

Reevaluating Divorce Rejection in Indonesia's Religious Courts: Integrating *maqashid syariah* and Human Rights Perspectives

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Abstract:

The phenomenon of the rejection of divorce petitions by Religious Court judges for lawsuits filed by husbands against their wives has sparked significant discourse within the Islamic family law system in Indonesia. Such rejections are influenced not only by formal legal rules but also by considerations of *maqashid syariah* and human rights principles, particularly in the effort to safeguard family welfare and protect women's rights. This article aims to provide a juridical analysis of the practice of rejecting divorce petitions by Religious Court judges from the perspectives of *maqashid syariah* and human rights, and to formulate a model for reformulating family law policy that is both responsive and just. This study employs a literature research approach by reviewing primary legal sources, court decisions, and recent relevant journal articles and books. The findings reveal that the rejection of divorce petitions by judges is based on discretionary authority regulated under national legislation and the Compilation of Islamic Law, to maintain *mashlahah*, prevent harm, and strengthen the protection of women's and children's rights. Further findings emphasise the need for policy reform in family law by integrating *maqashid syariah* with human rights principles, whether through regulatory reform, judicial training, or strengthening advocacy and protection mechanisms for vulnerable parties. The article concludes that the synergy between *maqashid syariah* and human rights is a crucial foundation for realising an inclusive, adaptive, and just Islamic family law system in Indonesia.

Keywords: Divorce Petition Rejection, Religious Court Judges, Maqashid Syariah, Islamic Family Law Reform

INTRODUCTION

The rejection of husbands' divorce petitions in Indonesia's Religious Courts has become a significant issue in family law. This practice is not merely a technical legal matter; it reflects broader social concerns such as gender justice, the protection of women's rights, and the evolving interpretation of *maqashid syariah* in modern society (Affandi et al., 2025; Isman et al., 2024). The importance of this research lies in its ability to illuminate how religious court decisions impact family dynamics, particularly in terms of safeguarding vulnerable parties, especially women, against arbitrary divorce. As divorce rates rise and family structures evolve, understanding the judicial rationale behind such rejections helps foster a deeper dialogue about how Islamic law and national legal standards can work together to ensure justice (Husain et al., 2024; Ismail et al., 2024). Addressing this issue is critical for ensuring that legal systems protect human dignity while upholding the values of justice and equality. Thus, this research contributes significantly to the ongoing discourse surrounding family law reform in Indonesia.

The problem addressed in this study centres on the tensions between *maqashid syariah* principles and human rights in Indonesia's Religious Courts. Although the legal foundations for divorce are firmly established in both Islamic law and national legislation, the rejection of divorce petitions often exposes flaws in their application. Specifically, judges' discretionary power to reject divorce petitions filed by husbands raises questions about fairness, gender equality, and the protection of women's rights. This raises a fundamental issue: how can judges balance the principles of family preservation as outlined in *maqashid syariah* with the need to protect individual rights and freedoms, particularly in the case of women who may be trapped in unhealthy or abusive relationships? Addressing this gap is vital for creating a more just and responsive legal system that genuinely upholds the rights of vulnerable parties, particularly women, within the framework of Islamic law and human rights (Rosli et al., 2025; Sukri & Fauzan, 2025).

In practice, the rejection of divorce petitions in Indonesia's Religious Courts has become a phenomenon that reflects not only the application of law but also the social dynamics surrounding family values. A notable case is the divorce proceeding of AT, a public figure, who filed for divorce against his wife. Despite citing prolonged conflicts, the court rejected his petition on the grounds of unmet material requirements and potential for reconciliation (CNN Indonesia, 2025). Similarly, in Erin's case, the court upheld a prohibition on children testifying in divorce cases, demonstrating how legal and psychological considerations intersect in divorce proceedings (KapanLagi.com, 2025). Such rejections, while often rooted in legal formalism, illustrate the challenges judges face in balancing *maqashid syariah* and the need for gender justice in practice. These cases highlight the evolving role of religious courts in addressing contemporary family issues, particularly the protection of women's rights and the preservation of family cohesion.

Previous research has largely focused on the normative aspects of Islamic law and its relationship with national legal standards in divorce cases (Ismail et al., 2024; Nafisah et al., 2024). Studies have primarily compared Islamic law to statutory law, analysing how Islamic family law interacts with modern legal frameworks. Still, they have often failed to deeply explore the integration of *maqashid syariah* with contemporary human rights principles. While some research has addressed divorce in religious courts, the focus has been mainly on descriptive analysis or theoretical exploration, without addressing the complex tensions that arise in practice (Ibrahim et al., 2025; Isman et al., 2024). Furthermore, the intersection between *maqashid syariah* and human rights in divorce decisions remains largely unexplored. This research gap presents an opportunity to conduct a more critical analysis of how these two paradigms can be harmonised to create a fairer system for adjudicating divorce petitions.

In addition to the gap in the theoretical understanding of *maqashid syariah* and human rights in the context of divorce, prior studies have often overlooked the historical and social dynamics that influence judicial decisions (Angelosanto, 2023; Isman et al., 2024). Many studies focus on how legal texts are applied but fail to examine broader social forces, including shifting gender norms and the evolving role of women in Indonesian society (Kandia & Wiryawan, 2025; Nigah, 2024). Moreover, there is a lack of empirical research on how judges navigate the complexities of these frameworks when deciding divorce petitions. This article fills that gap by offering a comprehensive analysis of the tensions and potential for integration between *maqashid syariah* and human rights, thus providing a more nuanced understanding of the challenges and opportunities in Indonesia's family law system.

The novelty of this research lies in its attempt to bridge the gap between *maqashid syariah* and human rights in the context of divorce petitions rejected by Religious Courts in Indonesia. Unlike previous studies, this article does not focus solely on theoretical or normative comparisons but also critically examines the practical implications of judicial discretion in divorce cases (Riesthuis, 2023; Turmudi, 2025). By analysing high-profile cases and the evolving role of judges in applying both *maqashid syariah* and human rights principles, this article brings new insights into the intersection of legal norms, social dynamics, and gender justice in Indonesia. The study also highlights the importance of reformulating family law policy in light of these evolving needs, offering a path forward for a more inclusive and just legal system. Addressing this gap is crucial to ensuring that Indonesia's family law system adequately protects the rights of vulnerable parties, particularly women.

The central research problem of this study is how to reconcile the principles of *maqashid syariah* with contemporary human rights standards in the rejection of divorce petitions filed by husbands. The study argues that while *maqashid syariah* emphasises the preservation of family unity and social stability, it must be applied in a way that considers the individual rights of women, particularly their right to freedom from harmful relationships. This article contends that judicial discretion in divorce cases should be guided by the dual principles of protecting the public benefit (*mashlahah*) and ensuring justice by safeguarding women's rights and non-discrimination. The study's contribution lies in proposing a model for reformulating family law policy in Indonesia that integrates these two frameworks, thereby providing a more balanced and just system for adjudicating divorce petitions.

This article makes a significant theoretical and practical contribution by offering a new perspective on how *maqashid syariah* and human rights principles can be integrated into the judicial process for rejecting divorce petitions. The study's theoretical contribution lies in developing a more nuanced understanding of how these two paradigms can coexist and complement each other in the context of Indonesian family law. In practice, the findings provide valuable insights for policymakers, judges, and legal practitioners on reforming family law to protect women's rights better, ensure substantive justice, and strengthen the integration of *maqashid syariah* with human rights values. This research is crucial for the ongoing evolution of family law in Indonesia and for fostering a more equitable legal system that upholds both Islamic values and contemporary human rights.

RESEARCH METHODS

This study adopts a qualitative approach grounded in library research as its main strategy to examine the phenomenon of Religious Court judges' rejection of divorce petitions filed by husbands against their wives, particularly from the perspectives of *maqashid syariah* and human rights within the Indonesian legal system (Granikov et al., 2020; Sari & Asmendri, 2020). The qualitative approach was chosen for its ability to capture the complexity and depth of meaning underlying the evolving texts, norms, and legal practices (Alejandro & Zhao, 2024). This research model enables the researcher to explore philosophical, juridical, and social aspects through the study of relevant literature and the critical interpretation of secondary data. The pattern is based on narrative and reflective analysis, in which the formulation of problems and discussions is rooted in conceptual argumentation, theoretical synthesis, and comparative studies of the rejection of divorce petitions in religious courts, in the context of *maqashid syariah* and human rights

principles. Library research in this context draws upon authoritative sources such as legal research methodology books, recent scholarly articles, legal documents, and relevant Religious Court decisions. This model is believed to provide deeper theoretical and practical contributions, as it is supported by systematic analysis and scientifically accountable arguments (Dahal, 2023; Miller et al., 2023; Morgan, 2022).

The data collection technique in this study involved identifying and compiling both primary and supporting literature sources from credible online databases and digital libraries (Almusaed et al., 2025; Candra Susanto et al., 2024; Mtisi, 2022). This process included searching for books, journal articles, dissertations, statutory regulations, case law, and current legal news relevant to the research topic. Content analysis techniques were employed to select, classify, and examine the literature based on themes, interconnections, and their contributions to the formulation of the research problems. Data sources were selected based on validity, currency, and credibility, prioritising literature published within the last five years, both national and international. Searches were conducted through Google Scholar, Scopus, ScienceDirect, and university digital catalogues. In addition, primary legal sources, such as statutes and Religious Court decisions rejecting divorce petitions, as well as secondary sources in the form of articles and legal research methodology books, served as key references to support the arguments. Data validity was enhanced through triangulation and cross-checking among sources to ensure objectivity and comprehensiveness of the analysis (Kawar et al., 2024; Morgan, 2024; Schlunegger et al., 2024).

The data used in this study are secondary, derived from written documents, both primary (e.g., statutory regulations and court decisions) and secondary (e.g., books and journal articles). The data are presented using a descriptive-analytical method across several stages: issue identification, literature collection, critical reading, thematic analysis, and conclusion drawing. Each research finding was analysed using appropriate theories or models, such as the theory of *maqashid syariah*, justice theory, and the human rights paradigm. The collected data were then systematically organised into a scholarly narrative, articulated in argumentative language, and reinforced with relevant quotations and paraphrases from literature sources. Data presentation also prioritises logical clarity and coherence across sections, thereby providing a comprehensive and objective picture of judges' rejection of divorce petitions in the context of Islamic family law in Indonesia (Mbanaso et al., 2023).

RESULTS AND DISCUSSION

Results

Theoretical Foundation and Conceptual Framework

Divorce occupies an important position in both Islamic family law and Indonesia's national legal system. In Islamic law, divorce (*talaq*) is generally understood as a final measure after reconciliation efforts have failed. Although classical *fiqh* places the authority to pronounce *talaq* primarily in the hands of the husband, contemporary legal practice in Indonesia has shifted this authority into a judicial process. Divorce is therefore no longer treated solely as a unilateral private act, but as a legal action requiring judicial assessment of its grounds, consequences, and compliance with principles of justice.

Indonesian national law reinforces this judicial orientation by requiring divorce to be conducted before a court after reconciliation has been attempted. This arrangement transforms the function of the court from merely confirming marital dissolution into an

institution responsible for evaluating evidence, preventing arbitrary divorce, and protecting the legal interests of the parties. The comparison indicates that both Islamic and national law share a common concern for preventing harm, although they differ in the institutional mechanisms used to achieve this objective.

Table 1. Comparison Between Islamic Law and Indonesian National Law in Divorce		
Aspect	Islamic Law	Indonesian National Law
Legal Basis for Divorce	<i>Thalaq</i> (husband's prerogative) is to be exercised after all reconciliation efforts have failed.	Law No. 1 of 1974 on Marriage requires a court process after reconciliation attempts.
Role of the Court	Limited, mainly to verify the reasons for divorce and prevent further harm.	The court has a more significant role, deciding based on evidence and verifying claims before granting a divorce.
Rights and Obligations of Spouses	Husband has the right to divorce, but both spouses retain mutual responsibilities for family welfare.	Equal rights for both husband and wife, including custody, maintenance, and protection from violence.
Objective of Divorce	Preserving family honour and preventing harm to all parties involved.	Ensuring justice and fairness, with particular focus on protecting the rights of women and children.
Human Rights Consideration	Primarily concerned with the protection of family interests rather than individual rights, especially women's rights.	Emphasises women's rights, including protection from violence, child custody, and fair distribution of assets.

Table 1 shows that the main difference does not lie in the permissibility of divorce, but in the mechanism of control. Islamic law emphasises ethical restraint and the prevention of harm, whereas national law institutionalises these principles through judicial processes. The court therefore functions as an instrument to limit unilateral action while maintaining balance between the interests of the parties.

This shift also demonstrates that protection in divorce cases can no longer be understood purely in normative terms, but must be based on actual consequences. The state expands the role of law to ensure that divorce is not only procedurally valid, but also substantively just, particularly for women and children.

Within this framework, *maqashid syariah* serves as an important foundation for assessing the objectives and consequences of divorce. Its orientation toward the protection of religion, life, intellect, lineage, and property places human welfare at the centre of legal consideration. Divorce is therefore not merely viewed as the termination of a marital bond, but as a legal decision that must account for the prevention of harm.

The implication is that maintaining a marriage is not always synonymous with achieving *mashlahah* (public benefit). When marital relations are characterised by violence, prolonged conflict, or violations of rights, forcing marital continuity may contradict the objectives of Islamic law. Therefore, the assessment of divorce must be contextual, weighing which outcome produces greater benefit and prevents greater harm.

Table 2. Role of <i>Maqashid Syariah</i> in Protecting the Rights of Women and Children in Divorce		
Aspect	<i>Maqashid Syariah</i> (Islamic Law)	Indonesian National Law
Objective	Protecting religion, life, intellect, progeny, and wealth, with emphasis on the welfare of the family.	Protecting family welfare and ensuring substantive justice for both spouses and children.
Focus in Divorce	Protecting the dignity and welfare of women and children, and preventing harm to the family.	Ensuring women's protection, particularly in child custody and protection from violence.

Protection of Women	Protecting women's honour and dignity, allowing for reconciliation before divorce is granted.	Legal safeguards for women's rights in divorce, including custody and protection from harm.
Protection of Children	Ensuring children's welfare, both socially and psychologically, by preventing family dissolution without careful consideration.	Prioritising child custody, maintenance, and welfare post-divorce.
Substantive Justice	Prioritising <i>mashlahah</i> (public benefit) and preventing <i>mafsadah</i> (harm) in family dynamics.	Ensuring justice and fairness, considering social, psychological, and human rights aspects.

Table 2 demonstrates a strong convergence between *maqashid syariah* and national law, particularly in their shared orientation toward protection and harm prevention. The difference lies in their mode of articulation: *sharia* is grounded in normative objectives, while national law is based on legally enforceable rights.

In this context, human rights principles strengthen protection standards by emphasising equality, freedom from violence, and child protection. This confirms that efforts to preserve the family must not compromise individual safety and dignity. However, tension arises when judicial discretion is used to reject divorce petitions in the name of preserving family unity. Theoretically, such a decision may be justified if reconciliation remains possible. Yet in cases involving violence or severe inequality, such rulings may contradict the very objective of protection.

Therefore, *maqashid syariah* and human rights should not be positioned as opposing frameworks. Instead, they can reinforce each other when focused on substantive outcomes, namely the protection of dignity, the prevention of harm, and the welfare of children. Accordingly, the validity of divorce decisions is determined not only by formal legality, but also by their impact on substantive justice.

Juridical Analysis of the Rejection of Divorce Petitions by Religious Court Judges

Rejection of divorce petitions by religious court judges is grounded in Law No. 1 of 1974, Government Regulation No. 9 of 1975, and the Compilation of Islamic Law, which require divorce to be proven before a court and supported by legally valid reasons. Judges may reject petitions when the grounds are unproven, legally insufficient, or fail to demonstrate that the marriage has reached a condition that justifies dissolution. In this framework, judges are not merely passive applicators of law but active evaluators of evidence, reconciliation efforts, and the real condition of marital breakdown. The AT case illustrates this function, where the petition was rejected due to insufficient proof of irreparable conflict and the continued possibility of reconciliation, while also reflecting judicial caution in protecting children from involvement in parental disputes.

Judicial discretion in divorce cases thus operates as an instrument of substantive justice, but its legitimacy depends on proportional, evidence-based reasoning. While such discretion allows judges to consider *mashlahah*, family welfare, and the social-psychological impact of divorce, it also creates tension between legal certainty and contextual justice. Rejection of divorce cannot automatically be equated with protection of the family, because in certain conditions it may prolong harmful, coercive, or psychologically damaging relationships. From the perspective of *maqashid syariah*, the key consideration is not the preservation of marriage itself, but whether the decision achieves benefit and prevents harm. The same logic applies to women's rights protection, where rejection is only protective if it genuinely safeguards dignity, security, and economic and psychological well-being.

Variation in judicial decisions across religious courts shows that the interpretation of divorce grounds is highly contextual, ranging from strict evidentiary requirements to more flexible recognition of irretrievable breakdown. This reflects an ongoing tension between the normative ideal of preserving marriage and the empirical reality that not all marriages are sustainable. Therefore, the core juridical issue is not the authority to reject divorce petitions, but the quality of reasoning behind such decisions. Judicial discretion must remain bounded by legal standards, proportionality, and the real consequences for spouses and children. Ultimately, the effectiveness of religious court adjudication should be measured not by whether marriage is preserved or dissolved, but by whether the decision produces the most just, balanced, and least harmful outcome for all parties involved.

Perspectives of *Maqashid Syariah* and Human Rights on the Rejection of Divorce Petitions

From the perspective of *maqashid syariah*, the rejection of a divorce petition can be justified when it is directed toward achieving *mashlahah* and preventing greater *mafsadah*. In this context, judges are not merely required to determine whether formal grounds for divorce have been fulfilled, but also to assess the consequences of either maintaining or dissolving the marriage. Relevant considerations include the welfare of spouses and children, the possibility of reconciliation, the protection of human dignity, and the potential social, psychological, and economic consequences of the decision.

However, *maqashid syariah* should not be interpreted as requiring the preservation of marriage under all circumstances. Family continuity has legal and moral value only when it remains consistent with the protection of life, dignity, welfare, and human security. Where a marriage is characterised by persistent conflict, violence, coercion, abandonment, or serious psychological harm, maintaining the marital relationship may itself constitute *mafsadah*. Therefore, the central question is not simply whether divorce can be prevented, but whether preventing divorce actually produces greater benefit than allowing the marriage to end.

This approach requires judges to assess divorce petitions proportionally. Reconciliation should be prioritised when there is a realistic possibility of restoring a functional and equitable marital relationship. Conversely, reconciliation should not become a procedural justification for prolonging a relationship that has substantively ceased to provide safety, dignity, and mutual protection. The application of *maqashid syariah* must therefore be outcome-oriented and sensitive to the actual conditions experienced by the parties.

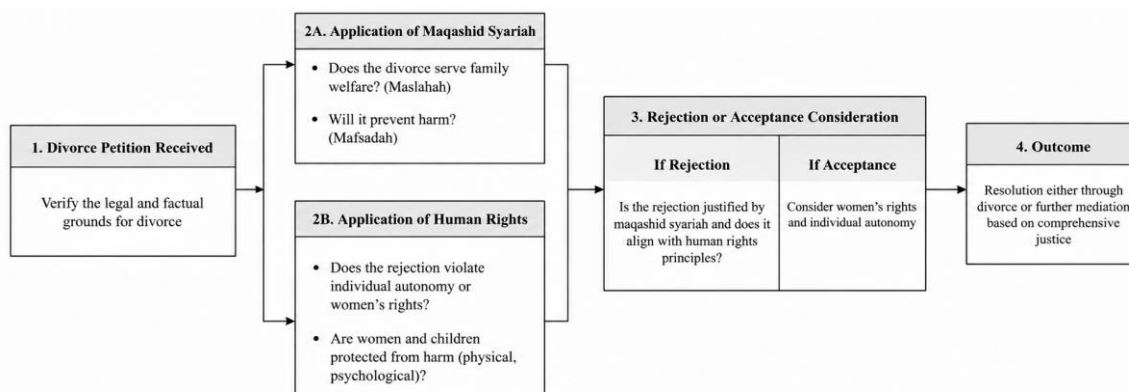


Figure 1. Decision-Making Process of Religious Court Judges

Figure 1 illustrates that judicial decision-making requires an integrated assessment of legal grounds, evidence, reconciliation prospects, family welfare, individual rights, and potential harm. Within this framework, *mashlahah* should not function merely as an abstract justification for preserving marriage, but as a substantive criterion for determining which legal outcome provides greater protection and minimises harm. Accordingly, a *maqashid syariah*-based approach must safeguard not only material interests but also dignity, security, equality, and freedom from violence or discrimination.

The protection of women, therefore, cannot be measured solely by whether a marriage is maintained. Rejecting a husband's divorce petition may be protective when the petition is arbitrary, unsupported, or potentially harmful to the wife and children. However, such rejection becomes problematic when it prolongs violence, psychological pressure, deprivation of rights, or an otherwise harmful marital relationship. From a human rights perspective, judicial intervention must therefore balance family protection with dignity, equality, non-discrimination, access to justice, and individual autonomy.

The relationship between *maqashid syariah* and human rights is neither inherently contradictory nor automatically harmonious. Tension arises when family preservation is prioritised regardless of individual suffering, while compatibility emerges when *maqashid syariah* is interpreted through dignity, welfare, and the prevention of harm. Thus, *mashlahah* and human rights principles can operate complementarily, provided that judicial decisions are based on objective circumstances, avoid gender bias, and protect both individual rights and the legitimate interests of other affected family members.

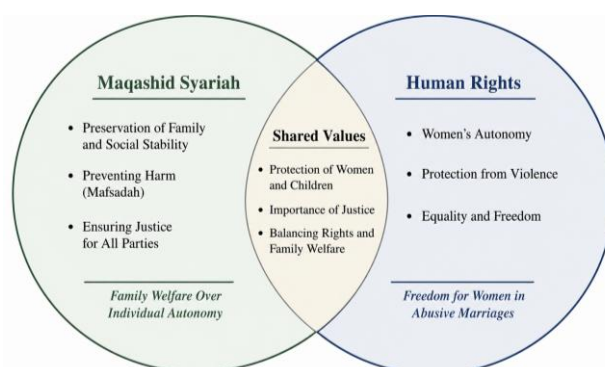


Figure 2. Graphical Representation of the Balance between *Maqashid Syariah* and Human Rights in Divorce Rejection

Figure 2 demonstrates that the intersection between *maqashid syariah* and human rights lies primarily in their shared concern for human dignity, justice, protection from harm, and the welfare of vulnerable parties. The principal area of tension concerns the balance between preserving family unity and respecting individual autonomy. Resolving this tension requires judges to avoid treating either family preservation or individual freedom as absolute principles. Both must instead be assessed according to the factual circumstances and consequences of each case.

The principles of *mashlahah* and non-discrimination consequently provide an important bridge between the two frameworks. *Mashlahah* requires judges to identify the actual benefits and harms generated by a decision, whereas non-discrimination requires those considerations to be applied equally and without gender bias. Together, these principles prevent family welfare from being used as an abstract justification for limiting

women's rights while also preventing individual autonomy from being assessed without regard to the legitimate rights of children and other affected parties.

Accordingly, the rejection of a divorce petition should be regarded as substantively justified only when three conditions are satisfied: the legal grounds for rejection are objectively established, reconciliation remains realistic and does not expose the parties to greater harm, and the resulting decision does not discriminate against or disproportionately burden vulnerable family members. Where these conditions are absent, the preservation of marriage may lose its *mashlahah*-based justification.

Maqashid syariah and human rights can provide complementary standards for evaluating the rejection of divorce petitions. *Maqashid syariah* contributes a welfare- and harm-oriented framework, while human rights provide standards of dignity, equality, autonomy, and non-discrimination. Their integration shifts judicial analysis away from the simple question of whether a marriage should be preserved toward a more substantive question: whether the decision to grant or reject divorce produces justice, prevents greater harm, and protects the legitimate rights of all parties, particularly women and children.

Recommendations for Reformulating Family Law Policy in Indonesia

Reformulating family law policy in Indonesia requires a shift from a predominantly normative and textual approach toward a more substantive framework that integrates *maqashid syariah*, human rights, and the realities of contemporary family relations. Existing divorce regulations should not only determine whether formal legal requirements have been satisfied, but also provide clearer standards for assessing harm, power imbalances, domestic violence, economic vulnerability, and the welfare of children. In this context, *mashlahah* should function as a substantive criterion for evaluating whether preserving or dissolving a marriage produces the more just and protective outcome.

Regulatory reform should therefore clarify evidentiary standards, the limits of judicial discretion, and minimum safeguards for vulnerable parties. Greater precision is particularly necessary in cases involving prolonged incompatibility, psychological violence, economic neglect, or circumstances in which conventional evidence may be difficult to obtain. Without clear standards, broad judicial discretion may produce inconsistent decisions and allow subjective interpretations of family preservation to override the actual interests of women and children. Reformed regulations should consequently require judges to provide transparent, evidence-based, and proportional reasoning when granting or rejecting divorce petitions.

Protection of women and children should also be designed through a multidimensional approach covering legal, economic, psychological, and social interests. This includes enforceable mechanisms for maintenance, child custody, protection from physical and psychological violence, and access to appropriate professional support. Mediation should remain an important instrument, but it must not be applied mechanically. Where indications of violence, coercion, or serious power imbalance exist, reconciliation should not be prioritised at the expense of safety and substantive justice. The involvement of psychologists, family counsellors, and protection services may strengthen the court's ability to identify risks that are not adequately captured through legal evidence alone.

Judicial capacity and accountability constitute another essential component of reform. Judges require continuous training in *maqashid syariah*, human rights, gender

justice, evidentiary assessment, and the social-psychological dimensions of family disputes. However, training alone is insufficient. Judicial discretion must be accompanied by clearer guidelines, consistent evaluation of decisions, ethical oversight, and institutional mechanisms capable of identifying patterns of discriminatory or inconsistent reasoning. The objective is not to eliminate discretion, but to ensure that it operates within measurable standards of legality, proportionality, non-discrimination, and harm prevention.

Family law reform also requires coordination among religious courts, legislators, legal education institutions, protection agencies, academics, and civil society. Legislators must provide a more adaptive legal framework, while courts must translate that framework into consistent and context-sensitive decisions. Public participation and legal education are equally important because reform will be ineffective if vulnerable groups remain unable to access legal remedies or understand their rights. Accordingly, the future direction of Indonesian family law should not be measured merely by its capacity to preserve marriage or reduce divorce, but by its ability to produce accountable decisions, prevent harm, protect individual dignity, and ensure substantive justice for all family members.

Discussion

The findings demonstrate that the rejection of husbands' divorce petitions in Indonesian Religious Courts is not merely a procedural consequence of insufficient pleadings, but a form of substantive judicial control over unilateral marital dissolution. This finding is consistent with literature describing the transformation from a husband-centred conception of *talaq* toward court-supervised divorce and stronger protection of spouses and children (Suadi, 2022; Xiangwei, 2022; Sar'an et al., 2024; Ubaidilah & Husna, 2023). It also corresponds with arguments that Islamic family relations are increasingly interpreted through reciprocity, justice, and equal legal standing rather than rigidly formal rights (Djidin, 2024; Fadil et al., 2024; Purwanti & Natalis, 2025; Smith, 2025). However, this study qualifies that convergence by showing that formal judicial supervision does not automatically produce substantive justice. The decisive factor is how evidentiary standards, reconciliation, and judicial reasoning are applied. Thus, stronger court authority is protective only when it prevents arbitrary divorce without converting family preservation into an inflexible objective that disregards the actual condition of the parties.

The findings concerning *maqashid syariah* largely confirm the literature that positions the protection of religion, life, intellect, progeny, and property as a normative basis for safeguarding family welfare, dignity, and vulnerable parties (Rahmawati et al., 2025; Sukri & Fauzan, 2025). They also support studies connecting divorce adjudication with *mashlahah*, harm prevention, and substantive justice (Fadhilah et al., 2025; Usthyawati et al., 2025), as well as scholarship presenting *maqashid syariah* as an instrument for progressive transformation of family law (Ipansyah & Hafidzi, 2025; Majid, 2025). At the same time, the findings extend this literature by refusing to equate *mashlahah* automatically with marital preservation. Human-rights-oriented studies emphasise equality, women's protection, and child welfare (Harun, 2025; Ridho & Ritonga, 2023; Inamah et al., 2024; Moradipoor, 2025), while other scholarship identifies tensions between collective family interests and individual autonomy (Ibrahim et al., 2025; Imam Tabroni et al., 2022). The theoretical implication is that *maqashid syariah* should operate

as a comparative-harm framework: maintaining a marriage is justified only when it produces greater welfare and less harm than dissolution.

At the adjudicative level, the study finds that judicial discretion is both indispensable and potentially problematic. This corresponds with literature showing that Religious Court judges must simultaneously negotiate Islamic legal objectives, national law, social realities, and human-rights considerations (Fitriyani et al., 2023; Nizar, 2020; Busriyanti et al., 2025; Cahyono, 2024). The finding that judges may reject weakly substantiated petitions also supports the argument that judicial scrutiny can prevent abuse of divorce rights (Babakhani, 2023). Nevertheless, the AT case demonstrates that discretion is substantially shaped by evidentiary assessment, perceptions of reconciliation, and evaluations of family harm, confirming studies concerning the influence of gender understanding and institutional dynamics on judicial reasoning (Jayadi et al., 2025; Sya'diyah et al., 2025). Such discretion also helps explain variations in evidentiary standards and judicial outcomes across jurisdictions (Pidduck et al., 2022; Suhendra et al., 2025). Although gender-sensitive judicial capacity is widely recommended (Hussain, 2025; Mohiuddin, 2024), these findings suggest that training alone is insufficient. Practically, judicial discretion must be bounded by transparent reasoning, proportionality, consistent evidentiary standards, and reviewable assessments of actual harm.

The findings further indicate that *maqashid syariah* and human rights are neither inherently conflicting nor automatically harmonious; rather, their compatibility depends on how judges operationalise them in concrete cases. They converge when judicial reasoning treats dignity, welfare, non-discrimination, and prevention of harm as shared evaluative standards. This supports arguments that transparent *maqashid*-based reasoning strengthens the legitimacy of divorce decisions (Rosli et al., 2025) and that women's protection requires contextual and gender-responsive interpretation (Harefa, 2025; Sar'an et al., 2024). It is also consistent with comparative arguments favouring progressive accommodation between Islamic legal objectives and human-rights norms (Siregar et al., 2024; Smith, 2025), particularly through *mashlahah* and non-discrimination (Muzam, 2023; Purnomo et al., 2024). However, the findings sharpen concerns that family preservation may conflict with individual autonomy and protection from harmful relationships (Alzoraiki et al., 2023; Arif et al., 2025; Husain et al., 2024; Syamanta et al., 2024). The novelty of this study therefore lies in conceptualising divorce rejection as conditionally protective: rejection is legitimate only when grounded in objective evidence, realistic and safe reconciliation, and non-discriminatory consequences for vulnerable parties.

These findings have significant practical implications for the reformulation of Indonesian family law. Existing literature calls for legal reconstruction responsive to social change, gender justice, and the integration of *maqashid syariah* with human rights (Carter & Boehm, 2019; Robita & Anwar, 2025), while other studies emphasise adaptive judicial guidelines and cross-sectoral coordination (Siregar et al., 2024). This study supports these proposals but advances them by identifying more concrete institutional requirements: clearer evidentiary standards, structured judicial reasoning, screening for domestic violence and coercive power relations, and enforceable protection for vulnerable parties. These recommendations correspond with multidimensional approaches involving psychological and social support (Annamalah et al., 2025; Marwa & Mustika, 2024), participatory and accountable legal reform (Inamah et al., 2024; Wang et al., 2024), and stronger judicial education and oversight (Adiyono & Sholeh, 2025; Hidayah, 2023). They

also reinforce calls for clearer evidence rules (Bisaccia Meitl, 2024; Mintert et al., 2020) and professionalised mediation involving counsellors and psychologists (Bottomley, 2022; Stambe & Meyer, 2023). The practical impact is a potential reduction in inconsistent and discriminatory judgments while strengthening access to substantive justice.

This study contributes an integrated analytical framework that connects legal doctrine, judicial discretion, *maqashid syariah*, human rights, and institutional reform in evaluating the rejection of divorce petitions. Unlike approaches that examine family preservation, women's rights, or judicial authority separately, the findings demonstrate that the legitimacy of judicial rejection depends on the interaction among evidence, proportionality, *mashlahah*, non-discrimination, and the actual consequences of the judgment. This synthesis develops existing discussions on substantive justice (Fadhilah et al., 2025; Usthyawati et al., 2025), judicial protection of women (Suadi, 2022; Xiangwei, 2022), gender-sensitive adjudication (Hussain, 2025; Mohiuddin, 2024), and progressive integration of Islamic law and human rights (Siregar et al., 2024; Robita & Anwar, 2025). Its principal theoretical contribution is a conditional-protection model that shifts the benchmark from merely "preserving marriage" toward achieving the "least harmful and most rights-protective outcome." Its practical contribution lies in providing a conceptual foundation for judicial guidelines, professional training, case evaluation, and regulatory reform. The broader impact is to strengthen the legitimacy of Religious Courts through more transparent, accountable, gender-responsive, and substantively just divorce adjudication.

CONCLUSION

This study found that the rejection of husbands' divorce applications in Religious Courts has a strong legal basis in *Maqasid syariah*, national law, and the Compilation of Islamic Law, which prioritise family protection and substantive justice. The judge's rejection of divorce aims to ensure that it is not carried out in a hurry or to the detriment of the more vulnerable parties, taking into account aspects of *mashlahah* and the prevention of losses. These findings provide an important lesson: family law policies grounded in *maqasid syariah* can prevent unfair divorces, strengthen protections for women, and uphold the principle of non-discrimination in family law. This research also shows how judges play a crucial role in harmonising the principles of *maqasid syariah* with human rights in the practice of divorce law in Indonesia.

Scientifically, this research contributes to the development of a more responsive and equitable family law policy model in Indonesia by integrating the values of *maqasid syariah* and human rights principles. This contribution provides new insights into the role of judges in maintaining a balance between textual law and social values, as well as in protecting women in divorce. However, this study has limitations in its scope of analysis, focusing only on Indonesian Religious Courts and not comparing them with other countries. Further research can explore international comparisons in the application of *maqasid syariah* and human rights, and examine the impact of family law reform on the protection of women's rights more empirically.

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