

Judicial Treatment of *Mut'ah* and Retroactive Spousal Support: Jambi Religious Court Decision No. 1015/Pdt.G/2025/PA.Jmb

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Abstract

*This article analyzes judicial reasoning in determining *nafkah iddah*, *mut'ah*, and retroactive spousal support in divorce cases adjudicated by Indonesian Religious Courts. Using a normative juridical approach with a case-based analysis, the study examines the Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb to explore how judges operationalize Article 149 of the Compilation of Islamic Law within concrete adjudicative settings. The findings demonstrate that the provision functions as an open norm that requires judicial concretization through evidentiary assessment, evaluation of the husband's economic capacity, and contextual interpretation of marital relations. Judicial reasoning in this case is characterized by the use of practical and relational reasoning, whereby normative mandates are integrated with socio-economic realities to balance women's post-divorce economic rights and proportionality for the husband. The analysis further reveals that judicial discretion is exercised in a structured and accountable manner, supported by transparent argumentative links between legal norms, factual findings, and the operative part of the decision. This approach enables the court to avoid both mechanical application of legal norms and arbitrary decision-making. The study contributes to Islamic family law scholarship by demonstrating how judicial reasoning functions as a mediating mechanism between normative certainty and substantive justice. It also underscores the importance of coherent and reasoned judgments in strengthening the protection of women's economic rights after divorce within Indonesia's contemporary adjudicative framework, while offering insights for the development of more consistent judicial practices in religious courts.*

Keywords: *Practical Reasoning; Relational Reasoning; Retroactive Spousal Support; Mut'ah; Reconivction Lawsuit.*

Abstrak

Artikel ini menganalisis penalaran hukum hakim dalam menetapkan *nafkah iddah*, *mut'ah* dan nafkah pasca perceraian dalam perkara perceraian yang diperiksa oleh pengadilan agama di Indonesia. Dengan menggunakan pendekatan yuridis normatif melalui analisis berbasis putusan (case-based analysis), penelitian ini mengkaji Putusan Pengadilan Agama Jambi Nomor 1015/Pdt.G/2025/PA.Jmb untuk menelusuri bagaimana hakim mengoperasionalkan Pasal 149 Kompilasi Hukum Islam dalam ruang lingkup adjudikasi konkret. Temuan penelitian menunjukkan bahwa ketentuan tersebut berfungsi sebagai norma terbuka (open norm) yang memerlukan konkretisasi yudisial melalui penilaian alat bukti, evaluasi kemampuan ekonomi suami, serta penafsiran kontekstual atas relasi perkawinan para pihak. Penalaran hakim dalam perkara ini ditandai oleh penggunaan penalaran praktis dan penalaran relasional, di mana makna normatif diintegrasikan dengan realitas sosial-ekonomi guna menyeimbangkan perlindungan hak ekonomi perempuan pasca perceraian dan prinsip proporsionalitas bagi suami. Analisis ini juga mengungkap bahwa diskresi yudisial dijalankan secara terstruktur dan akuntabel, dengan keterkaitan argumentatif yang transparan antara norma hukum, temuan fakta, dan amar putusan. Pendekatan tersebut memungkinkan pengadilan menghindari penerapan norma secara mekanis maupun

pengambilan keputusan yang bersifat arbitrer. Kajian ini berkontribusi pada pengembangan diskursus hukum keluarga Islam dengan menunjukkan bahwa penalaran hukum hakim berfungsi sebagai mekanisme mediasi antara kepastian normatif dan keadilan substantif. Selain itu, penelitian ini menegaskan pentingnya putusan yang koheren dan beralasan dalam memperkuat perlindungan hak ekonomi perempuan pasca perceraian dalam kerangka praktik peradilan agama kontemporer di Indonesia, sekaligus memberikan pijakan bagi pengembangan praktik yudisial yang lebih konsisten.

Kata Kunci: Penalaran Praktikal; Penalaran Relasional; Nafkah Lampau; *Mut'ah*; Gugatan Rekonvensi.

Introduction

Divorce in Islamic family law does not merely signify the dissolution of a marital relationship; it constitutes a legal event that generates normative consequences, particularly concerning the protection of women's economic rights after divorce. Legal instruments such as *nafkah iddah* and *mut'ah* are designed to ensure that divorce does not place the wife in a socially and economically vulnerable position (Mir-Hosseini, 2018). These instruments simultaneously reflect the corrective function of Islamic family law in addressing gender-based inequalities that may emerge following the termination of marriage. Within this framework, Islamic family law prioritizes substantive justice as its principal objective, rather than limiting itself to formal legal certainty.

In Indonesia, this protective principle is institutionalized through the Compilation of Islamic Law (Kompilasi Hukum Islam-KHI), particularly Article 149, which obliges a former husband to provide *nafkah iddah* and *mut'ah* when a marriage is dissolved by *ṭalāq*. Nevertheless, this provision operates as an open norm, as it does not prescribe rigid quantitative standards for determining the amount of such support. Consequently, its implementation relies heavily on judicial assessment and discretion (Hamayotsu, 2015). The absence of clear quantitative parameters creates space for variation among court decisions, even in cases with relatively similar factual circumstances. This condition positions judges not merely as passive appliers of legal norms, but as active actors who construct the boundaries of post-divorce economic justice. As a result, Religious Courts emerge as a crucial arena for the articulation and operationalization of Islamic family law norms in judicial practice.

Empirically, the determination of *nafkah iddah* and *mut'ah* exhibits significant variation across court decisions. Previous studies indicate that such differences are not solely attributable to factual distinctions between cases, but also to divergent judicial interpretations of legal norms, methods of evaluating evidence, and assessments of the parties' economic capacity and conduct (Nurlaelawati, 2016a). This variation demonstrates that judicial subjectivity and the social context

of each case play an important role in shaping judicial outcomes. Accordingly, court decisions cannot be understood as the mechanical application of legal texts; rather, they represent the product of contextual legal reasoning.

From the perspective of legal reasoning theory, judges function as active agents who construct legal meaning through the integration of normative provisions, factual considerations, and values of justice (Ferguson & MacCormick, 1979; Sopiński, 2019). Judicial decisions reflect a complex intellectual process in which abstract legal norms are adapted to concrete social realities. In this context, the rationality of judicial decisions is assessed not only in terms of their formal conformity with statutory law, but also through the coherence of their arguments and the consistency of their legal reasoning. Moreover, analyzing the structure of judicial reasoning enables the identification of recurring reasoning patterns as well as argumentative deviations in judicial practice. Therefore, case-based legal research constitutes a relevant methodological approach for uncovering the internal logic and rationality underlying judicial rulings.

The Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb vividly illustrates the aforementioned complexities in judicial practice. This case does not merely involve a petition for divorce by *ṭalāq*, but also includes a reconvention claim demanding *nafkah iddah*, *mut'ah*, and retroactive spousal support in a substantial amount. Such a configuration places judges in a strategic position, requiring them to balance normative obligations derived from the Compilation of Islamic Law with evidentiary findings concerning the parties' economic capacity and the dynamics of their marital relationship. Accordingly, this decision provides a valuable academic space for examining how Islamic family law norms are operationalized through judicial reasoning in concrete cases.

In the context of reconvention claims, judges are not only required to guarantee the protection of the wife's legal rights, but also to ensure that the resulting decision is proportional and practically enforceable. This condition demonstrates that judicial discretion constitutes an inseparable element of Islamic family law enforcement and simultaneously serves as an indicator of the quality of substantive justice produced by the judiciary (Lukito, 2008). Consequently, an analysis of judicial reasoning becomes essential to assess the function of courts as guardians of the balance between rights and obligations in the post-divorce context.

In countries undergoing political and legal transition, such as post-reform Indonesia, judicial reasoning cannot be detached from broader issues of judicial independence and accountability. In the post-transition setting, judicial discretion is understood not as unfettered freedom, but as a

form of responsible authority exercised within the framework of the rule of law and institutional oversight (Chandranegara, 2019). In this regard, the quality of judicial reasoning serves as a key indicator for evaluating the extent to which judicial independence is exercised in an accountable manner within adjudicative practice. This perspective is particularly relevant for interpreting decisions of Religious Courts as products of state institutions operating within a modern legal system, while simultaneously accommodating the normative values of Islamic law.

Based on the foregoing discussion, this study aims to analyze the judicial reasoning employed by the panel of judges in the Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb, particularly in determining *nafkah iddah* and *mut'ah* in divorce cases accompanied by reconvention claims. This study is expected to contribute to academic discourse on the role of judges in Islamic family law and to offer practical insights for strengthening the quality of judicial reasoning within the Religious Court system.

Research Method

This study employs a normative juridical approach, which conceptualizes law as a system of written norms and institutional products that are examined through legal doctrines, principles, and judicial decisions (Marzuki, 2017). This approach is adopted because the primary focus of the research is to analyze judicial reasoning in divorce cases decided through *ṭalāq* and accompanied by reconvention claims. Within the tradition of doctrinal legal research, law is understood not merely as statutory text, but also as the outcome of interpretation and application by judicial institutions (Hutchinson, 2013). Accordingly, this approach is particularly relevant for examining the construction of judicial argumentation in decisions of Religious Courts.

The research is classified as doctrinal legal research using a case-based approach, in which court decisions are treated as primary sources for the formation and articulation of legal meaning (Hilaire McCoubrey and Nigel D. White, 1996; Nicolson, 2025). The Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb is positioned as the principal primary legal material, as it contains the judges' legal reasoning (*ratio decidendi*) that explicitly interprets the obligation to provide *nafkah iddah* and *mut'ah* in a divorce-by-*ṭalāq* case. Through this case approach, the analysis focuses on the relationship between abstract legal norms and concrete factual circumstances, as well as on the structure of judicial reasoning employed in formulating the court's ruling.

The legal materials used in this study consist of primary, secondary, and tertiary legal sources. Primary legal materials include the court decision under review and relevant statutory regulations, particularly the Compilation of Islamic Law. Secondary legal materials comprise scholarly literature

in the form of books and peer-reviewed national and international journal articles that address Islamic family law, judicial reasoning, and issues of judicial independence and accountability. Tertiary legal materials are used in a limited manner to assist in clarifying legal terms and concepts relevant to the focus of the study (Soekamto & Mamudji, 2015).

Data analysis is conducted through a qualitative normative method using techniques of legal interpretation and systematic legal reasoning. At this stage, the court decision is examined by tracing the consistency between legal bases, factual considerations, and the operative part of the judgment. The analysis also seeks to identify patterns of argumentation and forms of judicial discretion employed by the judges. This approach enables a deeper assessment of the quality of judicial reasoning and the extent to which substantive justice is articulated in the practice of Religious Courts.

Results and Discussion

The Construction of Judicial Reasoning in Determining Nafkah iddah and Mut'ah

The Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb demonstrates that the determination of *nafkah iddah* and *mut'ah* is not carried out through a linear application of legal norms, but rather through a complex and multi-layered process of judicial reasoning. The panel of judges positions Article 149 of the Compilation of Islamic Law as the primary normative foundation, yet does not treat it as a closed norm. Instead, the provision is understood as an open norm that requires concretization through judicial considerations grounded in factual circumstances and values of justice (Hamayotsu, 2015; Shuaib, 2008). This interpretive stance allows the court to adapt normative obligations to the specific socio-economic context of the parties without undermining the binding force of the legal provision itself.

At the initial stage of its reasoning, the court undertakes a normative affirmation by emphasizing that *nafkah iddah* and *mut'ah* constitute the wife's legal rights that arise automatically as a consequence of divorce by *ṭalāq*. This affirmation is significant because it rejects perspectives that frame *mut'ah* merely as a voluntary gift or a matter of moral discretion. In this context, the judges implicitly affirm the position of *mut'ah* as a legal protection instrument with compensatory and corrective dimensions, aimed at addressing the non-material losses suffered by the wife following divorce (Mir-Hosseini, 2018). By articulating *mut'ah* as a binding legal obligation rather than a discretionary moral gesture, the court establishes a normative baseline that frames

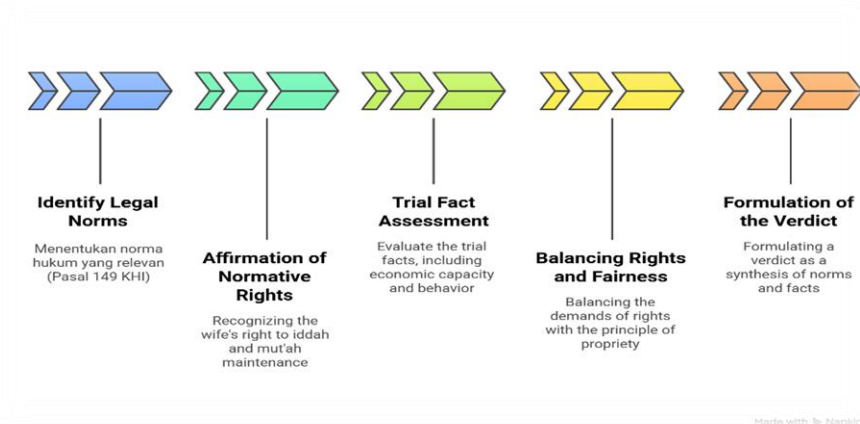
subsequent judicial assessment. This baseline functions as a point of departure for evaluating how abstract legal rights are concretized through factual findings and judicial discretion.

Having established the normative basis, the panel of judges proceeds to the stage of norm concretization by linking the obligation to provide *nafkah iddah* and *mut'ah* to the factual findings revealed during the trial. At this stage, judicial reasoning moves from the abstract to the concrete realm, particularly by taking into account the husband's economic capacity and the dynamics of the marital relationship between the parties. This approach indicates that the judges employ systematic and teleological methods of interpretation, interpreting the provisions of the Compilation of Islamic Law in light of the protective objectives and principles of propriety intended by the norm's framers (Nurlaelawati, 2016b).

The structure of this judicial reasoning can be mapped into several analytical stages, which collectively reflect the method by which judges systematically integrate legal norms, evidentiary facts, and the objectives of substantive justice. These stages consist of:

- (1) The identification of the relevant legal norm (Article 149 of the Compilation of Islamic Law);
- (2) The affirmation of the wife's normative right to *nafkah iddah* and *mut'ah*;
- (3) The assessment of evidentiary facts presented at trial, particularly concerning the parties' economic capacity and conduct;
- (4) The balancing of normative claims with principles of proportionality and fairness; and
- (5) The formulation of the operative ruling as a synthesis of normative obligations and factual considerations.

Figure 1. Judge's Reasoning Process



This sequential pattern indicates that the operative ruling (*amar putusan*) is the result of rational deliberation rather than intuitive or arbitrary decision-making. Each stage of reasoning is logically interconnected and functions as an argumentative prerequisite for the subsequent stage. The structured nature of this reasoning process demonstrates that judicial conclusions are reached through a methodical evaluation of normative claims and factual premises, rather than through discretionary impulses detached from legal justification. Accordingly, the operative ruling can be understood as a normative consequence that is traceable, in argumentative terms, to the entirety of the legal reasoning constructed by the panel of judges. Such traceability is essential to ensuring the transparency and reviewability of judicial decisions within a modern legal system.

From the perspective of legal reasoning theory, this pattern reflects the use of practical reasoning, whereby judges do not rely solely on normative deduction but also treat empirical context as a significant premise in drawing legal conclusions (Ferguson & MacCormick, 1979; Sopiński, 2019). Consequently, the amount of *nafkah iddah* and *mut'ah* determined by the court is not positioned as an automatic outcome of the wife's reconventional claim, but rather as the result of a proportional assessment balancing the wife's legal rights with the husband's actual economic capacity.

The judicial reasoning articulated in this decision demonstrates a deliberate effort to maintain internal coherence between the legal basis invoked, the factual considerations assessed, and the operative ruling ultimately rendered. Such coherence is evident in the absence of argumentative leaps between the cited norms and the conclusions drawn therefrom. This logical connectivity between normative premises and factual premises enables readers of the decision to transparently trace the rationality underpinning the court's conclusions. In judicial analysis, this form of internal consistency constitutes a primary indicator of a reasoned judgment, distinguishing decisions grounded in legal reasoning from those that are merely declaratory in nature (N. D. MacCormick & Summers, 1997).

Furthermore, the construction of judicial reasoning in this case reveals the exercise of judicial discretion in a limited and accountable manner. Discretion is not employed to negate the wife's normative rights, but rather to adapt the provisions of the Compilation of Islamic Law to the socio-economic realities of the parties involved. In legal doctrine, judicial discretion is understood as a legitimate space of evaluative judgment inherent in the adjudicative function, provided that it is exercised within the boundaries of rationality, proportionality, and the normative objectives of the legal rules being applied (Barak & Kaufmann, 1989; Kurniawan, Sumanto, et al., 2025; Weaver & Dworkin, 1987). This pattern illustrates that judicial discretion operates as a balancing

mechanism between legal certainty and substantive justice, particularly in family law cases that are deeply embedded with relational dimensions and structural inequalities.

Accordingly, Decision Number 1015/Pdt.G/2025/PA.Jmb may be understood as a representation of Islamic family law adjudication that is not formalistic in character, but oriented toward contextual justice. The judicial reasoning constructed in determining *nafkah iddah* and *mut'ah* underscores that Islamic family law norms are operationalized through a dynamic process of interpretation and evaluative judgment. These findings further reinforce the argument that the quality of decisions rendered by religious courts is largely determined by the depth and coherence of judicial reasoning in bridging legal norms, factual realities, and values of justice.

Judicial Discretion, Evidentiary Assessment, and the Evaluation of the Husband's Economic Capacity

The assessment of the husband's economic capacity constitutes a key variable in determining *nafkah iddah*, *mut'ah*, and retroactive maintenance in divorce cases. Although the Compilation of Islamic Law (KHI) normatively mandates the fulfillment of these rights, Article 149 of the KHI does not prescribe fixed nominal standards. This absence of quantitative parameters renders judicial discretion the primary instrument through which judges concretize abstract legal norms into operative rulings (Barak & Kaufmann, 1989). In this context, the religious court functions as a forum for the articulation of fact-based substantive justice.

In the Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb, the panel of judges does not construct its reasoning solely on the basis of normative claims, but closely links it to the evidentiary process conducted during the trial. The evidentiary assessment encompasses the parties' statements, witness testimonies, and factual information relating to the husband's employment, income, and economic burdens. This pattern reflects the application of the principle of free evaluation of evidence (*vrije bewijswaardering*), under which judges are vested with the authority to assess the probative value of evidence in a rational and contextual manner (Bull & George, 2021; Shapiro & Damaska, 1987).

However, such freedom is not absolute. Within civil procedural doctrine and the practice of religious courts, discretion in evidentiary assessment must remain subject to the principles of rationality, reasonableness, and judicial prudence. Judges are required to examine the consistency of the parties' statements and the relevance of witness testimony to the economic facts being asserted (Lucy, 2006; N. MacCormick, 2009). Accordingly, the evaluation of economic capacity

cannot rest on assumptions or empathetic considerations, but must be grounded in juridically accountable reasoning.

In the *a quo* case, the panel of judges appears to adopt a moderate approach in responding to the wife's reconventional claim, which sought a significant amount of post-divorce maintenance. The court neither negates the wife's normative rights to *nafkah iddah* and *mut'ah*, nor grants the claim in full without regard to the husband's economic capacity. This pattern aligns with empirical findings from several studies within the religious court system, which indicate that the determination of maintenance amounts generally involves balancing the normative mandates of the KHI with concrete economic realities (Sebtiningdyah, 2022).

Such an approach reflects the use of judicial discretion as a balancing mechanism. Discretion does not function to deviate from the law, but rather to ensure that the application of legal norms does not generate new forms of injustice. Studies published in Islamic family law journals affiliated with State Islamic Higher Education Institutions demonstrate that judges in religious courts consistently consider factors such as the duration of marriage, the wife's contributions, and the husband's financial capacity when determining post-divorce maintenance (Bevinda, 2025; Pratama & Prasetya, 2023). This practice indicates the emergence of a relatively stable pattern of judicial reasoning within religious court adjudication.

Furthermore, the assessment of the husband's economic capacity in this decision also demonstrates judicial sensitivity to the relational dimensions inherent in divorce cases. The judges do not view economic capacity as a static or purely numerical variable, but rather in relation to marital dynamics and the socio-economic consequences of divorce for the wife. This relational approach allows the court to capture the lived realities of the parties beyond formal income indicators, particularly where economic dependency and power asymmetries have been established during the marriage. Such a perspective aligns with the notion of protecting vulnerable parties in Islamic family law, as reflected in various religious court decisions (Fitrianoor, 2025; Muhammad Ramdan Sirojudin et al., 2025). By incorporating relational considerations into economic assessment, the court reinforces the protective function of post-divorce maintenance within the broader framework of substantive justice.

Nevertheless, the exercise of discretion in economic assessment continues to raise structural concerns. The absence of uniform quantitative standards has the potential to generate disparities across judicial decisions, even in cases with comparable factual characteristics. This condition places significant interpretive responsibility on individual judges and increases the weight of judicial

reasoning in determining outcomes. Several studies indicate that such variation may affect perceptions of justice and legal certainty among litigants (Leiter, 2010). Therefore, the transparency and clarity of judicial reasoning become crucial factors in maintaining the legitimacy of court decisions.

Overall, the Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb illustrates that judicial discretion in evidentiary assessment and the evaluation of the husband's economic capacity is exercised in a relatively controlled and reasoned manner. The judges neither disregard the wife's economic rights nor impose obligations that exceed the husband's factual capacity. This balanced application of discretion underscores the court's role in mediating between normative mandates and socio-economic realities. Accordingly, this pattern reaffirms that judicial discretion, when exercised rationally and accountably, plays a pivotal role in realizing substantive justice within Indonesian Islamic family law.

Implications of the Decision for the Protection of Women's Economic Rights after Divorce

The Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb has direct implications for the protection of women's economic rights following divorce. By affirming the husband's obligation to provide *nafkah iddah*, *mut'ah*, and retroactive maintenance, the panel of judges demonstrates that Islamic family law in Indonesia remains oriented toward the protection of vulnerable parties, particularly wives, without disregarding the financial realities faced by husbands (Sebtiningdiah, 2022). This approach underscores that women's economic rights are not merely abstract normative claims, but concrete obligations that are enforceable through judicial mechanisms.

From a legal doctrinal perspective, this decision reinforces the principle of substantive justice, whereby the protection of women's economic rights is understood not only as formal compliance with the provisions of the Compilation of Islamic Law, but also as a mechanism for mitigating the socio-economic consequences of divorce (Mir-Hosseini, 2018). This interpretation is consistent with Islamic family law scholarship, which emphasizes that *mut'ah* functions as a form of moral-economic compensation aimed at redressing post-divorce imbalances in power and resource distribution between spouses (Hamayotsu, 2015).

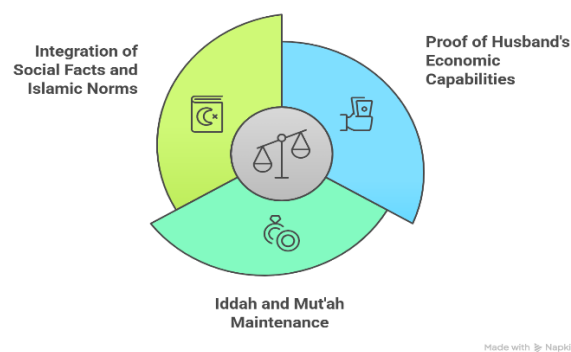
From a practical standpoint, this decision may serve as a jurisprudential reference for judges in comparable cases, particularly with respect to:

- (1) assessing evidence of the husband's economic capacity;

- (2) determining proportional amounts of *nafkah iddah* and *mut'ah*; and
- (3) integrating social realities with Islamic legal norms.

Accordingly, the decision has the potential to operate as a persuasive precedent that underscores the importance of accountable judicial discretion in safeguarding women's rights within the post-divorce context (Alya & Zainuddin, 2024; Irwansyah et al., 2025; Muhammad Ramdan Sirojudin et al., 2025).

Figure 2. Judge's Jurisprudential References



The analytical pattern illustrated above visualizes the interaction between judicial discretion, evidentiary assessment, and the evaluation of the husband's economic capacity as an integrated reasoning framework rather than isolated considerations. The diagram underscores that judicial reasoning operates through a circular and iterative process, in which legal norms, factual findings, and contextual justice continuously inform one another. This framework helps explain how judges translate abstract obligations under Islamic family law into concrete and proportionate rulings, while maintaining coherence between normative mandates and socio-economic realities. By conceptualizing judicial reasoning in this integrative manner, the figure reinforces the argument that the quality of post-divorce economic protection for women is closely tied to the structure and transparency of judicial deliberation.

Building on the integrative reasoning framework illustrated above, further implications of the decision become apparent in the realm of judicial accountability. Transparent and consistent judicial reasoning demonstrates that the ruling is not merely an administrative formality, but a legal instrument of legitimacy that provides certainty and a sense of justice for the wife (Barak & Kaufmann, 1989; Kurniawan, Samae, et al., 2025). This pattern also enhances public trust in religious courts as institutions capable of balancing legal certainty with the protection of vulnerable parties.

Moreover, the decision illustrates that the implementation of women's economic rights after divorce must consistently take factual contexts into account, including the husband's economic capacity and the respective contributions of each party during the marriage. This approach aligns with the concept of relational justice, which emphasizes that post-divorce rights and obligations cannot be detached from the social and economic relationships between the parties involved (Fitrianoor, 2025; Mansari & Moriyanti, 2019). By foregrounding relational factors, the court implicitly recognizes that economic entitlements are shaped by patterns of dependency, contribution, and power established during the marital relationship. This perspective allows judicial assessment to move beyond formal equality toward a more context-sensitive evaluation of fairness.

From a legal policy perspective, the decision indicates the need to strengthen supporting mechanisms, such as judicial guidelines on determining the amount of *mut'ah* and *nafkah iddah*, as well as legal education for the public regarding women's economic rights after divorce. This recommendation is consistent with empirical literature demonstrating that variations in judicial decisions across courts may generate uncertainty for justice seekers (Griffiths, 2019; Leiter, 2010). The absence of such guidelines places greater interpretive burdens on individual judges and increases the potential for inconsistent outcomes across jurisdictions. In this sense, policy intervention may function to complement, rather than constrain, judicial discretion.

Normatively, the decision affirms the position of women as legal subjects entitled to economic protection following divorce, while simultaneously illustrating the integration of Islamic law with contemporary adjudicative practices in Indonesia. This finding underscores that judicial discretion, when exercised proportionally, can strengthen women's rights without undermining legal certainty for husbands (Chandranegara, 2019). The decision thus reflects an evolving normative orientation in which Islamic family law is interpreted through a framework responsive to both doctrinal principles and institutional demands of modern adjudication. Such an orientation highlights the adaptive capacity of Islamic legal norms within a plural legal system.

Accordingly, the principal implications of this decision may be summarized in three points: first, the reinforcement of women's economic rights after divorce; second, the affirmation of the importance of accountable judicial discretion; and third, the provision of an example of contextual and substantive application of Islamic legal norms within religious court adjudication. These findings reinforce the argument that judicial reasoning and judicial discretion play a crucial role in actualizing substantive justice in the practice of Indonesian Islamic family law (Marzuki, 2017). Taken together, these implications illustrate how individual judicial decisions may contribute to broader patterns of normative development within religious court jurisprudence. They also suggest

avenues for further inquiry into the relationship between judicial reasoning, institutional design, and the protection of vulnerable parties.

Conclusion

This study demonstrates that judicial reasoning plays a decisive role in operationalizing women's economic rights after divorce within the framework of Indonesian Islamic family law. Through an in-depth analysis of the Jambi Religious Court Decision Number 1015/Pdt.G/2025/PA.Jmb, the findings reveal that the determination of *nafkah iddah* and *mut'ah* is not a mechanical application of legal norms, but the outcome of a structured and context-sensitive process of judicial deliberation. By treating Article 149 of the Compilation of Islamic Law as an open norm, the court integrates normative mandates with factual realities and relational considerations, thereby reinforcing the pursuit of substantive justice rather than mere formal compliance.

The analysis further highlights that judicial discretion, when exercised in a rational, transparent, and accountable manner, functions as a critical mechanism for balancing legal certainty with the protection of vulnerable parties. The court's approach illustrates how evidentiary assessment and evaluation of economic capacity can be aligned with principles of relational justice, enabling judges to address post-divorce inequalities without undermining the normative coherence of Islamic family law. In this respect, the decision contributes to a growing body of jurisprudence that reflects the adaptive capacity of Islamic legal norms within contemporary adjudicative practices in a plural legal system.

Based on these findings, this study recommends strengthening institutional and normative support mechanisms to enhance consistency and accountability in post-divorce economic adjudication. These include the development of judicial guidelines on the assessment of *mut'ah* and *nafkah iddah*, capacity-building programs for judges on relational and socio-economic analysis, and broader legal education initiatives to increase public awareness of women's post-divorce economic rights. Future research is encouraged to adopt comparative and empirical approaches to examine patterns of judicial reasoning across religious courts, thereby contributing to a more systematic understanding of how judicial discretion shapes substantive justice in Islamic family law. Such efforts are essential to ensuring that judicial practice continues to evolve in ways that are both doctrinally sound and socially responsive.

References

Alya, A., & Zainuddin. (2024). Analisis Putusan Pengadilan Agama Nomor

- 2429/Pdt.G/2023/PA.Mdn Tentang Nafkah Iddah dan Mut'ah oleh Suami Kepada Istri dalam Perkara Cerai Talak. *Unes Law Review*, 6(3).
- Barak, A., & Kaufmann, Y. (1989). *Judicial Discretion*. Yale University Press. <https://doi.org/https://doi.org/10.2307/j.ctt211qxt8>
- Bevinda, S. A. (2025). Kemampuan Finansial Mantan Suami Terhadap Kewajiban Menafkahi Pasca Cerai. *Tasfiyah : Journal of Islamic Law and Sharia Economics*, 1(2). <https://doi.org/10.69836/tasfiyah.v1i2.417>
- Bull, M., & George, N. (2021). Policing and Gender Violence in Vanuatu. *International Journal for Crime, Justice and Social Democracy*, 10(4). <https://doi.org/10.5204/ijcjsd.1768>
- Chandranegara, I. S. (2019). Defining Judicial Independence and Accountability Post Political Transition. In *Constitutional Review* (Vol. 5, Issue 2). <https://doi.org/10.31078/consrev525>
- Ferguson, B., & MacCormick, N. (1979). Legal Reasoning and Legal Theory. *British Journal of Law and Society*, 6(2). <https://doi.org/10.2307/1409773>
- Fitrianoor, W. (2025). Analisis Putusan Hakim Dalam Penetapan Nafkah Iddah: Studi Kasus Pengadilan Agama Kota Banjarbaru. *Maqashiduna: Jurnal Hukum Keluarga Islam*, 3(1). <https://doi.org/10.47732/maqashiduna.v3i1.758>
- Griffiths, J. (2019). Legal Pluralism Reconsidered. *Journal of Legal Pluralism and Unofficial Law*, 51(3).
- Hamayotsu, K. (2015). Islamic Law in Contemporary Indonesia: Ideas and Institutions ed. by R. Michael Feener and Mark E. Cammack. *Indonesia*, 99(1). <https://doi.org/10.1353/ind.2015.0000>
- Hilaire McCoubrey and Nigel D. White. (1996). Textbook on Jurisprudence. In *London: Blackstone Press Limited*.
- Hutchinson, T. (2013). Doctrinal research: Researching the jury. In *Research Methods in Law*. <https://doi.org/10.4324/9780203489352>
- Irwansyah, W., Maulina, N., Wiranti, W., Hidayat, R., & Irwan, I. (2025). Analisis Hukum Islam Terhadap Ketentuan Nafkah Mut'ah Pada Perkara Cerai Gugat Dalam Hukum Positif Di Indonesia. *Ulumuddin: Jurnal Ilmu-Ilmu Keislaman*, 15(2).
- Kurniawan, A., Samae, S. B. M., & Arbi, H. (2025). From Judicial Discretion to Maqāṣ id al-Sharī' ah Reasoning: The Case of Marriage Dispensation at the Muara Bulian Religious Court, Indonesia. *Islamic Law and Social Issues in Society*, 1(1), 64–85. <https://doi.org/10.64929/ilsis.v1i1.11>
- Kurniawan, A., Sumanto, D., Ramadhona, A., & K, H. (2025). Judicial Disparities in Legal Interpretation: The Application of Progressive Law in Marriage Dispensation Rulings. *Al-Mawarid Jurnal Syariah Dan Hukum (JSYH)*, 7(2), 203–222. <https://doi.org/https://doi.org/10.20885/mawarid.vol7.iss2.art1>
- Leiter, B. (2010). Legal Realism and Legal Positivism Reconsidered. In *Naturalizing Jurisprudence*. <https://doi.org/10.1093/acprof:oso/9780199206490.003.0004>
- Lucy, W. (2006). Review of Rhetoric and the Rule of Law. *Legal Studies*, 26(4), 602–616.

https://doi.org/https://doi.org/10.1111/j.1748-121X.2006.00035_4.x

- Lukito, R. (2008). The enigma of legal pluralism in Indonesian Islam: the case of interfaith marriage. *Journal of Islamic Law and Culture*, 10(2). <https://doi.org/10.1080/15288170802236457>
- MacCormick, N. (2009). *Rhetoric And The Rule Of Law: A Theory of Legal Reasoning (Law, State, and Practical Reason)*. Oxford University Press.
- MacCormick, N. D., & Summers, R. S. (1997). *Interpreting Precedents: A Comparative Study*. Ashgate.
- Mansari, M., & Moriyanti, M. (2019). Sensitivitas Hakim Terhadap Perlindungan Nafkah Isteri Pasca Perceraian. *Gender Equality: International Journal of Child and Gender Studies*, 5(1). <https://doi.org/10.22373/equality.v5i1.5377>
- Marzuki, P. M. (2017). *Penelitian Hukum*. Kencana.
- Mir-Hosseini, Z. (2018). Justice and equality and muslim family laws: New ideas, new prospects. In *Sharia and Justice: An Ethical, Legal, Political, and Cross-cultural Approach*. <https://doi.org/10.1515/9783110574593-005>
- Muhammad Ramdan Sirojudin, Siska Lis Sulistiani, & Fahmi Fatwa Rosyadi Satria Hamdani. (2025). Analisis Putusan Hakim Nomor 4260/Pdt.G/2020/PA.Bdg Tentang Cerai Talak Terhadap Pemberlakuan Hak Ex Officio Hakim Menurut SEMA Nomor 3 Tahun 2015 Poin 10. *Bandung Conference Series: Islamic Family Law*, 5(1). <https://doi.org/10.29313/bcsifl.v5i1.17802>
- Nicolson, D. (2025). Legal education and legal theory: the determined province of jurisprudence textbooks. *Law Teacher*, 59(1). <https://doi.org/10.1080/03069400.2025.2450932>
- Nurlaelawati, E. (2016a). For the sake of protecting religion: Apostasy and its judicial impact on Muslim's marital life in Indonesia. *Journal of Indonesian Islam*, 10(1). <https://doi.org/10.15642/JIIS.2016.10.1.89-112>
- Nurlaelawati, E. (2016b). Sharia-Based Laws The Legal Position of Women and Children in Banten and West Java. In *Politics and Change The Indonesian Experience after the Fall of Suharto: Bunga Rampai* (pp. 137–166). Leiden University Press.
- Pratama, R., & Prasetya, N. H. (2023). Analisis Penetapan Mut'ah dan Nafkah Iddah Terhadap Istri yang Nusyuz Perspektif Hukum Islam (Studi Putusan Hakim No. 3085/Pdt.G/2022/PA.Lpk). *Jurnal Interpretasi Hukum*, 4(3).
- Sebtiningdiah, P. (2022). Pertimbangan Hakim dalam Menentukan Kadar Mut'ah dan Nafkah Iddah (Studi Kasus di Pengadilan Agama Gresik). *Indonesian Journal of Islamic Law*, 5(1).
- Shapiro, M., & Damaska, M. R. (1987). The Faces of Justice and State Authority. *The American Journal of Comparative Law*, 35(4). <https://doi.org/10.2307/840136>
- Shuaib, F. S. (2008). Review of Islamic Law in Contemporary Indonesia: Ideas and Institutions . *Asian Journal of Comparative Law*, 3. <https://doi.org/10.1017/s2194607800000223>
- Soekamto, S., & Mamudji, S. (2015). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Rajawali Pers.

- Sopiński, M. (2019). Neil McCormick's Theory of Legal Reasoning and Its Evolution. *Archivum Filozofii Prawa i Filozofii Społecznej*, 1. <https://doi.org/10.36280/AFPiFS.2019.1.63ENG>
- Weaver, M., & Dworkin, R. (1987). Law's Empire. *Journal of Law and Society*, 14(2). <https://doi.org/10.2307/1409945>