

Dynamics of gender equality: Analysis of the practice of *ta'liq al-ṭalāq* in Morocco and Indonesia from the perspective of legal sociology

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Article Information	Abstract:
Submitted: 2024-06-26 Revised: 2024-11-20 Published: 2024-12-24	The practice of <i>ta'liq al-ṭalāq</i> faces implementation challenges due to differing social, cultural, and legal contexts, leading to variations in the protection of wives' rights in Islamic marriage in Indonesia and Morocco. This study aims to analyze and compare the practice in both countries to understand how Islamic family law is institutionalized, interpreted, and applied across different social settings. A qualitative descriptive-comparative method with content analysis of classical Islamic legal texts, regulations, and scholarly literature was employed to examine the influence of legal, cultural, and gender factors. Three key findings emerge. First, in Indonesia, <i>ta'liq al-ṭalāq</i> has been institutionalized through marriage traditions, state regulations, and official registration, systematically bridging religious norms, local culture, and state law. Second, in Morocco, <i>ta'liq al-ṭalāq</i> functions as a legal instrument for women's protection through anti-polygamy clauses, strengthening wives' autonomy and the state's role in achieving marital equality. Third, Indonesia emphasizes family stability through the husband's obligations, whereas Morocco prioritizes the protection of women's rights, reflecting divergent policy orientations in modern Islamic family law. The study concludes that Islamic family law is dynamic and contextual. Indonesia focuses on family stability, while Morocco focuses on the protection of women's rights; both represent adaptations to their respective socio-political contexts. This study enriches the sociology of law through its analysis of the plurality of Islamic family law and provides a practical reference for developing responsive policies concerning women's protection and the socio-religious context of society.

Keywords:

Family Law; Gender Equality; Morocco; Divorce.



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INTRODUCTION

The practice of *ta'liq al-ṭalāq* in Indonesia and Morocco demonstrates a persistent gap between legal norms and the realization of gender equality (Qomari et al., 2017; Asman, 2020; Ni'ami, 2022). In Indonesia, *ta'liq al-ṭalāq* is incorporated into the marriage certificate as a formal pledge made by the husband, granting the wife the right to file a complaint with the Religious Court in cases of non-compliance (Black et al., 2013; Nurhadi, 2019; Muzakir et al., 2023). Nevertheless, its effectiveness remains strongly influenced by local cultural norms and social practices (Chae et al., 2021; Lwamba et al., 2022; Zada & Zada, 2024). In Morocco, the implementation of *ta'liq al-ṭalāq* is adapted to state policies and regional socio-legal contexts (Pelet, 2018; Sonneveld, 2020; Fauzi, 2023). Socio-legal studies indicate that local legal traditions, cultural values, and policy frameworks shape the implementation of *ta'liq al-ṭalāq* in distinct ways across the two countries (Shang, 2022; Valerio et al., 2024). While *ta'liq al-ṭalāq* serves as an important mechanism for protecting women's rights within marriage, the extent to which it advances gender equality remains highly contingent upon the social, cultural, and policy contexts of each country.

Based on a review of the existing literature, this study identifies and maps several major strands of previous scholarship. First, the implementation of *ta'liq al-ṭalāq* varies across Muslim-majority countries, reflecting differences in Islamic legal schools (*madhhab*), interpretations of Islamic law, and prevailing family law policies (Nizar, 2021; Andriansyah, 2023; Baylocq & Hlaoua, 2016; Kaya & Drhimeur, 2022). Second, *ta'liq al-ṭalāq* is shaped by marriage traditions, local cultural practices, and the evolving social dynamics of Muslim societies (Lansu et al., 2019; Cook et al., 2019; Riyani, 2019; Ali, 2021). Third, the practice of *ta'liq al-ṭalāq* is influenced by the interaction between state law, religious law, customary law, and other legal systems operating within plural legal frameworks (Yakin, 2022; Wardhani et al., 2022; Pradikta et al., 2024; Sihombing, 2024). Despite these scholarly contributions, previous studies have not provided a comparative analysis that systematically integrates the dimensions of culture, legal pluralism, and gender equality in the practice of *ta'liq al-ṭalāq*. This study addresses this gap by examining the institutionalization of *ta'liq al-ṭalāq* in Indonesia and Morocco and by analyzing the differing orientations of Islamic family law policies adopted by the two countries.

This study aims to analyze and compare the practice of *ta'liq al-ṭalāq* in Indonesia and Morocco to understand how Islamic family law is institutionalized, interpreted, and implemented within different socio-legal contexts. Accordingly, the study addresses the following research questions: (1) How is *ta'liq al-ṭalāq* institutionalized in Indonesia and Morocco? (2) What role does it play in the protection of women's rights? (3) How do the orientations of Islamic family law policies in the two countries influence the practice of *ta'liq al-ṭalāq*? Theoretically, this study contributes to the field of socio-legal studies by demonstrating that *ta'liq al-ṭalāq* performs different functions depending on the social context in which it operates, serving primarily as an instrument of family stability in Indonesia and as a mechanism for the protection of women's rights in Morocco. Practically, the findings provide valuable insights for policymakers, judicial institutions, and religious authorities seeking to develop family law frameworks that are more responsive to gender justice and the evolving needs of society.

This study is based on the argument that the differences in the practice of *ta'liq al-ṭalāq* between Indonesia and Morocco are not solely attributable to variations in Islamic jurisprudential schools (*madhhab*), but are also shaped by the social, cultural, and legal-political contexts that have evolved within each country. The institutionalization of *ta'liq al-ṭalāq* in Indonesia illustrates how Islamic family law is primarily oriented toward maintaining

family stability through the integration of religious norms, local traditions, and state regulations. In contrast, family law reforms in Morocco demonstrate a shift in the function of law from merely regulating family relations to serving as a mechanism for the protection of women's rights and the transformation of gender relations. This study further argues that Islamic family law is inherently dynamic and responsive to the changing needs of society. Accordingly, the effectiveness of legal institutions depends not only on their normative legitimacy but also on their capacity to accommodate demands for justice, adapt to social change, and provide protection for vulnerable groups.

METHOD

Research Approach

This study employs a qualitative method with a descriptive, analytical, and comparative approach to provide an in-depth understanding of the regulations and practices of *ta'liq al-ṭalāq* in Indonesia and Morocco (Seixas et al., 2018; Bazen et al., 2021). This approach was selected because it enables a comprehensive exploration of the cultural and legal factors shaping the implementation of *ta'liq al-ṭalāq* in both countries. Qualitative inquiry allows researchers to capture contextual nuances, local values, and symbolic meanings that cannot be adequately measured through quantitative methods. Accordingly, this study goes beyond describing formal legal regulations by examining the social practices and socio-cultural dynamics that surround the implementation of *ta'liq al-ṭalāq* in Indonesia and Morocco.

Data Sources

Primary data were obtained from classical Islamic legal texts discussing *ta'liq al-ṭalāq* as well as statutory regulations governing its implementation in Indonesia and Morocco. Secondary data were collected from relevant scholarly sources, including books, peer-reviewed journal articles, and academic publications addressing Islamic family law, Islamic feminism, and the implementation of *ta'liq al-ṭalāq* (Ellram et al., 2016; Wickham, 2019). These two categories of data were utilized complementarily to develop a comprehensive understanding of the subject under investigation. The collected data were subsequently classified according to themes relevant to the research objectives, including legal regulations, cultural influences, and gender implications (Ranganathan & Aggarwal, 2018). This classification process enabled the systematic organization and interpretation of information in accordance with the study's analytical framework. The procedure was conducted iteratively to ensure that no significant data were overlooked and that all relevant materials were adequately incorporated into the analysis. A rigorous classification process thus served as a critical foundation for the subsequent stages of data analysis.

Data Analysis

Data analysis was conducted systematically using a qualitative approach that involved organizing the data into relevant categories, carefully describing each unit of analysis, synthesizing information from multiple sources, and identifying key patterns and themes (Kuckartz, 2019; Gioia, 2021). Content analysis was employed to examine the symbolic meanings embedded in legal texts, classical Islamic jurisprudential works, and regulatory documents relevant to the study. This method enabled a comprehensive interpretation of the normative and socio-legal dimensions of *ta'liq al-ṭalāq* within the contexts of Indonesia and Morocco. The analytical process was guided by the principles of objectivity, systematic inquiry, and analytical generalization (Hamilton & Finley, 2019) to ensure the validity and reliability of the research findings. Through this approach, the study was able to generate a nuanced

understanding of how legal norms, cultural values, and institutional frameworks interact in shaping the implementation of *ta'liq al-ṭalāq* across different socio-legal settings.

Synthesis of Findings

The synthesis of findings was conducted to identify the legal and cultural factors shaping the practice of *ta'liq al-ṭalāq* in Indonesia and Morocco. A comparative analysis was employed to evaluate how the two countries adapt Islamic family law within different social contexts and the implications of such adaptation for the protection of women's rights. Based on this synthesis, the study formulates conclusions regarding the orientation of family law policies in each country and their contributions to gender equality issues. This stage also yields academic and practical recommendations that can serve as references for the development of a more responsive and inclusive Islamic family law (Thomas & Harden, 2008; Ricci et al., 2019).

RESULTS AND DISCUSSION

Results

Ta'liq al-ṭalāq in Indonesia: A sociological jurisprudence perspective

Ta'liq al-ṭalāq in Indonesia represents a distinctive example of the integration of cultural traditions and Islamic law within the institution of marriage. This practice can be examined from both its cultural implementation and its regulation within the formal legal framework. Various legal provisions and family law reforms have reinforced the role of *ta'liq al-ṭalāq* as both a cultural tradition and a significant legal mechanism that promotes clarity, legal certainty, and protection within Islamic marriages in Indonesia. This development reflects the adaptability and evolution of Islamic marital practices in responding to socio-cultural traditions while remaining aligned with prevailing legal and regulatory frameworks.

Table 2
Ta'liq al-ṭalāq in Indonesia

No.	Findings	Description	Implications	References
1	Internalization of <i>ta'liq al-ṭalāq</i> within Marriage Culture	<i>Ta'liq al-ṭalāq</i> has become an established tradition in Islamic marriages and is formally recorded in the marriage certificate.	Reflects the development of a legal culture in which legal norms are integrated into the social practices of the community.	Asriani & Haddade (2021); Afadi & Sari (2024)
2	State Legitimization of the Practice of <i>ta'liq al-ṭalāq</i>	The state promotes the recitation of <i>ta'liq al-ṭalāq</i> as an official component of the marriage ceremony through formal policies.	Demonstrates the process of institutionalizing Islamic law through state administrative legitimacy.	Faiz et al. (2022); Zein et al. (2023)
3	Codification of Islamic Law in the Compilation of Islamic Law (KHI)	The KHI formally regulates the pronouncement, signing, and registration of <i>ta'liq al-ṭalāq</i> .	Illustrates the positivization of Islamic law within the national legal system.	Sari et al. (2021); Mangarengi et al. (2024)
4	Strengthening Legal Certainty in Family Relations	The KHI provides clear provisions regarding the conditions and legal consequences of <i>taklik talak</i> .	Reinforces the function of law in promoting legal certainty and protecting family relationships.	Kamal (2024); Aldisa (2024)
5	Integration of Cultural and Legal Norms	The practice of <i>ta'liq al-ṭalāq</i> brings together religious traditions and state regulations.	Demonstrates the interaction between <i>living law</i> within society and formal state law.	Kusmardani (2024); Rinaldo et al. (2024)

Source: Compiled by the Author(s), 2024.

Table 2 demonstrates that the practice of *ta'liq al-ṭalāq* in Indonesia functions not only as a legal mechanism within marriage but has also become an integral part of Muslim social and cultural life. The institutionalization of *ta'liq al-ṭalāq* is reinforced through various state regulations, ranging from policies issued by the Ministry of Religious Affairs to its formal codification in the Compilation of Islamic Law (KHI). Beyond serving as a customary element of the marriage ceremony, *ta'liq al-ṭalāq* has also acquired legal legitimacy through its official registration in marital documents. This condition illustrates the close interaction between religious norms, socio-cultural traditions, and the state legal system in regulating family life among Muslims in Indonesia.

Based on the findings, the development of *ta'liq al-ṭalāq* reflects a process of transformation from a religious norm into an institutionalized form of positive law. Its internalization within marriage culture indicates that *taklik talak* has been widely accepted as a deeply rooted social practice. The state subsequently provides administrative legitimacy, reinforcing its authority through formal policies and regulatory frameworks. The codification of *ta'liq al-ṭalāq* within the Compilation of Islamic Law (KHI) represents the culmination of this process of legal positization, transforming previously unwritten norms into legally binding provisions. The strengthening of legal certainty further underscores the role of the state in safeguarding rights and obligations within the family. Moreover, the integration of cultural and legal norms reflects the distinctive character of Indonesia's legal pluralism, in which religious traditions and state regulations operate in a complementary and mutually reinforcing manner. Taken together, these findings suggest that *ta'liq al-ṭalāq* constitutes a notable example of the successful accommodation and institutionalization of Islamic law within the national legal system.

Ta'liq al-ṭalāq in Morocco: A sociological jurisprudence perspective

In Morocco, *ta'liq al-ṭalāq* serves as a legal protection instrument for wives in marriage. Pursuant to Article 31 of the 1957–1958 Code of Personal Status, a wife is entitled to insert an anti-polygamy clause into the marriage contract. This clause grants her the right to divorce if the husband violates it. Violation may also lead to the automatic annulment of the first marriage, thereby further protecting the wife's rights. Although polygamy is permitted under limited circumstances, the law nonetheless allows the wife to prohibit such practice through *taklik talak*, with legal consequences for any husband who fails to comply.

Table 3
Taklik Talak in Morocco

No.	Findings	Description	Implications	References
1	Anti-Polygamy Clauses in Marriage Contracts	Wives may include anti-polygamy clauses in the marriage contract as conditions that are legally binding upon the husband.	Reflects legal recognition of women's autonomy in determining the terms and conditions of marriage.	Jansen (2007); Booley (2017)
2	Legal Consequences of Breaching Marital Agreements	Violation of an anti-polygamy clause may constitute grounds for the dissolution of marriage or the filing of a divorce claim.	Demonstrates the function of law as an instrument for protecting rights and enforcing marital agreements.	Osman (2019)
3	Protection of Wives' Rights	<i>Taklik talak</i> provides wives with legal avenues to seek remedies when marital agreements are violated.	Strengthens the legal position of women within family relationships that have traditionally been male-dominated.	Madih et al. (2019)

4	Regulation of Polygamy Practices	While polygamy is legally permitted under certain conditions, wives retain the right to reject it through contractual provisions in the marriage agreement.	Reflects the use of law as an instrument of social engineering to promote more equitable family relations.	Abdullah (2008); Sam'un & Hadi (2023)
5	The Role of the Judiciary in Protecting Women	Courts may dissolve a marriage when polygamy causes harm to the wife, even in the absence of a specific clause in the marriage contract.	Highlights the role of judicial institutions in ensuring substantive justice and protecting vulnerable groups.	Yuliatin (2022); Rusliadi (2023)

Source: Compiled by the Author(s), 2024.

Table 3 shows that in Morocco, *ta'liq al-ṭalāq* is realized through an anti-polygamy clause that the wife may include in the marriage contract. Violation of this clause serves as a basis for marriage dissolution or divorce petition, thereby protecting the wife's rights. The law permits polygamy only under limited circumstances but grants the wife the right to reject it through the marriage agreement. Furthermore, the court may dissolve the marriage if polygamy causes harm to the wife, even in the absence of a specific clause. This practice reflects the recognition of women's autonomy, legal protection, and the state's role in social engineering toward more equitable family relations.

Based on the findings, the progressive transformation of Moroccan family law serves to protect wives' rights. The anti-polygamy clause reflects recognition of women's autonomy, shifting from male domination toward contractual equality. The legal consequence for violation namely, marriage dissolution affirms the function of law as an instrument for enforcing agreements. The protection of wives' rights strengthens women's bargaining position in the private sphere. The regulation of polygamy demonstrates that law acts as a tool of social engineering, restricting a practice that was previously absolute. Finally, the role of the judiciary in providing substantive justice even in the absence of a specific clause indicates that the state serves as a protector of vulnerable groups. Sociologically, Moroccan *ta'liq al-ṭalāq* represents a model of accommodation between tradition, Islamic law, and the protection of human rights.

Comparison of *ta'liq al-ṭalāq* practices in Morocco and Indonesia

This study provides an overview of the significant differences in the legal and cultural approaches to *ta'liq al-ṭalāq* between Morocco and Indonesia. Morocco adheres to the Maliki school of law with the codification of the Moudawana, which provides strong protection for women, such as restrictions on polygamy. In contrast, Indonesia follows the Shafi'i school through the Compilation of Islamic Law, which is more influenced by local traditions. Morocco's progressive reforms contrast with Indonesia's more traditional application, reflecting differing dynamics in the protection of women's rights in the two countries.

Table 4

A Comparative Socio-Legal Analysis of Ta'liq al-Ṭalāq in Indonesia and Morocco

No.	Comparative Findings	Indonesia	Morocco	Socio-Legal Perspective
1	Orientation of Taklik Talak Regulation	Focuses on regulating the husband's obligations and safeguarding family stability.	Focuses on protecting women's rights and regulating polygamy.	Demonstrates differing legal orientations; Indonesia emphasizes family stability, whereas

				Morocco prioritizes gender equality.
2	Relationship between Law and Culture	<i>Ta'liq al-ṭalāq</i> has become an institutionalized marriage tradition within society.	<i>Ta'liq al-ṭalāq</i> functions primarily as a contractual instrument within family law reforms.	Indonesia reflects the predominance of legal culture, whereas Morocco illustrates legal transformation through social reform.
3	The Role of the State in Regulation	The state regulates and standardizes <i>ta'liq al-ṭalāq</i> through the Compilation of Islamic Law (KHI) and marriage administration procedures.	The state provides a legal framework that enables women to establish conditions within marriage contracts.	Both cases demonstrate the institutionalization of Islamic law, albeit with different policy orientations.
4	Women's Position and Legal Protection	Women receive legal protection when violations of <i>ta'liq al-ṭalāq</i> provisions occur.	Women possess broader rights to restrict polygamy and seek the dissolution of marriage.	Morocco demonstrates a stronger enhancement of women's agency compared to Indonesia.
5	The Function of Law within the Family	Law serves to promote legal certainty and maintain family order.	Law functions as an instrument for the protection of women and the transformation of gender relations.	Reflects the concept of law as a tool of social engineering, adapted to the specific needs of each society.

Source: Compiled by the Author(s), 2024.

Table 4 shows that Indonesia and Morocco have different orientations in regulating *ta'liq al-ṭalāq*. Indonesia focuses on the husband's obligations and family stability, *ta'liq al-ṭalāq* having become institutionalized as a marriage tradition. The state standardizes regulations through the Compilation of Islamic Law. In contrast, Morocco employs *ta'liq al-ṭalāq* as an instrument for protecting women's rights and controlling polygamy, providing legal space for the wife to stipulate conditions in the marriage contract. Moroccan women possess broader agency, including the right to restrict polygamy. Both countries demonstrate the institutionalization of Islamic law, yet with policy directions that reflect their respective social contexts.

This comparison reveals fundamental differences in the function of family law. Indonesia's orientation, which emphasizes legal certainty and family order, indicates that the law plays a conservative-protective role, maintaining social harmony through the standardization of deeply rooted traditions. In contrast, Morocco employs *ta'liq al-ṭalāq* as a tool of social engineering to transform gender relations, granting women greater legal agency. From a socio-legal perspective, Indonesia reflects the dominance of legal culture, where local practices are more determinative, whereas Morocco exhibits top-down, reform-driven legal change. Although both countries institutionalize Islamic law, their policy directions differ: Indonesia tends to preserve stability, while Morocco tends to promote equality. This reinforces the thesis that law is responsive to the socio-political context of each country.

Discussion

A comparative study of *ta'liq al-ṭalāq* in Indonesia and Morocco reveals three key findings. First, *ta'liq al-ṭalāq* in Indonesia has become institutionalized through marriage traditions, state regulations, and official registration, thereby systematically linking religious norms, local culture, and state law. Second, *ta'liq al-ṭalāq* in Morocco functions as a legal instrument for women's protection through an anti-polygamy clause, which strengthens the

wife's autonomy and the state's role in achieving marital equality. Third, Indonesia emphasizes family stability through the husband's obligations, whereas Morocco prioritizes the protection of women's rights, reflecting differing policy orientations within modern Islamic family law. Thus, Islamic family law is dynamic and contextual. Indonesia integrates *ta'liq al-ṭalāq* as an instrument of family stability, while Morocco develops it as a means of women's protection, demonstrating how the interpretation of Islamic law is influenced by social needs, culture, and state policy.

These findings are highly relevant to the issue of gender inequality that remains prevalent in contemporary Muslim marriage practices. In Indonesia, *ta'liq al-ṭalāq* has been institutionalized as part of tradition, regulation, and official registration; however, in reality, many wives are unaware of their right to stipulate conditions in the marriage contract. Consequently, polygamy without consent often occurs, causing psychological and economic suffering (Syatar et al., 2023). In contrast, Morocco employs *ta'liq al-ṭalāq* as an instrument of women's protection through an anti-polygamy clause, which aligns with the success of feminist movements in driving legal reform (Zoglin, 2009). Indonesia focuses on family stability, whereas Morocco prioritizes the protection of women's rights. Amid increasing global awareness of gender equality, Muslim societies continue to grapple between adherence to traditional interpretations and the demand for substantive justice (Caeiro, 2011). This study provides a foundation demonstrating that Islamic family law is not monolithic but rather adaptive to changing social realities.

Theoretically, these findings reinforce the socio-legal perspective that views law as a tool of social engineering, as proposed by Pound (1912) and Moore (1973). Morocco demonstrates that structured legislative reform can fundamentally transform gender relations, aligning with legal modernization theory that emphasizes the state's role in transforming social norms (Büchler & Schlatter, 2013). Conversely, Indonesia reflects legal pluralism theory, in which Islamic law, customary law (*adat*), and state law interact flexibly without major structural change (Lukito, 2012), with an orientation toward family stability through the husband's obligations. The researcher argues that this difference does not indicate the superiority of one approach over the other but rather represents adaptation to the respective socio-political contexts. The tension between classical scholars who support stipulations and those who reject them indicates that Islamic law possesses a capacity for negotiation; nevertheless, traditional interpretations remain dominant in limiting women's autonomy (Kadivar, 2021).

This study provides an understanding that the struggle toward gender equality in Islam cannot be achieved by abolishing tradition, but rather by reinterpreting tradition inclusively. In Indonesia, *ta'liq al-ṭalāq* has become deeply embedded in marriage traditions, regulations, and official registration, so reform must build upon the existing framework. Classical Islamic scholars have laid the foundation for respecting contractual agreements, including stipulations that protect the wife (Moten, 2013). Morocco demonstrates that the courage to expand interpretation through the anti-polygamy clause can generate strong legal protection. This study also teaches that reform need not always take the form of major legislative change; Indonesia's orientation toward family stability instead shows that traditional adaptation through the practice of *ta'liq al-ṭalāq* can gradually achieve women's protection (Hamida, 2022). Most importantly, women's active participation in religious dialogue and policy-making is key to ensuring that their voices are not marginalized (Ali, 2021).

The findings of this study align with those of Eisenberg (2011), who highlighted the success of the *Moudawana* reform in Morocco in strengthening women's rights through restrictions on polygamy, with the anti-polygamy clause serving as an instrument of women's

protection. However, in contrast to the study by Oman (2011), which argues that traditional Islamic interpretation is highly rigid and difficult to change, this study instead demonstrates the existence of room for negotiation, as seen in the view of Ibn Qudamah supporting the stipulation prohibiting polygamy, which is reflected in the institutionalization of *ta'liq al-ṭalāq* in Indonesia. Compared to von Struensee (2004), who only normatively permits stipulations, this study provides further support through cross-country comparative evidence. Meanwhile, the study by Ubaidilah and Husna (2023) on the Indonesian Compilation of Islamic Law (KHI) emphasizes the absence of an explicit prohibition on polygamy. Indonesia's orientation toward family stability does not necessarily preclude indirect protection through legal pluralism and the practice of *ta'liq al-ṭalāq*. Thus, this study positions itself as a comparative analysis that integrates the sociology of law and gender studies.

Based on the findings, this study recommends the large-scale enhancement of legal literacy in marriage so that every couple comprehensively understands the function and consequences of *ta'liq al-ṭalāq* before the marriage contract is concluded. The government should also facilitate ongoing dialogue among religious scholars, academics, policymakers, and women's organizations to produce legal interpretations that are adaptive to social developments. Regulatory reform should be directed toward strengthening mechanisms for the protection of women in marriage, particularly in cases of neglect, domestic violence, and polygamy practices that harm the wife without her consent. Furthermore, every Office of Religious Affairs (Kantor Urusan Agama) is required to provide standardized dissemination of information regarding the wife's right to include protective stipulations in the marriage contract. At the academic level, further research using empirical approaches is essential to understand women's direct experiences in the implementation of *ta'liq al-ṭalāq* and its impact on gender justice in Muslim families.

CONCLUSION

This comparative study finds that Islamic family law is not monolithic but rather dynamic and contextual. The most important finding reveals a fundamental difference in policy orientation between Indonesia and Morocco regarding the practice of *ta'liq al-ṭalāq* (also known as *taklik talak*). Indonesia integrates *ta'liq al-ṭalāq* as an instrument of family stability through the institutionalization of tradition, regulation, and official registration, thereby linking religious norms, local culture, and state law. In contrast, Morocco develops *ta'liq al-ṭalāq* as a progressive means of women's protection through an anti-polygamy clause, which strengthens the wife's autonomy and the state's role in achieving marital equality. This difference does not indicate the superiority of one approach over the other, but rather represents adaptation to the respective socio-political contexts. The critical conclusion is that the interpretation of Islamic law is always influenced by social needs, culture, and state policy; consequently, room for negotiation always remains open, albeit constrained by the dominance of traditional interpretations.

This study contributes to enriching the sociology of law literature by demonstrating that Islamic family law can function both as an instrument of social engineering and as a product of the interaction between religious norms, culture, and the state. These findings expand the understanding of the plurality of Islamic law implementation in various Muslim countries and affirm that the concept of justice in family law can be realized through different mechanisms according to social context. As a practical contribution, this study provides a foundation for the development of family law policies that are more responsive to societal needs. The results may also serve as a reference for policymakers, religious institutions, and civil society.

organizations in designing strategies to protect women's rights without disregarding the legitimacy of Islamic values embedded within society.

This study has a primary limitation in its normative-doctrinal approach, which has not captured women's direct empirical experiences in the implementation of taklik talak. Furthermore, the comparative scope is limited to only two countries, so the findings cannot be generalized to the entire Muslim world. Future research directions recommended include qualitative empirical studies that document wives' perspectives on the effectiveness of anti-polygamy clauses in Morocco and their understanding of the right to stipulate conditions in Indonesia. Cross-national research should also be extended to the Middle East and South Asia. Finally, an investigation into the role of religious court decisions in interpreting taklik talak progressively is an urgent research agenda to assess the extent to which substantive justice is actually realized.

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AUTHOR CONTRIBUTION STATEMENT

Nurul Izzati: Conceptualization; Formal Analysis; Methodology; Writing Original Draft; Writing Review & Editing. **Efrinaldi:** Formal Analysis; Resources. **Hamda Sulfinadia:** Formal Analysis; Visualization; Writing Review & Editing. **Rahmat Ryadhush Shalihin:** Formal Analysis; Validation; Writing Review & Editing.

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