

Taklik Talak as a Safeguard for Women's Rights within the Family: A Hermeneutic Analysis of Legal Perspectives

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Abstract

Problem statement: cases of violence against women within the family are becoming increasingly serious and must be addressed to ensure that women can secure their rights. The social construct of pre-Islamic Arab ignorance, which remains prevalent today, is a patriarchal system that positions women as second-class citizens, often violating the principle of 'mutuality' in family relationships. Legally, the state has established a framework for women's rights as legal subjects; however, this framework does not yet adequately address internal rights within family relationships. The presence of divorce by conditional stipulation (*taklik talak*), as one of the forms of legal redress currently being pursued, continues to evoke various perceptions and interpretations. **Objective:** therefore, this study aims to analyse the substance of the *taklik talak* text as a means of protection for women's rights within the family from a legal hermeneutic perspective. **Methods:** this research is classified as normative legal research with an analytical approach, examining the *taklik talak* text in the Marriage Book. Data collection techniques were conducted through a literature review employing a systematic descriptive analysis method from a legal hermeneutic perspective. **Results:** the findings of this study indicate that the substance of *taklik talak* historically aims to provide protection for women. **Conclusion:** based on the analysis from the legal hermeneutics perspective, the *taklik talak* text represents a commitment by the husband not to neglect his obligation to provide maintenance, not to abandon his wife, and not to cause her physical harm; thus, the agreement functions as a form of guarantee of women's rights for the preservation of marriage.

Keywords: Conditional Stipulation, Hermeneutic, Protection of Women, Taklik Talak.

Abstrak

Kasus tindak kekerasan terhadap perempuan dalam keluarga semakin serius untuk diatasi, agar perempuan mendapatkan jaminan atas haknya. Konstruksi sosial masyarakat jahiliyah Islam yang masih membudaya adalah kondisi patriarki yang kemudian menempatkan perempuan sebagai kelas kedua, kerap mencederai asas "kesalingan" dalam hubungan keluarga. Secara yuridis, negara telah memberikan payung hukum terhadap hak perempuan sebagai subjek hukum; namun, hal itu belum mencakup hak-hak secara internal dalam hubungan keluarga. Kehadiran *taklik talak* sebagai salah satu bentuk misi yang tengah diupayakan masih menimbulkan beragam persepsi dan interpretasi. Oleh karena itu, penelitian ini bertujuan untuk menganalisis substansi teks *taklik talak* sebagai perlindungan hak-hak perempuan dalam keluarga dengan perspektif hermeneutika hukum. Jenis penelitian ini termasuk penelitian hukum normatif dengan pendekatan analitis, yaitu menelaah teks *taklik talak* dalam Buku Nikah. Teknik pengumpulan data dilakukan melalui kajian pustaka dengan menggunakan metode analisis sistematis deskriptif melalui perspektif hermeneutika hukum. Hasil penelitian ini menemukan bahwa substansi *taklik talak* secara historis bertujuan untuk memberikan perlindungan terhadap perempuan. Berdasarkan hasil analisis perspektif hermeneutika hukum, teks *taklik talak* merupakan bentuk komitmen suami untuk tidak lalai terhadap kewajiban memberikan nafkah, tidak menterlantarkan isteri, dan tidak akan menyakiti jasmani; maka perjanjian tersebut berfungsi sebagai bentuk jaminan hak terhadap perempuan demi kelestarian perkawinan.

Kata Kunci: Hermeneutika Hukum, Perlindungan Perempuan, Taklik Talak.



Introduction

The importance of ensuring more specific rights for women in marriage and providing protection of rights and a sense of justice is encapsulated in a marriage agreement that includes a divorce clause (Hudafi, 2021). The recitation of the divorce by conditional stipulation (*taklik talak*) by the husband during the marriage ceremony guarantees women's rights in marriage and serves as a binding agreement for the husband not to neglect his obligations (Ahmad Baihaqi, 2021).

In the development of Islamic law, several scholars continue to disagree about the validity of *taklik talak*, with some permitting it and others prohibiting it. However, in the Compilation of Islamic Law, Articles 45 and 46 stipulate that *taklik talak* is part of the marriage contract, and once uttered by the husband, it has legal consequences (Harahap & Siregar, 2022). In practice, some husbands do not read or even refuse to read the *taklik talak* agreement due to several factors, including first, a lack of understanding about the importance of the marriage contract; second, concerns regarding the ease with which divorce can be obtained; and third, the strong patriarchal culture that persists, whereby the right to divorce is solely the husband's prerogative, while granting the wife the right to sue her husband for divorce would undermine this ability.

The reading of the *taklik talak* during the marriage ceremony needs to be clearly described and understood by both the husband and wife, especially the wife, because it has implications for the continuity of the household. One of the contributing factors to the diversity of perceptions of *taklik talak* is a lack of understanding of *taklik talak* itself. This also affects the small number of couples who are unwilling to enter into a marriage contract, as it is perceived as merely facilitating divorce (Budiawan, 2018).

The inclusion of the *taklik talak* clause as a marriage agreement in the Marriage Book serves as legal legitimacy for Islamic marriage. However, despite every individual having equal rights under the law, truth without evidence is considered non-existent (Asman & Bin Muda, 2023). Therefore, it is regarded as a compulsory law, regulating relationships between individuals and cannot be overlooked.

The same applies to religion, as religion is categorised as 'holism' or a unity (Sunaryo, 2018). Based on the provisions in the Compilation of Islamic Law and relevant literature, both research and books indicate that *taklik talak* is a means of ensuring the continuity of marriage and guaranteeing the fulfilment of women's rights.

Through this study, the researcher will analyse the substance of the *taklik talak* text as protection for women's rights within the family from a legal hermeneutic perspective, given that the substance of the *taklik talak* text is already inscribed on the marriage certificate and is an integral part of the Marriage Book. This hermeneutic perspective will enable the researcher to examine several aspects, including the substance of the *taklik talak* text and its interpretation, as well as the historical context in which *taklik talak* emerged. These two domains are integral components of legal hermeneutic studies.

The fundamental theory of hermeneutics, as cited by the researcher from Eka N.A.M Sihombing and Cynthia Hadita, is one of the philosophical theories concerning the interpretation of meaning. As a tool for analysis and approach, hermeneutics is

often employed by researchers and academics to examine, understand, and interpret sacred texts, such as the Bible or the Quran, including in the development of legislation and regulations (Ulum, 2019). The study of legal hermeneutics encompasses two dimensions of meaning. First, legal hermeneutics can be understood as a method of interpreting legal texts. The correct interpretation and explanation of legal texts must always be related to the content or rules of law, both explicit and implicit (N.A.M Sihombing & Hadita, 2022).

According to Gadamer, there are three requirements that an interpreter must possess: accuracy of understanding (*subtilitas intelligendi*), accuracy of explanation (*subtilitas explicandi*), and accuracy of application (*subtilitas applicandi*). Second, legal hermeneutics is closely related to the theory of legal discovery. This aligns with the spiral hermeneutic framework, which is a reciprocal process between rules and facts. In hermeneutics, one must qualify facts within the framework of rules and interpret rules within the framework of facts. Hermeneutics is fundamentally a method for interpreting symbols in the form of texts or something treated as text to uncover its meaning and significance (Ulum, 2019).

The discourse on *taklik talak*, as previously studied by researchers, revolves around the position of *taklik talak* and its influence within the household, the importance of *taklik talak* as a form of protection for women, even though it is not an obligation to be executed; once uttered and agreed upon by both parties, the agreement cannot be revoked (Yusuf & Chaer, 2017). As a marriage agreement, *taklik talak* possesses binding force on both husband and wife, so that if it is violated by either party and the other party is dissatisfied, the wife may file for divorce in court on the grounds of a breach of *taklik talak*. However, ironically, many husbands do not comprehend the consequences of *taklik talak* (Hudafi, 2021).

From previous research findings, despite *taklik talak* being included in the marriage contract and its sacred nature, questions remain: why is it still included in the Marriage Certificate, why is it not mandatory to include it in the contract, why do some husbands still not understand it, and what is its purpose and function (Asman & Bin Muda, 2023). These questions prompted the researcher to conduct a study on the text of *taklik talak* from a legal hermeneutic perspective.

Methods

This research is categorised as normative legal research or literature research with an analytical approach, involving the examination and review of the text of the divorce decree within the Marriage Book. Data collection techniques were implemented through a bibliographic study employing a systematic descriptive analysis method from a legal hermeneutic perspective. The data collection involved tracing legal materials in the form of official state documents, specifically Marriage Books, which encompass divorce clauses and constitute an inseparable whole, in addition to laws, regulations, and research findings (Muhaimin, 2020). The Marriage Books were obtained from the Religious Affairs Office (KUA) of Peragaan Sub-district, Sumenep, and from members of the community who possess marriage certificates issued prior to independence until 1950. Additionally, materials from the period following independence were collected up to 2022. Upon gathering the legal materials, the researcher conducted a comprehensive review and analysis from a legal hermeneutic perspective.

Divorce by Conditional Stipulation (*Taklik Talak*) and Its Institutionalisation

According to the Indonesian Dictionary, the term "taklik" signifies an agreement, while "talak" denotes divorce between husband and wife. Thus, "taklik talak" refers to the declaration of divorce in accordance with a promise made due to a breach of the marriage vows. In terms of terminology, "taklik talak" constitutes a specific form of divorce with particular requirements. The objective of institutionalising "taklik talak" is to address and anticipate concerns that may arise if a husband, engaged in state affairs, does not return or fails to provide any communication. As cited from the book *Hukum Islam di Indonesia* (Islamic Law in Indonesia), the content of "taklik talak" during the Mataram Kingdom is as follows (Ahmad Baihaqi, 2021):

"Mas Penganten, pekenira tompo Taklek Jangji Dalem, samongso pekanira nambang (ninggal) rabi pakenira lawase pitung sasi lakon daratan, hutawa nyabrang sagara rong tahun, saliyane ngelakoni hayahan dalem, tan terimane rabi pakenira nganti darbe hatur rapak (sowan) hing pangadilan hukum, sawuse terang papriksane runtuh talak pakanira sawijiâ".

The aforementioned text, in Indonesian, translates to: "O bride and groom, you have received the Ta'liq Janji Dalem. Should you ever abandon (leave) your wife named (Fulan) for seven months of land travel, or cross the sea for two years, except while performing national duties, and your wife is unwilling and files a complaint (appeals) to the court, after the case is clearly examined, then your divorce is final." This Ta'liq is recited by the Penghulu Naib and is confirmed by the groom's response of: 'Hinggih sendika (Yes, I agree)."

It can be concluded that the essence of the "Taklek Jangji Dalem" encompasses four aspects: the husband's departure, the wife's unwillingness, the wife's complaint to the court, and the court's acceptance of the complaint.

Following the establishment of the Religious Court on 1 August 1882, efforts were undertaken to institutionalise the divorce clause, the substance of which was further refined to safeguard women's rights. The "Taklik Talak" became effective upon the issuance of the marriage registration ordinance, which was subsequently implemented in Jakarta and Tangerang and gradually adopted outside Java and Madura. By 1910, it was in effect in South Sumatra, Kalimantan, and Sulawesi, and by 1925, the "Taklik Talak" had been embraced in Minangkabau.

The provisions of "taklik talak" were maintained until a standardised text or draft was formulated. With the enactment of Law No. 2 of 1946, amended by Law No. 32 of 1954, the provisions of "taklik talak" were implemented through a Special Session of the Religious Court at the Ministry of Religion's Working Conference in Tretes, Malang, in 1956, and ultimately after the Marriage Law No. 1 of 1974. Based on the Ministry of Religion's Circular No. 3 of 1953, the formulation of the text was further developed until a uniform divorce clause was agreed upon and recorded in marriage certificates, subsequently formalised through Ministry of Religion Regulation No. 2 of 1990.

"Taklik talak" has a legal basis, including Surah An-Nisa (4:128): "And if a woman fears that her husband will be nusyuz or indifferent, then the two of them may make a genuine reconciliation, and reconciliation is better for them, even though human beings are naturally stingy. And if you improve your relationship

with your wife and refrain from nusyuz and indifference, then indeed Allah is All-Knowing of what you do”.

Implicitly, there is no obligation to utilise "taklik talak" as a means of reconciliation between husband and wife within the family; however, the verse encourages reconciliation and preventive measures prior to any acts of nusyuz on the part of the husband. Consequently, the procedure established in "taklik talak" can serve as a preventive measure, as the term "nusyuz" refers to the husband's abandonment of his obligations and failure to treat his wife in a ma'ruf manner. Such actions are displeasing to Allah, as articulated in His words in Surah An-Nisa' (4:19):

“O you who believe. It is not lawful for you to inherit women by force, nor should you harm them in order to reclaim part of what you have given them, unless they commit a clear act of immorality. And live with them in a manner that is appropriate. If you do not like them, (then be patient), for perhaps you dislike something in which Allah has placed much good”. Essentially, this verse underscores that granting women their rights within the family is a religious mandate.

Regarding the conditions of divorce as stipulated in the marriage contract, the Qur'an asserts that a promise must be fulfilled, as indicated in Al-Isra (17:34):

“And fulfil your promises, for promises will be questioned”.

According to the Hanafi school of thought, if the husband grounds the divorce in the marriage, then the divorce occurs post-marriage (Az-Zuhaili, 2010). They draw an analogy between divorce and marriage; if the marriage is invalid, then the divorce is also invalid. Therefore, although a woman lacks the inherent right to initiate divorce, she may file for divorce in the Religious Court by invoking the divorce clause, alleging that her husband has breached his oath, and her claim may be granted since both parties remain legally married.

"Taklik Talak" is also supported by legal provisions enshrined in the Compilation of Islamic Law, Article 45, which states that prospective spouses may enter into a marriage agreement in the form of "taklik talak" and other agreements that do not contravene Islamic law. Furthermore, Article 46 elucidates that the contents of the "Taklik Talak" must not contradict Islamic law, and if the specified circumstances occur in the future, the divorce is automatically recognised. For the divorce to be final, the wife must submit the matter to the Religious Court.

Moreover, Article 46 clarifies that the divorce clause is not a mandatory provision in every marriage; however, once agreed upon, it cannot be revoked. Article 116 further states that divorce may transpire if the husband violates the divorce clause. Based on the aforementioned legal provisions, the legitimacy of the divorce agreement is unequivocally established and valid within the Indonesian Muslim community, thereby affirming that the law's purpose is to ensure justice, motivated by noble intentions (Harahap & Siregar, 2022).

The Substance of Taklik Talak as a Safeguard for Women's Rights within the Family

Before delving deeper into the substance of the taklik talak text, it is important to first understand the historical emergence of this term. According to several early sources, the term taklik talak was first utilised in marriage during the reign of Sultan Agung Hanyakra Kusuma, a king of Mataram in 1554 Javanese/1630 AD.

During the Dutch colonial period, Mataram soldiers were deployed to fight against the VOC in Batavia. However, following the conclusion of the war, many Mataram soldiers did not return and instead settled in Batavia (now Jakarta), where they remarried local women. The status of their wives remained unclear. To protect the rights of these wives, Sultan Agung Hanyakrakusuma issued a decree known as taklik talak, which facilitated women in dissolving their marriages with husbands who had abandoned them for a specified period.

Similarly, the institutionalisation of taklik talak was intended as a measure to address concerns regarding husbands who, having departed to fulfil state duties, did not return or provide any communication. At that time, it was referred to as Taklek Janji Dalem or Taklek Janji Ning Ratu, which denotes taklik talak in relation to state duties. The presence of taklik talak during the Mataram kingdom was a product of the reflections and interpretations of Islamic scholars regarding Islamic law in relation to social circumstances and their implications for society, particularly for women during that period.

Following the introduction and application of taklik talak in society, the Dutch arrived in Indonesia and referred to it as 'voorwaardelijke verstoting.' However, as their mission was primarily to facilitate trade and organise their colonial strategy, the Dutch endeavoured to remain neutral concerning the Islamic law that had developed within society.

This neutrality resulted in the issuance of a policy by the Governor-General, which effectively prohibited interference in the religious affairs of the indigenous population. This policy was directed at the regents of Java through the issuance of Bt. 19 May 1820 No. 1. Furthermore, Article 119 of the Dutch East Indies Law (Regeering Reglement 1854) aimed to grant the public the freedom to practise their religion.

The following table 1 illustrates the periodisation of the term taklik talak and its institutionalisation from year to year up to the present.

Periodisation of texts	Text before modification	Text after modification
Before independence s/d 1950	<ol style="list-style-type: none"> 1. Proficient in the Javanese language. 2. Concentrated on her husband's imminent departure for professional obligations. 3. Anticipated departure time categorised as seven months by land and two years by sea. 	<ol style="list-style-type: none"> 1. Composed in the Indonesian language. 2. There is an affirmation of the obligation to provide financial support. 3. The estimated duration of the husband's absence is six consecutive months. 4. The inclusion of the phrase 'not permitted to leave his wife.' 5. Addition of the amount of the compensation money (iwadh).

1950 s/d 1962	<ol style="list-style-type: none"> 1. Violence against wives is restricted to physical assault. 2. The estimated duration for a wife to serve as a domestic worker is three months. 3. The nominal compensation is 0.30 (thirty rupiah). 4. Allocation of compensation to impoverished individuals. 	<ol style="list-style-type: none"> 1. Violence is defined more broadly as "the infliction of harm upon the body or physical being." 2. The estimated duration prior to the departure from the marital relationship is six months. 3. The nominal amount of iwadh is 2.50 (two hundred and fifty rupiah). 4. The distribution of iwadh for social purposes is noted. 5. Utilising the spelling consistent with the Republic.
1962 s/d 1975	Nominal fee of 2.50 (two hundred and fifty rupiah).	The nominal fee has been revised to 0.50 (fifty rupiah).
1975 s/d 1979	<ol style="list-style-type: none"> 1. Departed from his spouse six months ago. 2. Spelling of "the Republic." 	<ol style="list-style-type: none"> 1. Departed from his marital relationship two years prior. 2. Enhanced orthographic skills.
1979 s/d 1992	<ol style="list-style-type: none"> 1. Abandonment of spouse for a duration of three months. 2. Nominal iwadh of 0.50 (fifty rupiah). 3. Distribution of compensation (iwadh) facilitated through the Central Mosque Welfare Agency (BKM). 	<ol style="list-style-type: none"> 1. Permitting the spouse to remain for a duration of six months. 2. The nominal value of iwadh has been amended to 1,000 (one thousand rupiah). 3. The distribution of iwadh shall be administered through the Directorate General of Islamic Community Guidance, in care of the Directorate of Islamic Affairs and Sharia Development.
1992 s/d 2005	<ol style="list-style-type: none"> 1. A nominal compensation of 1,000 (one thousand rupiah). 2. Distribution of compensation will be facilitated through the Central Mosque Welfare Agency (BKM). 	<ol style="list-style-type: none"> 1. The nominal amount of iwadh has been adjusted to 10,000 (ten thousand rupiah). 2. The distribution of iwadh is implemented through the Directorate General of Islamic Community Guidance, in conjunction with the Directorate of Islamic Affairs and Sharia Development.
2005 s/d 2022	Distribution of iwadh funds to the Directorate General of Islamic Community Guidance, specifically the Directorate of Islamic Affairs and Sharia Development.	<ol style="list-style-type: none"> 1. The nominal amount of iwadh has been revised to 10,000 (ten thousand rupiah). 2. The allocation of iwadh funds to the National Zakat Agency for purposes of social worship is hereby proposed.

Taklik talak can serve as a preventive measure to mitigate arbitrary acts against women's rights. The essence of taklik talak undoubtedly possesses a specific

mission, which is evident in its historical context; it emerged in response to issues of inequality concerning women's rights within the family. Consequently, it can be summarised that one of the pressing reasons for the existence of taklik talak is as follows:

1. Taklik Talak Grants Rights to Women (wife)

Talak, which is the prerogative of men (husbands) over their wives in marriage, also has negative consequences, resulting in arbitrary actions by husbands to keep their wives bound in a marriage that is no longer harmonious.

In this regard, Islamic marriage law includes the concept of 'divorce by delegation,' which refers to the delegation of authority to divorce or the granting of the right to divorce to the wife by the husband (Hasyim et al., 2024).

This authority cannot be fully possessed or exercised; a wife may have the right to divorce if, prior to marriage, the husband agreed to it and later breaches the agreement. Islam strongly rejects all forms of jahiliyah practices, including actions that harm women. Granting the husband prerogative rights in matters of divorce is certainly a misguided perspective if left unchecked.

In the Compilation of Islamic Law, Article 116 states that divorce can occur if the husband violates the taklik talak. Consequently, the divorce agreement stipulates that if the wife is dissatisfied and brings the matter to the Religious Court or an official authorised to handle such complaints, and her complaint is upheld and accepted by the Religious Court, and the wife pays the iwadl (compensation), then the husband is divorced once.

2. Taklik Talak as a Means of Protection for Women (Wives)

The taklik talak document encompasses four significant aspects that constitute the core of the agreement, including provisions for situations in which a woman (wife) is abandoned for two consecutive years, fails to receive mandatory financial support for three months, is subjected to physical abuse, or is neglected (not cared for) for six months.

First: The condition stipulating 'if the husband abandons his wife for two consecutive years' implies that a husband must exercise greater caution when considering leaving his wife, thereby ensuring he does not neglect his obligations as a husband. This provision also grants the wife the right to seek dissolution of a marriage that has been suspended (unclear) for two years. Second: The clause 'if the husband does not provide her with obligatory maintenance for three months' highlights the fundamental rights and obligations within marriage, which encompass both physical and spiritual dimensions (Octavia Rouli Megawaty, Tofik Yanuar Chandra, 2018)

Third: The provision stating 'if the husband harms the wife's body or physical well-being' serves, along with the inclusion of the divorce clause, to instil a moral commitment in the husband to refrain from causing harm to his wife, thereby embedding caution from the outset of the marriage. Fourth: The condition 'if the husband neglects (does not care for) my wife for six months or more' indicates that the commitment to mutual support and companionship, when reinforced by taklik talak within the marriage, will

have implications for the commitment to the household and the necessity of maintaining effective communication with the husband.

The divorce clause clearly possesses an urgent purpose: to protect the wife from a marriage that has become untenable. This clause empowers women to seek divorce when necessary. The underlying significance of the divorce clause also addresses issues frequently encountered in familial relationships, such as the prevalence of domestic violence against wives.

The legality of taklik talak and its implementation strongly endorse the protection of women's rights, as it bears significant resemblance to the khulu' process, which is also adjudicated by the Religious Court. Khulu' may be initiated by the wife for several reasons: the husband's inability to provide basic necessities (clothing, food, shelter), the husband's physical disabilities such as impotence, which impede biological relations, the husband's cruel treatment of the wife, including physical violence, and the husband's prolonged absence from the home without any communication regarding his whereabouts (Rosyaadah & Rahayu, 2021).

Hermeneutic Perspectives on Legal Texts Pertaining to Divorce

The focus of hermeneutics in this study is the analysis of official state texts or documents. As an official state document, the taklik talak text is subject to varying assumptions from its readers; thus, the researcher narrows the discussion by positioning himself as a reader of the text who applies hermeneutical thinking.

Jazim Hamidi posits that legal hermeneutics encompasses two meanings. First, legal hermeneutics can be understood as a method for interpreting legal texts or normative documents (Hamidi, 2011). This is because the purpose of hermeneutics is to elucidate both explicit and implicit rules. Second, hermeneutics plays a role in the discovery of law, which is why legal hermeneutics is frequently employed by judges to enhance their understanding.

To extract meaning from the taklik talak text, it is imperative to revisit the text with an understanding of the original author's intentions. This process necessitates an appreciation of the historical context surrounding the text. Mudjia Rahardjo asserts that three subjects are involved in constructing the meaning of a document: the text/sighot taklik talak itself, the author, and the reader, hence referred to as the text, the author, and the reader (Rahardjo, 2020). In relation to the relevance of the taklik talak text, these three subjects warrant thorough discussion.

From the perspective of the text's position, the sighot taklik talak constitutes a form of marriage contract recognised in Islamic law and ratified in the Compilation of Islamic Law. From the author's perspective, the inception of taklik talak dates back to the reign of Sultan Agung Hanyakra Kusuma, the king of Mataram, in 1554 Javanese/1630 CE.

The introduction of taklik talak at that time aimed to safeguard the rights of wives in instances where they were abandoned by their husbands while the latter were fulfilling royal duties. Both men and women possess equal rights within marriage and equal rights to file for divorce or talak (B & Al Fahnum, 2017).

A verbal divorce statement, such as a husband proclaiming to his wife, 'I divorce you,' lacks legal validity, as divorce is only recognised when declared before a Religious Court (Shahrur, 2015). Consequently, the divorce clause was

institutionalised and became an integral component of the marriage contract, although, in practice, its implementation is not mandatory.

The essence of legal hermeneutics, according to Jazim Hamidi, lies in revealing words (to say), explaining as one would elucidate a situation, and translating, akin to foreign transliteration (Hamidi, 2011). In this study of the taklik talak text, the researcher does not attempt to translate but instead focuses on analysis by revealing the text based on its historical period and elucidating the context of its existence. The taklik talak text can be interpreted through four steps: historical interpretation of the text, grammatical interpretation, systematic interpretation of the text, and interpretation through legal comparison and legal development. However, systematic interpretation is not elaborated upon in this study, as the systematic structure of the taklik talak is already clearly defined.

As a discipline that undertakes interpretative steps, legal hermeneutics can provide insights that texts may possess implicit meanings with significant implications. The following are the results of the interpretation of the taklik talak text as intended by the researcher.

Historical Interpretation

As illustrated in the table outlining the periodisation of taklik talak previously discussed by researchers, several changes in terminology and language have been observed, transitioning from Javanese to Indonesian. Even prior to independence, the institutionalisation of taklik talak had already been established, predominantly in Javanese. By 1950, the text of taklik talak was revised to Indonesian, incorporating the following stipulations: first, if the husband abandons his wife for two consecutive years; second, if he fails to provide obligatory financial support for three months; third, if he inflicts physical harm; fourth, if he neglects his wife for six months or more, leading to the wife's unwillingness to remain in the marriage and her subsequent filing of a lawsuit with the Religious Court. Should the Religious Court accept the lawsuit and the wife pay 10,000 as compensation ('iwadl), the first divorce is finalised.

The obligation to provide maintenance is a fundamental duty of the husband towards his wife (Handayani, 2020). Consequently, by entering into a marriage agreement that includes a divorce clause concerning the provision of maintenance, this obligation is solidified, reflecting a commitment and loyalty within the marriage. This commitment ensures that the husband does not neglect his duty to provide maintenance, abandon his wife, or inflict physical harm, thereby safeguarding the wife's rights.

Grammatical Interpretation

In the current divorce decree text, the language employed is colloquial, facilitating comprehension and adhering to the General Guidelines for Indonesian Spelling (PUEBI). This approach markedly contrasts with the Republic Spelling/Soewandi Spelling, which supplanted the Van Ophuijsen spelling established in 1901 (Sudaryanto & Hermanto, 2018). The language has since evolved into the Improved Spelling (EYD) of 1972, followed by the Indonesian Spelling of 2015, and culminated in the Improved Indonesian Spelling of 2022.

The language utilised contains no words or phrases that possess differing meanings between the first and fourth points. Therefore, grammatically, several terms within the four aspects of the taklik talak text, when analysed, are intended to convey the following:

First, the phrase 'berturut-turut' (in succession) is employed to describe a situation that is repetitive or continuous (Sudaryanto & Hermanto, 2018). Second, the term 'jasmani' in "menyakiti" denotes 'body' and can also be associated with the psychological or emotional state of a wife. When a husband inflicts harm upon his wife by causing physical injury, such as through violence, it will adversely affect her psyche and emotional wellbeing, leading to traumatic feelings that are challenging to heal and that may persist in the wife's heart for an extended period.

Interpretation of Comparative Law

This interpretation is frequently employed to examine a legal issue by comparing various legal systems. Consequently, the implementation of the four aspects outlined in the sighot takik is as follows: a) Leaving my wife for two (2) consecutive years; b) Failing to provide her with mandatory financial support for three (3) months; c) Inflicting physical harm upon my wife; or d) Abandoning (neglecting) my wife for six (6) months or more.

From the perspective of positive law and Islamic law, the obligation of a man as a husband includes the provision of financial support and protection for his wife. The Quran, Surah An-Nisa' verse 34, affirms that men (husbands) are protectors of women (wives) because Allah has favoured some of them (men) over others (women), and because they (men) provide maintenance from their wealth. Law No. 1 of 1974 also supports this, as stated in Article 34, which mandates that a husband is obliged to protect his wife and provide all necessities for family life according to his capabilities.

Moreover, Article 9 of Law No. 23 of 2004 on the Elimination of Domestic Violence reinforces this by stating that:

1. No one shall abandon a person within the scope of their household, even if, according to the applicable law or by agreement or contract, they are obligated to provide sustenance, care, or maintenance to that person.
2. The term "abandonment" as referred to in paragraph (1) also applies to any individual who causes economic dependence by restricting and/or prohibiting the victim from working in a manner deemed decent, whether within or outside the home, thereby placing the victim under the control of such an individual.

Conclusion

Based on the results of the discussion presented by the researcher, the following conclusions are drawn: First, the substance of taklik talak, when examined from the perspective of the periodisation of the formulation of the text, has been uniformly regulated in accordance with the most recent Minister of Religious Affairs Regulation of the Republic of Indonesia, as amended by PMA Number 2 of 1990. This regulation is of significant importance as it aims to safeguard the rights of wives, including the right to receive financial support, the right to be treated with respect, and the right to petition for divorce if they do not agree with the procedure of paying

a ransom (iwadh). Furthermore, the implications of taklik talak may also enhance men's commitment to ensuring the rights of their wives through promises made by the husband. The substance of the divorce clause serves at least three functions: as a marriage contract, as one of the grounds for divorce, and as a means of protection for the wife.

Second, from the perspective of legal hermeneutics, the substance of the taklik talak text contained within the marriage book, when analysed from a grammatical standpoint, aligns with the national language and adheres to the General Guidelines for Indonesian Spelling, employing everyday language without the use of legal jargon. Moreover, from a historical perspective, the taklik talak was indeed designed to address issues of power abuse regarding the rights of women and wives within the family. Consequently, it can be concluded that, from a legal hermeneutics standpoint, the text of the taklik talak functions as a legal symbol of protection for women within the family.

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