for challenging unequal family law practices in Indonesia and affirming the equal position of men and women within

²⁵ Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence*, 2nd ed. (Oxford: Oneworld Publications, 2016).

²⁶ Muhazir, “Aqad Nikah Perspektif Fiqh dan Kompilasi Hukum Islam,” *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan* 6, no. 2 (2019).

²⁷ Dea Salma Sallom, “Interpretasi terhadap Syarat Ijab Kabul Ittihad Al-Majlis dalam Akad Nikah Perspektif Ulama Empat Madzhab,” *Hukum Islam: Jurnal Ilmu Hukum Islam* 22, no. 2 (2023).

²⁸ Tihami dan Sahrani, *Fikih Munakahat*.

Islamic jurisprudence. Through this perspective, legal provisions are expected to operate reciprocally and to ensure relational justice for both parties.²⁹

The ethics of *mubadalah* are grounded in three fundamental principles: *tarāḍin* (mutual consent), *‘adam al-ḍarar* (non-harm), and *‘adam al-gharar* (freedom from deception or uncertainty). These principles function as ethical foundations as well as indicators for assessing whether family law substantively guarantees justice, particularly for women. From the perspective of Islamic monotheism (*tawḥīd*), these principles affirm that human dignity and worth are determined by faith, piety, and moral conduct rather than by gender distinctions.

Efforts to internalize gender justice within family relations have increasingly been implemented through participatory and educational approaches initiated by various religious institutions as concrete manifestations of the principle of mutuality.³⁰ Within this framework, *mubadalah* is employed to assess the extent to which gender relations in marriage reflect substantive justice. Consequently, the primary concern is no longer limited to the formal legality of marriage, but rather to the quality of reciprocal and equitable relations between spouses.

Through the ethical perspective of *mubadalah*, marital relations are understood as being fundamentally dependent upon moral and ethical dimensions. However, classical Islamic jurisprudence (*fiqh*) has historically emphasized formal-legal aspects while separating moral discourse from legal analysis. This separation has contributed to the marginalization of ethical considerations within family law, thereby enabling the emergence of gender-biased interpretations that perpetuate inequality in domestic relations,³¹ and, in some cases, even gender-based violence. In response to this problem, Abdul Kodir emphasizes the importance of reintegrating moral discourse into Islamic family law. From this perspective, morality is understood not merely as a matter of etiquette or behavioral norms, but as a systematic effort to realize the objectives of Islamic law (*maqāṣid al-sharī‘ah*).³²

Several ethical principles derived from the Qur’an, such as justice, protection, trustworthiness, responsibility, and cooperation, constitute the primary moral foundations of Islamic family law.³³ Through this perspective, the Islamic family law assumes a broader role as an instrument of social transformation rather than merely a coercive legal mechanism. The ultimate objective is to encourage all

²⁹ Laili ‘Izza Syahriyati, “The Concept of Ihdad Husband Who Lived with Their Wife (Analytical Study of Qiraah Mubadalah’s Interpretation),” *Nurani: Jurnal Kajian Syari‘ah dan Masyarakat* 20, no. 2 (2020).

³⁰ Mufliha Wijayati et al., “The New Men: The Rahima’s Experiences in the Gender Sensitivity Construction among Marriage Registrar in Lampung Indonesia” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023). Atun Wardatun and Bianca J. Smith, “Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage,” *Ulumuna: Journal of Islamic Studies* 24, No. 2 (2020).

³¹ Faqihuddin Abdul Kodir, *Qirā‘ah Mubāḍalah*, p. xiii.

³² Faqihuddin Abdul Kodir, *Fiqh Al-Usrah: Fondasi Akhlak Mulia dalam Hukum Keluarga* (Bandung: Afkaruna.id, 2025), p. xiii.

³³ Kodir, *Fiqh Al-Usrah*, p. xiii.

parties to prioritize justice and the common good within family life. Accordingly, the Islamic family law cannot be separated from its higher moral purpose, namely to embody mercy for all creation (*rahmatan lil 'ālamīn*) and to cultivate noble character (*al-akhlāq al-karīmah*), as confirmed in the Qur'an and hadith as the main source of Islamic law.

According to 'Abd al-Rahmān al-Sa'di, the wisdom of marriage extends beyond the fulfillment of biological needs and includes the pursuit of happiness through noble character, mutual respect, protection, and shared responsibility.³⁴ These values position morality as the central focus of marriage, functioning not only at the formal level but also as principles that must be internalized in everyday life in order to create responsible and harmonious relationships between individuals. Consequently, the success of Islamic family law should not be measured solely by the fulfillment of legal pillars and procedural requirements, but also by the quality of the relationships it produces. In this sense, Islamic family law functions as a means of regulating destructive impulses while cultivating individuals of noble character.

The *mubadalah* perspective further emphasizes that the principle of mutuality in marriage must be manifested through concrete moral practices. Every family member, including husband, wife, and other members of the household, bears equal responsibility for implementing virtuous values within domestic life. Accordingly, the obligation to uphold good conduct does not rest exclusively upon one party, but must instead be practiced reciprocally by all members of the family. Therefore, regulations within Islamic family law, such as those concerning maintenance, the rights of wives, and parent-child relations, should be interpreted as ethical foundations that encourage just interaction, reciprocity, and mutual benefit.³⁵

Through the ethical approach of *mubadalah*, as elaborated in *Fiqh al-Usrah*, all dimensions of family law from premarital preparation and post-marital relations to mechanisms for dispute resolution, must be aligned with moral values. The Islamic family law provisions are therefore not confined to formal and normative boundaries but also require the realization of ethical principles within household life. For instance, the obligation to provide maintenance should no longer be understood merely as the fulfillment of economic needs, but rather as a concrete manifestation of protection, care, and responsibility. Similarly, the management of joint property must reflect the principles of justice, deliberation, and reciprocal partnership between spouses.³⁶

From the perspective of *mubadalah* ethics, the realization of a just and moral family life constitutes the primary objective of Islamic family law. Within this framework, the law is no longer perceived as a rigid set of rules, but rather as a means of ensuring the fair fulfillment of the well-being and happiness of husbands, wives, and other family members. Such an approach requires reciprocal relationships in

³⁴ Kodir, *Fiqh Al-Usrah*, p. 7-8.

³⁵ Faqihuddin Abdul Kodir, *Qirā'ah Mubādalāh* (IRCiSoD, 2021).

³⁶ Kodir, *Fiqh Al-Usrah*, p. 7-13.

which each individual actively participates in practicing noble moral values. Consequently, marriage becomes a practical space in which the values of equality, compassion, and mutual care are concretely embodied by all parties involved.

2. Noble Morality in the *Mubadalah* Approach

Within the ethical framework of *mubadalah*, women and men are positioned equally within a system of noble moral values integrated into various aspects of Islamic family law.³⁷ From this perspective, morality is no longer interpreted as a burden or obligation imposed upon only one party; rather, it constitutes a shared responsibility that must be carried out reciprocally by all family members. Accordingly, morality functions as both a normative and ethical foundation to ensure that marital relations are grounded in justice, equality, mutual support, and collective responsibility.

The ethical framework of *mubadalah* operates through two principal strategies: partnership and substantive justice. From the perspective of partnership, both women and men are regarded as complete and equal servants of Allah SWT. Consequently, noble moral values apply universally without gender discrimination. Principles such as *tawhīd*, *istikhlāf*, *qiwāmah*, and *zaujiyyah* (partnership) are therefore understood as theological foundations that affirm egalitarian rather than hierarchical relationships. In this regard, the application of *mubadalah* ethics functions as a critique of religious interpretations that subordinate one party to another.

At the same time, equality within the *mubadalah* perspective does not imply absolute uniformity that disregards biological realities and social conditions. The concept of substantive justice is intended to ensure that equality remains responsive to the actual experiences and conditions of women. This approach takes into account biological realities such as pregnancy and breastfeeding, as well as social issues including violence and marginalization, all of which may require specific forms of protection and affirmation. Thus, the justice promoted by *mubadalah* is substantive rather than merely formal, emphasizing the fulfillment of concrete needs and lived realities.

Furthermore, these two strategies demonstrate that the *mubadalah* approach is inherently contextual and grounded in the principle of the protection of life (*hifz al-nafs*), which affirms every individual's right to protection and dignity. Within the framework of substantive justice, women's specific conditions, such as pregnancy, menstruation, and breastfeeding require particular attention and ethical consideration. In this way, the *mubadalah* approach integrates universal ethical principles with contextual sensitivity within a comprehensive moral framework.

From a methodological perspective, the *mubadalah* approach calls for an inclusive reinterpretation of religious texts. Qur'anic passages and religious texts that employ masculine language are not interpreted exclusively for men, but rather

³⁷ Kodir, *Fiqh Al-Usrah*, p. 32-38.

understood as encompassing both men and women. For example, the command to cooperate in righteousness, as expressed in QS. al-Mā'idah [5]: 2, is interpreted as a universal principle applicable to all forms of social relations, including family life. Moreover, this approach critically challenges textual interpretations that perpetuate gender bias in religious practice and emphasizes that every individual shares responsibility for promoting the common good and realizing justice within society.

From the perspective of *mubadalah*, noble morality is defined as the capacity to build positive and constructive relationships with others through attitudes such as kindness (*baṣṭ al-wajh*), the promotion of goodness (*badzl al-ma'rūf*), the avoidance of harm (*kaff al-adzā*), honesty, and justice. This concept is both theoretical and practical because it can serve as an indicator for assessing the quality of social relationships, including marital relations between husband and wife. Through this interpretation, noble morality functions as a bridge between legal norms and social practices within society.

The concept of noble morality in *mubadalah* is founded upon three principal values: dignity, justice, and benefit. These principles constitute the ethical basis of all social relations, both within marriage and in broader social interactions. In this regard, the *mubadalah* approach functions not only as an ethical framework but also as an analytical instrument for evaluating whether a relationship, particularly the marital relationship reflects the human values of justice, equality, dignity, and mutual responsibility.³⁸

Marriage Contract from the Perspective of *Mubadalah Ethics*

A marriage contract in Islamic jurisprudence is understood as a binding agreement between the parties involved. Islamic law requires that the contracting parties possess legal capacity, including maturity (*bāligh*), sound reasoning (*'āqil*), and the ability to understand legal consequences (*rasyīd*). In addition, the contract must be based on the principle of *tarāḍin* (mutual consent) and free from coercion in order to be considered legally valid and morally accountable.³⁹ Within contemporary Islamic legal thought, the relationship between rights and obligations in marriage is increasingly interpreted through the lens of a moral and social contract rather than merely a formal legal agreement. This shift reflects the broader development of modern Islamic legal discourse.⁴⁰

In the Indonesian context, the Islamic family law demonstrates a considerable capacity to adapt to changing social dynamics, particularly regarding the protection of women's and children's rights and the promotion of gender justice.⁴¹ Such reforms occur not only through legislative developments but also through progressive judicial

³⁸ Kodir, *Fiqh Al-Ussrah*, p. 32-38.

³⁹ Wahbah Az-Zuhaili, *Fiqh Islam wa Adillatuhu*, jil. 9, Translation Abdul Hayyie al-Kattani, (Jakarta: Gema Insani, 2011).

⁴⁰ Al-Sharmani, "Marriage in Islamic Interpretive Tradition"

⁴¹ Theresia Dyah Wirastris dan Stijn Cornelis Van Huis. "The State of Indonesia's Marriage Law: 50 Years of Statutory and Judicial Reforms" *Ahkam: Jurnal Ilmu Syariah* 24, no. 2 (2024).

interpretations. From the ethical perspective of *mubadalah*, the validity of a marriage contract cannot be assessed solely through the fulfillment of legal pillars and procedural requirements; it must also be evaluated according to the extent to which the contract realizes justice and prevents harm to either party. The three foundational principles of the contract, *tarāḍīn*, ‘*adam al-darar*’, and ‘*adam al-gharar*’, therefore function as moral instruments for evaluating the quality of marital relations, transforming the contract into more than a merely formal legal arrangement.

Traditionally, the process of *ijab qabul* (offer and acceptance) has often been understood as an agreement between the bride’s guardian and the prospective husband. This classical *fiqh* construction tends to position women as objects of the contract, thereby potentially neglecting their status as legal subjects possessing autonomy, consent, and legal authority. From the perspective of *mubadalah*, such an interpretation requires critical reassessment. This critique does not reject the concept of guardianship (*wilāyah*) itself; rather, it reinterprets its ethical meaning as a form of protection (*wiqāyah wa al-kafālah*) rather than domination or control. Moreover, judicial practices in Indonesia demonstrate that reinterpretations of the Islamic family law are increasingly advanced through progressive court decisions, including rulings of the Supreme Court and the Constitutional Court. These developments indicate that family law reform is not dependent solely upon legislative amendments but may also emerge through judicial mechanisms that prioritize substantive justice.⁴²

The social and historical constructions embedded within the Islamic legal tradition have shaped the marriage contract as a relationship that is not entirely neutral, as reflected in contemporary studies of Islamic family law. Mulki Al-Sharmani argues that the understanding of marriage as a contract of exchange has contributed to the perpetuation of hierarchical gender structures within the family. Consequently, the relational framework constructed in classical *fiqh* cannot be separated from the socio-historical conditions that produced unequal gender relations and asymmetrical power structures within marriage.⁴³

To ensure that the provisions governing the marriage contract are aligned with the values of justice and mutuality, the *mubadalah* approach is employed both as an analytical framework and as a normative reference. Such reinterpretation is necessary in order to respond to social change and to adapt Islamic law to the realities of contemporary society. This perspective is further supported by Muslim scholars who argue that hierarchical legal constructions inherited from the past are not absolute and therefore remain open to critical reexamination. From the perspective of *mubadalah*, the principle of *tarāḍīn* positions women as autonomous legal subjects possessing full freedom in making marital decisions. Consequently, the validity of a marriage contract is not determined solely by the formal fulfillment of guardianship requirements, but also by the conscious and voluntary consent of both

⁴²Theresia Dyah Wirastrri "The State of Indonesia's Marriage Law".

⁴³Al-Sharmani, "Marriage in Islamic Interpretive Tradition."

parties. If the actions of a guardian are contrary to the welfare and interests of the woman, the state or a judicial guardian (*wali hakim*) may legitimately intervene. This development reflects a strengthening of the protection and guarantee of women's rights rather than the continuation of hierarchical structures that place women under the absolute authority of guardians. According to Hammadi, these norms are part of the *maqashid sharia*, especially the principles of equality and justice.⁴⁴

The Compilation of Islamic Law (*Kompilasi Hukum Islam/KHI*), which defines marriage as a strong and sacred covenant (*mitsāqan ghalīzan*), also indicates a shift in the understanding of the marriage contract by emphasizing spiritual responsibility and obedience to God.⁴⁵ From the perspective of *mubadalah*, this understanding serves as the ethical foundation for establishing just and equal marital relationships. Accordingly, the burdens and responsibilities within marriage are understood as shared obligations rather than duties imposed exclusively upon one party. This interpretation rejects hierarchical marital relations and prioritizes the principle of reciprocity and mutual partnership within family life.⁴⁶

This legal transformation, viewed through the framework of *mubadalah* ethics, demonstrates that Islamic family law possesses the capacity to respond to contemporary principles of equality and justice. Through this approach, the marriage contract becomes a space for realizing reciprocal and cooperative relationships between spouses. In practice, marriage should be built upon three principal foundations: the spirit of partnership (*zawāj*), the realization of benefit (*ijād al-maṣālih*), and the prevention of harm (*maḥw al-mafāsīd*). These principles position the marriage contract not merely as a formal legal agreement, but as a moral covenant binding two equal legal subjects in the shared responsibility of building a family. Based on this framework, the meaning of the marriage contract has gradually shifted from being understood solely as a formal legal arrangement to being recognized as an ethical and relational agreement. This transformation positions husband and wife as partners who bear reciprocal responsibilities in maintaining mutual benefit and realizing the principle of shared welfare. As a result, the legitimacy of a marriage contract is no longer measured exclusively by compliance with formal legal requirements, but also by the extent to which it creates a relationship characterized by justice, equality, and mutual benefit for both parties.⁴⁷

Taklik Talak and Mutuality Pacts in Mubadalah Ethical Perspective

Critiques of patriarchal marriage systems that restrict women's roles have become increasingly relevant within contemporary discourse. Mulki Al-Sharmani demonstrates that family law systems perpetuated through contemporary Islamic

⁴⁴Idris Hammadi, *al-Bu'd al-Maqāshidī wa Ishlāḥ Mudawwanah al-Usrah* (ad-Dar al-Baydha': Ifriqiya asy-Syarq, 2005).

⁴⁵Ahmad Rofiq, *Hukum Perdata Islam di Indonesia* (Jakarta: RajaGrafindo Persada, 2013).

⁴⁶Zaeni Asyhadie, *Hukum Keluarga Menurut Hukum Positif di Indonesia* (Jakarta : Rajawali Pers, 2020), p. 31-37.

⁴⁷Kodir, *Fiqh Al-Usrah*, p. 102.

jurisprudence and religious practice often conflict with the lived realities of Muslim communities. In Egypt, for example, marital relations continue to be structured within a hierarchical framework in which a wife's right to maintenance is closely tied to her obedience (*tā'a*) to her husband. This practice has become a source of tension, as many women are financially independent or contribute to their families, yet lack equal rights. Similarly, men's unilateral right to divorce limits women's access to divorce, forcing them to resort to difficult and often costly legal channels. Such arrangements illustrate the ongoing tension between inherited legal norms and contemporary demands for justice and equality within modern society.

Family law reform in Muslim-majority countries reflects a complex interaction between public policy, social realities, and religious norms.⁴⁸ This transformation demonstrates that the adaptation of family law is not confined merely to the formulation of formal regulations, but also includes contextual institutional innovations designed to respond to broader social needs and evolving understandings of justice. In Indonesia, the emergence of practices such as *taklik talak* and mutual agreements (*pakta kesalingan*) within the Office of Religious Affairs (*Kantor Urusan Agama/KUA*) may be understood as a response to persistent inequalities in marital relations.⁴⁹ Both practices function not only as legal instruments but also as ethical mechanisms aimed at transforming marriage toward the principle of mutuality (*mubadalah*). It can effectively shift the marriage pattern from one that previously emphasized the power of one party, to a *mubadalah* approach that prioritizes equality. Nevertheless, these two practices represent different approaches to the realization of justice within marriage.⁵⁰

Taklik talak may be categorized as a protective mechanism intended to prevent harm to the wife. Conceptually, *taklik talak* refers to a unilateral declaration made by the prospective husband following the marriage contract, specifying certain legal consequences should he violate particular obligations, such as failing to provide maintenance, abandoning his wife, or committing acts of violence. From the perspective of *mubadalah*, this practice reflects the principle of '*adam al-darar* (the prevention of harm), as it provides women with a legal basis for seeking protection against potential injustice within marriage.⁵¹

Empirical research conducted at the Kuantan Syariah Court in Pahang found that *taklik talak* was originally designed as a mechanism to protect wives from neglect and irresponsibility on the part of husbands. However, its implementation and enforcement remain problematic in practice. In some cases, violations of *taklik talak* have served as legitimate grounds for wives to file for divorce before the court,

⁴⁸ John L. Esposito and Natana J. DeLong-Bas, *Women in Muslim Family Law*, 2nd ed. (Syracuse, NY: Syracuse University Press, 2016).

⁴⁹ Karomah, et al, "Pakta Kesalingan."

⁵⁰ M Na'imulloh, "Legal Consequences of Pronouncing Sighat Taklik Talak Based on Decree of The Minister of Religion of The Republic of Indonesia Number 75 of 2014," *Sakina: Journal of Family Studies* 5, no. 3 (2021).

⁵¹ Na'imulloh, "Legal Consequences".

indicating that the instrument possesses a concrete although still limited, protective function.⁵²

Empirical findings further reveal that many husbands do not fully understand the meaning and legal implications of the *taklik talak* recited during the marriage ceremony, often perceiving it merely as a formal ritual without substantive legal consequences.⁵³ A similar phenomenon has been identified within communities along the Indonesia, Malaysia border in Sambas Regency, where some couples neither fully understand nor formally recite the *taklik talak* due to limited institutional socialization and legal education. This situation demonstrates a significant gap between the normative function of *taklik talak* as a protective legal instrument and the realities of its implementation within society.⁵⁴

Nevertheless, from a deeper analytical perspective, *taklik talak* still operates within an asymmetrical relational framework. Moral and legal commitments are imposed primarily upon one party the husband while the wife is not bound within an equivalent reciprocal agreement structure.⁵⁵ Consequently, *taklik talak* may be understood more accurately as a form of corrective justice aimed at reducing the harmful effects of inequality rather than as a mechanism capable of substantively constructing mutual and equal relationships between spouses.⁵⁶ Moreover, unequal family relations are also reflected in economic arrangements, where financial responsibility continues to be understood primarily as the unilateral obligation of the husband. Research conducted in Lampung indicates that this construction contributes to increasing divorce rates, particularly when economic expectations and responsibilities cannot be fulfilled within unequal marital structures.⁵⁷

Viewed from a *mubadalah* perspective, economic relations within the family should be built as a mutually supportive partnership, not as a unilateral burden that could potentially lead to injustice.⁵⁸ In fact, in protecting women, local cultural marriage practices, such as *Sebambangan* in Lampung, have been found to be inconsistent with the *maqāṣid al-sharī'ah* (the principles of Islamic law) and require

⁵² Tarmizi M. Jakfar and Mohammad Faiz bin Jamaludin, "Persepsi Kadi tentang Keutamaan Melafalkan Taklik Talak (Studi Kasus di Mahkamah Syar'iyah Kuantan, Pahang)," *El-Usrah: Jurnal Hukum Keluarga* 2, no. 1 (2019).

⁵³ Hamsah Hudafi and Irwan, "Pemahaman Para Suami terhadap Konsekuensi Sighat Taklik Talak (Studi Kasus di Desa Pematang Sungai Baru Kecamatan Tanjung Balai Kabupaten Asahan)," *Juris: Jurnal Ilmiah Syariah* 20, no. 1 (2021).

⁵⁴ Asman and Resali bin Muda, "Marriage Agreement Controversy in Indonesia-Malaysia Border Communities in Sambas Regency," *El-Mashlahah: Jurnal Hukum dan Pranata Sosial Islam* 13, no. 1 (2023), p. 1-16.

⁵⁵ Ziba Mir-Hosseini et al., *Gender and Equality in Muslim Family Law* (London: I.B. Tauris, 2013).

⁵⁶ Ali, *Sexual Ethics and Islam*.

⁵⁷ Efa Rodiah Nur et al., "The Reconstruction of the Livelihood Concept from a Mubāḍalah Perspective in Lampung Province," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023).

⁵⁸ Efa Rodiah Nur et al., "The Reconstruction of the Livelihood Concept".

reconstruction of practices within Islamic law.⁵⁹ In contrast, the Mutual Pact represents a more relational approach to establishing justice in marriage. This pact is a document agreed upon and signed by both prospective brides and grooms as a joint commitment to building a relationship based on justice, cooperation, and non-violence. This innovation, initiated by Emsapri Ende at the East Lampung Office of Religious Affairs (KUA), emerged in response to the high divorce rate and the need for a more equal model of family relations.⁶⁰ In this context, the low understanding of marital relations highlights the importance of premarital education, with marriage preparation courses proven to provide prospective couples with significant insight into domestic life.⁶¹

From the perspective of *mubadalah* ethics, the Mutual Pact serves as both a symbolic document and an ethical instrument for building relational awareness from the beginning of marriage. The mutual commitment expressed by both parties demonstrates that marital responsibilities are reciprocal, not unilateral. This aligns with the concept of noble morals as formulated by Abdullah ibn al-Mubarak, namely realizing goodness (*badzl al-ma'rūf*) and eliminating suffering (*kaff al-adzā*) in social relations.⁶²

Furthermore, the Mutual Pact demonstrates that a values-based preventive approach is more effective than a repressive, sanction-based approach. While *taklik talak* works after a violation has occurred, the Mutual Pact works from the outset by building ethical awareness in both parties. Thus, *mubadalah* becomes a normative concept and is realized in practice, shaping more just and harmonious family relationships.⁶³ Research by Aulia, Wijayati, and Nazar also shows that the Mutual Pact contributes to strengthening the husband-wife relationship through the internalization of the values of equality and cooperation from the beginning of marriage. This confirms that the implementation of *mubadalah* in institutional practice has a real impact on building the quality of family relationships.⁶⁴

Thus, a comparison between *taklik talak* and the Mutual Pact reveals two approaches to contemporary Islamic family law reform: a protective approach oriented toward protection from injustice, and a relational approach oriented toward establishing mutuality from the outset. From the perspective of *mubadalah* ethics, the second approach better reflects the principle of substantive justice because it positions both parties as equal subjects in building the marital relationship.

⁵⁹ Zulkarnain, Habib Iman Nurdin Sholeh, and Ahmad Zaenul Muttaqin, "Local Wisdom in Seimbangan Traditional Marriage Practices: a Maqāsid Sharī'ah Perspective," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 1 (2024).

⁶⁰ Kodir, *Fiqh Al-Ushrah*, p. 119-120.

⁶¹ Samin Batubara et al., "Marriage Preparation Courses in Indonesia: Comparative Study of Muslims and Christians," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 22, no. 1 (2022).

⁶² Karomah, et al., "Pakta Kesalingan, p. 204.

⁶³ Kodir, *Fiqh Al-Ushrah*, p. 119-120.

⁶⁴ Aulia, et al., "Institutional Innovation."

Conclusion

This study identifies a significant gap between the normative legal framework of classical Islamic jurisprudence (*fiqh*) and ethical approaches in interpreting the marriage contract. Classical *fiqh* tends to position the marriage contract within a hierarchical structure that potentially reinforces gender bias, whereas *mubadalah* ethics offers an alternative framework grounded in justice, reciprocity, and mutuality between husband and wife. Through this perspective, the marriage contract is understood not only as a formal legal agreement but also as an ethical and relational covenant requiring reciprocal commitment, as reflected in the concept of *mīlāqan ghalīẓan*. The findings of this study demonstrate that the practices of *taklik talak* and mutual agreements (*pakta kesalingan*) represent two distinct conceptual approaches to the implementation of *mubadalah* ethics within Islamic family law. *Taklik talak* functions primarily as a protective mechanism for wives; however, it remains largely unilateral and does not substantively embody the principle of mutuality. In contrast, the mutual agreement model reflects a more relational approach by emphasizing reciprocal commitment from the outset of marriage, thereby more effectively representing the principles of equality, partnership, and shared responsibility. These findings further indicate a broader paradigm shift from hierarchical marital relations toward more egalitarian and participatory relationships. Theoretically, this research contributes to reconstructing the meaning of the marriage contract through the integration of normative Islamic jurisprudence, *mubadalah*-based ethical critique, and contemporary family law practices in Indonesia. This integrative approach emphasizes that the validity of a marriage contract should not be determined solely by the fulfillment of formal legal requirements and procedural conditions, but also by its capacity to establish relationships characterized by justice, equality, reciprocity, and mutual benefit. Practically, this study highlights the importance of strengthening policies and innovating marriage practices within institutions such as the Office of Religious Affairs (*Kantor Urusan Agama/KUA*). Such efforts may include optimizing premarital education, enhancing public understanding of *taklik talak*, and developing mutual agreements as instruments for promoting more equal marital relationships. In this regard, *mubadalah* ethics may serve not merely as a conceptual framework, but also as a practical foundation for transforming Islamic family law into a system that is more responsive to gender justice and relational equality. Finally, this research demonstrates that reform in Islamic family law requires not only regulatory changes but also the transformation of social values and everyday practices within family relationships.

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