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Iddah and Mut'ah Maintenance in Default Wife-Initiated Divorce: A Shāfiʿī Madhhab Analysis of Judgment No. 8/Pdt.G/2024/MS.Skl

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Abstract

This study analyzes the provision of iddah and mut'ah alimony in divorce cases through the Shafi'i Madhhab perspective, focusing on the Singkil Shari'ah Court Decision No. 8/Pdt.G/2024/MS.Skl as one of the most recent religious court rulings in Indonesia. This study stems from the normative tension between the classical doctrine of the Shafi'i Madhhab, which in principle negates post-divorce maintenance in khulu', and the development of Indonesian positive law, which increasingly emphasizes the protection of women's financial rights. Unlike several previous rulings that denied alimony due to nusyuz, procedural aspects, or the judge's failure to exercise ex officio authority, this ruling granted iddah and mut'ah alimony in a default judgment case based on the Plaintiff's petition and the fact that the wife was not proven to be nusyuz. This study employs a normative legal method with legislative, conceptual, and case-based approaches. The results of the study indicate that the Panel of Judges exercised judicial discretion grounded in substantive justice by prioritizing the protection of women's rights and introducing procedural innovation through the withholding of the divorce certificate until the alimony obligation is fulfilled.

INTRODUCTION

Marriage in Islam is viewed as a strong bond (mītsāqan ghalīẓā) aimed at building a family characterized by sakinah, mawaddah, and rahmah.[1] However, the rising divorce rate in Indonesia indicates that these goals are not always sustainable in family life. Data from the Central Statistics Agency (BPS) shows that in 2024 there were 394,608 divorce cases, with 308,956 cases—the majority—being divorce suits filed by wives.[2] This high number of divorce petitions raises legal issues regarding the protection of wives' financial rights after divorce, particularly concerning iddah maintenance and mut'ah.

Normatively, Shafi'i fiqh, in principle, does not require iddah maintenance or mut'ah for a wife who files for divorce through khulu' or talak bā'in, except under specific circumstances such as pregnancy.[3] However, Indonesian positive law practice has evolved toward greater protection of women's rights through Supreme Court Decision No. 137 K/AG/2007 and Supreme Court Circular Letter (SEMA) No. 3 of 2018, which allow judges to continue awarding post-divorce maintenance as long as the wife is not proven to be nusyuz. This situation highlights a normative tension between classical Shafi'i fiqh doctrine and the approach of substantive justice in Indonesian positive law. In fact, the Shafi'i madhhab itself is the dominant madhhab influencing the formation of Islamic family law in Indonesia, including in the Marriage Law and the Book of Islamic Law (KHI).[4]

Several previous studies have shown that the application of the iddah and mut'ah maintenance in divorce cases remains inconsistent. Supreme Court Decision No. 137 K/AG/2007 granted alimony to a wife who was not proven to be in a state of nusyuz.[5]Meanwhile, Decision No. 2572/Pdt.G/2022/PA.Smg rejected the alimony claim because the wife was deemed to be in a state of nusyuz[6] As for Decision No.

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[1] Muzakkir Abubakar, "Meningkatnya Cerai Gugat Pada Mahkamah Syar'iyah," *Kanun Jurnal Ilmu Hukum* 22, no. 2 (2020): 302–22, https://doi.org/10.24815/kanun.v22i2.16103.

[2] Badan Pusat Statistik, *Nikah Dan Cerai Menurut Provinsi (Kejadian), 2024* (2025), https://www.bps.go.id/id/statistics-table/3/VkhwVUszTXJPVmQ2ZFRKamNIZG9RMVo2VEdsbVVUMDkjMw==/nikah-dan-cerai-menurut-provinsi--kejadian---2024.html?year=2024.

[3] Zulkifli Ritonga, *Pemberian Nafkah Iddah Cerai Gugat Menurut Mazhab Syafi'i (Analisis Terhadap Putusan Mahkamah Agung No. 137/K/Ag/2007)*, 1 (2022).

[4] Miranda Hernata and Muannif Ridwan, *Mazhab Syafi'i Sebagai Paradigma Dalam Pemikiran Dan Penetapan Hukum Islam Di Indonesia*, n.d., accessed May 24, 2026, https://pdfs.semanticscholar.org/d08c/75bde3a3574b85b3fc14c57b174b5769c765.pdf.

[5] Ritonga, *Pemberian Nafkah Iddah Cerai Gugat Menurut Mazhab Syafi'i (Analisis Terhadap Putusan Mahkamah Agung No. 137/K/Ag/2007)*.

[6] Ahmad Robit Dananir, *Tinjauan Yuridis Nafkah Iddah Dan Mut'ah Dalam Perkara Cerai Gugat Perspektif Madzhab Syafi'i (Studi Kasus Putusan Nomor: 2572/Pdt. G/2022/PA. Smg)*, n.d., https://repository.unissula.ac.id/id/eprint/30516.

157/Pdt.G/2020/Ms.Bna, it denied alimony because the claim was not included in the complaint and the judge did not exercise his ex officio authority.[7] This inconsistency indicates that the implementation of protections for women's financial rights in divorce cases remains highly dependent on the judicial discretion of the judge in each decision. A striking gap is the absence of a systematic analytical framework that compares how Shafi'i fiqh doctrine is interpreted considering developments in Indonesian positive law through an analysis of judges' ratio decidendi.

In this context, the Decision of the Singkil Sharia Court No. 8/Pdt.G/2024/MS.Skl is important to analyze because it possesses distinctive characteristics. This case was decided in absentia due to the defendant's absence; however, the Panel of Judges still granted iddah maintenance and mut'ah based on the claims filed by the plaintiff in the petition.[8] This decision reflects a trend in religious courts to prioritize substantive justice through a reinterpretation of the concept of nusyuz and the protection of women's financial rights, even though this case was filed as a divorce by complaint and heard without the defendant's presence.

Based on this background, this article aims to analyze the award of iddah and mut'ah maintenance in in absentia divorce cases through the Shafi'i Madhhab perspective, focusing on the Singkil Sharia Court Decision No. 8/Pdt.G/2024/MS.Skl. This study focuses on analyzing the judge's ratio decidendi in harmonizing classical fiqh doctrine with developments in Indonesian positive law regarding the protection of women's financial rights following divorce.

METHODS

This study employs a normative legal research design, focusing on the analysis of legal norms, statutory regulations, and doctrinal perspectives developed within legal scholarship.[9] The research integrates three complementary approaches, namely the case approach, the statute approach, and the conceptual approach, in order to comprehensively examine the legal reasoning (*ratio decidendi*) in Judgment No. 8/Pdt.G/2024/MS.Skl of the Syar'iyah Court of Singkil.[10]

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[7] Hanik Harianti, "Sensitivitas Hakim terhadap Perlindungan Hak Istri dalam Kasus Cerai Gugat (Analisis Putusan Mahkamah Syar'iyah Banda Aceh Nomor 157/Pdt.G/2020/Ms.Bna)," *Jurnal Mediasas: Media Ilmu Syariah dan Ahwal Al-Syakhsiyyah*, n.d.

[8] Dwi Nissa Kamalia Putri and Ahmad Izzuddin, "Pertimbangan Hakim Pengadilan Agama Singaraja Dalam Penetapan Nafkah 'Iddah, Nafkah Mut'ah Dan Eksekusinya Pada Putusan Verstek Cerai Gugat," *Sakina: Journal of Family Studies* 6, no. 4 (2022), https://doi.org/10.18860/jfs.v7i1.2518.

[9] Soekanto Soerjono and Sri Mamudji, "Penelitian Hukum Normatif," *Jakarta: Raja Grafindo Persada*, 2006.

[10] Peter Mahmud Marzuki, "Penelitian Hukum," *Jakarta: Kencana Prenada Media* 55 (2005).

The selection of this judgment is based on its distinctive characteristics as a *verstek* (default) decision in a wife-initiated divorce case, in which the panel of judges granted claims for *iddah* and *mut'ah* maintenance despite doctrinal limitations within the Shāfiʿī Madhhab. This anomaly highlights a dynamic interaction between classical Islamic jurisprudence and contemporary positive law, rendering the case particularly relevant for examining the development of Islamic family law in modern judicial practice.

The analysis of legal materials is carried out using a descriptive-analytical method combined with deductive legal reasoning, whereby general legal norms derived from Islamic jurisprudence and positive law are applied to specific case facts Operationally, the analytical process involves three stages: (i) identifying and classifying relevant legal norms from both fiqh and statutory frameworks; (ii) nterpreting legal norms through systematic, teleological, and conceptual approaches to determine the interrelationship among legal norms, the objectives underlying legal formation (ratio legis), and their relevance to the protection of women's rights after divorce, and (iii) evaluating the judges' legal reasoning to assess its consistency with doctrinal principles and contemporary notions of substantive justice.

Through this integrated methodological framework, the study aims to explain how judicial discretion operates in bridging the tension between classical Shāfiʿī doctrine and modern legal practice, particularly in ensuring the protection of women's financial rights in default wife-initiated divorce cases.

RESULT AND DISCUSSIONS

1. The Concept of Maintenance During the Iddah and Mut'ah in the Shafi'i Madhhab

In the Shafi'i Madhhab, maintenance during the iddah is understood as the husband's obligation to provide for his wife's basic needs during the iddah period, including food, clothing, and shelter. This obligation, in principle, applies as long as the legal marital relationship still leaves the husband with the right of ruj' (reconciliation), particularly in the case of raj'i divorce. One of the normative bases for this obligation is found in Surah al-Ṭalāq [65]: 6:

This verse emphasizes the husband's obligation to provide housing and financial support during the *iddah* period, especially if the wife is pregnant. Imam al-Shafi'i explains the interpretation of this verse in *al-Umm* [11]as follows:

قَالَ الشَّافِعِيُّ:

[11] Muhammad ibn Idris al-Shafi'i, *Kitab al-Umm* (n.d.).

فَكُلُّ مُطَلَّقَةٍ كَانَ زَوْجُهَا يَمْلِكُ رَجْعَتَهَا فَلَهَا النَّفَقَةُ مَا كَانَتْ فِي عِدَّتِهَا مِنْهُ، وَكُلُّ مُطَلَّقَةٍ كَانَ زَوْجُهَا لَا يَمْلِكُ رَجْعَتَهَا فَلَا نَفَقَةَ لَهَا فِي عِدَّتِهَا مِنْهُ إِلَّا أَنْ تَكُونَ حَامِلًا فَيَكُونَ عَلَيْهِ نَفَقَتُهَا مَا كَانَتْ حَامِلًا

This explanation indicates that the obligation to provide maintenance in the Shafi'i Madhhab is based not only on the occurrence of divorce but also on the existence of the right of reconciliation as an indicator that a legal relationship still exists between husband and wife. Therefore, in cases of *ba'in* divorce such as *khulu'*, maintenance during the *iddah*period is, in principle, no longer obligatory unless the wife is pregnant.

Unlike *iddah* maintenance, *mut'ah* is understood as a gift from the husband to his former wife as a form of respect and consolation following the divorce. Imam al-Shafi'i [12]explains that when the marital relationship has been completely severed and reconciliation is no longer possible, the obligation to provide maintenance ceases and is replaced by the provision of *mut'ah* in a *ma'rūf* manner. Thus, *mut'ah* is not positioned as ongoing maintenance, but rather as moral compensation to preserve a woman's dignity following divorce.[13]

The classification of divorce in the Shafi'i Madhhab has direct implications for the applicability of *iddah* and *mut'ah*maintenance. In *raj'i* divorce, *iddah* maintenance remains obligatory because the legal marital bond has not yet been completely severed. Conversely, in *ba'in* divorce, including *khulu'*, the right to reconciliation has been lost, so *iddah*maintenance is, in principle, waived. Imam al-Nawawi in *Minhāj al-Ṭālibīn*[14] asserts that *khulu'* is a divorce with compensation (*'iwaḍ*) that results in the forfeiture of certain financial rights after the divorce, except for maintenance for a pregnant wife.

Nevertheless, developments in the practice of religious courts in Indonesia indicate a reinterpretation of this concept through a substantive justice approach. In several rulings, judges have continued to award *iddah* and *mut'ah* maintenance in divorce cases where the wife is not proven to be *nusyuz*. This situation indicates that classical fiqh doctrine is no longer applied strictly according to the text but is beginning to be harmonized with the principle of protecting women's rights under Indonesian positive law.[15]

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[12] al-Shafi'i, *Kitab al-Umm*.
[13] Farouq Ahmad Ali, "Hak-Hak Perempuan Pasca Perceraian: Perbandingan Hukum Keluarga Islam Di Indonesia Dan Mesir" (PhD Thesis, IAIN PAREPARE, 2025), https://repository.iainpare.ac.id/id/eprint/11034/.
[14] Al-Nawawi Al-Nawawi Yahya bin Syaraf, *MinhajTalibinNawawi* (n.d.); Ali, "Hak-Hak Perempuan Pasca Perceraian" (IAIN PAREPARE, 2025).
[15] Dwi Safira Wardana, "Analisis Hak Nafkah Bagi Perempuan Dalam Putusan Perceraian Cerai Gugat Kajian Peraturan Mahkamah Agung Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum: Studi Analisis Hak Nafkah Bagi Perempuan Dalam Putusan

2. The Status of Iddah and Mut'ah Maintenance in Indonesian Positive Law

The provisions regarding iddah and mut'ah maintenance in Indonesian positive law indicate that the Compilation of Islamic Law (KHI) still maintains a distinction in legal consequences between divorce by repudiation (talak) and divorce by litigation (gugat). Under Article 149 of the KHI, the former husband is, in principle, obligated to provide iddah maintenance and mut'ah to his former wife.[16] whereas Articles 158 and 159 of the KHI stipulate that the provision of mut'ah must be in accordance with propriety and the husband's ability. However, in cases of khulu' or divorce by lawsuit, the right to post-divorce maintenance is normatively restricted, particularly if the wife is deemed disobedient.[17]

This framework indicates that Indonesian positive law still retains a strong influence of the Shafi'i Madhhab in regulating post-divorce maintenance, particularly in cases of divorce by lawsuit or *khulu'*.[18] In the classical fiqh of the Shafi'i Madhhab, the lapse of the right to reconciliation in a *ba'in* divorce results in the lapse of the obligation to provide *iddah* and *mut'ah*maintenance, unless the wife is pregnant.[19] The influence of this doctrine is evident in the KHI, which clearly distinguishes the legal consequences between a divorce by talak and a divorce by gugat.[20]

Nevertheless, developments in religious court practice indicate that this provision is no longer applied strictly according to the text. Through Supreme Court Jurisprudence No. 137 K/AG/2007 and reinforced by SEMA No. 3 of 2018, judges are granted discretion to still award iddah and mut'ah maintenance in divorce by petition cases as long as the wife is not proven to be nusyuz.[21] In this context, Indonesian positive law is shifting from

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Perceraian Di Pengadilan Agama 5 Kota Di Jawa Timur" (PhD Thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2026), http://etheses.uin-malang.ac.id/id/eprint/84067.

[16] Ahmad Syarif Fuadi et al., "Analisis Yuridis Hak Ex Officio Hakim Dalam Perkara Cerai Gugat:(Studi Kasus Putusan Pengadilan Agama Martapura Nomor 318/Pdt. G/2020/PA. Mtp)," *Jurnal Penegakan Hukum Indonesia* 1, no. 1 (2020): 70–87.

[17] Heniyatun Heniyatun et al., "Pemberian Mut'ah dan Nafkah Iddah dalam Perkara Cerai Gugat," *Profetika: Jurnal Studi Islam* 21, no. 1 (2020): 39–59, https://doi.org/10.23917/profetika.v21i1.11647.

[18] Chilyatun Nafis, "Putusan Hakim Terhadap Perceraian Akibat Suami Murtad Perspektif Fiqih Madzhab Syafi'i" (PhD Thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2024), http://etheses.uin-malang.ac.id/id/eprint/64335.

[19] al-Shafi'i, *Kitab al-Umm*.

[20] Farouq Ahmad Ali, "Hak-Hak Perempuan Pasca Perceraian: Perbandingan Hukum Keluarga Islam Di Indonesia Dan Mesir" (PhD Thesis, IAIN PAREPARE, 2025), https://repository.iainpare.ac.id/id/eprint/11034/.

[21] Nashihul Hakim, "Lembaga Mediasi Sebagai Sarana Pemenuhan Hak Perempuan Pasca Perceraian Pada Perkara Cerai Gugat Dalam Perspektif Maslahah Izzuddin Bin Abd Assalam" (PhD Thesis, Universitas Islam Indonesia, 2024), https://dspace.uii.ac.id/handle/123456789/52775.

a formalistic approach toward a substantive justice approach that considers social conditions and the protection of women's rights post-divorce.[22]

This legal construction is reflected in the Decision of the Singkil Sharia Court No. 8/Pdt.G/2024/MS.Skl. Although the case was a divorce by complaint decided by default, the Panel of Judges still granted iddah and mut'ah maintenance because the claims were clearly stated in the petition and the Plaintiff was not proven to be nusyuz based on the trial facts. In its reasoning, the Panel of Judges based the decision on Articles 149, 152, 158, and 160 of the KHI as well as SEMA No. 3 of 2018, which provide protection for women's financial rights following divorce. This indicates that the relationship between Shafi'i fiqh, the KHI, and Supreme Court policy is no longer understood in dichotomous terms, but rather through a process of harmonization between classical fiqh doctrine and the need for legal protection in contemporary religious court practice.

3. Developments in Case Law and Judicial Practice in Divorce by Petition

Developments in case law regarding divorce lawsuits indicate a shift in the orientation of religious court practice in Indonesia, particularly regarding the protection of women's financial rights following divorce. This shift is evident in the changing role of judges, who no longer merely apply fiqh norms literally but also consider trial evidence, the circumstances of the parties, and the principle of substantive justice when rendering decisions. In this context, Supreme Court Jurisprudence No. 137 K/AG/2007 serves as a pivotal point, as it affirms that a wife filing for divorce is not automatically deemed to be in a state of nusyuz, and thus remains eligible to receive iddah maintenance and mut'ah provided she is not proven to have committed nusyuz.[23]

This jurisprudential direction was subsequently reinforced by SEMA No. 3 of 2018, which grants judges discretion to continue awarding iddah maintenance and mut'ah in divorce cases.[24] The existence of this SEMA indicates that religious court practice no longer applies Shafi'i fiqh strictly according to the text, but through a process of reinterpretation within the framework of national law. In this context, Shafi'i fiqh continues to function as the primary normative source, but its application is adapted to

[22] Wardana, "Analisis Hak Nafkah Bagi Perempuan Dalam Putusan Perceraian Cerai Gugat Kajian Peraturan Mahkamah Agung Nomor 3 Tahun 2017 Tentang Pedoman Mengadili Perkara Perempuan Berhadapan Dengan Hukum."

[23] Ritonga, *Pemberian Nafkah Iddah Cerai Gugat Menurut Mazhab Syafi'i (Analisis Terhadap Putusan Mahkamah Agung No. 137/K/Ag/2007)*.

[24] Muhammad Yassir et al., "Analisis Ex Officio dan Perlindungan Hukum di Pengadilan Agama (Studi Putusan PA Jember Nomor 1323/Pdt.G/2024/PA.Jr)," *Jurnal Al-Fawa'id : Jurnal Agama dan Bahasa* 15, no. 1 (2025): 210–27, https://doi.org/10.54214/alfawaid.Vol15.Iss1.750.

the principles of protecting women's rights and the need for justice in contemporary society.

Nevertheless, the application of these provisions in judicial practice still reveals disparities in rulings. In Decision No. 2572/Pdt.G/2022/PA.Smg, the claim for alimony was rejected because the wife was found to be in a state of nusyuz.[25] Meanwhile, Decision No. 157/Pdt.G/2020/Ms.Bna did not grant alimony because the claim was not included in the petition.[26] These differences indicate that the protection of women's financial rights in divorce cases is still heavily influenced by each judge's construction of the ratio decidendi, particularly in interpreting the concept of nusyuz, the scope of the petition, and the application of the principle of substantive justice.

In this context, the Decision of the Singkil Sharia Court No. 8/Pdt.G/2024/MS.Skl is significant for analysis because it exhibits characteristics that differ from several previous decisions. This case was decided by default due to the defendant's absence; however, the Panel of Judges still granted iddah and mut'ah alimony because these claims were clearly stated in the petition and the Plaintiff was not proven to be nusyuz based on the trial evidence. These considerations indicate that the Panel of Judges no longer treats the status of a divorce by lawsuit as an automatic basis for the forfeiture of a wife's right to maintenance, but rather emphasizes the protection of women's financial rights based on the concrete circumstances of the parties and the legal facts revealed during the trial. Therefore, an analysis of the ratio decidendi of this decision is important to understand how the Panel of Judges harmonizes the Shafi'i madhhab of fiqh doctrine, provisions of positive law, and the principle of protecting women's rights in contemporary religious court practice.

4. Analysis of the Judges' Ratio Decidendi in Decision No. 8/Pdt.G/2024/MS.Skl

The legal reasoning of the Panel of Judges in Decision No. 8/Pdt.G/2024/MS.Skl demonstrates a more contextual approach to protecting women's financial rights following divorce. This approach is evident in the way the Panel of Judges harmonized the provisions of the Compilation of Islamic Law (KHI), Supreme Court policies, and the facts of the trial in determining the award of iddah and mut'ah alimony in a divorce case decided by default judgment.

Normatively, the Panel of Judges based its considerations on Article 41(b) and (c) of Law No. 1 of 1974 on Marriage in conjunction with Article 149, Article 152, Article

[25] Dananir, *Tinjauan Yuridis Nafkah Iddah Dan Mut'ah Dalam Perkara Cerai Gugat Perspektif Madzhab Syafi'i (Studi Kasus Putusan Nomor: 2572/Pdt. G/2022/PA. Smg)*.
[26] Harianti, "Sensitivitas Hakim terhadap Perlindungan Hak Istri dalam Kasus Cerai Gugat (Analisis Putusan Mahkamah Syar'iyah Banda Aceh Nomor 157/Pdt.G/2020/Ms.Bna)."

153(2)(b), Article 158, and Article 160 of the KHI, which govern the former husband's obligation to provide iddah and mut'ah maintenance to his former wife. However, the case at hand involves a divorce by petition, which, under the classical fiqh framework of the Shafi'i Madhhab, is in principle classified as a talak ba'in sughra, thereby nullifying the obligation to provide maintenance due to the loss of the husband's right to reconciliation. In this context, the Panel of Judges did not apply the fiqh doctrine literally but interpreted it through the framework of women's rights protection as reflected in SEMA No. 3 of 2018.

The primary ratio decidendi in this decision lies in the consideration that the right to post-divorce maintenance is not solely determined by the type of divorce, but is more heavily weighted on the presence or absence of the element of nusyuz on the part of the wife. Based on the evidence, witness testimony, and facts revealed during the trial, the Panel of Judges stated that the Plaintiff was not proven to be nusyuz and therefore remained entitled to iddah and mut'ah alimony even though the divorce was filed through a contested divorce. This consideration indicates that the Panel of Judges placed greater emphasis on the protection of women's financial rights based on the concrete circumstances of the parties rather than the formal application of divorce classifications.

In determining the amount of maintenance, the Panel of Judges also applied the principle of proportionality.[27] The Panel of Judges did not immediately grant all of the Plaintiff's claims but first considered the Defendant's economic capacity as an employee of PT. Socfindo with a monthly income of approximately Rp3,000,000.00. Based on considerations of fairness and reasonableness, the Panel of Judges established a daily needs standard of Rp30,000.00, resulting in total iddah alimony for three months set at Rp2,700,000.00. Similar considerations were also applied in determining mut'ah and madhiyah maintenance. This demonstrates that protection of the wife's rights is balanced with the husband's objective capacity to ensure the decision can be enforced realistically and proportionally.

In considering mut'ah, the Panel of Judges did not base its decision solely on provisions of positive law but also emphasized the philosophical and sharia dimensions of granting mut'ah. Mut'ah is understood as a form of respect for the wife's devotion during the marriage as well as a means of consolation following the divorce. To reinforce this consideration, the Panel of Judges referred to Quranic Surah al-Baqarah, verse 241, regarding the obligation to provide mut'ah in a manner that is ma'ruf (reasonable). This

[27] Dwi Safira Wardana, *Program Studi Hukum Keluarga Islam Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang*, 2017.

consideration demonstrates an effort to harmonize Sharia values with the principle of women's protection under Indonesian positive law.

Another important aspect of this ruling is the implementation of a mechanism to withhold the divorce certificate until the Defendant fulfills the obligation to pay iddah maintenance, mut'ah, madhiyah maintenance, and child support.[28] This consideration is based on the spirit of PERMA No. 3 of 2017 and SEMA No. 3 of 2018 to ensure the effectiveness of protecting women's rights post-divorce. Thus, legal protection in this ruling does not merely end with the judgment's disposition but is further strengthened through administrative mechanisms to ensure the concrete implementation of the ruling.

Thus, Decision No. 8/Pdt.G/2024/MS.Skl demonstrates that religious court practice is no longer solely oriented toward the formal classification of divorce types but also considers trial evidence, the protection of women's rights, and the concrete circumstances of the parties in determining post-divorce maintenance rights.

CONCLUCION

This study concludes that the Decision of the Singkil Sharia Court No. 8/Pdt.G/2024/MS.Skl indicates a shift in the orientation of religious judicial practice from a formalistic approach toward a substantive justice approach in the protection of women's financial rights following divorce. Although in the classical doctrine of the Shafi'i Madhhab and Article 159 of the Compilation of Islamic Law (KHI), iddah maintenance in a divorce by petition generally ceases due to the loss of the husband's right to reconciliation, the Panel of Judges in this decision interpreted the case through the framework of SEMA No. 3 of 2018 and PERMA No. 3 of 2017, emphasizing the lack of proof of nusyuz and the protection of women in vulnerable positions following divorce.

The ratio decidendi of this ruling indicates that the determination of post-divorce financial rights is no longer based solely on the formal classification of the type of divorce, but also considers the facts of the trial, the principle of proportionality, and the protection of women's dignity. In this context, SEMA No. 3 of 2018 functions not only as an administrative guideline but also as an instrument for harmonizing classical fiqh doctrine with the objectives of legal protection within contemporary Islamic family law in Indonesia. Therefore, this decision makes a conceptual contribution to the development of a more adaptive interpretation of Islamic family law within the religious court system.

[28] Putri and Izzuddin, "Pertimbangan Hakim Pengadilan Agama Singaraja Dalam Penetapan Nafkah 'Iddah, Nafkah Mut'ah Dan Eksekusinya Pada Putusan Verstek Cerai Gugat."

Practically, the application of the mechanism to withhold the divorce certificate until the fulfillment of obligations regarding iddah maintenance, mut'ah, and other forms of maintenance demonstrates an effort to strengthen the effectiveness of the implementation of religious court rulings. This mechanism is a crucial step in addressing the issue of weak enforcement of post-divorce maintenance, which has frequently occurred in religious court practice.

This study also indicates that judicial discretion plays a crucial role in bridging the tension between classical fiqh doctrine and the need for modern legal protection. However, the continued disparity in rulings in similar cases suggests that the application of iddah and mut'ah maintenance in contested divorce cases has not yet achieved fully uniform standards within the religious court system. Therefore, clearer regulatory harmonization is needed regarding the relationship between the KHI, SEMA, PERMA, and the application of fiqh in divorce cases to strengthen legal certainty and the protection of women's rights post-divorce. Future research could focus on a comparative study of religious court rulings to assess the consistency of substantive justice in protecting women's financial rights after divorce.

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