



***Nikāh muḥallil* as Legal Stratagem: Ethical Challenges in Contemporary Islamic Family Law**

Lina Nur Anisa^{1*}

¹ Institut Agama Islam (IAI) Ngawi, Indonesia

*Corresponding Author: linanuranisa85@gmail.com

DOI: [10.21154/syakhsiyyah.v8i1.11601](https://doi.org/10.21154/syakhsiyyah.v8i1.11601)

Received: 12 July 2025

Revised: 06 May 2026

Accepted: 02 June 2026

Abstract: This study aims to analyze the legal validity and ethical legitimacy of *nikāh muḥallil* in contemporary Islamic law, particularly within the discourse on Islamic family law in Indonesia and Muslim countries. The research focuses on the tension between classical fiqh constructs that allow reconciliation after *ṭalāq bā'in kubrā* and contemporary critiques of the practice of marriage engineering, which is viewed as a form of *ḥilah* and as the manipulation of divorce law. The research employs a normative-doctrinal method with a conceptual approach, *maqāṣid al-sharīah*, and comparative madhhab analysis. Primary sources include Qur'anic verses, hadith, and classical fiqh literature on divorce and remarriage, while secondary sources consist of contemporary studies on Islamic family law, *maqāṣid*, and gender justice. Analysis is conducted qualitatively through normative interpretation to assess the alignment between formal fiqh constructs and the substantive objectives of marriage in Islam. The research findings indicate that although *nikāh muḥallil* may be deemed legally valid within certain school frameworks, its ethical legitimacy weakens when the marriage is intentionally performed to facilitate the remarriage of a former spouse. This practice contradicts the *maqāṣid* objectives of marriage, particularly the protection of dignity, justice, and sincerity of intent. It has the potential to position women as procedural instruments in divorce manipulation. This study contributes to the development of a *maqāṣid*-based reinterpretation of Islamic family law to reconcile formal legality with ethical integrity in contemporary marriage practices.

Keywords: *Nikāh Muḥallil*; Gender Justice; Marital Ethics.

Abstrak: Penelitian ini bertujuan menganalisis validitas yuridis dan legitimasi etis *nikāh muḥallil* dalam hukum Islam kontemporer, khususnya dalam wacana hukum keluarga Islam di Indonesia dan negara-negara Muslim. Fokus penelitian diarahkan pada ketegangan antara konstruksi fikih klasik yang membuka kemungkinan rujuk setelah *ṭalāq bā'in kubrā* dengan kritik kontemporer terhadap praktik rekayasa pernikahan yang dipandang sebagai bentuk *ḥilah* dan manipulasi hukum perceraian. Penelitian menggunakan metode normatif-doktrinal dengan pendekatan konseptual, *maqāṣid al-*



sharīah, dan perbandingan mazhab. Sumber primer meliputi ayat al-Qur'an, hadis, serta literatur fikih klasik terkait perceraian dan pernikahan ulang, sedangkan sumber sekunder berupa kajian kontemporer mengenai hukum keluarga Islam, maqāṣid, dan keadilan gender. Analisis dilakukan secara kualitatif melalui interpretasi normatif untuk menilai kesesuaian antara konstruksi fikih formal dan tujuan substantif perkawinan dalam Islam. Hasil penelitian menunjukkan bahwa meskipun *nikāḥ muḥallil* dapat dinilai sah secara yuridis dalam beberapa kerangka mazhab, legitimasi etisnya melemah ketika pernikahan dilakukan secara sengaja untuk menghalalkan kembalinya mantan pasangan. Praktik tersebut bertentangan dengan tujuan maqāṣid perkawinan, khususnya perlindungan martabat, keadilan, dan ketulusan niat, serta berpotensi menempatkan perempuan sebagai instrumen prosedural dalam manipulasi perceraian. Penelitian ini berkontribusi pada pengembangan reinterpretasi hukum keluarga Islam berbasis maqāṣid guna merekonsiliasi legalitas formal dengan integritas etis dalam praktik perkawinan kontemporer.

Kata Kunci: *Nikāḥ Muḥallil*; Keadilan Gender; Etika Perkawinan

Introduction

Nikāḥ muḥallil constitutes a longstanding phenomenon in Islamic family law that has generated sustained juridical and ethical debate, particularly concerning the legitimacy of marriages intended to enable a woman to return to her former husband after an irrevocable triple divorce.¹ Within the normative framework of the sharia, the doctrine of triple divorce functions as a protective mechanism designed to prevent arbitrary divorce while affirming the finality of marital dissolution. In social practice, however, *nikāḥ muḥallil* has emerged as a formally valid second marriage substantively oriented toward circumventing the legal consequences of triple divorce. This tension between normative legal doctrine and socially engineered marital arrangements renders *nikāḥ muḥallil* a critical issue in contemporary Islamic family law discourse, especially in relation to *maqāṣid al-sharīah*, the protection of women's dignity, and the integrity of the marital institution.²

Classical Islamic scholarship shows that most jurists regard *nikāḥ muḥallil* as reprehensible or prohibited because it contradicts the substantive purpose of marriage as a stable moral institution oriented toward permanence and family integrity. Prophetic traditions condemning the *muḥallil* and *muḥallal lahu* remain a primary normative basis in contemporary Indonesian fiqh discourse, especially when the second marriage is intentionally engineered to legalize return to the

¹ Eka Wulandari and Rizki Septian, "The Social and Psychological Impact of Muḥallil Marriage on Women from an Islamic Legal Perspective," *Indonesian Journal of Islamic Law* 3, no. 2 (2020): 39–54, <https://doi.org/10.35719/ijil.v3i2.2034>.

² Martoyo Martoyo Aisyatul Maghfiroh, Ishaq Ishaq, "Muḥallil Marriage in Islamic Law and Women's Rights," *Academia Open* 11, no. 1 (2026): 1–12.

former husband rather than formed as a genuine marital union.³ Comparative and madhhab-based analyses in Indonesian scholarship further confirm that all major Sunni schools consider engineered *tahlil* ethically impermissible, even though they differ on the juridical status of the marriage's validity once contractual pillars are fulfilled.⁴ This produces an enduring doctrinal tension between juridical validity (*shihhah*) and ethical legitimacy (*masyru'iyah*), which remains central in evaluating *nikāḥ muḥallil* in contemporary Islamic family law discourse.⁵

Recent Indonesian scholarship increasingly interprets this ambiguity through *Maqāṣid*- and gender-oriented perspectives in Islamic family law. Studies on divorce, women's rights, and marital justice demonstrate that engineered remarriage arrangements can instrumentalize women within procedural marital circuits, thereby contradicting *maqāṣid* objectives of protecting dignity (*hifzh al-'irdh*), lineage, and family stability.⁶ Empirical and doctrinal analyses of *nikāḥ muḥallil* practices in Indonesian society likewise indicate that such marriages often function as technical devices to restore a prior union rather than as genuine marital institutions, reinforcing critiques that they undermine relational justice and welfare within the family.⁷ Within Indonesian legal discourse, the substantive purpose of marriage is framed not merely as contractual permissibility but as realization of *maṣlahah* and marital integrity; consequently, manipulative *tahlil* arrangements are considered inconsistent with *Maqāṣid*-based understandings of Islamic marriage.⁸

Despite these developments, Indonesian scholarship still tends to examine *nikāḥ muḥallil* mainly through either formal *fiqh* validity analysis or *maqāṣid*-gender frameworks separately, leaving limited integrative approaches that connect doctrinal validity with substantive ethical objectives of Islamic marriage law. This fragmentation reflects a broader pattern in Indonesian Islamic family-law literature where *maqāṣid al-sharīah* is discussed as a conceptual grounding for family-law reform. Still, it is rarely integrated with juristic validity doctrines as a unified

³ Regina Farah Setiawan Kristiani Virgi Kusuma Putri, Hilda Rahmatul Jannah, Niken Retno Wulandari, Moch. Ahsin Maulana, "The Practice of Muḥallil Marriage as a Legal Loophole in The Enforcement of Islamic Family Law in Indonesia," *Journal of Islamic and Law Studies* 9, no. 3 (2025): 204–18.

⁴ Yuni Anggraini Anggraini dan Imron Mustofa, "Hukum Nikah Muḥallil (Studi Komparatif Perspektif Imam Syafi'i dan Imam Ahmad Bin Hanbal)," *CLJ: Celestial Law Journal* 2, no. 1 (2024): 59–75; Ahmad Muhammad Naseh, "Keabsahan Nikah Muḥallil Perspektif Madzhab Hanafiy," *Mabahits: Jurnal Hukum Keluarga* 5, no. 1 (2024): 30–39.

⁵ Mustofa, "Hukum Nikah Muḥallil (Studi Komparatif Perspektif Imam Syafi'i Dan Imam Ahmad Bin Hanbal)," 64–68; Luhuringbudi, Wilnan Fatahillah, and Teguh. "Comparative Study of Islamic Family Law in Indonesia and Saudi Arabia: Maqāṣid Al-Sharīah Perspective." *Tatho: International Journal of Islamic Thought and Sciences* 2, no. 2 (2025): 127–40.

⁶ Maimun, "The Women's Rights in Divorce and Discourse of Gender Equality in the Dynamics of Divorce in Madura," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022): 468–92; and Khamim Khamim Royan, Utsany, Afrizal Tw, "Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia," *Journal of Islamic Law* 3, no. 1 (2022): 54–73.

⁷ T. Saifullah Jumadiah J, Sutriani S, Hamdani H, "Analisis Hukum Pernikahan Muḥallil Terhadap Interaksi Sosial Janda Cerai Di Masyarakat," *Media Hukum Indonesia* 2, no. 4 (2024): 187–93.

⁸ Maimun, "The Women's Rights in Divorce and Discourse of Gender Equality in the Dynamics of Divorce in Madura," 482.

normative model.⁹ Consequently, the ambiguity of *nikāḥ muḥallil* lies precisely at the intersection between procedural legality and the *maqāṣid* objectives of protecting dignity, relational justice, and family welfare in Islamic law, which Indonesian scholars increasingly contextualize within reform debates.¹⁰ Addressing this intersection, therefore, requires a normative framework that synthesizes classical fiqh constructions with *maqāṣid*- and gender-justice reasoning within contemporary Indonesian family-law reform discourse.¹¹

In light of this scholarly gap, the present study aims to evaluate the relevance of *nikāḥ muḥallil* in contemporary Indonesian Islamic law and to assess its ethical and social implications for women, families, and Muslim society. The analysis is grounded in *maqāṣid al-syariah*, Islamic marital ethics, and gender-justice perspectives that have increasingly shaped Indonesian Islamic family-law scholarship and reform debates.¹² Within this framework, *nikāḥ muḥallil* is examined not only as a question of contractual validity but also as a normative issue concerning dignity protection, relational justice, and the ethical purpose of marriage in Islamic law. Such an approach enables a contextually grounded assessment that connects doctrinal *fiqh* reasoning with *maqāṣid*-oriented family-law reform discourse in Indonesia, thereby clarifying the tension between procedural legality and substantive marital objectives in contemporary Islamic legal thought.

Method

This research employs a normative doctrinal methodology, drawing on conceptual and comparative approaches within the *madhahib*.¹³ Normative research in Islamic legal studies aims to identify legal norms and principles through analysis of authoritative texts and juristic literature, making it appropriate for evaluating the juridical construction of *nikāḥ muḥallil* and its coherence with *maqāṣid*-based objectives of family welfare and dignity protection.¹⁴ Doctrinal Islamic legal research is characteristically text-centered and prescriptive, relying on systematic examination of Qur'anic, hadith, and *fiqh* sources as primary legal authorities alongside contemporary juristic scholarship, and is therefore widely applied in Indonesian Islamic family law studies.¹⁵ Primary sources consist of the

⁹ Ilham Tohari dan Moh. Anas Kholish, "Maqasid Syariah Sebagai Pijakan Konseptual Dalam Pembaruan Hukum Keluarga Islam Indonesia," *Arena Hukum* 13, no. 2 (2020): 314–28.

¹⁰ Umar Chamdan Busriyanti Busriyanti, Pujiono, Mursalim, "Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 631–49.

¹¹ Tohari dan Kholish, "Maqasid Syariah Sebagai Pijakan Konseptual Dalam Pembaruan Hukum Keluarga Islam Indonesia".

¹² Busriyanti Busriyanti, Pujiono, Mursalim, "Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation"; Sainul, "Dispensasi Nikah Di Pengadilan Agama: Tinjauan Maqasid Syariah Dan Pertimbangan Masalah-Mafsadah," 342.

¹³ Solahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum Di Indonesia* (UMMPress, 2023).

¹⁴ Naseh, "Keabsahan Nikah Muḥallil Perspektif Madzhab Hanafiy"; Steven Barkan et al., *Fundamentals of Legal Research, 10th* (Foundation Press, 2015).

¹⁵ Rudy Haryanto and Sulaiman Hasan Sulaiman Lailatul Maufiroh, "Waqf Land in Madura; Its Management and Typical Dispute Resolution," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2023 (2023): 496–518;

Qur'an, hadith, and classical fiqh works on divorce and remarriage. In contrast, secondary sources include Indonesian scholarship on Islamic family law, *maqāṣid* theory, and gender-based legal analysis. Data were collected through systematic library research involving the identification, selection, and critical reading of doctrinal legal materials, and analyzed through qualitative normative interpretation, assessing the coherence between fiqh doctrines and the substantive objectives of *syariah* in Indonesian marital law discourse.¹⁶

The Concept of *Nikāḥ muḥallil* in Islamic Family Law

Nikāḥ muḥallil denotes a marital arrangement in which a woman, having been irrevocably divorced through triple divorce contracts, subsequently marries and, upon its termination, returns to her former husband. Although recognized within certain classical juristic doctrines, the practice has generated sustained controversy because many scholars regard it as inconsistent with the normative purposes of marriage in Islam—especially when it is engineered as a legal device rather than a genuine marital union.¹⁷ In contemporary socio-legal settings, studies also underline how “contractual manipulation” corrodes the ethical meaning of marriage (*maqāṣid al-nikāḥ*) and can weaken family resilience and relational welfare.¹⁸ This is why current discussions increasingly frame *nikāḥ muḥallil* not merely as a matter of formal contractual validity, but as a problem of moral intentionality and institutional governance in family law.¹⁹

Classical jurisprudence establishes conditions intended to ensure that remarriage after triple divorce reflects genuine marital intent, particularly the requirement that the second spouses enter the union with a sincere commitment to a lawful marital life. Contemporary empirical and normative research in Indonesia shows that the core ethical boundary is the absence of prearranged intent. When the second marriage is structured as a procedural route to return to the first husband, the practice becomes ethically suspect even if some juristic readings consider the

Doni Azhari et al., “Reassessing Tajdid Al-Nikah: Maqasid al-Shariah and Legal Status of Illegitimate Children in Central Lombok,” *Justicia Islamica* 22, no. 1 (2025): 1–24, <https://doi.org/10.21154/justicia.v22i1.7343>.

¹⁶ Jumadiyah J, Sutriani S, Hamdani H, “Analisis Hukum Pernikahan Muḥallil Terhadap Interaksi Sosial Janda Cerai Di Masyarakat”; Mustofa, “Hukum Nikah Muḥallil (Studi Komparatif Perspektif Imam Syafi’I Dan Imam Ahmad Bin Hanbal),” 67–68.

¹⁷ Harapandi Dahri Zainal Arifin H. Munir, Lalu Muhammad Nurul Wathoni, Lalu Supriadi Bin Mujib, “Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Shari’ah Perspective and Its Relevance to Compilation of Islamic Law,” *Al-Adalah* 19, no. 2 (2022): 419–40.

¹⁸ Erha Saufan Hadana, “Implikasi Sosial Dan Hukum Nikah Muḥallil Terhadap Ketahanan Keluarga,” *Ar-Ra’yu: Jurnal Hukum Kelurga Islam* 1, no. 2 (2023): 29–44; dan Zikri Darussamin Anggry Muktiyah, Rizki Eliana, “Fenomena Nikah Muḥallil Berbayar: Tinjauan Urgensi Sosialisasi Dalam Perspektif Hadis,” *Al-Mustaqbal: Jurnal Agama Islam* 2, no. 3 (2025): 25–41.

¹⁹ Lalu Muhammad Nurul Wathani Sariatun Hasanah, Sainun, “Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah),” *Maqasid: Jurnal Studi Hukum Islam* 14, no. 2 (2025): 159–76; Nita Azita Zein et al., “The Dualism of Reconciliation Law After Triple Talaq Outside the Court,” *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 10, no. 1 (2023): 186–95, <https://doi.org/10.29300/mzn.v10i1.4964>.

contract technically valid.²⁰ Field-oriented accounts further indicate that “legal loophole” dynamics emerge, in which communities operationalize *nikāḥ muḥallil* to bypass the social and legal consequences of triple divorce, especially when regulatory clarity and legal literacy are weak.²¹

The classical discourse on *nikāḥ muḥallil* reveals an enduring tension between juridical permissibility and moral intention. Recent Indonesian scholarship interprets this tension as a broader pattern in Islamic family law: legality does not automatically resolve ethical legitimacy when the social function of marriage is reduced to transactional compliance.²² In parallel, comparative and reform-oriented studies argue that *maqāṣid* reasoning is precisely meant to discipline such “instrumental” uses of law by re-centering marriage on dignity (*karamah*), welfare (*maslahah*), and protection from harm (*dharar*).²³

Modern Islamic legal thought increasingly contends that—even where a doctrine might tolerate formal validity—*nikāḥ muḥallil* conflicts with the ethical telos of marriage if it undermines affection, dignity, and family stability. In Indonesian debates, this argument often aligns with a *maqāṣid al-sharīah* lens that views marriage as a protective institution rather than a procedural corridor for reversing divorce.²⁴ Socio-legal studies also emphasize that when women’s status is functionally reduced to a “means” in divorce manipulation, the practice becomes structurally gender-asymmetrical and difficult to defend under justice-oriented family law paradigms.²⁵

Over time, the interpretation of engineered remarriage has evolved alongside reform trajectories in Muslim jurisdictions and fatwa discourses. Indonesian and comparative works show a tendency to restrict practices that are formally

²⁰ Zainal Arifin H. Munir, Lalu Muhammad Nurul Wathoni, Lalu Supriadi Bin Mujib, “Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Shari’ah Perspective and Its Relevance to Compilation of Islamic Law,” 428.

²¹ Indah Hoirunnisah dan Zuraidah, “Fenomena Rujuk Setelah Talak Tiga: Kajian Hukum Keluarga Islam,” *Journal of Sharia and Legal Science* 3, no. 1 (2025): 83–94; and Heri Firmansyah Nita Azita Zein, Imam Yazid, “The Dualism of Reconciliation Law After Triple Talaq Outside the Court,” *Jurnal Ilmiah Mizani* 10, no. 1 (2023): 189.

²² Hadana, “Implikasi Sosial Dan Hukum Nikah Muḥallil Terhadap Ketahanan Keluarga”; Sariatin Hasanah, Sainun, “Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah),” 164; Aisyatul Maghfiroh et al., “Muḥallil Marriage in Islamic Law and Women’s Rights,” *Academia Open* 11, no. 1 (2026): 10.21070/acopen.11.2026.13160-10.21070/acopen.11.2026.13160, <https://doi.org/10.21070/acopen.11.2026.13160>.

²³ Umar Chamdan Busriyanti Busriyanti, Pujiono, Mursalim, “Marriage Law Reform in Indonesia A Maqasid Al-Ushrah Perspective on Legal Adaptation,” *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 631–49.

²⁴ Muhammad Mufti, “Gender Equality in Islamic Marriage Law through the Maqāṣid Al-Sharī’a Perspective: A Study on Womaninitiated Divorce (Cerai Gugat) in Indonesia,” *Sawwa: Jurnal Studi Gender* 19, no. 1 (2024): 29–46; Nurul Huda Mohd Razif, “Nikah Express: Malay Polygyny and Marriage-Making at the Malaysian–Thai Border,” *Asian Studies Review* 45, no. 4 (2021): 635–55, <https://doi.org/10.1080/10357823.2020.1870931>.

²⁵ Zikri Darussamin Anggry Muktiyah, Rizki Eliana, “Fenomena Nikah Muḥallil Berbayar: Tinjauan Urgensi Sosialisasi Dalam Perspektif Hadis,” *Al-Mustaqbal: Jurnal Agama Islam* 2, no. 3 (2025): 28–29; Andi Muhammad Akmal et al., “Legal Solutions for Domestic Violence in Unregistered Marriages in Indonesia: Integrating Maqāṣid al-Sharī’ah,” *El-Ushrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 768–88, <https://doi.org/10.22373/ujhk.v7i2.25971>.

“possible” but substantively harmful, precisely because *maqāṣid* frameworks evaluate outcomes—harm prevention, dignity protection, and family welfare—rather than contractual minimalism.²⁶ In the broader triple divorce reform conversation, scholarship also cautions that state criminalization and regulatory change can improve women’s protection while simultaneously producing new governance dilemmas (e.g., enforcement design, evidentiary burdens, and social backlash), underscoring the need for reform to remain ethically grounded and institutionally careful.²⁷

Contemporary discourse further situates *nikāḥ muḥallil* within debates on gender equality and women’s rights in Islamic family law. Recent *maqāṣid*-based gender scholarship in Indonesia emphasizes that reforms should expand women’s legal subjectivity and procedural access to justice, including in divorce-related governance.²⁸ This is consistent with studies noting that post-divorce practices around triple divorce and reconciliation often expose gaps between normative ideals and lived legal consciousness, where communities may normalize informal mechanisms that weaken women’s protections.²⁹

Nevertheless, some contemporary analyses still distinguish between engineered *muḥallil* arrangements and a second marriage that occurs without prior stipulation or manipulative intent. In this view, the ethical status hinges on intention and social function, not merely on the outward form of the contract—yet the empirical literature repeatedly shows that “intent” is precisely what is routinely engineered in practice, especially when *muḥallil* becomes a paid or prearranged service.³⁰ Therefore, the debate persists, but the overall trajectory of recent scholarship points toward restricting engineered *muḥallil* to preserve dignity,

²⁶ Sariatin Hasanah, Sainun, “Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah),” 165–68.

²⁷ Dian Furqani Tenrilawa Irma Suryani, Arifki Budia Warman, Roni Efendi, “Criminalization, The Possibility of Talaq Performers India, in Indonesia: An Essential Lesson From,” *Journal of Human Rights, Culture and Legal System* 4, no. 3 (2024): 593–620; Sohaira Z. Siddiqui, “Triple Divorce and the Political Context of Islamic Law in India,” *Journal of Islamic Law* 2, no. 1 (2021): 5–32.

²⁸ Mufti, “Gender Equality in Islamic Marriage Law through the Maqāṣid Al-Sharī’a Perspective: A Study on Womaninitiated Divorce (Cerai Gugat) in Indonesia,” 36; Norcahyono Norcahyono et al., “Reconstructing the Philosophy of Marriage: Banjar Wedding Rituals as Cultural Implementation of Maqashid al-Nikah in Achieving Spiritual Sanctity and Social Harmony,” *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 2 (2024): 393–410, <https://doi.org/10.18592/sjhp.v24i2.15617>.

²⁹ Siti Dian Natasya Solin Agustini Hanapi, Sarina Aini, Muhammad Husnul, Iskandar Usman, “The Practice of Triple Talaq and Women’s Protection in Aceh: A Maslahat Perspective,” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 1142–64; Ahmad Zikriandi, “Transformation of Triple Talaq (Irrevocable Divorce) Law In Islamic Family Law System of India,” *Familia: Jurnal Hukum Keluarga* 6, no. 2 (2025): 171–96, <https://doi.org/10.24239/familia.v6i2.414>.

³⁰ Zikri Darussamin Anggry Muktiyah, Rizki Eliana, “Fenomena Nikah Muḥallil Berbayar: Tinjauan Urgensi Sosialisasi Dalam Perspektif Hadis,” *Al-Mustaqbal: Jurnal Agama Islam* 2, no. 3 (2025): 25–41; Rahman Rahman et al., “Nikah Muda: The Hijrah Movement of Anti-Dating Communities from Progressive to Conservative in Indonesia (A Critical Study of Hadith),” *Millah: Journal of Religious Studies*, February 29, 2024, 67–102, <https://doi.org/10.20885/millah.vol23.iss1.art3>.

prevent *harm*, and safeguard the substantive purposes of marriage in Islamic family law.³¹

Juridical Perspective on *Nikāh Muḥallil*

Debates concerning the juridical validity of *nikāh muḥallil* in contemporary Islamic legal scholarship operate on two interrelated planes: the formal validity of the marital contract and the ethical evaluation of marriage's objectives. Recent *madhhab*-oriented studies indicate that classical divergences between conditional permissibility and ethical rejection originate primarily from the problem of engineered intent (*qashd al-tahlil*) and the potential use of legal stratagems (*hiyal*) that reduce marriage to a procedural instrument following triple divorce. Within this framework, several Indonesian *fiqh* analyses emphasize that although certain doctrinal constructions recognize the technical validity of the contract when its pillars and conditions are fulfilled, manipulative intent remains incompatible with the *maqāṣid al-nikah*, understood as the formation of a stable family institution.³²

Empirical analyses in local Muslim communities further demonstrate that *nikāh muḥallil* frequently emerges in contexts of social pressure and the pragmatic need for rapid reconciliation after an irrevocable divorce (*ṭhalaq ba'in kubra*). Research on *tahlil* marriage in Lombok shows that the practice is commonly perceived as a pragmatic pathway to remarriage with the former husband rather than the establishment of an autonomous new family, thereby shifting the meaning of marriage from a social commitment to a legalistic device.³³ This sociological perspective is reinforced by findings on compensatory or incentive-based motives in certain *muḥallil* arrangements, indicating the presence of instrumental rationality within marital relations that ought to be normatively grounded in *sakinah* and responsibility.³⁴

From the standpoint of family-law ethics, recent literature positions engineered *nikāh muḥallil* as a form of social deviance capable of undermining both the integrity of marriage as an institution and the dignity of women. Studies on paid *muḥallil* arrangements emphasize that such practices create opportunities for the instrumentalization of intimate relations for procedural ends, thereby contradicting

³¹ Hadana, "Implikasi Sosial Dan Hukum Nikah Muḥallil Terhadap Ketahanan Keluarga"; Sariatin Hasanah, Sainun, "Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah)"; Aisyatul Maghfiroh, Ishaq Ishaq, "Muḥallil Marriage in Islamic Law and Women's Rights," 5–7.

³² Muhammad Haikal, "Konsep Nikah Muḥallil Menurut Fikih Mazhab," *Jurnal Al-Mizan: Jurnal Hukum Islam Dan Ekonomi Syariah* 8, no. 2 (2021): 132–45; Wilda Aluf Magfiroh dan Faiz Nashrullah, "Pandangan Imam Syafi'i Tentang Nikah Tahlil," *Sakina: Journal of Family Studies* 6, no. 4 (2022): 1–11.

³³ Zainal Arifin H. Munir, Lalu Muhammad Nurul Wathoni, Lalu Supriadi Bin Mujib, "Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Shari'ah Perspective and Its Relevance to Compilation of Islamic Law"; Nikmatullah Nikmatullah, "Misinterpretation of Islamic Texts in the Practice of Kawin Cina Buta (Nikah Tahlil) in Lombok," *Reflektika: Jurnal Ilmu-Ilmu Keislaman* 18, no. 2 (2023): 282–311.

³⁴ Jumadiyah J, Sutriani S, Hamdani H, "Analisis Hukum Pernikahan Muḥallil Terhadap Interaksi Sosial Janda Cerai Di Masyarakat," 190.

the syariah's protection of karamah and family welfare as core objectives.³⁵ Analyses of its social and legal implications likewise demonstrate that engineered remarriage generates psychological vulnerability and social stigma affecting family resilience, thus producing more *mafsadah* (harm) than *mashlahah* (benefit) in substantive terms.³⁶

Within the domains of positive law and religious governance, several studies highlight the roles of marital administration and religious authorities in preventing the misuse of the *tahlil* construct. Analyses of triple divorce pronounced outside judicial oversight indicate that uncertainty regarding divorce status often precipitates the perceived need for *nikāḥ muḥallil* as a mechanism of return, making divorce regulation and marital counseling critical factors in curbing the practice.³⁷ At the implementation level, research on the role of marriage registrars and documentation systems underscores the importance of legal education and regulatory oversight in preventing contractual manipulation and preserving the normative objectives of marriage.³⁸

The frameworks of *ushul al-fiqh* and *maqāṣid al-sharīah* provide a more comprehensive evaluative lens for assessing *nikāḥ muḥallil*. The principles of harm prevention and dignity protection require that legal legitimacy be assessed not solely on contractual validity but also on social consequences. From a *maqāṣid* perspective, practices that systematically create avenues for exploitation or degrade women's status may justifiably be restricted even when they possess formal doctrinal grounding within certain schools of law. *Maqāṣid* reasoning thus functions as a corrective mechanism against legal formalism that no longer aligns with substantive justice.³⁹

Comparative socio-legal scholarship beyond Indonesia reinforces this restrictive trajectory. Analyses of *thalaq al-bid'ah* and *hillah* marriage situate *nikāḥ*

³⁵ Agus Salim, "Optimization of Husband and Wife Conflict Resolution in the People of Kebumen Regency Through Tajdidu An Nikah," *Injury: Journal of Interdisciplinary Studies* 3, no. 3 (2024): 237–47, <https://doi.org/10.58631/injury.v3i3.189>; Khoiruddin Nasution et al., "The Childfree Discourse in Contemporary Islamic Family Law and Human Rights: Insights from Young Muslim Academics in Indonesia," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 1–32, <https://doi.org/10.32332/milrev.v5i1.11080>.

³⁶ Hadana, "Implikasi Sosial Dan Hukum Nikah Muḥallil Terhadap Ketahanan Keluarga"; Wardana, "Nikah Muḥallil: Rekayasa Nikah Dan Keabsahannya Dalam Hukum Keluarga Islam," 57–58.

³⁷ Lalu Muhammad Nurul Wathani Sariatin Hasanah, Sainun, "Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah)," *Maqasid: Jurnal Studi Hukum Islam* 14, no. 2 (2025): 159–76; Muhammad Aslam Khan et al., "Research and Critical Review of Accustom Misyar Marriage in Contemporary and Arab Society in the Context of Islam," *Global Social Sciences Review* 4, no. 1 (2019): 410–17, [https://doi.org/10.31703/gssr.2019\(IV-I\).53](https://doi.org/10.31703/gssr.2019(IV-I).53).

³⁸ Muhammad Ifzal Mehmood and Noraini Binti Md Hashim, "Marriage Without Wali's Consent: A Paradigm Shift In The Family Structure Of Pakistan," *IIUM Law Journal* 29, no. S1 (2021): 135–51, <https://doi.org/10.31436/iiumlj.v29iS1.639>.

³⁹ Harapandi Dahri Zainal Arifin H. Munir, Lalu Muhammad Nurul Wathoni, Lalu Supriadi Bin Mujib, "Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Shari'ah Perspective and Its Relevance to Compilation of Islamic Law," *Al-Adalah* 19, no. 2 (2022): 419–40; Lalu Muhammad Nurul Wathani Sariatin Hasanah, Sainun, "Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah)," *Maqasid: Jurnal Studi Hukum Islam* 14, no. 2 (2025): 436.

muḥallil within a spectrum of legal engineering practices that generate gender vulnerability and structural injustice, thereby framing restriction as a means of protecting the objectives of family law.⁴⁰ Studies of *nikah halala* in India likewise demonstrate that tensions between religious personal law and constitutional equality norms have intensified criticism of the practice as a misuse of *fiqh* doctrine in modern contexts.⁴¹ These cross-jurisdictional findings are reflected in the comparative legal configurations summarized in **Table 1**, which illustrate how diverse regulatory frameworks converge toward limiting or rendering inoperative engineered forms of *nikāḥ muḥallil*.

Table 1. Comparative Legal Status of *Nikāḥ Muḥallil* In Selected Muslim-Majority Jurisdictions

Country	Dominant Legal Tradition	Status of Triple Divorce (<i>Thalaq al-Bid'ah</i>)	Legal Status of <i>Nikāḥ muḥallil</i> (<i>Tahlil</i> Marriage)	Regulatory Approach	<i>Maqāshid</i> / Policy Orientation
Saudi Arabia	Ḥanbali-based Syariah system	Traditionally recognized as effective (though procedural reforms exist)	Engineered <i>Nikāḥ muḥallil</i> is widely considered invalid if pre-arranged; subject to judicial scrutiny	Judicial control through Sharī'a courts; intent (<i>niyyah</i>) decisive	Preservation of marital dignity; prevention of legal stratagem (<i>hilah</i>)
Egypt	Sunni (mixed Ḥanafī-Maliki influence)	Recognized but regulated under codified personal status law	Pre-arranged <i>muḥallil</i> invalid; genuine subsequent marriage required	Codified personal status legislation; court verification	Protection of family stability and public morality
Indonesia	Syafi'i-influenced, codified Islamic family law (Compilation of Islamic Law)	Triple pronouncement is generally treated as one divorce if in a single session (judicial practice)	No explicit statutory recognition; engineered practice socially discouraged	Court-based divorce; administrative marriage registration	<i>Maqāshid</i> -based reform emphasizing family resilience and women's protection
Malaysia	Syafi'i-dominant with state	Triple divorce is recognized but subject to	<i>Muḥallil's</i> marriage is not expressly codified; pre-	State-level <i>Syariah</i> courts supervise	Institutional control to prevent abuse of

⁴⁰ Md. Lemon Md. Mostofa, Md. Nahidul Islam, Abdullah Al Mamun Hossen, "The Scourge of Talaq Al-Bid'ah and Hilla Marriage: A Socio-Legal Analysis of Women's Humiliation in Bangladesh," *Asian Journal of Social Sciences and Legal Studies* 7, no. 4 (2025): 366-73.

⁴¹ Sri Abhigna Pillalamarri, "Nikah Halala: Law in Theory v. Law in Practice," *International Journal of Law Management & Humanities* 4, no. 3 (2021): 1313-22; Shraddha Chaudhary, "Criminalisation Without an Object: Critical Reflections on the Muslim Women (Protection of Rights on Marriage) Act, 2019," *Socio-Legal Review* 17, no. 2 (2021): 104-35.

	Islamic enactments	the court process	arranged intent is invalid in principle	divorce validation	divorce mechanisms
Pakistan	Ḥanafi tradition with statutory reform (MFLO 1961)	Triple divorce treated procedurally; reconciliation mechanisms mandatory	No formal statutory endorsement; engineered <i>muḥallil</i> discouraged	Union Council notification and the arbitration council	Gender-protective procedural safeguards
Iran	Ja'fari (Syi'i) jurisprudence	Triple divorce structured within codified civil law	Remarriage after triple divorce is permitted if the second marriage is genuine and consummated; pre-contractual stipulation is invalid	Civil code-based regulation; judicial oversight	Formal doctrinal adherence balanced with contractual sincerity
Morocco	Maliki tradition with the 2004 Mudawwana reform	Triple divorce is subject to a strict judicial process	No recognition of engineered <i>muḥallil</i> ; strong judicial mediation	Comprehensive family code reform	Gender justice and protection of women's dignity
Tunisia	Civil law-oriented reformist model	Unilateral triple divorce is not legally recognized; divorce can only be obtained via court.	<i>Nikāḥ muḥallil</i> is practically irrelevant due to the court-based divorce regime.	Secularized family law framework	Equality-based constitutional orientation
Turkiye	Secular civil law (Swiss-influenced)	Religious divorce has no legal effect	<i>Nikāḥ muḥallil</i> has no legal standing in state law	Civil marriage is exclusively recognized	Secular legal order; constitutional gender equality

Source: Author, 2026

The comparative table corroborates contemporary scholarship, indicating that although certain fiqh traditions continue to acknowledge the formal validity of *Nikāḥ muḥallil* under limited conditions, the prevailing legal trajectory across Muslim-majority jurisdictions favors restricting or effectively prohibiting engineered forms of the practice. Jurisdictions retaining stronger classical doctrinal authority preserve the theoretical possibility of remarriage after triple divorce but invalidate pre-arranged *muḥallil* through scrutiny of intent, while codified and secularized systems neutralize the practice through judicialized divorce and regulatory safeguards. Across these models, the decisive evaluative shift lies in prioritizing *maqāṣid al-sharīah*—particularly the protection of women's dignity and

the preservation of marriage as a stable social institution—over formal contractual validity. The table thus illustrates that contemporary Islamic family law increasingly assesses *nikāḥ muḥallil* not merely by technical legality but by its compatibility with the ethical objectives of the sharīʿa and principles of social justice in modern Muslim societies.⁴²

Ethical Perspective on *Nikāḥ Muḥallil*

From the perspective of Islamic ethics, *nikāḥ muḥallil* raises profound moral concerns, particularly when the marriage is undertaken with the deliberate intention of manipulating the law of divorce to enable a woman to return to her former husband after a triple divorce. Within Islamic marital ethics, marriage is conceived as a sacred covenant grounded in virtuous intention (*ḥusn al-niyyah*), affection (*mawaddah*), and enduring commitment (*mitsaq ghalīẓh*). The instrumentalization of *nikāḥ muḥallil* to satisfy legal formalities contradicts the Islamic moral principle that marital relations must be founded upon sincerity and ethical authenticity. Contemporary scholarship on *tahlil/muḥallil* marriage demonstrates that engineered remarriage practices function primarily as procedural mechanisms to restore marital legality after irrevocable divorce, thereby reducing the marital contract to a technical juridical device detached from its ethical telos and spiritual substance.⁴³ Empirical *maqāṣid*-based analyses further confirm that pre-arranged *tahlil* marriages oriented toward subsequent divorce fail to fulfill the moral purposes of marriage and instead constitute contractual manipulation inconsistent with Islamic ethical authenticity.⁴⁴ Accordingly, from an Islamic ethical standpoint, a marriage undertaken with manipulative intent to restore a previous union after triple divorce cannot be justified, as it diverges from the foundational values of honesty and moral integrity emphasized in contemporary Islamic family-law discourse.⁴⁵

The impact of *nikāḥ muḥallil* on women's rights and dignity has likewise become a central concern in contemporary scholarship. One of the primary objectives of marriage in Islam is the protection of women's honor and rights within the family. Yet in the practice of *nikāḥ muḥallil*, women are frequently positioned as

⁴² Hadana, "Implikasi Sosial Dan Hukum Nikah Muḥallil Terhadap Ketahanan Keluarga"; Md. Mostofa, Md. Nahidul Islam, Abdullah Al Mamun Hossen, "The Scourge of Talaq Al-Bid'ah and Hilla Marriage: A Socio-Legal Analysis of Women's Humiliation in Bangladesh"; Aulia Diningrum, Naziroh, "Analisis Hukum Islam Terhadap Praktik Nikah Tahlil," 81–82.

⁴³ Nurul Fikri Ilham Pratama, "Exploring the Influence of Shafi'i School and Its Correlation in the Practice of Tahlil Marriage in Indonesia," *Hukum Islam* 24, no. 2 (2024): 154–77; Hifdhotul Munawaroh dan Fazari Zul Hasmi Kanggas, "Nikah Tahlil Dan Hubungannya Dengan Rekayasa Dalam Syari'at Islam," *Journal of Indonesian Comparative of Syari'ah Law*, 6, no. 1 (2023): 35–50.

⁴⁴ Zainal Arifin H. Munir, Lalu Muhammad Nurul Wathoni, Lalu Supriadi Bin Mujib, "Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Shari'ah Perspective and Its Relevance to Compilation of Islamic Law," 420–22.

⁴⁵ Heri Firmansyah Nita Azita Zein, Imam Yazid, "The Dualism of Reconciliation Law After Triple Talaq Outside the Court," *Jurnal Ilmiah Mizani* 10, no. 1 (2023): 190; Muhammad Aslam Khan et al., "Research and Critical Review of Accustom Misyar Marriage in Contemporary and Arab Society in the Context of Islam," *Global Social Sciences Review* 4, no. 1 (2019): 410–17, [https://doi.org/10.31703/gssr.2019\(IV-I\).53](https://doi.org/10.31703/gssr.2019(IV-I).53),

procedural instruments serving the legal interests of the former husband, often without regard for their emotional well-being or personal autonomy. Socio-legal analyses of “*kawin cina buta*” (*blind Chinese marriage*) Practices in Indonesia reveal that women may bear psychological, social, and reputational burdens associated with engineered remarriage arrangements, indicating their treatment as instrumental intermediaries rather than autonomous marital subjects.⁴⁶ Gender-justice scholarship on Muslim divorce further demonstrates that structural asymmetries in post-divorce reconciliation practices can marginalize women’s agency and dignity when marital decisions are shaped by male-centered legal interests rather than mutual consent.⁴⁷ Scholars therefore emphasize that experiences of *nikāḥ muḥallil* may generate psychological and social harm, as women are deprived of the opportunity to enter a genuinely voluntary and respectful marital relationship.⁴⁸

Within the ethical framework of justice, Islam establishes ‘*adl* (justice) and relational equality as foundational principles of marriage. The practice of *nikāḥ muḥallil*, typically pursued to serve male interests in circumventing the consequences of triple divorce, produces structural asymmetry detrimental to women. Contemporary *maqāṣid al-sharīah* perspectives affirm that the objectives of marital law encompass protection of dignity, family welfare, and gender justice; therefore, practices that position women as victims of legal manipulation contradict these higher purposes. Empirical research on Lombok *tahlil* practices demonstrates that such marriages often arise from procedural motives of legitimizing remarriage rather than safeguarding welfare, thus failing to satisfy *ḍharuriyyah–ḥajiyah–taḥsinīyyah* hierarchies of need within *maqāṣid* theory.⁴⁹ Comparative studies of Muslim divorce regimes similarly note that gender-unequal marital structures persist when legal mechanisms enable circumvention of divorce consequences, undermining justice-oriented reform objectives.⁵⁰ In this regard, many scholars contend that *nikāḥ muḥallil* is not merely morally problematic at the individual level

⁴⁶ Syah Wardi and Zuhri Arif, “A Critical Review on the Law of Cina Buta Marriage,” *Dictum: Journal of Sharia and Law* 21, no. 1 (2023): 1–9.

⁴⁷ Bachri Syabbul Ramadhita Ramadhita, Mahrus Ali, “Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia,” *Cogent Social Sciences* 9, no. 1 (2023): 1–15.

⁴⁸ Hadana, “Implikasi Sosial Dan Hukum Nikah Muḥallil Terhadap Ketahanan Keluarga,” 29; Muhammad Nasrulloh et al., “Legal Dissonance and Social Consequences of Unregistered Ṭalāq in Indonesia,” *Al-Syakhsīyyah: Journal of Law and Family Studies* 7, no. 2 (2025): 33–52, <https://doi.org/10.21154/syakhsīyyah.v7i2.11686>.

⁴⁹ Zainal Arifin H. Munir, Lalu Muhammad Nurul Wathoni, Lalu Supriadi Bin Mujib, “Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Sharī’ah Perspective and Its Relevance to Compilation of Islamic Law,” 420–23.

⁵⁰ Ummul Fayiza, “From Shah Bano to Shayara Bano (1985–2017): Changing Feminist Positions on the Politics of Muslim Personal Law, Women’s Rights and Minority Rights in India,” *Journal of Muslim Minority Affairs* 41, no. 1 (2021): 122–40.

but also inconsistent with the principles of social justice underlying modern Islamic family law.⁵¹

The question of intention in marriage constitutes another major axis of critique. In Islamic ethics, intention determines the moral value of actions, including the marital contract. A marriage undertaken from the outset as a temporary device to evade the legal consequences of divorce reflects an insincere orientation toward family formation. This contradicts the fundamental Islamic conception of marriage as a permanent relationship of mutual support and harmony. Contemporary analyses explicitly connect *nikah tahlil* with juridical engineering (*hilah*) and argue that manipulation of intention separates contractual legality from ethical purpose, thereby eroding the moral integrity of the institution.⁵² Doctrinal studies likewise show that even where certain juristic schools recognize formal validity, the marriage may still be ethically deficient because it is pursued solely to terminate prohibition and lacks genuine commitment to marital permanence.⁵³ Thus, *nikāḥ muḥallil* represents a deviation from Islamic teachings on intention in human relationships, which must be grounded in honesty and responsibility.⁵⁴

Islamic ethics conceives marriage as a healthy, dignified, and mutually respectful relationship between spouses. Although *nikāḥ muḥallil* may be considered formally valid in some juridical doctrines, it risks undermining the substantive meaning of marriage by reducing it to a technical legal instrument. Contemporary socio-legal descriptions of “*kawin cina buta*” (*blind Chinese marriage*) highlight how the practice can generate stigma and social depreciation of women who undergo procedural remarriage, thereby compounding ethical harm beyond contractual manipulation. Family-law analyses further indicate that *muḥallil* arrangements may weaken marital stability and family resilience by orienting marriage toward temporary procedural objectives rather than enduring companionship and welfare.⁵⁵ Global gender research on coerced or forced divorce similarly characterizes engineered marital dissolution-reconstitution practices as exploitative legal maneuvers that undermine the protective purposes of marriage.⁵⁶ Islam emphasizes that marriage serves long-term goals—namely, the formation of a family grounded in affection, justice, and tranquility (*sakinah*)—rather than the fulfillment of temporary procedural requirements.

⁵¹ Sariatin Hasanah, Sainun, “Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah).”, 165-66.

⁵² Kanggas, “Nikah Tahlil Dan Hubungannya Dengan Rekayasa Dalam Syari’at Islam,” 35; Abu Malik Kamal, *Fiqh Sunnah Wanita (HC)* (Elex Media Komputindo, 2025).

⁵³ Pratama, “Exploring the Influence of Shafi’i School and Its Correlation in the Practice of Tahlil Marriage in Indonesia,” 155.

⁵⁴ Heri Firmansyah Nita Azita Zein, Imam Yazid, “The Dualism of Reconciliation Law After Triple Talaq Outside the Court,” *Jurnal Ilmiah Mizani* 10, no. 1 (2023): 192–93.

⁵⁵ Hadana, “Implikasi Sosial Dan Hukum Nikah Muḥallil Terhadap Ketahanan Keluarga,” 28–31.

⁵⁶ Péter Berta, “Forced Divorce: A Neglected Global Practice at the Intersections of Gender, Power, Culture, and Politics,” *Women’s Studies International Forum* 98 (2023): 1–6.

Honesty constitutes a fundamental ethical principle in Islamic marriage. Spousal relations must be built upon transparency of intention and authentic commitment. The practice of *nikāḥ muḥallil*, often undertaken with concealed intent to facilitate reunion with a former husband, clearly contravenes this principle of honesty. Contemporary Indonesian legal discussions note that such marriages may involve implicit agreements to divorce after consummation, thereby embedding deception within the contractual structure itself.⁵⁷ From a contemporary Islamic ethical perspective, the legitimacy of marriage is measured not solely by compliance with formal legal conditions but also by the congruence between intention and moral purpose. Consequently, a marriage performed merely to satisfy legal formalities loses its ethical integrity and authenticity within Islamic marital ethics.⁵⁸ Marriage in Islam should therefore be understood as a covenant of love and honesty rather than an instrument for achieving manipulative practical ends.

At the same time, many contemporary scholars emphasize the need to reassess *nikāḥ muḥallil* through a modern Islamic ethical framework attentive to gender equality and the protection of women's rights. Reformist literature in Islamic family law demonstrates a growing tendency to restrict or regulate engineered remarriage practices that harm women, as such practices conflict with the Islamic values of justice and human dignity.⁵⁹ Institutional divorce governance studies in Indonesia likewise show that women's rights are more effectively protected when remarriage is regulated through formal legal procedures rather than informal mechanisms that generate pressure for *muḥallil* arrangements.⁶⁰ From this contemporary ethical perspective, *nikāḥ muḥallil* warrants reevaluation—if not prohibition—because it is incompatible with principles of equality and respect for women's dignity. Reform of Islamic family law in this domain is therefore essential to ensure that marriage is undertaken with sincere intention and does not disadvantage either party, thereby preserving the moral purposes of the *syariah* in the institution of marriage.

Contextual Analysis in Contemporary Islamic Law

The evolution of contemporary scholarly perspectives on *nikāḥ muḥallil* reflects a significant shift in Islamic legal thought regarding this practice. A growing body of modern Islamic legal scholarship contends that engineered remarriage contradicts the ethical spirit of the *syariah*, which prioritizes public welfare (*mashlahah*) and the moral integrity of marriage. This position has developed alongside intensified scholarly attention to women's rights and relational equality

⁵⁷ Wardi and Arif, "A Critical Review on the Law of Cina Buta Marriage.", 4-5.

⁵⁸ Nita Azita Zein, Imam Yazid, "The Dualism of Reconciliation Law After Triple Talaq Outside the Court.", 192-93.

⁵⁹ Ramadhita Ramadhita et al., "Gender Inequality and Judicial Discretion in Muslims Divorce of Indonesia," *Cogent Social Sciences* 9, no. 1 (2023): 8, <https://doi.org/10.1080/23311886.2023.2206347>.

⁶⁰ Haeratun et al., "The Practice of Muhallil Marriage for a Wife Who Has Been Divorced Three Times According to the Perspective of Islamic Law in North Kuripan Community, West Lombok District," *Jurnal Pengabdian Masyarakat Bestari* 2, no. 9 (2023): 843-56, <https://doi.org/10.55927/jpmb.v2i9.5989>.

in Muslim family law. Several recent studies emphasize that although *nikāḥ muḥallil* may be considered formally valid within certain classical doctrines, it conflicts with the objectives of the sharia (*maqāṣid al-sharīah*), particularly the protection of women's dignity and justice in marital relations.⁶¹ Within this analytical framework, the reconstruction of the concept of valid marriage must incorporate contemporary social and ethical realities rather than rely exclusively on formal contractual legality, especially where patriarchal structures shape marital interpretation and practice.⁶²

With the continued development of Islamic legal reasoning, many Muslim-majority jurisdictions have adopted increasingly critical regulatory approaches toward *nikāḥ muḥallil*. Legal reforms in countries such as Indonesia and Egypt have progressively restricted or discouraged practices resembling engineered remarriage, reflecting growing awareness that manipulation of triple divorce consequences may expose women to structural harm. Empirical socio-legal analyses indicate that women may become entrapped in staged second marriages intended solely to enable reunion with a former husband, revealing vulnerabilities embedded within patriarchal divorce regimes.⁶³ Consequently, contemporary scholars advocate renewed interpretive approaches that ensure marriage is undertaken with sincere intent rather than to satisfy procedural legal interests, linking this to broader gender-justice reform trajectories in Muslim family law.⁶⁴

The reception of *nikāḥ muḥallil* varies across Muslim societies. In hybrid legal systems such as Pakistan and India, tensions arise between religious doctrines that may tolerate the practice and modern state law emphasizing women's rights and gender equality. Recent socio-legal research suggests that Muslim legal practitioners in diverse jurisdictions increasingly acknowledge the ethical and juridical problems posed by engineered remarriage and are reassessing its legitimacy within ongoing family-law reform debates.⁶⁵ Meanwhile, some doctrinal traditions continue to recognize remarriage after triple divorce under specific

⁶¹ Mufti, "Gender Equality in Islamic Marriage Law through the Maqāṣid Al-Sharī'a Perspective: A Study on Womaninitiated Divorce (Cerai Gugat) in Indonesia"; Rendra Khaldun, "Issues of Gender, Child Protection and Human Rights in Islamic Family Law in The Archipelago," *Al-Tadzkiyyah: Jurnal Pendidikan Islam* 16, no. 2 (2025): 501–26; Amal Yousef Omar Alqawasmi, "Marriage and Divorce Practices in Islamic Centers in Italy," *Oñati Socio-Legal Series* 11, no. 4 (2021): 959–89.

⁶² Zainur Zainur Muhammad Ismail, Robitho Alam Hadi Faisal, "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies," *Journal of Islamic Law El Madani* 4, no. 1 (2024): 25–37; and M. Shaiful Umam Nur Faizah, Ahmad Rezy Meidina, Achmad Lubabul Chadziq, Moch. Iqbal, "The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law," *Al-Adalah* 21, no. 2 (2024): 323–46.

⁶³ Muhammad Ismail, Robitho Alam Hadi Faisal, "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies"; Nur Faizah, Ahmad Rezy Meidina, Achmad Lubabul Chadziq, Moch. Iqbal, "The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law.," 327-328.

⁶⁴ Khaldun, "Issues of Gender, Child Protection and Human Rights in Islamic Family Law in The Archipelago," 503.

⁶⁵ Muhammad Zaki Tamami Muh. Syakur, Sarmiyati, "Comparative Analysis of Abū Ḥanīfa's and Imām Mālik's Views on Nikāḥ Taḥlīl," *J-Shei: Jurnal Syariah, Hukum, Dan Ekonomi Islam* 1, no. 2 (2024): 67–74; Muhammad Ismail, Robitho Alam Hadi Faisal, "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies.," 32-33.

juristic conditions; nevertheless, contemporary scholarship, even in such contexts, calls for safeguards to prevent abuse and protect women's dignity, particularly where informal or community-based adjudication practices operate outside formal legal oversight.⁶⁶

Documented contemporary cases further indicate that *nikāh muḥallil* persists, particularly in communities with limited access to progressive legal interpretation and to women's legal literacy. Most cases arise when women divorced by triple divorce seek pathways to return to their former husbands, sometimes through informal or coercive arrangements. Comparative legal research demonstrates that although several states formally prohibit or restrict such practices, doctrinal pluralism and regional variation allow them to persist in certain contexts.⁶⁷ Analyzing these cases is therefore essential for understanding how doctrinal interpretation, legal reform, and social norms interact in shaping the acceptance or decline of *nikāh muḥallil*, including the influence of localized religious authority and patriarchal family expectations.

Efforts to reconstruct Islamic legal understanding of *nikāh muḥallil* increasingly draw on maqāṣid al-sharīah frameworks that prioritize social welfare, gender justice, and the protection of human dignity. Contemporary *maqāṣid*-oriented scholarship argues that legal rules governing marriage must be interpreted in light of higher objectives, such as dignity (*karamah*), justice (*'adl*), and family stability, rather than solely on the basis of literal contractual validity.⁶⁸ From this perspective, preventing the manipulation of divorce law requires interpretive reform that safeguards women and ensures that marriage functions as a sincere relational covenant. Such reconstruction enables Islamic law to remain responsive to contemporary concerns regarding human rights and gender equality, particularly within evolving Muslim societies facing legal pluralism and modernization pressures.⁶⁹

Reconstruction of *nikāh muḥallil* doctrine also entails re-centering intention (*niyyah*) and purpose within marital ethics. Contemporary Islamic legal ethics emphasizes that the legitimacy of marriage derives not only from formal validity but from sincere intention to establish a stable family. When remarriage is undertaken solely to meet legal requirements, the ethical substance of marriage is compromised.

⁶⁶ Khaldun, "Issues of Gender, Child Protection and Human Rights in Islamic Family Law in The Archipelago"; Afifah Rahman Gea and M. Qodri Salam, "Redefining Marriage Tahlil Perspective of the Imam Mazhab," *As-Salam: Journal Islamic Social Sciences and Humanities* 2, no. 4 (2025): 123–31.

⁶⁷ Syarifah Rahmatillah and Amrullah Bustamam, "Government's Legal Policy on the Protection of Women and Children Pre- and Post-Illegal Marriages," *GENDER EQUALITY: International Journal of Child and Gender Studies* 9, no. 1 (2023): 98–109, <https://doi.org/10.22373/equality.v9i1.16124>.

⁶⁸ Mufti, "Gender Equality in Islamic Marriage Law through the Maqāṣid Al-Sharī'a Perspective: A Study on Womaninitiated Divorce (Cerai Gugat) in Indonesia"; Khaldun, "Issues of Gender, Child Protection and Human Rights in Islamic Family Law in The Archipelago"; Ahmad Zikriandi, "Transformation of Triple Talaq (Irrevocable Divorce) Law in Islamic Family Law System of India," *Familia: Jurnal Hukum Keluarga* 6, no. 2 (2026): 171–96.

⁶⁹ Mhd Alfath Lubis dan Zainal Arifin Purba, "Pandangan Ulama Kota Medan Mengenai Status Perkawinan Istri Dengan Suami Pertama Pasca Nikah Muḥallil Impotensi," *Pagaruyuang Law Journal* 9, no. 2 (2026): 279–92.

Scholars, therefore, maintain that the reassessment of *nikāh muḥallil* must align with higher Islamic principles that prioritize justice and communal welfare, particularly by challenging patriarchal interpretations that instrumentalize women's marital status for procedural objectives.⁷⁰ In this ethical-*maqāṣid* framework, sincerity becomes a substantive legal-moral criterion aimed at preventing *harm (mafsadah)* in marital institutions.⁷¹

More broadly, contemporary Islamic legal scholarship calls for a progressive and inclusive reinterpretation of family law that is responsive to social change and gender equality. Reformist literature stresses that Islamic law must engage evolving norms of women's rights and relational justice to maintain social legitimacy. In this context, limiting or prohibiting *nikāh muḥallil* is increasingly viewed as necessary to preserve the ethical integrity of marriage and protect women from legal manipulation, particularly within patriarchal divorce environments and plural legal systems.⁷² Collaborative engagement between scholars and policymakers is therefore essential to develop modern interpretations of Islamic family law that reflect justice, dignity, and authentic marital intention, alongside improved legal literacy and institutional enforcement in Muslim societies.⁷³

Conclusion

The study demonstrates that *nikāh muḥallil* in contemporary Islamic legal discourse is best understood as a doctrinally valid yet ethically contested marital construct, positioned at the intersection between classical juridical permissibility and *maqāṣid*-based ethical evaluation. Classical fiqh across madhhab traditions generally acknowledges the formal possibility of remarriage after an irrevocable triple divorce. Yet, the analysis confirms that when such remarriage is intentionally engineered to restore a previous marital relationship, its ethical legitimacy becomes substantially weakened. This tension reflects the broader distinction in Islamic legal theory between contractual validity (*shihḥah*) and moral legitimacy (*masyru'iyah*), particularly when manipulative intent transforms marriage from a genuine social institution into a procedural mechanism for circumventing divorce. Within a *maqāṣid* framework, such instrumentalization conflicts with the substantive objectives of Islamic marriage—especially the protection of dignity, relational justice, and sincere marital commitment.

⁷⁰ Fadiah Nur Afiza Hamdani Hamdani, Fendri Yanto, "Nikah Bacindua in The Perspective of Mashlahah Mursalah in South Batipuh District, Tanah Datar Regency, West Sumatra," *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 1 (2024): 54–66.

⁷¹ Khaldun, "Issues of Gender, Child Protection and Human Rights in Islamic Family Law in The Archipelago.," 510-15.

⁷² Arifuat Marzuki Syah Syah Imani Fatikhah, Muhamad Mustahal, "Problematika Talak Ba'in: Analisis Pembuktian Syarat-Syarat Pernikahan Kembali Bagi Pasangan Pasca Talak Ba'in," *Kartika: Jurnal Studi Keislaman* 6, no. 1 (2026): 406–21.

⁷³ Muhamad Ismail, Robitho Alam Hadi Faisal, "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies," 34–35.

From juridical, socio-legal, and comparative perspectives, the findings indicate a contemporary shift in Islamic family-law reasoning from purely formal contractual assessment to a purposive, consequence-oriented evaluation of marital practices. Indonesian and comparative scholarship reviewed in this study shows that many Muslim jurisdictions and legal discourses increasingly restrict or delegitimize engineered forms of *nikāḥ muḥallil*, not by denying doctrinal precedent, but by scrutinizing intention, social function, and potential harm. Empirical analyses further reveal that in lived practice, engineered *muḥallil* arrangements may instrumentalize women within post-divorce reconciliation structures, thereby undermining marital integrity and gender justice. Consequently, the tension between legal form and ethical purpose identified in this research suggests that ethical legitimacy—grounded in *maqāṣid al-sharīah*—has become an essential interpretive criterion in contemporary assessments of marital validity.

Accordingly, the study supports the need for a *maqāṣid*-oriented reinterpretation of *nikāḥ muḥallil* that reconciles classical juridical constructions with contemporary ethical expectations in Muslim societies. Such reinterpretation does not negate doctrinal foundations but re-contextualizes them by emphasizing the sincerity of marital intention, the protection of women’s dignity, the prevention of legal stratagem (*hilah*), and the preservation of marriage as a stable social institution. This integrative approach aligns Islamic family law with evolving norms of justice and gender equity while maintaining continuity with the tradition’s normative framework. Future research should therefore extend comparative socio-legal inquiry across Muslim jurisdictions and community practices to examine how *maqāṣid*-based marital ethics can be operationalized within legal institutions, regulatory mechanisms, and social education, thereby strengthening coherence between classical jurisprudence and contemporary Islamic marital ethics.

Generative AI Usage Statement

In the preparation of this manuscript, the author utilized generative artificial intelligence (AI) tools solely to support the technical and linguistic aspects of the writing process. This AI assistance was limited to grammar correction, language refinement, sentence restructuring, manuscript proofreading, and the adjustment of transliterations in accordance with academic writing standards. The use of AI aims to enhance the clarity, coherence, readability, and consistency of the Arabic terms transliterated in this manuscript. Generative AI tools were not used to generate research data, formulate main arguments, perform data analysis, interpret findings, or determine the scientific conclusions of this study. All conceptual frameworks, research interpretations, analytical discussions, and final academic assessments are the sole responsibility of the author. Every AI-assisted result has been carefully reviewed, verified, revised, and edited by the author to ensure accuracy, contextual appropriateness, and compliance with academic publication ethics standards.

Furthermore, the authors acknowledge the importance of transparency regarding the use of AI-assisted technology in scientific writing. Therefore, the application of generative AI in this manuscript is purely supportive and editorial in nature, without replacing the authors' intellectual contributions, originality, or academic responsibility.

Bibliography

- Akmal, Andi Muhammad, Chaerul Mundzir, Mulham Jaki Asti, Rahmawati Abbas, and Zulhas'ari Mustafa. "Legal Solutions for Domestic Violence in Unregistered Marriages in Indonesia: Integrating Maqāṣid al-Sharī'ah." *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 768–88. <https://doi.org/10.22373/ujhk.v7i2.25971>.
- Al-Fatih, Solahuddin. *Perkembangan Metode Penelitian Hukum Di Indonesia*. UMM Press, 2023.
- Alqawasmi, Amal Yousef Omar. "Marriage and Divorce Practices in Islamic Centers in Italy." *Oñati Socio-Legal Series* 11, no. 4 (2021): 959–89.
- Arif, Syah Wardi, and Zuhri. "A Critical Review of the Law of Cina Buta Marriage." *Dictum: Journal of Sharia and Law* 21, no. 1 (2023): 1–9.
- Azhari, Doni, Asmuni Asmuni, and Khoiruddin Nasution. "Reassessing Tajdid Al-Nikah: Maqasid al-Shariah and Legal Status of Illegitimate Children in Central Lombok." *Justicia Islamica* 22, no. 1 (2025): 1–24. <https://doi.org/10.21154/justicia.v22i1.7343>.
- Barkan, Steven, Barbara Bintliff, and Mary Whisner. *Fundamentals of Legal Research, 10th*. Foundation Press, 2015.
- Berta, Péter. "Forced Divorce: A Neglected Global Practice at the Intersections of Gender, Power, Culture, and Politics." *Women's Studies International Forum* 98 (2023): 1–6.
- Busriyanti, Busriyanti, Pujiono, Mursalim, and Umar Chamdan. "Marriage Law Reform in Indonesia: A Maqasid Al-Usrah Perspective on Legal Adaptation." *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 631–49.
- Chaudhary, Shraddha. "Criminalization Without an Object: Critical Reflections on the Muslim Women (Protection of Rights on Marriage) Act, 2019." *Socio-Legal Review* 17, no. 2 (2021): 104–35.
- Diningrum, Aulia, Naziroh, dan Putri Dahlia Hasibuan. "Analisis Hukum Islam Terhadap Praktik Nikah Tahlil." *Akhlaq: Jurnal Pendidikan Agama Islam Dan Filsafat* 2, no. 2 (2025): 79–89.
- Faizah, Nur, Ahmad Rezy Meidina, Achmad Lubabul Chadziq, Moch. Iqbal, and M. Shaiful Umam. "The Role of Indonesian Women Ulama Congress (KUPI) in the Search for Gender Equality-Based Islamic Law." *Al-Adalah* 21, no. 2 (2024): 323–46.
- Fayiza, Ummul. "From Shah Bano to Shayara Bano (1985–2017): Changing Feminist Positions on the Politics of Muslim Personal Law, Women's Rights and Minority Rights in India." *Journal of Muslim Minority Affairs* 41, no. 1 (2021): 122–40.

- Hadana, Erha Saufan. "Implikasi Sosial dan Hukum Nikah Muhallil Terhadap Ketahanan Keluarga." *Ar-Ra'yu: Jurnal Hukum Kelurga Islam* 1, no. 2 (2023): 29–44.
- Haeratun, Ita Surayya, and Jamaluddin. "The Practice of Muhallil Marriage for a Wife Who Has Been Divorced Three Times According to the Perspective of Islamic Law in North Kuripan Community, West Lombok District." *Jurnal Pengabdian Masyarakat Bestari* 2, no. 9 (2023): 843–56. <https://doi.org/10.55927/jpmb.v2i9.5989>.
- Haikal, Muhammad. "Konsep Nikah Muhallil Menurut Fikih Mazhab." *Jurnal Al-Mizan: Jurnal Hukum Islam dan Ekonomi Syariah* 8, no. 2 (2021): 132–45.
- Hamdani, Hamdani, Fendri Yanto, and Fadiah Nur Afiza. "Nikah Bacindua in The Perspective of Mashlahah Mursalah in South Batipuh District, Tanah Datar Regency, West Sumatra." *Al-Hurriyah: Jurnal Hukum Islam* 9, no. 1 (2024): 54–66.
- Hanapi, Agustin, Sarina Aini, Muhammad Husnul, Iskandar Usman, and Siti Dian Natasya Solin. "The Practice of Triple Talaq and Women's Protection in Aceh: A Maslahat Perspective." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 1142–64.
- Haryanto, Rudy, and Sulaiman Hasan Sulaiman Lailatul Maufiroh. "Waqf Land in Madura; Its Management and Typical Dispute Resolution." *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 18, no. 2023 (2023): 496–518.
- Hasanah, Sariatun, Sainun, dan Lalu Muhammad Nurul Wathani. "Analisis Terhadap Putusan Talak Satu Pengadilan Agama Praya Atas Kasus Talak Tiga Di Luar Pengadilan Perspektif Pluralisme Hukum (Studi Di Kecamatan Praya Barat, Lombok Tengah)." *Maqasid: Jurnal Studi Hukum Islam* 14, no. 2 (2025): 159–76.
- Jumadiyah J, Sutriani S, Hamdani H, dan T. Saifullah. "Analisis Hukum Pernikahan Muḥallil Terhadap Interaksi Sosial Janda Cerai Di Masyarakat." *Media Hukum Indonesia* 2, no. 4 (2024): 187–93.
- Kamal, Abu Malik. *Fiqih Sunnah Wanita (HC)*. Elex Media Komputindo, 2025.
- Kanggas, Hifdhotul Munawaroh dan Fazari Zul Hasmi. "Nikah Tahlil Dan Hubungannya Dengan Rekayasa Dalam Syari'at Islam." *Journal of Indonesian Comparative Syari'ah Law*, 6, no. 1 (2023): 35–50.
- Khaldun, Rendra. "Issues of Gender, Child Protection and Human Rights in Islamic Family Law in The Archipelago." *Al-Tadzkiyyah: Jurnal Pendidikan Islam* 16, no. 2 (2025): 501–26.
- Khan, Muhammad Aslam, Fazal Ilahi Khan, and Azmat Ali Shah. "Research and Critical Review of Accustom Misyar Marriage in Contemporary and Arab Society in the Context of Islam." *Global Social Sciences Review* 4, no. 1 (2019): 410–17. [https://doi.org/10.31703/gssr.2019\(IV-I\).53](https://doi.org/10.31703/gssr.2019(IV-I).53).
- Kholish, Ilham Tohari, dan Moh. Anas. "Maqasid Syariah Sebagai Pijakan Konseptual Dalam Pembaruan Hukum Keluarga Islam Indonesia." *Arena Hukum* 13, no. 2 (2020): 314–28.
- Luhuringbudi, Wilnan Fatahillah, and Teguh. "Comparative Study of Islamic Family Law in Indonesia and Saudi Arabia: Maqāṣid Al-Sharī'ah Perspective." *Tatho: International Journal of Islamic Thought and Sciences* 2, no. 2 (2025): 127–40.

- Maghfiroh, Aisyatul, Ishaq Ishaq, and Martoyo Martoyo. "Muhallil Marriage in Islamic Law and Women's Rights." *Academia Open* 11, no. 1 (2026): 10.21070/acopen. 11.2026.13160-10.21070/acopen. 11.2026.13160. <https://doi.org/10.21070/acopen.11.2026.13160>.
- Maimun. "The Women's Rights in Divorce and Discourse of Gender Equality in the Dynamics of Divorce in Madura." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (2022): 468–92.
- Md. Mostofa, Md. Nahidul Islam, Abdullah Al Mamun, and Md. Lemon Hossen. "The Scourge of Talaq Al-Bid'ah and Hilla Marriage: A Socio-Legal Analysis of Women's Humiliation in Bangladesh." *Asian Journal of Social Sciences and Legal Studies* 7, no. 4 (2025): 366–73.
- Mehmood, Muhammad Ifzal, and Noraini Binti Md Hashim. "Marriage Without Wali's Consent: A Paradigm Shift In The Family Structure of Pakistan." *IJUM Law Journal* 29, no. S1 (2021): 135–51. <https://doi.org/10.31436/iiumlj.v29iS1.639>.
- Mohd Razif, Nurul Huda. "Nikah Express: Malay Polygyny and Marriage-Making at the Malaysian–Thai Border." *Asian Studies Review* 45, no. 4 (2021): 635–55. <https://doi.org/10.1080/10357823.2020.1870931>.
- Mufti, Muhammad. "Gender Equality in Islamic Marriage Law through the Maqāṣid Al-Sharī'a Perspective: A Study on Woman-initiated Divorce (Cerai Gugat) in Indonesia." *Sawwa: Jurnal Studi Gender* 19, no. 1 (2024): 29–46.
- Munir, Zainal Arifin H., Lalu Muhammad Nurul Wathoni, Lalu Supriadi Bin Mujib, and Harapandi Dahri. "Tahlil Marriage Among the Sasak Tribe of Lombok Based on Maqashid Al-Shari'ah Perspective and Its Relevance to Compilation of Islamic Law." *Al-'Adalah* 19, no. 2 (2022): 419–40.
- Ismail, Muhamad, Robitho Alam Hadi Faisal, and Zainur Zainur. "Marriage and Divorce in Islamic Law: Sociological Implications for Modern Muslim Societies." *Journal of Islamic Law El Madani* 4, no. 1 (2024): 25–37.
- Mukhtiyah, Anggry, Rizki Eliana, dan Zikri Darussamin. "Fenomena Nikah Muhallil Berbayar: Tinjauan Urgensi Sosialisasi Dalam Perspektif Hadis." *Al-Mustaqbal: Jurnal Agama Islam* 2, no. 3 (2025): 25–41.
- Mustofa, Yuni Anggraini Anggraini dan Imron Mustofa. "Hukum Nikah Muhallil (Studi Komparatif Perspektif Imam Syafi'i dan Imam Ahmad Bin Hanbal)." *CLJ: Celestial Law Journal* 2, no. 1 (2024): 59–75.
- Naseh, Ahmad Muhammad. "Keabsahan Nikah Muhallil Perspektif Madzhab Hanafiy." *Mabahits: Jurnal Hukum Keluarga* 5, no. 1 (2024): 30–39.
- Nashrullah, Wilda Aluf Magfiroh dan Faiz. "Pandangan Imam Syafi'i Tentang Nikah Tahlil." *Sakina: Journal of Family Studies* 6, no. 4 (2022): 1–11.
- Nasrulloh, Muhammad, Mohamad Zakky Ubaid Ermawan, Moh Thoriquddin, and Khoirul Anam. "Legal Dissonance and Social Consequences of Unregistered Ṭalāq in Indonesia." *Al-Syakhsyiyah: Journal of Law and Family Studies* 7, no. 2 (2025): 33–52. <https://doi.org/10.21154/syakhsyiyah.v7i2.11686>.
- Nasution, Khoiruddin, Zezen Zainul Ali, Mufrod Teguh Mulyo, Syamruddin Nasution, and Syaefullah. "The Childfree Discourse in Contemporary Islamic Family Law and Human Rights: Insights from Young Muslim Academics in Indonesia." *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 1–32. <https://doi.org/10.32332/milrev.v5i1.11080>.

- Nikmatullah, Nikmatullah. "Misinterpretation of Islamic Texts in the Practice of Kawin Cina Buta (Nikah Tahlil) in Lombok." *Reflektika: Jurnal Ilmu-Ilmu Keislaman* 18, no. 2 (2023): 282–311.
- Norcahyono, Norcahyono, Thoatâ Stiawan, and Mamdukh Budiman. "Reconstructing the Philosophy of Marriage: Banjar Wedding Rituals as Cultural Implementation of Maqashid al-Nikah in Achieving Spiritual Sanctity and Social Harmony." *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 2 (2024): 393–410. <https://doi.org/10.18592/sjhp.v24i2.15617>.
- Pillalamarri, Sri Abhigna. "Nikah Halala: Law in Theory v. Law in Practice." *International Journal of Law Management & Humanities* 4, no. 3 (2021): 1313–22.
- Pratama, Nurul Fikri Ilham. "Exploring the Influence of Shafi'i School and Its Correlation in the Practice of Tahlil Marriage in Indonesia." *Hukum Islam* 24, no. 2 (2024): 154–77.
- Purba, Mhd Alfath Lubis dan Zainal Arifin. "Pandangan Ulama Kota Medan Mengenai Status Perkawinan Istri Dengan Suami Pertama Pasca Nikah Muhallil Impotensi." *Pagaruyuang Law Journal* 9, no. 2 (2026): 279–92.
- Putri, Kristiani Virgi Kusuma, Hilda Rahmatul Jannah, Niken Retno Wulandari, Moch. Ahsin Maulana and Regina Farah Setiawan. "The Practice of Muhallil Marriage as a Legal Loophole in The Enforcement of Islamic Family Law in Indonesia." *Journal of Islamic and Law Studies* 9, no. 3 (2025): 204–18.
- Rahman, Rahman, Ilyas Ilyas, Zulfahmi Alwi, and Zailani Zailani. "Nikah Muda: The Hijrah Movement of Anti-Dating Communities from Progressive to Conservative in Indonesia (A Critical Study of Hadith)." *Millah: Journal of Religious Studies*, February 29, 2024, 67–102. <https://doi.org/10.20885/millah.vol23.iss1.art3>.
- Rahmatillah, Syarifah, and Amrullah Bustamam. "Government's Legal Policy on the Protection of Women and Children Pre- and Post-Illegal Marriages." *Gender Equality: International Journal of Child and Gender Studies* 9, no. 1 (2023): 98–109. <https://doi.org/10.22373/equality.v9i1.16124>.
- Ramadhita, Ramadhita, Mahrus Ali, and Bachri Syabbul. "Gender Inequality and Judicial Discretion in Muslims Divorce in Indonesia." *Cogent Social Sciences* 9, no. 1 (2023): 2206347. <https://doi.org/10.1080/23311886.2023.2206347>.
- Royan, Utsany, Afrizal Tw, and Khamim Khamim. "Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia." *Journal of Islamic Law* 3, no. 1 (2022): 54–73.
- Sainul, Ahmad. "Dispensasi Nikah Di Pengadilan Agama: Tinjauan Maqosid Syariah Dan Pertimbangan Maslahah-Mafsadah." *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 7, no. 2 (2024): 327–41.
- Salam, Afifah Rahman Gea, and M. Qodri. "Redefining Marriage Tahlil Perspective of the Imam Mazhab." *As-Salam: Journal of Islamic Social Sciences and Humanities* 2, no. 4 (2025): 123–31.
- Salim, Agus. "Optimization of Husband and Wife Conflict Resolution in the People of Kebumen Regency Through Tajdidu An Nikah." *Injury: Journal of Interdisciplinary Studies* 3, no. 3 (2024): 237–47. <https://doi.org/10.58631/injury.v3i3.189>.

- Siddiqui, Sohaira Z. "Triple Divorce and the Political Context of Islamic Law in India." *Journal of Islamic Law* 2, no. 1 (2021): 5–32.
- Suryani, Irma, Arifki Budia Warman, Roni Efendi, and Dian Furqani Tenrilawa. "Criminalization, The Possibility of Talaq Performers India, in Indonesia: An Essential Lesson From." *Journal of Human Rights, Culture and Legal System* 4, no. 3 (2024): 593–620.
- Syah, Imani Fatikhah, Muhamad Mustahal, dan Arifuat Marzuki. "Problematika Talak Ba'in: Analisis Pembuktian Syarat-Syarat Pernikahan Kembali Bagi Pasangan Pasca Talak Ba'in." *Kartika: Jurnal Studi Keislaman* 6, no. 1 (2026): 406–21.
- Syakur, Muh. Sarmiyati, dan Muhammad Zaki Tamami. "Comparative Analysis of Abū Ḥanīfa's and Imām Mālik's Views on Nikāḥ Taḥlīl." *J-Shei: Jurnal Syariah, Hukum, dan Ekonomi Islam* 1, no. 2 (2024): 67–74.
- Wardana, Hikmatullah dan Sendi. "Nikah Muhallil: Rekayasa Nikah Dan Keabsahannya Dalam Hukum Keluarga Islam." *Jurnal Riset Hukum Keluarga Islam* 5, no. 1 (2025): 53–60.
- Wulandari, Eka, and Rizki Septian. "The Social and Psychological Impact of Muhallil Marriage on Women from an Islamic Legal Perspective." *Indonesian Journal of Islamic Law* 3, no. 2 (2020): 39–54. <https://doi.org/10.35719/ijil.v3i2.2034>.
- Zein, Nita Azita, Imam Yazid, and Heri Firmansyah. "The Dualism of Reconciliation Law After Triple Talaq Outside the Court." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan* 10, no. 1 (2023): 186–95. <https://doi.org/10.29300/mzn.v10i1.4964>.
- Zikriandi, Ahmad. "Transformation of Triple Talaq (Irrevocable Divorce) Law in the Islamic Family Law System of India." *Familia: Jurnal Hukum Keluarga* 6, no. 2 (2025): 171–96. <https://doi.org/10.24239/familia.v6i2.414>.
- Zuraidah, Indah Hoirunnisah dan. "Fenomena Rujuk Setelah Talak Tiga: Kajian Hukum Keluarga Islam." *Journal of Sharia and Legal Science* 3, no. 1 (2025): 83–94.