

The Rationality of Talāq in Islamic Family Law: Thoughts of Ibn Qayyim al-Jauziyyah

Rasionalitas Talak dalam Hukum Keluarga Islam: Pemikiran Ibn Qayyim al-Jauziyyah

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Abstract: *This article examines the rationale of ta'lik ṭalāq (conditional divorce) in Islamic family law through the jurisprudential paradigm of Ibn Qayyim al-Jauziyyah. While existing literature primarily focuses on the formal-textual validity of conditional divorce, a gap remains in applying classical teleological jurisprudence to reconcile the friction between static normative doctrines and extrajudicial practices in Indonesia. This qualitative study analyzes Ibn Qayyim's foundational treatises using a normative-philosophical approach grounded in maqāṣid al-sharī'ah. Findings reveal that Ibn Qayyim conceptualizes ta'lik ṭalāq not as a formalistic procedure, but as a teleological mechanism contingent on intentionality, equity, and socio-legal utility (maṣlaḥah). Consequently, this research advances contemporary Islamic family law discourse by deconstructing rigid legalism and recontextualizing ta'lik ṭalāq from a mere instrument of marital dissolution into a proactive mechanism for social justice. Furthermore, it provides a conceptual framework for state institutions to regulate conditional divorce, thereby protecting marginalized women and dependents in modern Muslim families.*

Keywords: *Ta'lik Ṭalāq, Legal Rationality, and Islamic Family Law.*

Abstrak: Artikel ini mengkaji rasionalitas yang mendasari ta'lik ṭalāq (perceraian bersyarat) dalam hukum keluarga Islam melalui paradigma fiqh Ibn Qayyim al-Jauziyyah. Meskipun literatur yang ada saat ini pada dasarnya berfokus pada validitas formal-tekstual perceraian bersyarat, masih terdapat kesenjangan substantif mengenai kemampuan yurisprudensi teleologis klasik untuk mendamaikan gesekan kontemporer antara doktrin normatif statis dan

praktik ad hoc di luar pengadilan di Indonesia. Penelitian ini menggunakan metodologi arsip kualitatif, secara sistematis mengkaji risalah-risalah dasar Ibn Qayyim melalui pendekatan normatif-doktrinal dan filosofis-hukum yang disintesis dan berlandaskan pada maqāṣid al-sharī'ah. Temuan-temuan ini menjelaskan bahwa Ibn Qayyim mengkonseptualisasikan ta'lik ṭalāq bukan sebagai prosedur mekanis dan formalistik, melainkan sebagai perangkat teleologis yang legitimasi-nya sangat bergantung pada niat, keadilan, dan manfaat sosial-hukum yang lebih luas (maṣlaḥah). Akibatnya, penelitian ini merupakan intervensi akademis yang mendalam dalam diskursus hukum keluarga Islam kontemporer dengan mendekonstruksi legalisme kaku dan merekontekstualisasi kegunaan ta'lik ṭalāq mengubahnya dari instrumen unidimensional pembubaran perkawinan menjadi mekanisme proaktif untuk keadilan sosial. Selain itu, penelitian ini mengartikulasikan kerangka konseptual inovatif yang memungkinkan lembaga negara untuk menyesuaikan kembali dan mengatur perceraian bersyarat, sehingga menjamin perlindungan sistematis bagi perempuan dan tanggungan yang terpinggirkan dalam struktur keluarga Muslim modern.

Kata Kunci: Talik Talak, Rasionalitas Hukum, dan Hukum Keluarga Islam.

A. INTRODUCTION

Within classical Islamic jurisprudence, ṭalāq (divorce) is conceptualized as a measure of last resort. Although legally permissible, it is ethically circumscribed by procedural norms and the overarching objectives of Islamic law, particularly the preservation of the family unit and the mitigation of harm.¹ However, contemporary practices across numerous Muslim societies reveal a growing dichotomy between this normative paradigm and empirical social realities. In Indonesia, for instance, escalating divorce rates and the proliferation of extra-judicial repudiations suggest that ṭalāq is frequently invoked reactively. Such practices often lack profound deliberation regarding their socio-economic ramifications, thereby disproportionately affecting women and children.² Illustrating this trend, recent empirical data from the Indonesian Central Bureau of Statistics (BPS) documented

¹ Wael B Hallaq, *Law and Legal Theory in Classical and Medieval Islam* (London: Routledge, 2022), <https://doi.org/https://doi.org/10.4324/9781003278856>.

² Udhayakumar Palaniswamy & Aswathy Kunjumon Fathima Sherin, "The Causes of Divorce and Its Effects on Women: A Systematic Review," *Marriage & Family Review*, 2025, 1–36, <https://doi.org/https://doi.org/10.1080/01494929.2025.2484781>.

over 394,000 marital dissolutions in 2024, underscoring that divorce has transcended doctrinal boundaries to become a formidable socio-legal exigency.³

Addressing this predicament necessitates a more rationalized and teleological framework within Islamic family law one that evaluates marital dissolution not solely through the prism of formal juridical validity, but equally through its ethical imperatives and societal repercussions. In this context, the jurisprudential framework of Ibn Qayyim al-Jauziyyah assumes profound salience. His approach is predicated upon the prioritization of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law), equity, and the prevention of harm as the indispensable bedrock of legal reasoning.

The extant scholarship concerning *ṭalāq* can be broadly divided into two predominant trajectories. The first strand concentrates on doctrinal disputations within Islamic jurisprudence, most notably the polemics surrounding the pronouncement of triple *ṭalāq* in a single session.⁴ For example, Munir (2013) delineates the theoretical contestations between the *jumhūr* (majority consensus) and the minority paradigm articulated by Ibn Taymiyyah and Ibn Qayyim, alongside their ramifications for contemporary juristic discourse. Conversely, the second trajectory—conspicuously prevalent within the Indonesian academic landscape—comprises socio-legal investigations that scrutinize divorce practices within religious tribunals, female agency, litigation strategies, and the institutional architecture of Islamic family law. Collectively, these scholarly endeavors have substantially augmented the understanding of marital dissolution as both a juridical doctrine and an empirical social phenomenon.⁵

Notwithstanding these contributions, a substantial proportion of the literature remains predominantly descriptive, exhibiting a conspicuous deficit in engaging with broader epistemological discourses on legal rationality and Islamic jurisprudential theory. Contemporary scholarship on Islamic legal reasoning

³ Rachel Rinaldo and Tracy Fehr, "I Have a Right to A Better Imam': Divorce, Islam, and Changing Marriage Ideals in Indonesia," *Critical Asian Studies*, 2025, 1–27, <https://doi.org/https://doi.org/10.1080/14672715.2025.2578796>.

⁴ Rifqi Qowiyul Iman, "Divorce And Its Practices Before A Religious Court : A," *Jurnal Hukum Islam*, 2024, <https://doi.org/http://dx.doi.org/10.30983/alhurriyah.v9i1.8066>.

⁵ Aaron V. Cicourel, "Kinship, Marriage, and Divorce in Comparative Family Law," *Cambridge Journals* 1 (2024), <https://doi.org/https://doi.org/10.2307/3052936>.

particularly treatises emphasizing maqāṣid al-sharī'ah, teleological objectives, and purposive hermeneutics—posits that juridical edicts must be appraised not merely through formal textual adherence, but equally through their ethical teleology and socio-structural ramifications.^{6,7} Consequently, within the global discourse on Islamic legal theory, scholars increasingly emphasize the indispensability of teleological reasoning, public utility (maṣlaḥah), and the prevention of harm (mafsadah) as quintessential constituents of legal rationality. Despite this theoretical shift, such deliberations have seldom been systematically integrated with the specific phenomenon of ta'liq ṭalāq (conditional divorce) and contemporary marital dissolution practices.

To bridge this lacuna, the present study situates the jurisprudential philosophy of Ibn Qayyim al-Jauziyyah within the broader continuum of Islamic legal rationality. Rather than exclusively scrutinizing his doctrinal postulations regarding marital dissolution, this research investigates how his maqāṣid-oriented methodology furnishes a normative paradigm for conceptualizing ta'liq ṭalāq as a teleological and socially accountable juridical institution.

Despite their contributions, prior studies exhibit a key limitation: they tend to separate doctrinal analysis from an explicit examination of legal rationality.⁸ Doctrinal works often stop at mapping legal opinions, while socio-legal studies prioritize empirical dynamics without grounding them in a systematic theory of Islamic legal reasoning. Even studies that specifically address Ibn Qayyim's views on ṭalāq largely remain descriptive, focusing on categorization (time, number, or form of divorce) rather than interrogating the why—the underlying logic of public interest (maṣlaḥah), harm prevention, and purposive reasoning that could bridge text and social reality.⁹ As a result, the question of when divorce is rational or irrational in Sharia terms remains underexplored.

⁶ (Mitchell, 2023

⁷ Busriyanti et al., 2025)

⁸ G Bhaghamma, "A Comparative Analysis of Doctrinal and Non-Doctrinal Legal Research," *ILE Journal of Governance and Policy Review* 1, no. 1 (2023): 88–94.

⁹ Maida Hafidz, "Penerapan Teori QIRĀ'AH MUBĀDALAH Terhadap Analisis Waktu Dan Jumlah Jatuhnya Dalam Konsep Talak Tiga Sekaligus," *Jurnal Studi Islam* 14, no. 1 (2022): 22–46, <https://doi.org/https://doi.org/10.47945/tasamuh.v14i1.584>.

This research shifts the analytical focus from detailing Ibn Qayyim al-Jauziyyah's specific divorce rulings to examining the rationality underlying marital dissolution in Islamic family law, establishing him as the primary theoretical foundation.¹⁰ Rather than merely extracting his juridical edicts, this study reconstructs his epistemological framework of legal reasoning. It highlights his prioritization of *maqāṣid al-sharī'ah* (objectives of Islamic law), legislative wisdom, intentionality (*qaṣd*), and harm mitigation, framing marital dissolution as a teleological legal mechanism.

Unlike existing *maqāṣid*-oriented scholarship—which predominantly focuses on societal welfare, gender equity, or normative reform—this inquiry analyzes the operationalization of legal rationality within Ibn Qayyim's teleological hermeneutics. It demonstrates how intentionality, contextual exigencies, sociological ramifications, and harm prevention function as interconnected axioms in determining the legitimacy and execution of conditional divorce (*ta'līq al-ṭalāq*). Through this prism, the study evaluates marital dissolution beyond mere formalistic validity to encompass its ethical, sociological, and protective dimensions. Consequently, this research elevates Ibn Qayyim's methodology from a conventional *maqāṣid* framework to a dynamic paradigm of Islamic legal reasoning, demonstrating its continued applicability for navigating contemporary complexities in Islamic family law.¹¹

Accordingly, this research aims to: (1) explain Ibn Qayyim al-Jauziyyah's conceptual framework and legal reasoning concerning divorce, including its ethical and procedural limitations; (2) analyze the rationality of *ṭalāq* as an instrument of Islamic family law across normative, moral, and social dimensions; and (3) contribute conceptually to contemporary Islamic family law discourse by offering a purposive and rational framework that strengthens the protection of vulnerable parties while maintaining continuity with authoritative Islamic legal tradition.

¹⁰ Aamer Aldbyani and Mohammed Fahd Obaid Al-Harbi, "Five Dimensions of Islamic Mindfulness and Their Parallels with the Five Facets of Secular Mindfulness: A Narrative Theoretical Review," *Mindfulness*, 2026, 1–12.

¹¹ Ahmad Ali et al., "A Cross Sectional Analysis of Immorality and Divorce in Traditional Society," *Journal of Divorce & Remarriage* 63, no. 3 (2022): 200–213, <https://doi.org/https://doi.org/10.1080/10502556.2021.199302>.

B. RESEARCH METHOD

This study employs a qualitative, library-based methodology to investigate the rationality of ta'lik ṭalāq within Islamic family law, specifically through the lens of Ibn Qayyim al-Jauziyyah's jurisprudential framework.¹² This research design is optimally suited for examining the normative paradigms and legal reasoning embedded in classical fiqh treatises and contemporary scholarship, thereby obviating the need for empirical field data.¹³ The investigation synthesizes normative-doctrinal and philosophical-legal paradigms to elucidate Islamic jurisprudential reasoning (Negara, 2023). The normative-doctrinal framework scrutinizes the structural formulation of ta'lik ṭalāq within Ibn Qayyim's corpus, whereas the philosophical-legal dimension assesses its underlying rationality against the overarching objectives of Islamic law (maqāṣid al-sharī'ah), meticulously evaluating the balance between the promotion of public utility (maṣlaḥah) and the mitigation of harm (mafsadah). This bipartite methodological strategy elevates the analytical discourse beyond mere formalistic validity, steering it toward a nuanced purposive and socio-legal evaluation.

The qualitative content analysis was executed through a tripartite procedural framework. Initially, the inquiry systematically categorized relevant excerpts from Ibn Qayyim's seminal treatises concerning repudiation, conditional declarations, intentionality (qaṣd), jurisprudential ramifications, and the preemption of harm. Subsequently, this textual data was subjected to rigorous thematic coding based on recurrent jurisprudential constructs, encompassing equity, teleological imperatives, public welfare, and contextualized reasoning. Finally, a dialectical interpretation of the systematized data facilitated the reconstruction of Ibn Qayyim's legal rationale, illuminating the mechanisms through which his teleological paradigm bridges formal legal validity with broader ethical and societal imperatives. Ultimately, this comprehensive analysis elucidates not only Ibn Qayyim's specific jurisprudential

¹² Christine R Marlow, *Research Methods for Generalist Social Work* (Waveland Press, 2023).

¹³ Muhammad Muhammad, "Research Methods in Religious Studies: Focus On Islamic Methodology and Ethics," 2026.

determinations regarding ta'lik ṭalāq but also demonstrates how his intellectual reasoning epitomizes a more expansive architecture of Islamic legal rationality.¹⁴

Data are derived from primary and secondary textual sources collected through systematic documentation, including identifying, selecting, and classifying relevant materials. Primary sources consist of Ibn Qayyim al-Jauziyyah's major works addressing divorce, conditional pronouncements, intention, and legal consequences, while secondary sources include peer-reviewed journal articles and academic books on ta'lik ṭalāq, Ibn Qayyim's legal reasoning, and contemporary Islamic family law. The data are analyzed using qualitative content analysis and argumentative-normative analysis by categorizing texts around normative foundations, legal objectives, and social implications, and interpreting them within the framework of maqāṣid al-sharī'ah to assess their contemporary relevance. This method enables the study to present a coherent and accountable analysis of how Ibn Qayyim's reasoning informs a rational and purposive understanding of ta'lik ṭalāq in modern Islamic family law discourse.¹⁵

C. RESULT AND DISCUSSION

The Concept of Ta'lik Talaq in Islamic Jurisprudence and the Position of Ibn Qayyim al-Jauziyyah

The empirical findings demonstrate that within the paradigm of classical Islamic jurisprudence, ta'līq ṭalāq is conceptualized as the binding of marital dissolution to the occurrence of a specified future contingency, irrespective of whether this condition pertains to the conduct of the husband, the wife, or extraneous situational variables.¹⁶ This construct stems from the overarching jurisprudential axiom that the prerogative of divorce resides exclusively within the husband's legal purview, although its operationalization may be circumscribed by specific stipulations (shart) and temporal parameters (zamān). Classical jurists across the four orthodox Sunni schools universally acknowledged the legal efficacy

¹⁴ Müfit Selim Saruhan, "Intersections of Religion and Ethics: A Philosophical Analysis within Islamic Thought," *International Journal of Islamic Thought* 28 (2025): 90–103.

¹⁵ Armstrong, 2021)

¹⁶ Akhmad Kamil Rizani et al., "The Essence of Marriage Agreement as Protection in the Indonesian Marriage Law System," *Indonesian Journal of Law and Islamic Law (IJLIL)* 6, no. 2 (2024): 160–71.

of conditional divorce upon the fulfillment of the stipulated prerequisite, albeit exhibiting substantive divergences concerning the requisite intentionality and the ensuing juridical ramifications.

Within the Hanafī intellectual tradition, al-Kāsānī, in his seminal treatise *Badā'ī' al-Ṣanā'ī'*, elucidates that a conditional divorce takes automatic legal effect upon the realization of the condition, positing that the act of suspension (*ta'liq*) inextricably binds the verbal pronouncement to its designated occurrence. Analogously, al-Nawawī, representing the Shāfi'ī school in *Rawḍat al-Ṭālibīn*, asserts that a suspended divorce takes effect upon the fulfillment of the condition, entirely independent of any subsequent intentionality. Conversely, Ibn Qudāmah, in the authoritative Hanbali compendium *al-Mughnī*, concedes the fundamental validity of *ta'liq ṭalāq* while concurrently delineating scenarios wherein intentionality and contextual nuances profoundly shape juridical interpretation. This is particularly salient when the pronouncement operates as an oath, an admonition, or a deterrent, rather than an unequivocal intention to terminate the matrimonial bond.

These doctrinal postures are intrinsically anchored in the prophetic maxim, “*al-muslimūn ‘alā shurūṭihim*” (“Muslims are bound by their conditions”), which classical jurists systematically utilized as the normative foundation for conditional juridical acts. Consequently, the jurisprudential discourse surrounding *ta'liq ṭalāq* within classical *fiqh* transcended mere formalistic validity, encompassing more profound inquiries regarding teleological objectives, intentionality, and broader socio-legal ramifications:

إِنَّ أَحَقَّ الشُّرُوطِ أَنْ يُؤَقَّ بِهٖ مَا اسْتَحَلَّلْتُمْ بِهٖ الْفُرُوجَ

“Indeed, the most deserving condition to be fulfilled is the condition by which you make lawful the private parts (i.e., the conditions in marriage).”¹⁷

By "condition" is meant an obligation stipulated by one party entering into a contract or agreement with another party. This condition should have a justifiable

¹⁷ Erwin Febrian Syuhada, “Pendekatan Maqasid Syariah Dalam Meningkatkan Kepercayaan Pada Sertifikasi Halal,” *Ekonomi Syari’ah* 11 (2023), <https://doi.org/https://doi.org/10.55799/tawazun.v11i02.332>.

benefit and purpose. These conditions must be met according to the words of the Messenger of Allah, may Allah bless him and grant him peace.

الْمُسْلِمُونَ عَلَى شُرُوطِهِمْ

“Muslims are bound by their conditions”.¹⁸

Nevertheless, profound juristic divergence emerged concerning the nexus between explicit phrasing, underlying volition (qaṣd), and the subsequent juridical ramifications within the paradigm of ta’līq ṭalāq. While classical jurists generally concurred that a conditional dissolution of marriage takes effect upon the fulfillment of its stipulated condition, they diverged significantly regarding the degree to which intentionality, situational context, and the performative function of the utterance ought to inform legal hermeneutics.

Ḥanafī and Shāfi‘ī scholars predominantly prioritized the juridical efficacy of the explicit utterance following the condition's fulfillment, most notably when the articulation of the repudiation was unequivocal. Nonetheless, this methodological posture did not categorically preclude the integration of intentionality across all contexts, particularly within discourses pertaining to allusive expressions (kināyah) or declarations operating analogously to oaths. Conversely, prominent Ḥanbalī and Mālikī authorities accorded greater primacy to contextual and teleological dimensions, especially in instances where ta’līq ṭalāq was articulated as a mechanism of intimidation, deterrence, or psychological coercion, rather than as a manifestation of a resolute volition to sever the matrimonial bond. For instance, Ibn Taymiyyah and Ibn al-Qayyim delineated a critical dichotomy between conditional pronouncements genuinely intended to effect divorce and those deployed exclusively for rhetorical emphasis or coercive admonition.

These differences demonstrate that classical debates on ta’lik ṭalāq were not solely concerned with formal validity, but also involved broader questions regarding legal purpose, intentionality, and the social consequences of legal acts.¹⁹

¹⁸ Syuhada.

¹⁹ Omar Farahat, “Generality and Exception in Islamic Legal Theory: Intent, Language, and the Jurist’s Role,” *The American Journal of Comparative Law* 72, no. 2 (2024): 292–323.

In contemporary social practice, ta'lik ṭalāq has undergone a significant shift in function. Rather than operating primarily as a moral safeguard or preventive mechanism, it is frequently utilized as a tool for controlling household relationships and exerting psychological pressure on wives.²⁰ Several socio-legal studies in Indonesia indicate that conditional divorce clauses are commonly invoked during marital conflicts to reinforce unequal power relations, particularly in situations involving economic dependency and limited legal access for women. Research on Religious Court practices further reveals that many divorce disputes involving ta'lik ṭalāq emerge only after prolonged domestic conflict, wherein wives experience uncertainty regarding their marital status, maintenance rights, and child custody.²¹

This pattern demonstrates that the practical application of ta'lik ṭalāq may contradict the Qur'anic principle of mu'āsharah bi al-ma'rūf (good and equitable treatment within marriage), as articulated in Q.S. al-Nisā' [4]: 19. When ta'lik ṭalāq generates fear, legal uncertainty, and unequal power dynamics, it departs from the broader objectives of Islamic family law, which emphasize tranquility (sakinah), compassion (mawaddah), and protection (raḥmah). In this context, the issue is not merely the formal validity of conditional divorce, but the social consequences arising from its implementation within contemporary family relations.²²

Within this framework, Ibn Qayyim al-Jauziyyah occupies a distinctive position in the discourse on ta'lik ṭalāq. Building upon the reformist jurisprudence of his teacher, Ibn Taymiyyah, Ibn Qayyim further developed a more systematic, teleological approach to Islamic legal reasoning.²³ While Ibn Taymiyyah emphasized the importance of departing from rigid taqlīd and considering intention

²⁰ Mufliha Wijayati et al., "The New Men': The Rahima's Experiences in the Gender Sensitivity Construction among Marriage Registrar in Lampung Indonesia," *Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1489–1513, <https://doi.org/https://doi.org/10.22373/sjhc.v7i3.17666>.

²¹ Abu Mukh Hanan Rizq, "Divorce and Women's Rights in Palestine: Navigating Islamic Law and Empowerment," *The Family Journal*, 2025, 10664807251396950.

²² Liana Ab Latif and Hidayatul Sakinah Mohd Zulkifli, "Imam Al-Ghazali's Concept of Masalih Mursalah in Informal Talaq Ta 'liq: A Critical Study of Selected Selangor Syariah Court Cases," *Internasional Journal Of Akademic Research In Business& Social Sciences* 15 (2025), <https://doi.org/10.6007/IJARBS/v15-i3/24812>.

²³ Asrul Hamid and Dedisyah Putra, "The Existence of New Direction in Islamic Law Reform Based on The Construction of Ibnu Qayyim Al-Jauziyah's Thought," *JURIS (Jurnal Ilmiah Syariah)* 20, no. 2 (2021): 247.

in legal interpretation, Ibn Qayyim expanded this approach by integrating the objectives of the Sharī'ah (maqāṣid al-sharī'ah), ethical reasoning, and the social consequences of legal rulings into a broader framework of legal rationality.

In *I'lām al-Muwaqqi'īn*, Ibn Qayyim contends that divorce adjudications cannot be decoupled from a holistic examination of the overarching objectives of the Sharī'ah, the underlying intentionality of the initiator, and the socio-legal ramifications engendered by the pronouncement.²⁴ He postulates that Islamic jurisprudence was promulgated not merely to validate formalistic utterances, but rather to actualize justice, secure public welfare (maṣlaḥah), and avert detriment (dar' al-mafāsid). Although Ibn Qayyim al-Jawziyyah was profoundly influenced by his mentor, Ibn Taymiyyah, his jurisprudential methodology evolved toward a progressively systematic and teleological paradigm. Ibn Taymiyyah predominantly concentrated on critiquing dogmatic adherence (taqlīd), reinstating unmediated engagement with the Qur'an and Sunnah, and underscoring the adaptability of legal verdicts (fatawā) in response to shifting socio-historical contexts. Consequently, his jurisprudential reform initiative was substantially oriented toward rectifying doctrinal rigidity and reinvigorating the domain of contextual independent reasoning (ijtihād). Sustaining this reformist trajectory, Ibn Qayyim broadened the framework into a more comprehensive theory of legal rationality anchored in the higher objectives of Islamic law (maqāṣid al-sharī'ah). He accorded heightened primacy not only to intentionality (qaṣd) and hermeneutical textual analysis but also to ethical teleology, societal consequences, communal welfare (maṣlaḥah), and the preclusion of harm (mafsadah). In seminal treatises such as *I'lām al-Muwaqqi'īn*, Ibn Qayyim methodically articulated that Islamic law must be appraised by its efficacy in actualizing justice, compassion, and wisdom within the societal sphere.

This conceptual divergence assumes paramount significance within the discourse surrounding ta'līq al-ṭalāq. Whereas Ibn Taymiyyah problematized the rigid, formalistic execution of conditional divorce, Ibn Qayyim articulated a more

²⁴ Ghaith Hani O Alqudah and Orwah Dwairi, "The Rights of Christians in Ibn Qayyim Al-Jawziyya's Book: Rulings for Non-Muslims 'Aḥkām Ahl Al-Dhimma' and Their Alignment with the Universal Declaration of Human Rights and the Objectives of Islamic Law," *International Journal on Minority and Group Rights* 1, no. aop (2026): 1–32.

sophisticated, purposive framework wherein the legitimacy of marital dissolution is contingent upon the intricate interplay between intentionality, contextual variables, and broader societal ramifications.²⁵ Consequently, Ibn Qayyim's approach moves beyond doctrinal correction toward a more comprehensive jurisprudence of legal purpose and social responsibility, making his methodology especially relevant for contemporary Islamic family law discourse.

Although Ibn Qayyim al-Jauziyyah was deeply influenced by his teacher Ibn Taymiyyah, his jurisprudential methodology developed in a more systematic and teleological direction. Ibn Taymiyyah primarily focused on criticizing rigid taqlīd, restoring direct engagement with the Qur'an and Sunnah, and emphasizing the flexibility of fatwā according to changing circumstances.²⁶ His overarching project of legal reform was fundamentally oriented toward ameliorating doctrinal inflexibility and reinvigorating the domain of contextual ijtihād.

Advancing this reformist trajectory, Ibn Qayyim extrapolated it into a more comprehensive paradigm of legal rationality anchored in maqāṣid al-sharī'ah. He not only accorded paramount significance to intention (qaṣd) and textual hermeneutics but also extended his analytical purview to encompass ethical teleology, societal ramifications, public welfare (maṣlaḥah), and the preclusion of detriment (mafsadah). In seminal treatises such as I'lām al-Muwaqqi'īn, Ibn Qayyim systematically posited that Islamic jurisprudence necessitates appraisal predicated upon its efficacy in actualizing justice, clemency, and sagacity within the societal matrix.

This conceptual divergence holds profound salience regarding the jurisprudence of ta'līq ṭalāq. Whereas Ibn Taymiyyah problematized the inflexible, formalistic operationalization of conditional divorce, Ibn Qayyim constructed an advanced teleological framework wherein the juridical validity of marital dissolution remains strictly contingent upon the intricate interplay among intention, contextual variables, and subsequent societal repercussions.

²⁵ Ji-Hye Yang et al., "Comparative Analysis of Stroke, Marital Intimacy, Marital Satisfaction and Divorce Intention According to the Type of Participation in Marital Leisure Sports Activities," *Behavioral Sciences* 14, no. 9 (2024): 757.

²⁶ Islam Bagakashvili, "Ibn Taymiyyah: The Doctrine of Jihad and His Modern Reception," 2023.

Consequently, Ibn Qayyim's methodological paradigm transcends mere doctrinal rectification, culminating in a holistic jurisprudence of legal teleology and civic accountability, thereby rendering his epistemological approach exceptionally pertinent to contemporary discourses in Islamic family law.²⁷

Furthermore, Ibn Qayyim connects the ta'lik of divorce with the issues of intention (qaṣd) and the function of speech.²⁸ He distinguishes between conditional statements intended as moral commitments or deterrents against reprehensible actions, and statements specifically intended to dissolve a marriage. In the first case, treating ta'lik talaq as effective divorce actually has the potential to cause greater injustice and harm. This view suggests that Ibn Qayyim did not reject the text or structure of jurisprudence, but rather reconstructed the way the text was understood to align with the goals of Islamic law and social reality.

Thus, the results of this study confirm that ta'lik talaq from the perspective of Ibn Qayyim al-Jauziyyah must be examined not only thru linguistic parameters and legal formalities, but also thru the rationality of its purpose and its impact on family life. This approach makes ta'lik talaq a conditional, contextual, and responsible legal instrument, while also opening up space for reinterpreting Islamic family law so that it remains rooted in the tradition of fiqh but is responsive to contemporary social challenges.

Legal Rationality in Ibn Qayyim's Thought: From Formality to Maqāṣid Syar'iyah

The findings of this investigation demonstrate that Ibn Qayyim al-Jauziyyah's paradigm of legal rationality is intrinsically teleological and highly contextualized (Tahir, 2024). In his seminal work, I'lām al-Muwaqqi'īn, he rigorously critiques the prevailing legal formalism that bifurcates the juridical validity of acts from the overarching teleological objectives of Islamic jurisprudence. Specifically, Ibn Qayyim postulates that Islamic law is inextricably anchored in justice, compassion, public utility, and profound wisdom. Consequently, jurisprudential edicts must be

²⁷ Lubna Ameen Khan, Muhammad Asim Shahbaz, and Fouzia Ayub, "Sunnah, Scientific Method and the Law: Foundations for an Islamic Response to Technological Civilization," *Journal of Religion and Society* 4, no. 01 (2025): 943–71.

²⁸ Habita Omhani, "Speech Acts in Ibn Al- Qayyim ' s Juristic (U Ṣūlī) Ijtihād : A Pragmatic Approach" 15, no. 4 (2025): 2892–2914.

evaluated according to their efficacy in actualizing these imperatives within the socio-legal matrix.²⁹ It follows, therefore, that the normative legitimacy of a legal action is ascertained not merely through strict textual adherence, but rather through its congruence with the macro-objectives of the Sharī'ah and its subsequent socio-structural ramifications.³⁰

Crucially, the teleological methodology espoused by Ibn Qayyim is grounded in a robust epistemological foundation derived directly from Qur'anic injunctions (Alsuhaymi & Atallah, 2025). Within the specific domain of family law, the foundational tenets of maqāṣid al-sharī'ah are discernible in divine mandates designed to safeguard the dignity and equilibrium of familial relations.³¹ This is explicitly articulated in the injunction to "live with them [wives] in kindness" (Qur'an 4:19), alongside the directive to facilitate reconciliation amidst domestic discord (Qur'an 4:35). Collectively, such scriptural pronouncements signify that Islamic family jurisprudence is fundamentally oriented toward the cultivation of institutional stability, the administration of equity, and the prevention of harm.

Building upon these scriptural foundations, the theoretical scope of maqāṣid has undergone significant evolution. Whereas classical discourse, spearheaded by prominent scholars such as al-Shāṭibī, predominantly concentrates on the preservation (ḥifẓ) of lineage and property within family structures, contemporary theoreticians have constructed a substantially more dynamic and expansive framework. Ibn 'Āshūr, for instance, asserts that the ultimate teleological objective of Islamic family law is the institutionalization of justice and the augmentation of societal welfare (maṣlaḥah), thereby shifting the analytical locus from individual preservation to systemic structural harmony. Expanding upon this trajectory, Jasser Auda contends through a systems-theory approach that contemporary *maqāṣid* paradigms must assimilate modern normative values, specifically encompassing human rights and gender egalitarianism.

²⁹ Alqudah and Dwairi, "The Rights of Christians in Ibn Qayyim Al-Jawziyya's Book: Rulings for Non-Muslims 'Aḥkām Ahl Al-Dhimma' and Their Alignment with the Universal Declaration of Human Rights and the Objectives of Islamic Law."

³⁰ Habib Ahmed, "Islamic Normative Legal Theory: Framework and Applications," *Journal of Law and Religion*, 2025, 1–31, <https://doi.org/10.1017/jlr.2025.10056>.

³¹ Ulul Umami and Abdul Ghofur, "Human Rights in Maqāṣid Al-Sharī'ah Al-Āmmah: A Perspective of Ibn 'Āshūr," *Al-Ahkam* 32, no. 1 (2022): 87–108.

Viewed through this contemporary theoretical lens, the practice of ta'liq ṭalāq (suspended divorce) becomes highly problematic. Despite its potential formal and textual validity, the practice frequently engenders psychological trauma, status ambiguity, and unilateral subjugation, thereby demonstrably failing to harmonize with the holistic objectives of the Sharī'ah. Ultimately, notwithstanding its technical compliance with traditional, literalist jurisprudential prerequisites, ta'liq ṭalāq fundamentally contravenes the core tenets of systemic justice and human dignity advocated by modern maqāṣid applications.³²

Within the framework of the Prophet's hadiths, the rationality of law is also affirmed thru the principle of preventing harm.³³ The principle of "no harm and no causing harm" (derived from the Prophet's hadith, narrated by Ibn Majah) serves as an ethical foundation for impact-oriented legal interpretation. Ibn Qayyim used this principle to assert that any application of law that demonstrably causes structural harm whether psychological, social, or economic loses its rational justification. In the context of ta'lik talaq, the use of the divorce condition as a tool of threat or emotional control against the wife clearly contradicts the spirit of this hadith.³⁴

Furthermore, Ibn Qayyim developed the principle that changes in social context can affect how laws are applied without necessarily altering the authority of the texts.³⁵ He emphasized that fatwas can change with the passage of time, place, conditions, and customs (taghayyur al-fatwā bi taghayyur al-azmān wa al-amkinah), as long as the changes are aimed at preserving the public interest and preventing harm³⁶. From this perspective, ta'lik talaq must be understood as a conditional and

³² Ni'ami, "Islamicjurisprudenceperspective In Thepractice Of Divorce Due To Taklik Talak," *Jurnal Hukum Islam* 11 (2022), <https://doi.org/https://doi.org/10.38073/rasikh.v11i2.865>.

³³ Saer El-Jaichi and Joshua A Sabih, "Preventing Harm," *Perspectives on Terrorism* 16, no. 1 (2022): 46–59.

³⁴ Ab Latif and Zulkifli, "Imam Al-Ghazali's Concept of Masalih Mursalah in Informal Talaq Ta 'liq: A Critical Study of Selected Selangor Syariah Court Cases."

³⁵ Ayu Sari Ningsih and Nancy Dela Oktora, "Reforming Islamic Family Law : The Relevance of Ibn Qayyim Al-Jawziyyah ' s Concept of Legal Change" 12, no. 02 (2025): 392–405.

³⁶ Omar Mahmoud Hassan, "The Change of Time and Place and Its Impact on The Change of Fatwa (Contemporary Applied Study)," *Russian Law Journal* 11, no. 8S (2023): 77–92.

contextual legal mechanism, not as a standard formula applied mechanically without considering the social realities of contemporary Muslim families.³⁷

This view of Ibn Qayyim aligns with the tradition of maqāsid scholars such as al-Shātibī, who affirmed that the primary purpose of Islamic law is to preserve five fundamental principles: religion, life, intellect, offspring, and property.³⁸ In the context of family law, the protection of offspring and family stability hold a central position. Therefore, a ta'lik talaq that accelerates family disintegration or weakens protection for wives and children is contrary to these maqasid, even tho it is formally justified by some fiqh opinions.³⁹

Thus, the results of this study confirm that the rationality of ta'lik talaq in the thot of Ibn Qayyim al-Jauziyyah must be understood as a rationality based on goals and impact. Law is not only tested by what is said, but by why it is said and what the consequences are. This approach shifts the focus of Islamic family law from procedural legalism toward an ethics of responsibility and protection, while also providing a relevant conceptual framework for assessing and reformulating the practice of ta'lik talaq within the modern social context without departing from the authority of the Quran, Hadith, and the traditions of scholars.

Ta'lik Talaq and the Problem of Contemporary Practice

Within the paradigm of contemporary Islamic family law particularly within the Indonesian jurisdiction this study reveals a profound dichotomy between the normative rationality of Islamic jurisprudence and the sociological praxis of marital dissolution. Specifically, the escalating incidence of divorce, the preponderance of wife-initiated separations (cerai gugat), and the pervasive extrajudicial execution of talaq including ta'lik talaq demonstrate that talaq is frequently operationalized as an emotional and reactive response to domestic discord, rather than as a calibrated

³⁷ Nurhadi, "Analysis Of L Sis Of Lafadz Ta'liq Talak In Isl Ak In Islamic Law Perspec Perspective And Civil L Tive And Civil Law Of Marriage/Compil Ge/Compilation Of Tion Of Islamic Law," *Jurnal Hukum & Pembangunan* 49 (2023), <https://doi.org/10.21143/jhp.vol49.no3.2198>.

³⁸ Purwanto, "The Implementation of Maqasid Al-Sharia Values in Economic Transactions of The Java Community," *KnE Social Sciences*, no. The 3rd International Conference on Advance & Scientific Innovation (ICASI) (2022): 120–29, <https://doi.org/10.18502/kss.v7i10.11351>.

³⁹ Ach Ainul Yaqin, S J Fadil, and Zaenul Mahmudi, "Reinterpreting Talik Talak in Indonesia: Harmonizing Fiqh and the Compilation of Islamic Law in Indonesia," *At-Ta'fikir* 18, no. 2 (2025): 103–17.

juridical instrument for progressive conflict resolution.⁴⁰ In stark contrast to this sociological reality, Quranic injunctions explicitly stipulate that familial disputes must be resolved through reconciliation and mediation prior to the effectuation of divorce, as articulated in Surah an-Nisa' [4]:35 concerning the designation of arbiters (hakam) representing both spouses. Aligning with this Quranic imperative, the Indonesian legal framework has progressively codified these principles via Supreme Court Regulation (PERMA) No. 1 of 2016 on Mediation Procedures in Courts, which mandates alternative dispute resolution prior to the issuance of a divorce decree. Furthermore, to reinforce this structured approach, contemporary Indonesian judicial praxis maintains a strict stance against extrajudicial divorce. The Religious Courts consistently reaffirm Article 39 of Law No. 1 of 1974 on Marriage, adjudicating that any talaq pronounced outside judicial frameworks lacks legal certainty and is fundamentally ineffectual in severing the matrimonial bond. Consequently, this jurisprudential trajectory underscores that state-sanctioned mediation transcends mere procedural technicality; rather, it constitutes a structural endeavor to reconcile the persistent divergence between normative Islamic paradigms and contemporary matrimonial realities.

In the Indonesian context, Nurlaelawati's (2013) study shows that despite the state establishing religious courts as an instrument for controlling divorce, social practices are still heavily influenced by power relations within the family, economic factors, and access to justice. In many cases, ta'lik talaq is used as a tool of control or a threat that weakens the wife's bargaining position, while legal proceedings are only pursued after the conflict has reached an irreparable point.⁴¹ This condition indicates that the existence of formal regulations has not yet fully ensured substantive rationality in divorce practice.⁴²

⁴⁰ Saini, "Transformasi Talak Dan Dekonstruksi Fiqh (Legitimasi Baru Dalam Hukum Islam Berbasis Maqashid Syariah)," *Jurnal Syariah Dan Hukum Islam* 3 (2024), <https://doi.org/https://doi.org/10.47902/jshi.v3i1.420>.

⁴¹ Wardah Nuronyah et al., "Assessing Indonesia and Malaysia's Legal Responsiveness to Domestic Violence Victims within Islamic Law Framework.," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 2 (2025).

⁴² Clare Huntington, "Parental Rights," *The University of Chicago Law Review* 91, no. 2 (2024): 503–12.

Ibn Qayyim al-Jauziyyah's approach offers a relevant corrective framework for reading this problem. He emphasized that legal rationality should be measured by its ability to prevent expected mafsadah (predictable harm), not merely by the formal validity of an action.⁴³ In the context of ta'lik talaq, practices that create uncertainty about the wife's legal status, delay or eliminate access to maintenance and child custody rights, and cause ongoing psychological stress are clearly contrary to the protection goals (hifz al-nafs and hifz al-nasl) that are at the heart of Islamic family law.⁴⁴

This principle of preventing harm has a strong basis in the Prophet's hadiths, particularly the rule of *lā ḍarar wa lā ḍirār* (no harm and no mutual harm) narrated by Ibn Mājah. This principle asserts that any legal practice that demonstrably causes structural harm whether psychological, social, or economic must be prevented or corrected. Therefore, ta'lik talaq, which functions as a tool of threat or a means of unilateral domination, is not only socially problematic but also loses its normative legitimacy from a Sharia perspective.

Furthermore, the Quran emphasizes the obligation to treat wives with dignity, even in situations of divorce, as stated in the verse: "Do not cause them distress to narrow their hearts" (Q.S. al-Ṭalāq [65]: 6). This verse indicates that divorce, including mechanisms that lead to it such as ta'lik talaq, must be carried out with the principles of justice and social responsibility. When the practice of ta'lik talaq actually prolongs suffering or places the wife in a vulnerable position, it contradicts the spirit of this verse, even tho it is formally justified by some legal views.

Consequently, the findings of this research substantiate that the complexities inherent in contemporary ta'līq ṭalāq practices cannot be adequately resolved through the mere binary adjudication of a divorce pronouncement's validity. Instead, these challenges necessitate the formulation of a rational and protective paradigm that establishes maqāṣid al-sharī'ah as the paramount evaluative metric. Drawing upon Ibn Qayyim's jurisprudential framework, this paradigm posits that

⁴³ Abdul Halim Ibrahim and Muhammad Safwan Harun, "Applying the Concepts of Benefit and Harm in Malaysian Bioethical Discourse: Analysis of Malaysian Fatwa," *Journal of Bioethical Inquiry* 21, no. 3 (2024): 401–14.

⁴⁴ Catherine A LaBrenz et al., "Reasonable Efforts to Preserve Families? An Examination of Service Utilization and Child Removal," *Child Abuse & Neglect* 128 (2022): 105631.

the state and its legal apparatus possess the normative legitimacy to regulate and circumscribe ta'liq ṭalāq practices, thereby precluding the exploitation of marital prerogatives and safeguarding the more vulnerable party. Translating this theoretical framework into the Indonesian context, such state legitimacy is inextricably anchored in the nation's constitutional architecture. Specifically, Article 28B, paragraph 1, of the 1945 Constitution obligates the state to protect the fundamental right to establish a lawful family, while Article 29 furnishes the foundation for the institutionalization of religious jurisprudence. This constitutional mandate is subsequently operationalized through key statutory mechanisms, most notably Law No. 1 of 1974 on Marriage (as amended by Law No. 16 of 2019) and Law No. 7 of 1989 on Religious Courts. Through these legislative instruments, the state exercises its authority to ensure that the violation of a ta'liq ṭalāq agreement does not precipitate an automatic, extrajudicial dissolution of marriage. Rather, such cases must undergo rigorous judicial scrutiny to guarantee legal certainty (kepastian hukum) and ensure the protection of wives.⁴⁵ Ultimately, this approach emphasizes that the rationality of Islamic family law lies in its ability to balance and responsibly bridge text, purpose, and social reality.

Implications of Rationality in Ta'lik Talaq for Islamic Family Law

This analysis demonstrates that the rationale of ta'lik talaq within the intellectual framework of Ibn Qayyim al-Jauziyyah yields profound theoretical and practical implications for the advancement of contemporary Islamic family law.⁴⁶ By establishing maṣlaḥah and the mitigation of mafsadah as the paramount parameters for jurisprudential evaluation, Ibn Qayyim's methodology functions as a vital conduit mediating between classical jurisprudence and the imperatives of modern legal reform. Within this paradigm, Islamic family law is construed not merely as a corpus of textually valid symbolic norms, but rather as a dynamic normative system directed toward the preservation of substantive equity and familial cohesion.⁴⁷ This

⁴⁵ Putri Widi Astuti and Tri Prastio, "Post-Divorce Rights of Women and Children" 1, no. 2 (2022): 203–13.

⁴⁶ Ayu Sari Ningsih, "Reforming Islamic Family Law: The Relevance of Ibn Qayyim Al-Jauziyyah's Concept of Legal Change," *Jurnal Ilmiah MIZANI* 12 (2025), <https://doi.org/http://dx.doi.org/10.29300/mzn.v12i1.7087>.

⁴⁷ Ahmad Ash Shiddieqy et al., "Integrating Islamic Family Law and Gender Equality: A Comparative Study of Legal Reform and Social Norms in Contemporary Indonesia and Morocco,"

postulate is intrinsically congruent with Ibn Qayyim's assertion that the entirety of Islamic Sharia is predicated upon justice, compassion, and wisdom. Consequently, rather than appraising the validity of ta'lik talaq through a rigidly textual paradigm, its contemporary application must be perpetually calibrated against these objective principles of equity. Should the extrajudicial execution of ta'lik talaq precipitate social detriment (mafsadah) or disenfranchise any involved party, its operationalization must be rigorously governed via judicial mechanisms to guarantee that the jurisprudence perpetually fulfills its protective teleology.⁴⁸

Another important implication is the strengthening of the orientation toward protecting vulnerable parties, particularly women and children, as a substantive goal of Islamic family law. The Quran explicitly emphasizes the need for such protection, including thru the command not to burden women in divorce situations (Q.S. al-Ṭalāq [65]: 6) and the obligation to treat wives with kindness (mu'āsharah bi al-ma'rūf) (Q.S. an-Nisā' [4]: 19). Within the framework of Ibn Qayyim's rationality, a ta'lik talaq that weakens the legal position of the wife, creates status uncertainty, or hinders access to maintenance and child custody rights contradicts this protective purpose, even tho it may be formally justified by some legal opinions. Thus, the rationality of Islamic family law must be measured by the extent to which it guaranties real protection, not merely procedural validity.

Furthermore, Ibn Qayyim's approach provides a normative basis for strengthening the role of the state and legal institutions in regulating the practice of ta'lik talaq. The principle of sadd al-dharā'i' (blocking the path to corruption), frequently used by Ibn Qayyim, opens up a space for the procedural restriction or regulation of divorce to prevent the abuse of rights. In the context of a modern state, the mechanism of religious courts can be understood as an instrument of legal rationalization aimed at ensuring that ta'lik talaq and divorce in general are carried out responsibly, measurably, and fairly.⁴⁹ This approach is not contrary to Islamic

Legitima: Jurnal Hukum Keluarga Islam 7, no. 2 (2025): 165–90, <https://doi.org/https://doi.org/10.33367/legitima.v7i2.7101>.

⁴⁸ Aris Saputra, Ermagusti Ermagusti, and Efendi i, "The Essence of Ridha: Ibn Qayyim Al-Jauziyah's Views on Spiritual Fulfillment and Divine Acceptance," *Islamic Thought Review* 2, no. 1 (2024): 73–82, [https://doi.org/t Review http://dx.doi.org/10.30983/itr.v2i1.7461](https://doi.org/t%20Review%20http://dx.doi.org/10.30983/itr.v2i1.7461).

⁴⁹ Ahmad Yani Anshori, "The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts.," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (2024).

law, but rather an actualization of the hadith principle "la ḍarar wa lā ḍirār" (no harm and no mutual harm) within the framework of positive law.

Another equally important implication is the paradigm shift from legalism toward an ethics of responsibility in Islamic family law. From Ibn Qayyim's perspective on rationality, ta'lik talaq cannot be understood as an expression of the husband's unilateral dominance, but rather as a legal trust that must be carried out with moral caution and a focus on reform. This aligns with the Quran's objective of prioritizing peace and improving relationships in resolving family conflicts (Q.S. an-Nisa' [4]: 35). Thus, a conditional divorce can only be rationally justified when it serves as a mechanism to prevent violations and a means of maintaining responsibility, not as a tool for threats or accelerating divorce.

Conceptually, the implications of the rationality of ta'liq talaq in Ibn Qayyim's thought push Islamic family law to move beyond the classic dichotomy between "valid" and "invalid" toward a more comprehensive evaluation based on goals and social impact. This approach aligns with the demands of contemporary Islamic family law to be more responsive to social realities without losing its normative roots. While classical frameworks often stop at procedural validity, contemporary maqāṣid theorists like Jasser Auda emphasize that modern family law must actively integrate system-based gender justice and human dignity. This paradigm shift is strongly supported by recent empirical studies in reputable journals, which demonstrate the urgency of reforming marriage contract mechanisms to prevent domestic vulnerability and legal uncertainty for women.⁵⁰

Conceptually, the implications of the rationality of ta'liq talaq in Ibn Qayyim's thought push Islamic family law to move beyond the classic dichotomy between "valid" and "invalid" toward a more comprehensive evaluation based on goals and social impact. This approach aligns with the demands of contemporary Islamic family law to be more responsive to social realities without losing its normative roots. As Hallaq (2009) emphasized, the continued relevance of Islamic legal authority in the modern era is highly dependent on its ability to maintain its social meaning and

⁵⁰ Nurrochma & Muh.Hamzah, "Conditions Of Divorce In The Progressive View Of Female Scholars From Nahdlatul Ulama And Muhammadiyah In Pamekasan District," *Jurnal Hukum Dan Ekonomi Islam* 22, no. 1 (2023): 37–41.

function. In this context, the rationality of ta'lik talaq based on Ibn Qayyim's thinking offers a robust and adaptable normative framework for the development of just and welfare-oriented Islamic family law.

D. CONCLUSION

In conclusion, this investigation elucidates that the rationality of ta'lik talaq within Islamic family law, when examined through the jurisprudential paradigm of Ibn Qayyim al-Jauziyyah, transcends the conventional discourse of mere formal-textual validity to formulate a substantive framework that synthesizes the agent's intentionality with broader socio-legal ramifications. Rather than functioning as a mechanistic apparatus for perfunctory marital dissolution, ta'lik talaq is reconceptualized as a dynamic juridical mechanism that necessitates strict congruence with the teleological objectives of Islamic jurisprudence (*maqāṣid al-sharī'ah*). Consequently, its contemporary validity is fundamentally contingent upon its efficacy in sustaining equity, cultivating ethical accountability, and safeguarding vulnerable groups predominantly women and children against systemic and psychological harm.

Based on these findings, the third research objective to make a conceptual contribution to the development of contemporary Islamic family law indicates that Ibn Qayyim's approach has significant potential for application in the context of modern family law. The framework of benefit-based rationality and prevention of harm can serve as a normative basis for strengthening regulations and judicial practices related to ta'lik talaq, including affirming the role of religious courts as a mechanism for evaluating the intention and legal impact of conditional divorce. Therefore, this study suggests that the practice of ta'lik talaq should be more strictly guided thru religious education, strengthening legal procedures, and reading fiqh that is oriented toward the goals of Sharia, so that Islamic family law is not only normatively valid, but also effective in protecting families and achieving social justice.

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