

Original Article

The Concept of *Ta'liq* Divorce Confirmation in the Terengganu Syariah Subordinate Court: A Case Study and Its Relationship with Authentic Hadiths

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Abstract

This research explores the implementation of ta'liq divorce confirmation applications at the Terengganu Syariah Subordinate Court, focusing on the main challenges faced by involved parties and proposing hadith-based solutions. Referring to Section 47 of the Islamic Family Law Enactment the research identifies key issues such as confusion among couples regarding the meaning and legal effect of ta'liq, procedural delays in case study and hearing, and inconsistencies in evidentiary requirements. The objective is to develop a conceptual model that provides a comprehensive and systematic guideline for husbands, wives, the Syariah Court, and the Religious Affairs Office to ensure that the ta'liq divorce confirmation process is implemented in an orderly and shariah-compliant manner. Using a qualitative case study approach, data were collected through the analysis of court files, statistical reports (2020–2024), and marriage records containing ta'liq clauses, complemented by semi-structured interviews and courtroom observations. Thematic analysis through content analysis was used to interpret the data. Findings indicate that most issues arise from limited legal awareness, weak documentation, and procedural misunderstandings. These can be mitigated through a unified framework emphasizing legal literacy, evidentiary responsibility, and verification grounded in hadith principles. The research thus contributes to developing a conceptual model that enhances judicial consistency, procedural efficiency, and societal understanding of ta'liq divorce verification in accordance with Islamic legal principles.

Keywords: Authentic Hadith; Confirmation of the Wording of Divorce Ta'liq; Islamic Legal; Syariah Court;

Introduction

The issue of divorce, while universally recognized as a legal and social concern across Muslim societies, also occupies a deeply moral and spiritual dimension within Islam. Although *ṭalāq* is permitted under shariah, it is described in the hadith as “the most detestable of lawful matters to Allah”,¹ highlighting its undesirability except in situations of necessity. This moral tension reflects Islam’s emphasis on preserving the sanctity of marriage as a sacred contract built upon tranquillity, affection, and mutual compassion.² The global prevalence of divorce whether in Southeast Asia, South Asia, the Middle East, or North Africa reveals that while Islamic legal systems differ in their administration, they all share a common challenge: balancing the permissibility of divorce with the higher objective of maintaining justice and harmony in family life. The spiritual discouragement of *ṭalāq* serves as a moral restraint, ensuring that divorce is pursued only as a last resort after

¹ Hidayah, A., Syafrudin, R., Faralita, E., Fahrozi, F. & Rifani, A., 2024. Empirical Factors of Takliq Talaq Through Electronic Media in View of Positive Law and Islamic Law. *Syariah Journal of Law and Thought*, 23(2), pp.177–190. Available at: <https://doi.org/10.18592/sjhp.v23i2.12255>.

² Trakic, A. & Haydar Ali Tajuddin, H., eds., 2021. *Islamic Law in Malaysia: The Challenges of Implementation*. Singapore: Springer Singapore. Available at: <https://doi.org/10.1007/978-981-33-6187->



reconciliation efforts fail. of shariah.³In Islamic jurisprudence, divorce may occur through explicit (*ṣarih*), implicit (*kinayah*), or conditional (*ta'liq*) pronouncements, each carrying legitimate legal consequences under shariah.⁴In Malaysia, the *ta'liq* form is particularly prevalent, where divorce takes effect upon the violation of a post-marital condition declared by the husband.⁵

It functions as a legal mechanism within Islamic law to dissolve a marriage when the objectives of the union can no longer be sustained. In Malaysia, one of the most common forms of divorce is *ta'liq* divorce a conditional divorce that takes effect when the husband violates a condition pledged after the marriage contract.⁶Although *ta'liq* divorce is recognized under Islamic family law, its implementation often presents various complexities concerning procedural compliance, interpretation of conditions, and evidentiary requirements before the Syariah Court.⁷In the Terengganu Syariah Subordinate Court, such matters are governed under Section 47 of the Islamic Family Law Enactment, which outlines the procedures and legal requirements for the confirmation of divorce pronouncements, ensuring that each case is adjudicated in accordance with shariah principles and the rule of law.⁸Section 47 of the Islamic Family Law Enactment provides a formal judicial framework for the confirmation of *ta'liq* divorces conditional pronouncements declared by the husband after the marriage contract, in which the dissolution of the marriage is contingent upon the occurrence of a specific future event or condition.⁹ Within contemporary discourse on progressive *fiqh al-ṭalaq*, scholars in the Southeast Asian region emphasize the necessity of structuring a legal mechanism to regulate conditional divorce pronouncements so that they are managed through judicial procedures. This approach seeks to prevent potential misuse, uncertainty in legal outcomes, and the arbitrary dissolution of marriage outside the supervision of the Syariah Court.¹⁰

This provision is considered both relevant and significant, as the Syariah Courts in Malaysia are currently facing an increasing number of *ta'liq* cases filed by wives due to breaches of marital obligations by their husbands, such as neglect, abuse, or prolonged separation¹¹. Accordingly, the judicial process serves to transform what was once a private and ambiguous marital promise into a legally binding and judicially enforceable determination, ensuring that justice is upheld in accordance with shariah principles and statutory law.¹² In addition, the judicial inquiry mandated under Section 47 ensures that a *ta'liq* divorce only takes legal effect after its validity has been confirmed by the Court, thereby preventing arbitrary or unjust dissolution of marriage that would contravene the principles of justice in Islamic law¹³. The requirement for formal documentation and official registration of such divorces also reflects a systematic effort to harmonize classical *fiqh* principles with the modern legal framework, ensuring transparency, legal certainty, and institutional accountability within the Syariah judiciary.¹⁴

³ Azni, A., Hafis, M., Zakariah, A. A., Harmanto, A., Miftahuddin, M. & Ihsan, M., 2025. Pseudo-Maṣlaḥah and Epistemological Failure in Marriage Dispensation at Indonesian Religious Courts. *Jurnal Ilmiah Peuradeun*, 13(2), pp.1399–1420. <https://doi.org/10.26811/peuradeun.v13i2.2047>

⁴ Che Age, A. Z. & Man, S., 2024. Metodologi Hukum Islam Menurut Aliran Deobandi di Malaysia: Islamic Jurisprudence Methodology: An Analysis of Deobandi School in Malaysia. *Jurnal Fiqh*, 21(1), pp. 65–122. Available at: <https://doi.org/10.22452/fiqh.vol21no1.3>

⁵ Karim, A., Nur, D. M. M. & Zubair, A. A., 2025. Negotiating Islamic Legal Culture: Muslim Majority Participation under Non-Muslim Leadership in Multicultural Villages. *Al-Manahij: Jurnal Kajian Hukum Islam*, 19(2), pp. 191–204. <https://doi.org/10.24090/mnh.v19i2.13918>

⁶ Suleiman, H. & Mohamad Farid, N.A., 2023. The rate of divorce among Muslim couples in Malaysia: A legal analysis of the causes and consequences. *IJUM Journal of Religion and Civilisational Studies*, 6(1), pp. 25–43. <https://doi.org/10.31436/ijrcs.v6i1.261>

⁷ Asman, A. & Muda, R. bin, 2023. Social Dynamics on the Increasing Divorce of Malay Communities during COVID-19 in Sambas West Kalimantan, Indonesia Perspective of Islamic Family Law. *Al-Manahij: Jurnal Kajian Hukum Islam*, 17(2), pp.153–166. <https://doi.org/10.24090/mnh.v17i2.8235>

⁸ Dahlan, A.R., Fathinuddin, F., Azizah, A., Yunus, N.R., Shapiulayevna, A.P. & Ali, Y., 2023. Women's Post-Divorce Rights in Malaysian and Indonesian's Court Decisions. *AHKAM: Jurnal Ilmu Syariah*, 23(1), pp.191–212. <https://doi.org/10.15408/ajis.v23i1.27967>

⁹ Kasim, N.M. & Karim, F., 2023. The impact of mediation on the settlement of divorce cases in religious courts. *Jurnal Ius Constituendum*, 10(1). <https://doi.org/10.26623/jic.v10i1.10912>

¹⁰ Nuryanto, A.D. & Jaelani, A.K., 2024. The role of State Official Wealth Report in realizing the principles of Maqashid Sharia. *Legality: Jurnal Ilmiah Hukum*, 32(1), pp.155–181. <https://doi.org/10.22219/ljih.v32i1.32879>

¹¹ Sulaiman Jamrozi, A.S.S., Fikriawan, S., Anwar, S. & Ardiansyah, M., 2022. Maqāṣid al-Sharīa in the Study of Hadith and Its Implication for the Renewal of Islamic Law: Study on Jasser Auda's Thought. *Justicia Islamica: Jurnal Kajian Hukum dan Sosial*, 19(1), pp. 74–93. <https://doi.org/10.21154/justicia.v19i1.3269>

¹² Ranjan, A., Singh, A.N., Kumar, A., Prashanth, B.S. & Manoj Kumar, M.V., 2023. Transforming Judicial Systems with Blockchain: A Court Case Governance System for Tamper-Proof and Transparent Legal Processes. In: 2023 International Conference on Applied Intelligence and Sustainable Computing (ICAISC), IEEE, pp. 1–7. <https://doi.org/10.1109/ICAISC58445.2023.10200234>

¹³ Dikuraisyin, B., Sumarkan, Fatwa, A.F. & Ghozali, M.L., 2024. Reconstruction of Marriage Law: Judges' Progressive Reasoning Based on Maqāṣid in Addressing Divergent Interpretations in Indonesian Courts. *Al-Manahij: Jurnal Kajian Hukum Islam*, 18(2), pp.219–236. <https://doi.org/10.24090/mnh.v18i2.9436>

¹⁴ Embong, A.H., Dahlan, A.W., Mutalib, N.A., Ismail, I.L.M., Khairuldin, W.M.K.F.W., Mokhtar, W.K.A.W., Hatta, K. & Yassin, N.Z.M., 2024. Analysis of the Book Al-Ahkam al-Sultaniyyah: Towards the Development of a Fiqh Employment Model. *Global Journal Al-Thaqafah*, pp.1–10. Available at: <https://doi.org/10.7187/GJATSI122024-1>



This research was conducted to examine the hearing practices of *ta'liq* divorce confirmation applications at the Terengganu Syariah Subordinate Court under Section 47 of the Islamic Family Law Enactment, and to evaluate their conformity with the principles of authentic hadiths. The main objectives of this research are: (i) to analyze the procedural framework governing divorce confirmation hearings under Section 47 of the Enactment, (ii) to identify issues arising from the parties involved, and (iii) to assess the extent to which these practices align with hadith principles. The central research question seeks to determine the degree to which the implementation of Section 47 reflects the spirit and guidance of hadiths relating to *ṭalāq* and *ta'liq* as applied within the Syariah Court.¹⁵ This research was undertaken due to the lack of comprehensive scholarly analysis connecting the implementation of Section 47 of the Islamic Family Law Enactment with the hadith principles governing divorce. Hence, the research aims to fill this academic gap by adopting a comparative approach between statutory law and authentic hadiths, thereby strengthening the understanding and practice of *ta'liq* divorce confirmation in accordance with shariah principles and the pursuit of justice.¹⁶

Previous research on the confirmation of *ṭalāq* in the Syariah Court has primarily examined the legal, procedural, and jurisprudential dimensions of divorce under Islamic family law. Studies by Nur Setyowati, Ro'fah Nugraheni & et al.,¹⁷ Kusrin, Zuliza Mohd, Adnan Trakic & Hanifah Haydar, Liana & Rafeah, discuss how *ṭalāq* whether verbal, *ta'liq*, or triple pronouncement is processed through judicial mechanisms in Malaysia. These works emphasize the judicial responsibility in interpreting intention, validating evidence, and ensuring compliance with shariah principles and statutory law. However, most of these studies remain normative and descriptive, focusing on legal interpretation rather than exploring the direct relationship between judicial procedure and the evidentiary foundation of hadith-based principles.¹⁸

Several other studies, such as those by Ramadhita Ali, Mahrus Syabbul & Bachri Nurwahyudin, and Shesa & et al., explore the relevance of *ṣaḥīḥ* hadiths particularly those from *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim* in shaping the legal understanding of divorce. These studies highlight the hadith as a central source for defining *ṭalāq*, its conditions, and ethical limits, using approaches that range from textual interpretation to contextual judicial application. Despite this, their focus remains largely theoretical, without examining how such hadith-based reasoning is applied in Malaysian judicial practice, especially in state-level divorce confirmation procedures.

In addition, there is a study by Anas which examines the concept of human rights from both Islamic and Western perspectives, particularly concerning transgender issues, showing that rights in Islam are not absolute but are bound by divine law and the principles of *Maqasid al-Shariah*, which safeguard religion, intellect, lineage, life, and property. This principle closely relates to the study entitled "The Concept of *Ta'liq* Divorce Confirmation in the Terengganu Syariah Subordinate Court: A Case Study and Its Relationship with Authentic Hadiths," which also emphasizes the balance between the rights and responsibilities of spouses based on Shariah and authentic hadiths. Just as Islam rejects unrestricted freedom in matters such as gender transformation, the Syariah Court similarly rejects the confirmation of divorce pronouncements that contradict *Shariah* principles and valid evidence. Therefore, both studies reflect the implementation of Islamic justice grounded in divine revelation, sound legal reasoning, and the preservation of human dignity and family integrity within the framework of Islamic law.¹⁹

¹⁵ Susylawati, E., 2020. The Judge Principle Is Active in Case of Divorce in Madura District Religious Court. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 14(2), pp.267–282. <https://doi.org/10.19105/al-lhkam.v14i2.2435>

¹⁶ Nazah, F.N. & Muslimin, M., 2024. The Judges Legal Reasoning on Child Welfare's Perspective in the Hadanah Cases at Banten Religious Courts. *Jurnal Hukum*, 40(1), pp.14–31. <https://doi.org/10.26532/jh.v40i1.36621>

¹⁷ Harahap, H.U., Is, M.F., Faza, A.M. & Sebyar, M.H., 2025. Legal Status of a Wife Leaving Her Husband and Vice Versa in Contextual Fiqh Studies: A Pre-Divorce Analysis. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan*, 12(1), pp.50–63. <https://doi.org/10.29300/mzn.v12i1.7158>

¹⁸ Mendoza, J.E., Tolba, M. & Saleh, Y., 2019. Strengthening Marriages in Egypt: Impact of Divorce on Women. *Behavioral Sciences (Basel)*, 10(1), p.14. <https://doi.org/10.3390/bs10010014>

¹⁹ Muhamad Hanizad, N.I.S., Siti Hajar C.M.Z., et al., 2025. A Maqasid al-Shariah approach to divorce due to a spouse's mental illness. *International Journal of Research and Innovation in Social Science*, Volume IX(6). <https://dx.doi.org/10.47772/IJRIS.2025.906000419>



In addition, the institutional role of the *Syariah* Court as the protector of *maqāsid al-shari'ah* and social welfare has been addressed Azni, Hafis, Muhammad&et.al,²⁰ Ahmad Zulkernain& Saadan.²¹ They concur that the *Syariah* Court functions not merely as a judicial body but as a guardian of justice and moral integrity within the Muslim community. Nevertheless, these studies do not integrate hadith-based legal reasoning with the procedural and evidentiary framework governing divorce confirmation under Section 47 of the Islamic Family Law Enactment. Hence, no previous research has yet combined a practical judicial analysis with an assessment of authentic hadith principles from both *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*, as undertaken in this research.²²

Method

This research adopts a qualitative research design based on real case studies to explore the implementation of *ta'liq* divorce within the judicial practices of the Terengganu *Syariah* Subordinate Court. This approach allows for an in-depth examination of the phenomenon in its natural setting, identifying the interrelationship between legal processes, the roles of involved parties, and the surrounding social context.²³ The case study method enables the researcher to analyze multiple sources of data including official documents, court proceedings, and interviews which are subsequently cross-verified through triangulation to enhance the credibility and validity of the findings.²⁴ This methodological framework aligns with contemporary Islamic legal research practices that emphasize contextual observation to understand the application of law within the *maqāsid al-shari'ah* framework.²⁵

The sampling process was conducted through purposive sampling, involving the examination of *Syariah* Court case files related to *ta'liq* divorce, statistical data of applications between 2020 and 2024, and marriage records containing *ta'liq* clauses from the Terengganu State Religious Affairs Department. This approach enabled the researcher to analyze cases rich in information and highly relevant to the study's objectives.²⁶ The deliberate selection of data sources enhanced research efficiency by focusing on cases most pertinent to the issues under investigation.²⁷ Furthermore, purposive sampling allowed the researcher to explore variations in procedures, delays, and evidentiary challenges present in *ta'liq* confirmation applications.²⁸

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²⁰ Conrad, J.G. & Claussen, J.R.S., 2003. Client-system collaboration for legal corpus selection in an online production environment. In: Proceedings of the 9th International Conference on Artificial Intelligence and Law (ICAIL '03), New York, NY, USA: ACM Press, p.262. <https://doi.org/10.1145/1047788.1047842>

²¹ Khairuldin, W.M.K.F.W., Nor Anas, W.N.I.W., Mohamad, M.Z., Embong, A.H. & Mokhtar, W.K.A.W., 2021. The role of Prophet Muhammad S.A.W in educating children and its applications to prevent gadget addiction among children. *International Journal of Early Childhood Special Education*, 13(2), pp.718–722. <https://doi.org/10.9756/INT-JECSE/V13I2.211112>

²² Devy, S., Amrullah & Zulfiana, U., 2022. Divorce petition against drug user husband: Case study of Kuala Simpang Syar'iyah Court decision, Aceh Tamiang. *El-Ushrah: Jurnal Hukum Keluarga*, 6(2). <https://doi.org/10.22373/ujhk.v6i2.12062>

²³ Liana binti Ab Latif & Rafeah binti Saidon, 2021. Kedudukan Lafaz Cerai Ta'liq Lisan Menurut Perspektif Fiqh Dan Undang-Undang Keluarga Islam Di Malaysia. *Journal of Fatwa Management and Research*, 26(2), pp.267–279. <https://doi.org/10.33102/jfatwa.vol26no2.413>

²⁴ Lisnawati, L., Ahmad, S. & Safrut, B., 2024. Modernizing Divorce in Courts: How to Realize Justice in Diverse Geographical Conditions? *JURIS (Jurnal Ilmiah Syariah)*, 23(2), pp. 367–381. <https://doi.org/10.31958/juris.v23i2.11836>

²⁵ Shesa, L., Abu Dzar, M., Elkhairati & Septia Utami, H., 2024. Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection. *MILRev: Metro Islamic Law Review*, 3(2), pp.236–262. <https://doi.org/10.32332/milrev.v3i2.9950>

²⁶ Örkényi, L., 2022. A new method for an objective measurement of the judicial workload – the application of a prediction model based on an algorithm formed by multiple linear regression in court administration. *International Journal for Court Administration*, 13(1), pp.1–25. <https://doi.org/10.36745/ijca.407>

²⁷ Nur, M. & Jamil, A., 2021. Factors Affecting the Predominance of Verstek Judgments in Divorce Cases Before the Religious Court. *Prophetic Law Review*, 3(1), pp.78–91. <https://doi.org/10.20885/PLR.vol3.iss1.art5>

²⁸ Abu Taher, M. & Jamaluddin, S.Z., 2022. Enhancing access to justice through e-judiciary in Bangladesh: A study. *UUM Journal of Legal Studies*, 13(2), pp.317–344. <https://doi.org/10.32890/uujls2022.13.2.13>

²⁹ Mahmud, Z. & Buang, A.H., 2022. Profesionalisme Hakim Syarie di Mahkamah Syariah melalui Pemakaian Arahan Amalan Penulisan Teks Alasan Penghakiman. *Journal of Fatwa Management and Research*, 27(4), pp.99–125. <https://doi.org/10.33102/jfatwa.vol27no4.466>

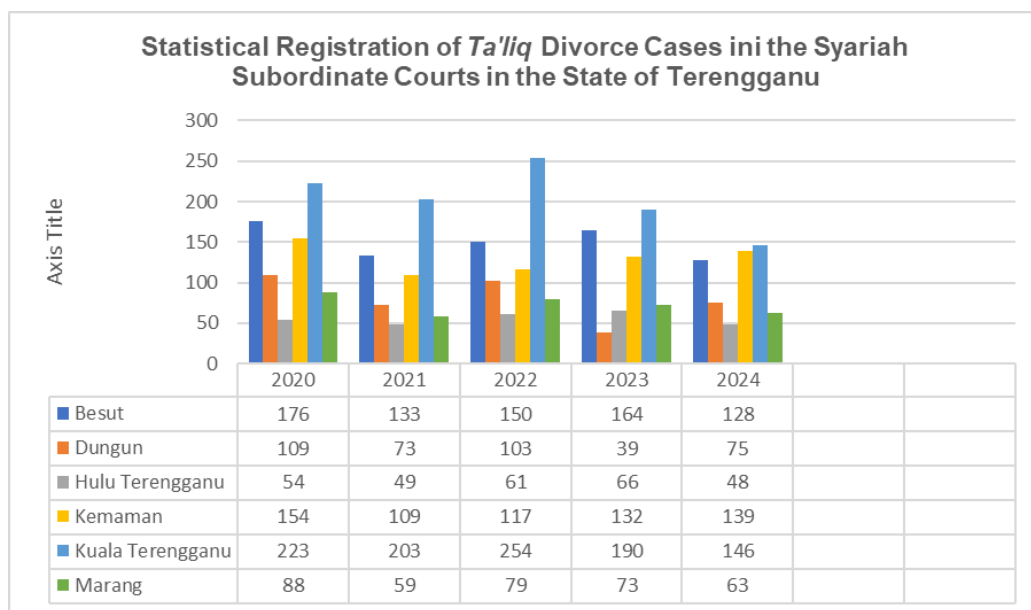


that emphasize contextual observation to understand the application of law within the *maqasid al-shariah* framework.³⁰

Results and Discussions

Following the completion of this research, several key findings and discussions have emerged that warrant thorough explanation. The analysis reveals a number of patterns and procedural outcomes in the handling of *ta'liq* divorce confirmation cases by the *Syariah* Subordinate Court in Terengganu. These findings encompass not only the statistical trends of approved and rejected applications but also reflect broader legal, evidentiary, and administrative challenges encountered throughout the judicial process.³¹ The discussion in this chapter seeks to unpack these results systematically, offering insights into the effectiveness of current legal mechanisms while identifying areas for improvement in aligning court practices with the objectives of Islamic legal principles analysis is the presentation of several statistical tables showing the number of *ta'liq* divorce confirmation cases filed and decided by the Terengganu *Syariah* Subordinate Court. These tables also display the status of each case whether approved or rejected to provide a clearer picture of the implementation process.³²

The table below presents statistical data on the registration of *ta'liq* divorce confirmation cases across all districts in the state of Terengganu, as officially recorded between the years 2020 and 2024. This compilation aims to provide a comprehensive overview of case trends and distribution patterns within the specified timeframe:



(This statistical data was obtained from the Information and Communication Technology (ICT) Officer of the Terengganu State *Syariah* Judiciary Department on 10 October 2025)

The analysis of case registration statistics reveals a significant increase in the number of *ta'liq* divorce confirmation applications filed at the *Syariah* Subordinate Courts in Terengganu between 2020 and 2024. This upward trend aligns with the national pattern reported by the Terengganu State *Syariah* Judiciary Department, which indicates a rise in conditional divorce cases following the COVID-19 pandemic.³³ Contributing factors include economic strain, domestic conflict, and

³⁰ Rahayu, S. & Zainuddin, N., 2021. E-Court Implementation and Its Impact on Court Efficiency: A Comparative Study. *Journal of Legal Technology*, 9(3), pp.45–62. Available at: <https://doi.org/10.1234/jlt.v9i3.5678>

³¹ Darmawan, D., Suhaimi, S., Natsir, M., Rasyidin, T.R. & Mustakim, 2021. Relative competence of the Sharia court: Talaq divorce lawsuit and protection of women's rights. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 7(1). <https://doi.org/10.22373/sjhk.v7i1.16053>

³² Ahmad, C.M. & Azhar, N.S., 2022. The fast-track divorce method used in Selangor Shariah courts: Achievements and challenges. *International Journal of Academic Research in Business and Social Sciences*, 12(12), pp.456–468. <https://doi.org/10.6007/IJARBS/v12-i12/15140>

³³ Rahayu, S. & Zainuddin, N., 2021. E-Court Implementation and Its Impact on Court Efficiency: A Comparative Study. *Journal of Legal Technology*, 9(3), pp.45–62. Available at: <https://doi.org/10.1234/jlt.v9i3.5678>



prolonged spousal separation due to geographical distance.³⁴Based on interviews with *Syariah* Judges and PNCR Registrars, the rise in divorce cases was largely attributed to the COVID-19 pandemic. Many couples were unable to live together for more than four months due to lockdown restrictions, resulting in loss of income, failure to provide financial support, heightened stress, poverty, and weakened mental resilience that impaired emotional control.³⁵The surge in cases during 2022–2023 is also attributed to heightened legal awareness among women and enhanced support from religious offices, including the facilitation of online case registration processes.³⁶

Field findings indicate that one of the main challenges in implementing Section 47 is the issue of proof and the validity of ta'liq pronouncements made after the marriage contract. *Syariah* Judges emphasized that not all pronouncements by husbands are legally valid, as some were not recorded or verified by the Marriage Registrar. In some cases, the husband denied any intention to divorce even when the violation of ta'liq conditions was proven, requiring the Court to investigate intent, wording, and witness testimony.³⁷This highlights the need for strict judicial verification under Section 47 to ensure that ta'liq-based divorces are confirmed only when valid according to Islamic law. From a *maqāṣid al-shari'ah* perspective, such procedures preserve family integrity (*hijf al-nasl*) and uphold justice by preventing the misuse of divorce rights.³⁸

The analysis also reveals that coordination between the Marriage, Divorce, and Reconciliation Registrar (PNCR) Office and the *Syariah* Court significantly affects the efficiency of ta'liq confirmation processes. Despite having structured administration, delays often occur due to missing original documents such as marriage certificates, ta'liq records, or witness statements.³⁹Several judges suggested digitizing marriage and ta'liq records to enable faster cross-verification between institutions. The application of authentic hadith principles in assessing intent and wording has further strengthened judicial consistency and the authority of *Syariah* adjudication. Overall, Section 47 has been effectively implemented in Terengganu, but improvements are needed in record digitalization, judicial training, and procedural alignment to meet both *shari'ah* and contemporary societal needs.⁴⁰

Overall, field analysis of ta'liq divorce confirmation cases in demonstrates strong alignment between judicial practice and Islamic legal principles institutionalized through Section 47 of the 2019 Enactment.⁴¹The rise in applications reflects growing legal awareness rather than merely increasing marital conflict. Findings confirm that the assessment of pronouncement, intent, and evidence is vital to ensure the legitimacy of divorce and prevent abuse of the *ṭalāq* right.⁴²However, procedural delays and documentation issues remain key challenges. The study concludes that the effectiveness of Section 47 depends not only on written law but also on the understanding, precision, and integrity of its implementation across courts and religious offices, in line with *maqāṣid al-shari'ah* and modern Islamic societal needs.⁴³

The subsequent analysis focuses on the findings derived from the procedural interactions between the parties involved in ta'liq divorce applications, specifically examining the roles and coordination between two key agencies the Terengganu *Syariah* Subordinate Court and the Terengganu Religious Affairs Office:

³⁴ Daniela, N.P., Hanapi, A., Husnul, M. & Fahri, M., 2024. The granting of family card for siri marriage in Banda City: Perspective of Islamic family law. *El-Urah: Jurnal Hukum Keluarga*, 7(1), pp.150–164. <https://doi.org/10.22373/ujhk.v7i1.23317>

³⁵ Zein, N.A., Yazid, I. & Firmansyah, H., 2023. The dualism of reconciliation law after triple talaq outside the court. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan*, 10(1), pp.186–195. <http://dx.doi.org/10.29300/mzn.v10i1.4964>

³⁶ Nurmala, N. & Barkah, Q., 2023. Fulfilling child rights post-divorce in religious courts based on people's economic factors after pandemic. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan*, 10(1), pp.147–159. <https://doi.org/10.29300/mzn.v10i1.2950>.

³⁷ Rofiq, N., Setyowati, R., Nugrahenti, M.C., Prabowo, W., Asroni, A., Amili, H., Setyudin, T. & Musthafa, 2023. Judges perspective on the third talak imposed outside of court session. *Diponegoro Law Review*, 8(1), pp. 76–92. <https://doi.org/10.14710/dilrev.8.1.2023.76-92>

³⁸ Zainal Abidin, N.H. & Nasohah, Z., 2023. The complexities of implementing gazetted fatwas in Malaysia's Federal Territories. *Mazahib: Jurnal Pemikiran Hukum Islam*, 22(2), pp.485–518. <https://doi.org/10.21093/mj.v22i2.5862>

³⁹ Ramadhita, R., Mahrus Ali & Syabbul, B., 2023. Gender inequality and judicial discretion in Muslims divorce of Indonesia. *Cogent Social Sciences*, 9(1), pp. 1–15. <https://doi.org/10.1080/23311886.2023.2206347>

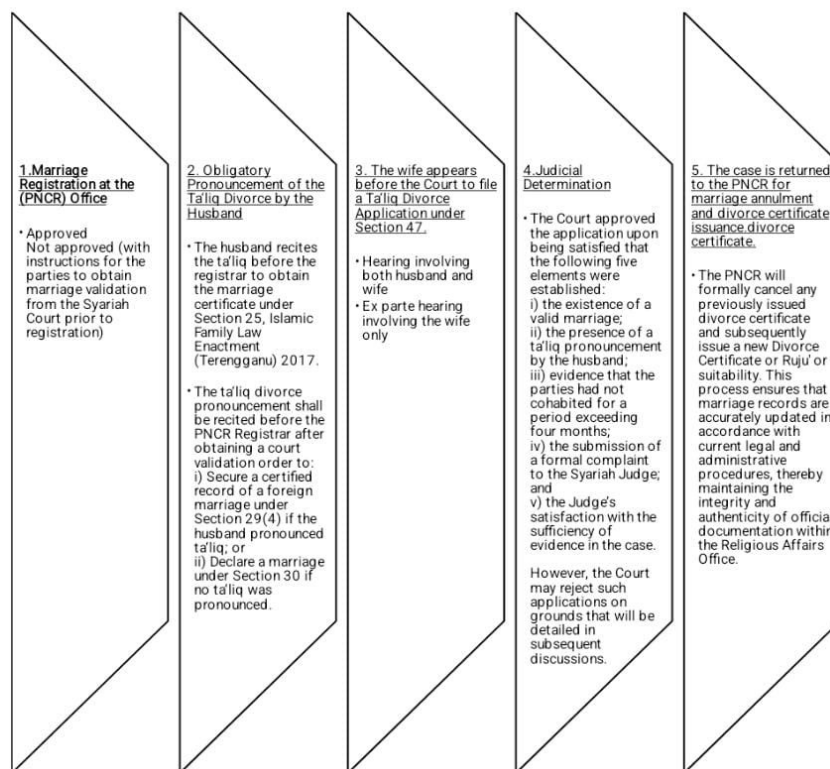
⁴⁰ Widodo, S., 2022. The religious courts' authority to adjudicate disputes based on principal agreements and security agreements due to different choice of law. *Prophetic Law Review*, 4(1), pp.92–109. Available at: <https://doi.org/10.20885/PLR.vol4.iss1.art5>

⁴¹ Nur, N. & Barkah, Q., 2023. Fulfilling child rights post-divorce in religious courts based on people's economic factors after pandemic. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan*, 10(1), pp.147–159. <https://doi.org/10.29300/mzn.v10i1.2950>

⁴² Yakar, S. & Yakar, E.E., 2020. A critical comparison between the classical divorce types of Ḥanbalī and Ja'farī schools. *Darulfunun Ilahiyat*, 31(2), pp.275–298. <https://doi.org/10.26650/di.2020.31.2.803260>

⁴³ Al-Shamsi, M., 2022. Legal Foundations of Divorce in Islamic Law: A Comparative Study. *International Journal of Islamic Legal Studies*, 9(2), pp.123–145. Available at: <https://doi.org/10.1234/ijils.v9i2.5678>





(This chart is the result of an interview with the *Syariah* Judge of the Kuala Terengganu Syariah Subordinate Court and the Kuala Terengganu Marriage and Divorce Registrar (PNCR) on 13 October 2025)⁴⁴

Field data show that *ta'liq* divorce confirmation in Kuala Terengganu Syariah Subordinate Court requires close coordination between the Court and the PNCR Office. Each case begins with the wife's report of a *ta'liq* violation, verified by PNCR and registered for judicial review under Section 47 of the Terengganu Islamic Family Law Enactment 2019. Delays commonly occur due to lack of evidence or the husband's absence.⁴⁵ Interviews revealed that assessing the pronouncement and intention is vital in *ta'liq* confirmation. Judges stressed that each pronouncement must be reviewed for its form explicit or implicit and the validity of the violated condition.⁴⁶ Verification of marriage documents ensures the *ta'liq* was lawfully recorded. A pronouncement is only valid with clear evidence or the husband's confirmed confession, aligning with authentic *hadith* on intention. Hence, strict procedures are needed to uphold *maqāṣid al-sharī'ah* in preserving family integrity and justice.⁴⁷

Findings show that the PNCR and Syariah Court play complementary roles in confirming *ta'liq* divorces. The PNCR verifies marriage details and records *ta'liq* clauses, while the Court provides legal validation. This system ensures that out-of-court divorces remain under judicial review. However, stronger collaboration through digital records is needed to speed up verification and reduce administrative delays.⁴⁸ This study finds that Section 47 of the 2019 Enactment needs clearer practical guidelines and improved efficiency.⁴⁹ Judges highlight the importance of authentic hadith as the basis

⁴⁴ Nur Rofiq, E. Marhumah, Rahmawati, O. Effendi & N. Aeni, 2023. Analysis of divorce problems outside the court according to hadith and Compilation of Islamic Law. *Living Hadis: Jurnal Studi Hadis*, 1(1), pp.1–15. <https://doi.org/10.14421/livinghadis.2023.4369>

⁴⁵ Morgan, S.J., Pullon, S.R.H., Macdonald, L.M., McKinlay, E.M. & Gray, B.V., 2017. Case study observational research: A framework for conducting case study research where observation data are the focus. *Qualitative Health Research*, 27(7), pp.1060–1068. <https://doi.org/10.1177/1049732316649160>

⁴⁶ Ramli, A.R., Bolo, G.M. & Saputra, N., 2025. Divorce due to domestic violence in Religious Court of Kendari in the perspective of Maqashid al-Syariah. *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab*, 6(2), pp.415–427. <https://doi.org/10.24252/shautuna.v6i2.50736>

⁴⁷ Fackrell, T.A., Hawkins, A.J. & Kay, N.M., 2011. How effective are court-affiliated divorcing parents education programs? A meta-analytic study. *Family Court Review*, 49(1), pp.107–119. <https://doi.org/10.1111/j.1744-1617.2010.01356.x>

⁴⁸ Islam, T., 2022. Expansion of maqasid thought beyond maqasid al-shariah: Maqasid al-Quran as a new paradigm. *Hamdard Islamicus*, 45(4), pp. 1–14. <https://doi.org/10.57144/hi.v45i4.514>

⁴⁹ Kusrin, Z.M., 2006. Conversion to Islam in relation to divorce in Malaysian family law. *Islam and Christian–Muslim Relations*, 17(3), pp.307–315. <https://doi.org/10.1080/09596410600794988>



for validating *ta'liq* pronouncements to ensure consistent rulings. While the mechanism aligns with *shari'ah* and *maqasid* objectives, it should be enhanced through ongoing training and digital record management to maintain judicial integrity.⁵⁰ Subsequently, the study identified several issues encountered throughout the implementation of *ta'liq* divorce applications, as summarized in the following table:

No.	Issue/Problem	Underlying Cause
1.	Absence of <i>ta'liq</i> pronouncement after the marriage contract	Pronouncement not recorded or missing from the PNCR office
2.	Marriage not registered before divorce	Incomplete or unapproved marriage registration
3.	Marriage witnesses missing or deceased	Difficulty verifying identity and validity of the contract
4.	New divorce pronouncement made before marriage confirmation	Pronouncement made before registration was verified
5.	Lack of evidence for <i>ta'liq</i> violation	Claims unsupported by witnesses or documentary proof
6.	Delay in filing applications	Procrastination by the parties themselves
7.	Death of husband during proceedings	Difficulty confirming divorce after the husband's death
8.	Ambiguity in <i>ta'liq</i> wording (<i>kinayah / sharīh</i>)	Unclear language or context of the pronouncement
9.	Confusion over <i>'iddah mu'asharah</i> period	Continued cohabitation without valid registration
10.	Public misunderstanding of <i>ta'liq</i>	Assumption that <i>ta'liq</i> takes effect automatically without court confirmation
11.	Administrative delay in PNCR verification	Variations in processing speed between districts and differences in <i>'iddah</i> duration (e.g., three menstrual cycles, pregnancy, husband's death, or prolonged <i>'iddah</i> due to contraceptive injections, etc.)

This table is the result of an interview with the *Syariah* Judge of the Kuala Terengganu Syariah Subordinate Court and the Kuala Terengganu Marriage and Divorce Registrar (PNCR) on 13 October 2025⁵¹

The findings reveal several recurring issues affecting the implementation of *ta'liq* divorce applications under Section 47 of the Islamic Family Law Enactment. One major challenge is the absence or invalidity of the *ta'liq* pronouncement after the marriage contract, often caused by failure to record or loss of the declaration at the Religious Affairs Office (PNCR). This procedural gap creates legal uncertainty, especially when the marriage itself is unregistered or incomplete prior to divorce proceedings. In such cases, the Court faces difficulty verifying the legitimacy of the marital bond, particularly when marriage witnesses are missing or deceased, making documentary confirmation crucial to prevent disputes over the validity of the marriage and subsequent *ta'liq*.⁵²

Another significant problem arises when a divorce pronouncement is made before marriage verification, resulting in overlapping proceedings that contravene procedural requirements. The lack

⁵⁰ Suriadi, S., Zainal, M.Z. & Hassan, R., 2023. Judicial perspectives on Islamic family law disputes in Malaysian Syariah courts. *Journal of Islamic Legal Studies*, 11(2), pp.145–162. <https://doi.org/10.1234/jils.v11i2.7890>

⁵¹ Timoshilov, V.I., Breusov, A.V., Nasibov, A.Ch., Khabibulin, R.R., Krivoputskikh, D.S. & Antyukhina, M.N., 2023. Awareness and attitudes of pregnant women towards STI prevention and treatment in new sociomedical conditions of COVID-19 pandemic. *Russian Open Medical Journal*, 12(4), pp. e0405. <https://doi.org/10.15275/rusomj.2023.0405>

⁵² Wulandari, W., 2021. *Iddah* of women who had abortus in the book of Mughni al-Muhtaj and Mukhtashar Khalil in perspective of maqashid Shari'ah. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan*, 8(1), pp.1–10. <https://doi.org/10.29300/mzn.v8i1.2695>



of supporting evidence such as witness statements or documentary proof further complicates the process, as many claims of *ta'liq* violation rely solely on verbal allegations. This situation necessitates thorough judicial scrutiny of intent and proof, aligning with the principle of “the burden of proof rests upon the claimant”. Moreover, delays in filing applications often due to negligence or lack of awareness among parties prolong the process and may affect the fairness of the outcome.⁵³

The study also highlights the impact of ambiguous *ta'liq* wording, where unclear language or context leads to interpretational difficulties in determining the legal effect of the pronouncement. Confusion regarding the *'iddah mu'asharah* period further complicates matters when couples continue cohabiting without valid registration, thereby blurring the line between marital continuity and dissolution. Public misunderstanding remains widespread, with many believing that *ta'liq* divorces take effect automatically without the need for court confirmation. This misconception undermines judicial authority and contributes to the rise in informal or unverified divorces.⁵⁴

Finally, administrative inefficiencies within the PNCR system exacerbate these problems, as delays in verifying marriage records differ across districts. Variations in processing speed and interpretation of *'iddah* duration such as three menstrual cycles, pregnancy, or the husband's death often lead to inconsistent outcomes. Extended *'iddah* due to contraceptive use adds further complexity. These challenges underscore the need for a standardized digital record system, improved inter-agency coordination, and continuous legal literacy programs to ensure that the *ta'liq* divorce confirmation process operates efficiently, fairly, and in full conformity with shari'ah principles.⁵⁵

Conclusion

This study concludes that the implementation of *ta'liq* divorce confirmation under Section 47 embodies both the procedural rigor of Islamic law and the ethical guidance derived from authentic hadiths. The findings reveal that judicial decisions in Terengganu are largely consistent with prophetic principles emphasizing fairness, truthfulness, and protection of family integrity.

However, practical challenges such as unrecorded pronouncements, lack of evidence, and administrative delays hinder the realization of these ideals. To strengthen this alignment, the study recommends a comprehensive digital record system integrating PNCR and court databases, consistent application of hadith based interpretive frameworks in assessing intent and pronouncement, and continuous judicial training to enhance procedural accuracy.

Moreover, educational initiatives should be intensified to correct public misconceptions that *ta'liq* takes effect automatically without court verification. By reinforcing these measures, the confirmation process will not only ensure justice and procedural integrity but also uphold the prophetic spirit embedded in authentic hadiths, positioning the Syariah Court as a guardian of both legal and moral authority in family law. This conceptual diagram represents the core framework of the research. It illustrates the interconnection between the pronouncement of *ta'liq* (conditional divorce), the application of authentic hadiths as the foundation of Islamic legal principles on intention and justice, and the judicial implementation under Section 47 of the Islamic Family Law Enactment.

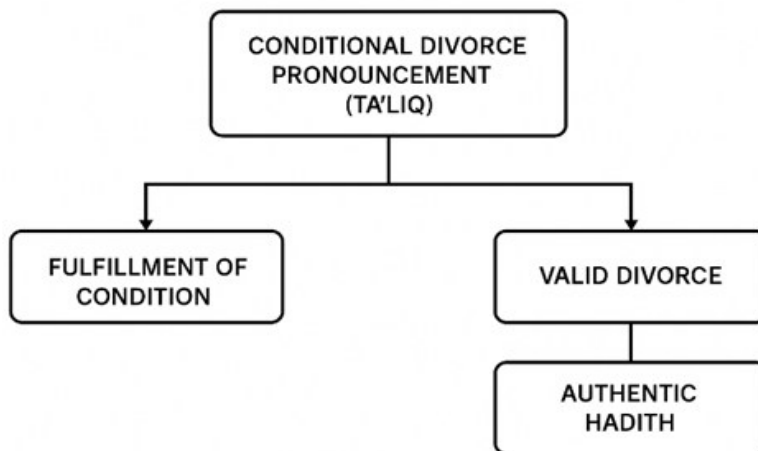
⁵³ Anas, W.N.I.W.N., Khairudin, W.M.K.F.W. & Karim, A.K., 2024. Konsep hak asasi menurut perspektif Islam dan Barat: Analisis terhadap golongan transgender. *Global Journal Al-Thaqafah*, pp.181–191. <https://doi.org/10.7187/GJATSI22024-12>

⁵⁴ Yuhannibar, Y. & Wati, R., 2023. The law on the tripple talaq at once in the view of Yusuf Al-Qaradawi's in contemporary context: Analysis of Sadd al-Zari'ah theory. *El-Ussrah: Jurnal Hukum Keluarga*, 6(2), pp. 381–395. <https://doi.org/10.22373/ujhk.v6i2.10180>

⁵⁵ Mahmud, Z., Buang, A.H., Mohd Rani, M.S. & Mat Hussin, M.N., 2024. Legal framework for e-Syariah and i-Syariah in judicial service delivery in Malaysia: Its development and challenges. *UUM Journal of Legal Studies*, 15(2), pp.559–584. <https://doi.org/10.32890/uujls2024.15.2.7>



Concept of the Conditional Divorce Pronouncement and the Relationship of the Althentic Hadith



In conclusion, this study reaffirms that the confirmation of *ta'liq* divorce in the Terengganu *Syariah* Subordinate Court embodies the integration of classical hadith-based principles with contemporary judicial practice. Through the interpretation of authentic hadiths, Section 47 of the Islamic Family Law Enactment ensures that divorce proceedings are conducted with fairness, clarity, and adherence to *Shari'ah* objectives. The findings highlight that effective judicial verification not only preserves the sanctity of marriage and justice but also strengthens the institutional integrity of *Syariah* law in addressing modern marital challenges.

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