

**ANALYSIS OF SIGHAT TAKLIK TALAK STATEMENT BASED ON
DECREE OF THE MINISTER OF RELIGION OF THE REPUBLIC OF
INDONESIA NUMBER 75 OF 2014 CONCERNING AMENDMENTS TO
THE DECREE OF THE MINISTER OF RELIGION NUMBER 99 OF 2013
AND ITS LEGAL CONSEQUENCES IN RELIGIOUS AFFAIRS OFFICE
PANJANG DISTRICT, BANDAR LAMPUNG CITY**

THESIS

By:

Marsyudi Na'imulloh

17210115



ISLAMIC FAMILY LAW DEPARTEMENT

SYARI'AH FACULTY

STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM

MALANG

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STATEMENT OF THE AUTHENTICITY

In the name of Allah,

With awareness and a sense of responsibility for scientific development, the author states that the thesis entitled

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PANJANG DISTRICT, BANDAR LAMPUNG CITY**

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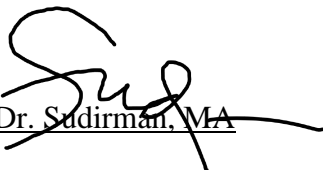
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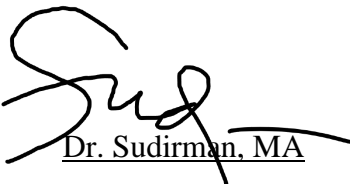
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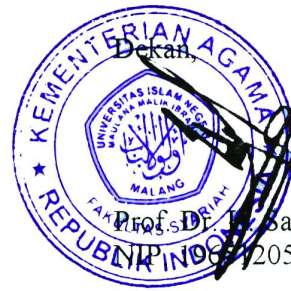
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AKNOWLEDGEMENT

Alhamdulillahirabbil'alamin, there is no most beautiful word apart from saying thanksgiving to Allah SWT who has given and bestowed all favors and opportunities, so that the author arrives at completing this thesis. As well as prayers and greetings, hopefully it will always be poured out to *An-Nabiyyil Ummi* Syaidina Muhammad SAW, who with washilah he also arrived at this thesis can be completed, then also we always hope for his intercession and guidance to all people.

The author realizes that in compiling the writing of this thesis it is not just the author's efforts, but there is encouragement and assistance from various parties. therefore the author also wants to express many thanks to these parties. With great humility, the authors would like to thank:

1. Prof. Dr. Abdul Haris M.Ag. as rector of Maulana Malik Ibrahim University Malang.
2. Dr. Saifullah, SH, M.Hum. as dean of the Sharia Faculty of the Islamic University of Maulana Malik Ibrahim Malang.
3. Dr. Sudirman, MA as the Head of the Islamic Family Law Department as well as a supervisor for writers who with his sincerity, sincerity, and patience in guiding and teaching students, especially writers, so that the author reaches the final stage of the thesis.
4. Dr. Badruddin, M.HI as the guardian lecturer who with his patience, generosity, and sincerity has turned the writer up to the stage of this thesis.

5. Both parents, Tamsir Ridwan and Nur Sujani, along with their families with full pleasure, patience and sincerity pray and give enthusiasm and strength to the author to complete this thesis.
6. Masyayikh who with *washilah* the guidance and encouragement provided became the intermediary for the writer to complete this thesis.
7. All lecturers at the State Islamic University of Maulana Malik Ibrahim Malang, especially the lecturers of the Sharia Faculty who with their *wasilah* can arrive at the writing of this thesis.
8. All friends of the State Islamic University of Maulana Malik Ibrahim Malang, especially friends of the Islamic Family Law Study Program.

Finally, I hope that Allah SWT hopes that all the goodness given will become deeds of worship and I will gain useful knowledge while studying at the Islamic University of Maulana Malik Ibrahim Malang.

Malang, Thursday, Juny 01, 2021

Marsyudi Na'imulloh

MOTTO

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا
مِنْ أَمْوَالِهِمْ ۗ فَالصَّالِحَاتُ قَنِينَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَالَّتِي تَخَافُونَ
نُشُوزَهُنَّ ۗ فَعِظُوهُنَّ ۗ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرِبُوهُنَّ ۗ فَإِنِ اطَّعْتَكُمْ
فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

“Men are the leaders of women, because Allah has exaggerated some of them (men) over others (women), and because they (men) have spent part of their wealth. Therefore, a godly woman who is obedient to God takes care of herself when her husband is not there, because God has taken care of (them). women whom you are worried about nusyuznya, So advise them and separate them in their beds, and beat them. then if they obey you, then do not find a way to trouble them. Allah is Most High, Most Great.”

TRANSLITERATION GUIDENCE

A. Consonant

Arab	Latin	Arab	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	'
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	ه	H
ش	Sy	ء	'
ص	Sh	ي	Y
ض	Dl		

B. Vocal, long-pronounce and diphthong

Vocal *fathah* = a

Vocal *kasroh* = i

Vocal <i>dlommah</i>	= U		
Long – vocal (a) = Â	e.g.	قال	become QÂla
Long – vocal (i) = Î	e.g.	قيل	become QÎla
Long – vocal (U) = Û	e.g.	دون	become DÛna
Diphthong (aw) = او	e.g.	قول	become Qoulun
Diphthong (ay) = اي	e.g.	خير	become Khoirun

C. Ta' marbuthah

Ta' marbûthah translited as “t” in the middle of word, but if Ta' marbûthah in the end of word, it translited as “h” e.g. للمدرسة الرسالة become *al-risalat li al-mudarrisah*, or in the standing among two word that in the form of *mudlaf* and *mudla ilaih*, it transliterated as *t* and connected to the next word, e.g. رحمة في الله become *fi rahmatillâh*.

D. Auxiliary Verb and Lafdh al-Jalalah

Auxiliary verb “al” () written with lowercase form, except if it located at the first position and “al” in lafdh jalâlâh which located in the middle of two word or being or become *idhafah*, it remove from writing.

1. Al – Imâm al – Bukhâriy said...
2. Al – Bukhâriy in muqaddimah of his book said
3. *Masyâ Allâh kâna wa mâ lam yasya' lam yakun.*

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ABSTRAK

Na'imulloh, Marsyudi, 17210115. Analisis Pengucapan Sighat Taklik Talak Berdasarkan Peraturan Menteri Agama Nomor 2 Tahun 1990 tentang Kewajiban Pegawai Pencatat Nikah dan Konsekuensi Hukumnya di Kantor Urusan Agama Kecamatan Panjang Kota Bandar Lampung, Skripsi, Program Studi Hukum Keluarga Islam, Fakultas Syariah, Universitas Islam Negeri (UIN) Maulana Malik Ibrahim Malang, Pembimbing: Dr. Sudirman, M.A.

Kata Kunci: Sighat, Taklik Talak, Kantor Urusan Agama

Sighat taklik talak yang terdapat di dalam kutipan akta nikah telah diterapkan di dalam Peraturan Menteri Agama Nomor 2 Tahun 1990, bahwa di dalam sighat tersebut taklik talak dirasakan mudah terjadi, karena parameter taklik talak yang ada dalam sighat tersebut tidak spesifik melainkan begitu sangat general, oleh karena itu hal hal yang dirasa tidak berpotensi menjadi alasan cerai dapat keluar menjadi akibat jatuhnya cerai atau bahkan sebaliknya bahwa hal-hal yang dirasa berpotensi menjadi alasan jatuhnya talak dapat mengendap menjadi bukan akibat jatuhnya talak. Sehingga dalam penelitian ini fokus masalah yang ditentukan: 1) Implementasi pengucapan sighat taklik talak di buku nikah berdasarkan peraturan pernikahan yang berlaku dan praktek di Kantor Urusan Agama Kecamatan Panjang, Kota Bandar Lampung, 2) Konsekuensi hukum pengucapan sighat taklik talak berdasarkan Peraturan Menteri Agama Nomor 2 Tahun 1990 Tentang Kewajiban Pegawai Pencatat Nikah.

Penelitian ini menggunakan pendekatan kualitatif, penelitian yang termasuk ke dalam penelitian lapangan. Sumber data yang digunakan dalam penelitian ini adalah sumber data primer dan sumber data sekunder. Adapun metode pengumpulan data yang digunakan adalah observasi, dokumentasi dan wawancara. Kemudian mengenai metode pengelolaan data peneliti menggunakan *editing, classifying, verifying, analyzing, and concluding*.

Pelaksanaan sighat taklik talak di Kantor Urusan Agama Kecamatan Panjang tetap dilaksanakan dengan hanya menggunakan sighat taklik talak yang berdasarkan Peraturan Menteri Agama Nomor 2 Tahun 1990 tentang Kewajiban Pegawai Pencatat Nikah. Pembacaan dan pemahaman sighat taklik talak dilakukan di depan pencatat nikah dan bukan di depan pencatat nikah. Namun, penandatanganan sebagai bukti pembacaan sighat taklik talak dilakukan sebelum pencatat nikah pergi dari tempat akad. Kemudian akibat hukumnya adalah 1) Suami tidak boleh meninggalkan istrinya tanpa izin selama minimal dua tahun tanpa pesangon sedikitpun. Kemudian dalam kurun waktu dua tahun antara suami istri tidak terputus komunikasi antara keduanya saat akan berpisah. 2) Suami tidak boleh memberikan nafkah kepada istri setidaknya selama tiga bulan. Tiga bulan yang panjang adalah tiga bulan berturut-turut. 3) Suami tidak boleh menyakiti istrinya sampai mencapai tingkat kualitas menyakiti yang melukai tubuh dengan

menyebabkan luka memar dan luka. 4) Suami tidak boleh membiarkan istrinya selama 6 bulan. Ketika hal di atas dilanggar oleh suami, sedangkan istri tidak berkenan dan dilaporkan oleh istri, maka taklik talak jatuh dengan talak khul'i.

ABSTRACT

Na'imulloh, Marsyudi, 17210115. Analysis of Sighat Taklik Talak Pronunciation Based on Regulation of the Minister of Religion Number 2 of 1990 concerning the Obligations of Marriage Registration Employees and Its Legal Consequences in the Office of Religious Affairs in Panjang District, Bandar Lampung City, Thesis, Islamic Family Law Study Program, Faculty of Sharia , State Islamic University (UIN) Maulana Malik Ibrahim Malang, Advisor: Dr. Sudirman, MA

Keywords: Sighat, Taklik Talak, Office of Religious Affairs

Sighat taklik talak contained in the excerpt of the marriage certificate has been applied in the Regulation of the Minister of Religion Number 2 of 1990, that in the sighat taklik talak is felt to occur easily, because of the parameter of taklik. The divorce in the sighat is not specific but very general, therefore things that are not considered potential reasons for divorce can come out as a result of the fall of divorce or even vice versa that things that are considered to be potential reasons for the fall of divorce can settle into non-results. the fall of divorce. So that in this study the focus of the problems was determined: 1) The implementation of the pronouncement of sighat taklik talak in the marriage book based on the applicable marriage regulations and practice at the Office of Religious Affairs in Panjang District, Bandar Lampung City, 2) The legal consequences of pronouncing sighat taklik talak based on the Regulation of the Minister of Religion No. 2 of 1990 concerning the Obligations of Marriage Registration Employees.

This research uses a qualitative approach, research that is included in field research. Sources of data used in this study are primary data sources and secondary data sources. The data collection methods used were observation, documentation and interviews. Then regarding the method of data management researchers use *editing, classifying, verifying, analyzing, and concluding*.

This research concludes that the implementation of sighat taklik talak at the Office of Religious Affairs in Panjang District is still carried out using only sighat taklik talak which is based on the Regulation of the Minister of Religion Number 2 of 1990 concerning the Obligations of Marriage Registrar Employees. The reading and understanding of taklik talak is done in front of the registrar of marriage and not in front of the registrar of marriage. However, the signing as proof of reading the sighat taklik talak is carried out before the registrar of the marriage leaves the contract venue. Then the legal consequences are 1) Husbands may not leave their wives without permission for at least two years without the slightest severance pay. Then in a period of two years between the husband and wife there was no cut off communication between the two of them when they were about to separate. 2) Husbands are not allowed to provide support to their wives for at least three months. Three long months are three consecutive months. 3) Husbands must not hurt their wives until they reach a level of hurtful quality which injures the body

by causing bruises and wounds. 4) Husbands are not allowed to leave their wives for 6 months. When the above matters are violated by the husband, while the wife is not pleased and is reported by the wife, then taklik talak falls with talak khul'i.

الملخص

نعيم الله ، مرشدي ، 17210115. تحليل نطق صيغات تاكليك تالاك بناءً على لائحة وزير الدين رقم 2 لعام 1990 بشأن التزامات موظفي تسجيل الزواج وتبعاتها القانونية في مكتب الشؤون الدينية في منطقة بانجانج ، بندر لامبونج المدينة ، أطروحة ، برنامج دراسة قانون الأسرة الإسلامي ، كلية الشريعة ، جامعة الدولة الإسلامية مولانا مالك إبراهيم مالانج ، المستشار: د. سوديرمان ، الماجستير .

الكلمات الرئيسية: صيغة ، تعليق الطلاق ، مكتب الشؤون الدينية

صيغة تعليق الطلاق الوارد في مقتطف من عقد الزواج تم تطبيقه في لائحة وزير الدين رقم 2 لعام 1990 ، أنه في سيجاة تكليلك تلك يشعر بأنه تحدث بسهولة ، بسبب معامل التكليلك ، فالطلاق في سيجاهات ليس محددًا ولكنه عام جدًا ، وبالتالي فإن الأشياء التي لا تعتبر أسبابًا محتملة للطلاق يمكن أن تخرج نتيجة سقوط الطلاق أو حتى العكس بالعكس. تعتبر من الأسباب المحتملة لسقوط الطلاق يمكن أن يستقر في عدم النتائج. سقوط الطلاق. بحيث تم تحديد محور المشاكل في هذه الدراسة: 1) تطبيق نطق صيغة تعليق الطلاق في كتاب الزواج بناءً على لوائح الزواج المعمول بها والممارسات في مكتب الشؤون الدينية في منطقة بانجانج ، مدينة بندر لامبونج ، 2) التبعات القانونية للفصل في وثيقة " ستقلك تالك " بناءً على لائحة وزير الأديان رقم 2 لسنة 1990 بشأن التزامات موظفي تسجيل الزواج.

يستخدم هذا البحث منهجًا نوعيًا ، بحثًا يدخل في البحث الميداني. مصادر البيانات المستخدمة في هذه الدراسة هي مصادر البيانات الأولية ومصادر البيانات الثانوية. كانت طرق جمع البيانات المستخدمة هي الملاحظة والتوثيق والمقابلات. ثم فيما يتعلق بطريقة إدارة البيانات ، استخدم الباحثون التعديل والتصنيف والتحقق والتحليل والاستنتاج.

يخلص هذا البحث إلى أن تطبيق صيغة تعليق الطلاق في مكتب الشؤون الدينية في منطقة بانجانج لا يزال يتم باستخدام صيغة تعليق الطلاق فقط التي تستند إلى لائحة وزير الدين رقم 2 لعام 1990 بشأن التزامات موظفي مسجل الزواج. قراءة وفهم تعليق الطلاق تتم أمام كاتب الزواج

وليس أمام كاتب الزواج. ومع ذلك ، فإن التوقيع كدليل على قراءة صيغة تعليق الطلاق يتم قبل أن يغادر مسجل الزواج مكان العقد. ثم العواقب القانونية هي: 1) لا يجوز للأزواج ترك زوجاتهم دون إذن لمدة عامين على الأقل دون أدنى تعويض عن نهاية الخدمة. ثم في غضون عامين بين الزوج والزوجة لم يكن هناك انقطاع في الاتصال بينهما عندما كانا على وشك الانفصال. 2) لا يسمح للأزواج بتقديم نفقة لزوجاتهم لمدة ثلاثة أشهر على الأقل. ثلاثة أشهر طويلة هي ثلاثة أشهر متتالية. 3) يجب على الأزواج عدم إيذاء زوجاتهم حتى يصلوا إلى مستوى من الأذى الذي يجرح الجسم بإحداث كدمات وجروح. 4) لا يسمح للأزواج بترك زوجاتهم لمدة 6 أشهر. إذا خالف الزوج الأمور السابقة ، بينما كانت الزوجة لا ترضي وترويهما الزوجة ، فإن تكلك تلك تقع على تلك الخلعي.

CHAPTER I

INTRODUCTION

A. Research Background

Meaning of marriage in Article 1 of Law No. 1 of 1974 On marriage explains that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy household based on the divine divinity. Then, when a couple of men and women have started to form a household, then the effort to make each other happy must be worked together. Then, so that things do not happen that can ruin the purpose of forming a happy household, then taklik talak can be used as a solution to the husband or wife who do not fulfill their obligations in the household.

The view of previous jurisprudence scholars about taklik talak, that taklik talak is a tool for the husband to the wife as giving understanding and lessons to the wife who is *nusyuz*, which is said by the husband to his wife, whenever and wherever,¹ but taklik talak performed in Indonesia as *sighat taklik talak* formulated based on the Regulation of the Minister of Religion is slightly different from that. That the taklik talak pronounced by the husband to his wife is provided as a brake for the husband himself, so that the husband is not arbitrary towards the wife.

¹ Hanafi Nur Karim, *Pelanggaran Taklik Talak dan pengaruhnya terhadap istri dan anak (Studi Kasus Kenagarian Suayan Kec. Akabiluru Kab. Lima Puluh Kota)*, e-Thesis, (Riau: UIN Sultan Syarif Kasim, 2018), 35.

Sighat taklik talak contained in the quotation of the marriage deed has been stipulated in the Regulation of the Minister of Religion Number 2 of 1990, that in the sighat taklik talak is felt to occur easily, because the parameters of taklik talak in the sighat are not specific but very general. So things that are perceived as not potential to be the reason for divorce can come out as a result of the fall of divorce or even vice versa that things that are felt to be potential as a reason for the fall of divorce can settle into not as a result of the fall of divorce.

The formulation of sighat taklik talak which is set based on the Regulation of the Minister of Religion Number 2 of 1990 is as follows. So it was set in Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 concerning Amendments to the Decree of the Minister of Religion Number 99 of 2013 concerning Stipulation of Blank List of Marriage Checks, Marriage Certificates, Marriage Books, Duplicate Marriage Books, Reference Books, and Quotations of Referral Registration Books that was explained in article 1 that is essentially everything contained in the appendices is an integral part of this decision..

"After the marriage contract, I bin solemnly promise, that I will fulfill my obligations as a husband, and I will pergauli my wife named binti well (*mu'asyarah bil-makruf*) according to the teachings of Islamic law.

Next I say sighat taklik on my wife as follows:

At my time:

- 1) left my wife for two years in a row.
- 2) Or I did not give him obligatory alimony for three months,
- 3) I hurt my wife's body,

4) Or I let (disregard) my wife for six months.

Then my wife did not like it and complained to the Religious Court or the officer who was given the right to handle the complaint, and the complaint was allowed and accepted by the court or the officer, and my wife pay Rp. 10.000, - (ten thousand rupiah) as iwadh (substitute) to me, then my talak one fell to her.

From the sighat taklik talak above, according to Khoiruddin Nasution that in it there are 10 main elements of sighat taklik talak, namely:

1. Husband leaves wife, or;
2. The husband does not provide for the wife, or;
3. Husband physically hurt wife, or;
4. Husband let (wife) care;
5. The wife is reluctant;
6. The wife complained to the Religious Court;
7. The wife's complaint is allowed by the court;
8. The wife pays iwadh money;
9. The fall of a husband's divorce to his wife;

10. The iwadh money by the husband is received to the Court to be further handed over to a third party for the benefit of social worship.²

One example that indicates the generality of the parameters contained in the sighat taklik talak set out in the above rules is about hurting the body or body of the wife. When the size of it hurts the body or the body of the wife only, then even in the implementation of hurting the body on the basis of joking it can be a reason for the fall of divorce from the divorce of the husband to the wife.

Looking at the above problems, it is necessary to first know about the implementation of the statement of sighat taklik talak in the marriage book based on the rules of marriage that apply and practice in Religious Affairs Office Panjang District, Bandar Lampung City. After that, the discussion on the legal consequences of uttering sighat taklik talak in the marriage book or excerpt of marriage certificate based on the Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 feels very good to discuss.

B. Statement of Problem

Based on the background of the problem above, then the problem formulation is as follows:

² Khoiruddin Nasution, *Menjamin Hak Perempuan dengan Taklik Talak dan Perjanjian Perkawinan*, e-Journal, Vol. XXXI No. 70, (Yogyakarta: UNISIA, 2008), 338. <https://journal.uin.ac.id/Unisia/article/download/2700/2487>.

1. How does The Head of Religious Affairs Office Panjang District implement a pronouncing sighth taklik talak based on the applicable marriage rules and practices in Religious Affairs Office Panjang District, Bandar Lampung City?
2. What are the legal consequences of pronouncing sighth taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 7 of 2014?

C. Objective of Research

Related to the existence of these problems, of course there are several goals to be achieved, including:

1. To describe the implementation of pronouncing sighth taklik talak in the marriage book based on the applicable marriage rules and practices in Religious Affairs Office Panjang District, Bandar Lampung City.
2. To analyse the legal consequences of pronouncing sighth taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 7 of 2014.

D. Benefit of Research

With the goals to be achieved in this research, it is expected to provide benefits and uses, among others:

1. Theoretical Benefit

From the results of this research is expected to be useful for the development of knowledge and increase the insight of readers in general and especially for prospective Indonesian couples and students in the field of Islamic law related to the implementation of utterat sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 7 of 2014 and its legal consequences in Religious Affairs Office Panjang District.

2. Practical Benefit

- a. The people of Panjang District

This research is expected to be a reflection as well as a means for the people of Panjang Subdistrict Bandar Bandar Lampung on the implementation of the utterance of sighat taklik talak formulated based on the Decree of the Minister of Religion of the Republic of Indonesia Number 7 of 2014 and as a result.

- b. Law Practitioners and Community Figures in Panjang District, Bandar Lampung City.

It is hoped that this research can also be one of the scientific references to support caution in implementing

something, especially in the implementation of taklik talak within the community in Panjang District, Bandar Lampung City, and even in Indonesia.

c. The General Community of Bandar Lampung City

The hope of this research, one of which is that it can be used as a means of learning for the general public, especially the community in the city of Bandar Lampung.

d. Other Authors

For other authors it is hoped that it can be information in developing a series of further research on more in-depth scientific works, especially in paying attention to the part of marriage that in this case taklik talak.

E. Operational Definition

To make it easier to understand the content of this research discussion, it is necessary to explain some keywords that are very closely related to the research:

1. Sighat: a set of words or sentences that form the basis of the statement of something, in this case the statement of taklik talak.

2. Taklik Talak: talak that the husband hangs on his wife is pronounced after the marriage contract takes place.

F. Structure of Discussion

For writing in this study to be directed and comprehensive, the systematic discussion is organized into five chapters.

CHAPTER I is an Introduction. In this chapter the researcher will generally describe the content and purpose of the research. The content of this chapter consists of the background, problem formulation, research objectives, research benefits, and systematic discussion.

CHAPTER II is a Literature Review. This chapter describes the previous research on the theory which is then referred to as the theoretical framework underlying the research and as a reference in analyzing, which consists of the definition of talaq taklik, the implementation of talaq taklik in general, talaq taklik in Indonesia, both its implementation and sight provisions.

CHAPTER III is a research method. In this chapter the researcher will explain the research method used in this study. Among them, the type of research, who the subject is and what the object of the research is, the type of data required, and how the data is collected.

CHAPTER IV is Discussion. In the data exposure section, the researcher will explain about the research subject and its object, the results of the interview with the subjects, the case description and then continue

the analysis of the data obtained with existing theories until getting the results of this thesis that talking about Analysis Of Sighat Taklik Talak Pronunciation Based On Decree of the Minister of Religion of the Republic of Indonesia Number 7 of 2014 and Its Legal Consequences In Religious Affairs Office Panjang District, Bandar Lampung City.

CHAPTER V is the Closing. This chapter contains conclusions and suggestions that are the final set of research. Conclusion is a short description that answers the question or formulation of the problem in chapter one. In addition, this chapter also displays suggestions on data analysis and display. Also, it contains the expectations of the researcher to all parties competent in this research so that the research can provide maximum contribution.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

1. Research by title “Violation of Sighat Taklik Talak in a Legal Marriage Bond (Study of Karangasem Religious Court Decision Number 11 / Pdt.G / 2017 / PA.Kras)” written by Siti Nurlatifa in Jember University Thesis Year 2018 using qualitative research method has the conclusion that the judgment of the jury granted the lawsuit number 11 / Pdt.G / 2017 / PA.Kras is based on the evidence made by the plaintiff with evidence in the form of Quoting the Marriage Act Kua.18.2.3 / PW.01 / 26/2017 which explains that they are a legal husband and wife, among the plaintiff and the plaintiff have been separated from the residence for at least 10 months and the plaintiff separated the plaintiff never provided maintenance for a year for that matter then the plaintiff has violated the divorce taklik found in number 2 in the divorce takat sighat in the marriage book, as well as supported by the testimony of witnesses brought by the plaintiff.³
The research above uses a qualitative approach and uses the type of field research. The research explains the violations specified in a decision of the Religious Court which has the consequence that data collection is focused on the judges who are in the religious court. In

³ Siti Nurlatifa, *Pelanggaran Sighat Taklik Talak dalam Suatu Ikatan Perkawinan Yang Sah (Studi Putusan Pengadilan Agama Karangasem Nomor 11/Pdt.G/2017/PA.Kras)*, Thesis, (Jember: Jember University, 2018)

this case, this is clearly different from the research that will be made, although it has similarities in the discussion regarding the violation of *sighat taklik talak*. The research that will be made has a distinctive characteristic, namely that it discusses *sighat taklik talak* which is listed in the marriage book based on the Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014.

2. Research by title “Factors Causing Taklik Talak Violation in Sidamulya Village, Bongas Subdistrict, Indramayu Regency According to a review by Maslahah” in the Thesis of Islamic University of Indonesia in 2018 written by Mughni Labib Ilhamuddin Is Ashidiqie, has concluded that the factors that cause *taklik talaq* violations are economic factors as supporting In the beginning there was a rift in the relationship, a factor of low-indicated religiosity could lead to arbitrariness or violation of divorce, as well as conflicts that occur between husband and wife.⁴

The thesis written by Mughni above uses a qualitative approach and uses the type of field research. The study issued a difference in that the researcher focused on the background or factors of the occurrence of *taklik talak* violations in a place in terms of the *mashlahah*, although in it there is a similarity that there is a discussion about the violation of *taklik talak*. Subsequent studies characterize the difference in that

⁴Mughni Labib Ilhamuddin, *Faktor Penyebab Terjadinya Pelanggaran Taklik Talak di Desa Sidamulya, Kecamatan Bongas, Kabupaten Indramayu Menurut tinjauan Maslahah*, e-thesis, (Yogyakarta: Islamic University of Indonesia, 2018)

the study will discuss more deeply about the sighat taklik talak contained in the marriage book and its legal consequences.

3. Research by title “The Chief’s Consideration on the Reading of Sighat Taklik Talak at the Office of Religious Affairs of Depok Sleman District” in the Thesis of Islamic University of Indonesia Yogyakarta in 2019, written by Muhammad Adri using qualitative methods has concluded that sighat taklik talak has been made with the aim of protecting women's rights (wife) from the arbitrary actions of the man (husband). Then from that, in the case of the chief’s consideration of the reading of sighat taklik talak in Religious Affairs Depok District Sleman, the chief gave the opinion that in his speech is expected to be hardened or leveled which allows witnesses to hear the speech. As for when spoken aloud or not even read, then based on the consideration of the chief that the material sighat taklik talak less humanist is heard because it has offended about divorce, and can reduce the service of the marriage ceremony.⁵

The research above uses a qualitative approach and the type of field research, so in this case the researcher looks for the data by using interviews aimed at the leader at the Office of Religious Affairs, Depok Sleman District. This is the difference between Labib's research and this new research, which at the same time discusses the practice of pronouncing taklik talak in an area in Indonesia. This new

⁵ Muhammad Adri, *Pertimbangan Penghulu Terhadap Pembacaan Sighat Taklik Talak Di Kantor Urusan Agama Kecamatan Depok Sleman*, e-thesis, (Yogyakarta: Islamic University of Indonesia, 2019)

research adds to its discussion of the legal consequences of pronouncing *sighat taklik talak* based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014.

4. Research by title “*Taklik talak practice in Beram Village, Praya Tengah Lombok Tengah Subdistrict (Review of Compilation of Islamic Law and Fiqh Madzhab Syafi'i)*” written by Basarudin in the thesis of Mataram Islamic Religious High School in 2004, conducted with qualitative research has concluded that the practice of *taklik talak* in Beram Village Praya Tengah District Lombok Tengah is done by doing it at any time, in the sense that it is done in the range after the declaration of the contract and before the divorce. as for the factors in practicing *taklik talak* in the village are economic factors, behavioral factors, environmental factors and factors of lack of harmony in the household. Then the last one is about implementation. The implementation of *taklik talak* performed in this village is not in accordance with Compilation of Islamic Law, because the *taklik talak* that is thrown into a promise is not pledged when the marriage contract is completed, and is not signed by both parties.⁶

In the above research, the researcher used a qualitative approach with the type of field research. As for what makes the difference in his research is the practice of *taklik talak* in Beram Village, Praya Tengah District, Central Lombok which is not implemented after the

⁶Basarudin, *Praktek Taklik Talak Di Desa Beram Kecamatan Praya Tengah Lombok Tengah (Tinjauan KHI dan Fiqih Madzhab Syafi'i)*, e-Thesis, (Mataram: STAIN Mataram, 2004)

completion of the marriage contract, even though there are similarities in research regarding practice in an area. In this new study, not only discuss the practice, but also discuss the legal consequences of tartarak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 as well.

5. Research by title “Divorce and Its Legal Consequences in the Compilation of Islamic Law Perspectives Feminist Theory” written by Nur Azizah Hutagalung and Edi Gunawan in the Journal of Islamic Law Thought, Vol. 15, No. 1, 2019 conducted using qualitative research methods has the conclusion that the violation committed by the husband by committing domestic violence both psychically and physically and proved to be intentional to do so is a violation of taklik talak, thus arising as a result of the law that the wife can file khuluk (lawsuit divorce) to the Religious Court. Then processed in the religious court with the matter of divorce and when proven then the wife can divorce. Furthermore, based on KHI, divorce on the basis of violation of the divorce taklik husband does not provide legal certainty about the rights of the wife, it is in a review of feminist theory perspective found that KHI in regulating taklik talaq is not equal in terms of gender equality and not yet able to cover women's rights as a victim of breach of agreement. So that KHI rules about sighat taklik

talak and its legal consequences need to be reviewed and more gender-equitable reforms are made.⁷

The above research uses field research with a qualitative approach. This research distinguishes it from the new research, namely the Discussion of taklik talak and its legal consequences in the Compilation of Islamic Law from the point of view of feminist theory. The equation, discussing taklik divorce and its legal consequences. Then it is distinguished by a new study using discuss the practice of uttering sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 in KUA and its legal consequences.

No	Title	Difference	Similarity	Originality
1	Violation sighat Taklik Talak in a Marriage Legal (Study of Religion Karangasem Court Number 11 / Pdt.G / 2017 / PA.Kras)	Discussing the court ruling on infringement sighat taklik talak	Discussing taklik talak infringement in a marriage legal	Discuss the sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014
2.	Factors Causing the Violation of Taklik Talak in Sidamulya Village,	Discuss the factors causing the violation of taklik talak in Sidamulya Village,	Discuss the violation of taklik talak	focus discuss in detail the sighat taklik talak by Decree of the Minister of

⁷ Nur Azizah Hutagalung dan Edi Gunawan, *Taklik Talak dan Akibat Hukumnya dalam Kompilasi Hukum Islam Perspektif Teori Feminis*, e-Journal Pemikiran Hukum Islam, Vol. 15, No. 1, (Gorontalo: Al-Mizan, 2019), 183-202. <https://journal.iaingorontalo.ac.id/index.php/am/article/view/976>.

	Bongas District, Indramayu Regency According to Masalahah review	Indramayu Regency		Religion of the Republic of Indonesia Number 75 of 2014
3	Judgments against Reading Penghulu sighat taklik divorce Office of Religious Affairs in Depok Sleman district	leaders to discuss the consideration Reading sighat taklik talak in Depok	discusses estab recitation of sighat taklik talak in Religous Affairs Office	Examination of the practice of pronouncing sigah taklik talak in Religous Affairs Office Panjang District Bandar Lampung City
4	Practice in Desa Beram Kecamatan Praya Tengah Lombok Tengah (Review of KHI and Fiqih Madzhab Syafi'i)	Discussion of taklik talak practice not in the same area and reviewed from KHI Fiqih Madzhab Syafi'i	Discuss the practice of taklik talak in an area practice of taklik talak	Not only discuss the practic, but also discuss the legal consequences of sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 as well.
5.	Taklik talak and its legal consequences in the Compilation of Islamic Law Perspective Feminist Theory	Discussion of taklik talak and its legal consequences in the Compilation of Islamic Law from the point of view of feminist theory	Discussing taklik talak and its legal consequences	Discuss the practice of uttering sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 in Religous Affairs Office

				and its legal consequences
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B. Theoretical

1. Taklik Talak

a. Definition of Taklik Talak

Taklik talak consists of two words, namely taklik and talak. The word taklik is from the word '*allaqa yu'alliqu ta'liqan* which means to hang. in the legal dictionary there are two discussions, namely taklek and talik. The two discussions each have a meaning, namely the *first*, Taklek is a divorce because the conditions that have been uttered by the man when married, have been met. Then, *secondly*, talik has the meaning that the promise made by the groom that if things happen as mentioned, and his wife reports it, to the Religious Judge, then the first talaq will fall.⁸

Then the word talaq comes from the Arabic word *tallaqa yutalliqu talliqan* which means to divorce, divorce, or the word to be "parting". Than the meaning from the linguistic side of the talaq taklik is a suspended talaq which means to achieve the talaq it is necessary to achieve something that has been suspended by the husband.⁹

⁸ Subrata, Kubung, *Kamus Hukum Internasional dan Indonesia*, (Surabaya: Permata Press, 2018), 411.

⁹ Khoiruddin Nasution, *Menjamin Hak Perempuan dengan Taklik talak dan Perjanjian Perkawinan*, , 333.

Judging from the meaning of talaq above in language, then taklik talak is an agreement uttered by the husband after the marriage contract included in the marriage deed in the form of talaq which is suspended to a certain situation that may occur in the future.

b. Types of Taklik Talak

Taklik talak consists of two kinds, namely the addendum to the pledge (*taklik Qosami*) and conditional attachment. Taklik with oath is taklik which is meant as a promise because it contains the meaning of doing work or leaving an act or reinforcing a news, for example the husband said to his wife "If you leave the house, you are divorced". But the meaning of the matter is that the husband forbids the wife to leave the house, not meant to divorce. As for the conditional taklik talak is the taklik intended to drop the talaq when the conditions have been met, for example when the husband says "If you free me to pay the rest of your maharm, you are divorced."¹⁰

Amru Abdul mun'im divide talaq oath and hang it with in to three parts. Taklik talaq is included in the talaq oath, in the talaq oath it is divided into several parts, namely as follows.

First, the oath of talaq which is meant to drop the actual talaq, this is like a man's words to his wife such as "*Anti thaliq* (you

¹⁰ Zaeni Ashadi, etc, *Hukum Keluarga Menurut Hukum Positif di Indonesia*, (Depok: Rajawali Pers, 2020), 171-172.

are divorced)" or "*Anti muthallaqah* (you are divorced)", or with other words that indicate the occurrence of talaq . In this case, no difference of opinion was found among scholars regarding the validity of the divorce.

Second, the oath of thalaqdan suspends it with conditions. The oath is taken for the purpose of prohibiting a work or to order it with an order. This is like a husband's words as follows "you are divorced if you go to the place of the so -and -so" or "if the so -and -so enters, then my wife is divorced." Regarding the law of the fall of the matter, there are two opinions, namely the opinion of the majority of scholars on the matter is the fall of the divorce with the fulfillment of the conditions that are sworn. then another opinion of some of them is that if the word talaq has been said, then the taklik talaq falls, whether the conditions are met or not, it is something that is ddianut by some Salaf scholars.

From the above, that Ibn Taymiyyah and Ibn Qayyim gave the opinion that if what is desired from the utterance of sighat taklik talaq is to do something and do not like the fall of talaq, or just to force something, then it includes an oath. Further on this matter, according to Ibn Qoyyim that it is a playful act or a playful oath and is not subject to any law for the perpetrator. This opinion is in line with the opinion of Thawus bin Kisan rahimahullah. Ha is the opinion of Abu Muhammad, the brother of Shaykh Ibn Taymiyyah.

Apart from the above opinion, according to Ibn Taymiyyah, this is subject to the punishment of *expiation* (paying a fine).

Third, suspend the divorce on conditions. It has the meaning that divorce can occur if the conditions that have been made as a condition of the fall of divorce. It is as follows, namely "you are divorced when this year has passed" and so on. According to some scholars, this or divorce can fall, there is no different opinion on this matter except Abu Muhammad ibn Jazm, Thawus ibn Kisan, and some followers of the Shafi'i school.

The opinion of the first group on the above is that there is no difference of opinion among the scholars on this matter, that is, the talaq still falls with the fulfillment of the conditions of the fall of the talaq. Furthermore, in the second group argues that Imam Bukhari commented in the book of *Ash-Shohih* with *sighat jazm* (firm sentence) narrated from Nafi ', he said: a man divorces his wife forever if he leaves the house, then Ibn Umar said as follows "If the woman leaves the house, then she divorces forever; and if it does not come out, then nothing is subject to the law. "

Based on this, Ibn Taymiyyah and his disciples or Ibn Qayyim have the opinion that what is meant by the oath here is the

pronouncement of divorce, not to forbid or direct to do an act and not to impose. However, in its implementation it shows otherwise.¹¹

c. Terms of Taklik Talak

The conditions of taklik need to be considered before being made and pronounced shortly after the marriage contract , that is, the content is not contrary to Islamic law, using straightforward language, but should not be in a state of uncertainty or assumption, such as "if the sun rises from the west, my divorce will fall.". So attention to substance and purpose must be carefully considered.¹²

According to Muhammad Yusuf Musa taklik talak pronounced by the husband can bring the consequences of the fall of the talaq of the husband to the wife which when fulfilled the following conditions:

1. That what is being interpreted is something that does not exist when the taklik is spoken but is likely to happen in the future.
2. By the time the taklik talaq is pronounced, the object of the taklik or wife has become the legitimate wife of the taklik speaker.

¹¹ Amru Abdul Mun'im Salim, *Fikih Thalok Berdasarkan Al-Qur'an dan Sunnah*, (Jakarta: Pustaka Azzam, 2005), 111-113.

¹² Zaeni Ashadi, etc,, 172.

At the time of the taklik talak pronounced by the husband, the wife is in the assembly.¹³

d. The Implementation of the Taklik Talak Statement in General

Taklik talak is a promise that can result in talak, so its implementation is implemented when men and women have performed the marriage contract or have become husband and wife. Because divorce can only be done when in marriage. in principle, the statement in taklik talak is a pledge from the husband and only binds to the husband and wife themselves.¹⁴

The books of jurisprudence are generally stated that taklik talak is a tool for the husband to give warnings and lessons to his *nusyuz* wife, as the husband stated to his wife who often had intercourse with youth A. example: “If you still meet youth A, when you meet Therefore, I once fell divorce you.”¹⁵

¹³ Aulia Muthiah, *Hukum Islam Dinamika Seputar Keluarga*, (Yogyakarta: Pustaka Baru Press, 2016), 101.

¹⁴ Muhammad Syaifuddin, etc, *Hukum Perceraian*, (Jakarta: Sinar Grafika, 2019), 141.

¹⁵ Zaeni Ashadi, etc, *Hukum Keluarga Menurut Hukum Positif di Indonesia*,, 171.

2. Taklik Talak in the applicable Rules and Fatwas in Indonesia

a. Implementation of Taklik Talak in the applicable Regulations and Fatwas in Indonesia

1) Compilation of Islamic Law

a) Article 1 letter e

“Taklik-talak is an agreement pronounced by the prospective bridegroom after the marriage contract that is included in the marriage deed in the form of a talak promise that is suspended to a certain situation that may occur in the future.”

b) Article 8

“The dissolution of a marriage other than a divorce of died can only be proved by a divorce letter in the form of a decision of the Religious Court either in the form of a divorce decision, divorce pledge, khuluk, or divorce taklik decision.”

c) Article 45

“Both prospective brides can enter into a marriage agreement in the form of::

1) Taklik Talak

2) Another agreement that is not against Islamic law.”

d) Article 46

(1) The content of taklik talaq should not be contrary to Islamic law.

(2) When the conditions required in the talaq taklik actually occur later, the talaq does not automatically fall. In order for the divorce to really fall, the wife must take the matter to the Religious Court.

(3) The talaq taklik agreement is not one that must be held at every marriage, but once the talaq taklik has been promised it cannot be revoked.”

e) Article 51

“Violation of the marriage agreement gives the wife the right to request the annulment of the marriage or to submit it. As the reason for the divorce lawsuit to the Religious Court.”

f) Article 116 letter g

“Husband violates taklik talak”.

2) Information (*Maklumat*) of the Ministry of Religion Number 3 of 1953

“The Ministry of Religion recommends to the district office that the marriage ceremony be recited.”

3) Regulation of the Minister of Religion of the Republic of Indonesia Number 2 Concerning the Obligations of Marriage Registrar Employees.

a) Article 11 Paragraph (1)

A prospective husband and wife may enter into an agreement as long as it does not conflict with Islamic law and applicable laws and regulations.

b) Article 11 Paragraph (3)

An agreement in the form of taklik talak is considered valid if the agreement is pronounced and signed by the husband after the marriage contract is performed.

c) Article 11 Paragraph (4)

Sighat taklik talak is applied by the Minister of Religion-existence of

d) Article 11 Paragraph (5)

Regarding the existence or nonan agreement as referred to in paragraph (1) and paragraph (3) shall be recorded in the marriage examination list.

e) Article 24

(1) If at the time of the examination of the marriage of the prospective husband and wife have agreed to the existence of taklik talak as referred to in Article 11 paragraph (3), then the husband reads and signs the taklik talak after the marriage contract is held.

(2) If at the time of the marriage contract, the husband delegates qobul to another person, then the taklik talak is read and signed by the husband at another time in front

of the the marriage registrar employee or the assistant of marriage registrar employee where the marriage contract is performed or in the region of his residence.

(3) If in the marriage examination there has been approval of the taklik talak but after the marriage contract the husband does not want to read and sign, then this is immediately notified to the wife.

(4) The wife has the right to submit to the Court for approval on the taklik talak is complied with by the husband

4) Decision of Indonesian Ulema Council on 23 Robiul Akhir 1417 H/7 September 1996

“Sighat taklik talak is no longer required.

The reasons for the decision are as follows:

a. That the material sighat taklik talak has basically been fulfilled and listed in Law Number 1 of 1974 on Marriage and Law Number 7 of 1989 on Religious Justice.

b. According to the Compilation of Islamic Law (Compilation of Islamic Law), the talaq taklik agreement is not a must in every marriage (Compilation of Islamic Law Article 46 paragraph 3).

c. That the context of saying *sighat taklik talak* according to its history is to protect the rights of women, where at that time *taklik talaj* there is no regulation of marriage laws, then saying *sighatnya* is no longer needed. ”

b. Formulation of *Sighat Taklik Talak* in the Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014.

"After the marriage contract, I bin solemnly promise, that I will fulfill my obligations as a husband, and I will *pergauli* my wife named binti well (*mu'asyarah bil-makruf*) according to the teachings of Islamic law.

Next I say *sighat taklik* on my wife as follows:

At my time:

- 1) left my wife for two years in a row.
- 2) Or I did not give him obligatory alimony for three months,
- 3) Or I hurt my wife's body,
- 4) Or I let (disregard) my wife for six months.

Then my wife did not like it and complained to the Religious Court or the officer who was given the right to handle the complaint, and the complaint was allowed and accepted by the court or the officer, and my wife pay Rp. 10.000, - (ten thousand rupiah) as *iwadh* (substitute) to me, then my *talak* one fell to her.

CHAPTER III

RESEARCH METHOD

Research methods are ways of doing things by using the mind carefully to achieve a goal by recording, formulating, and analyzing until compiling a report.¹⁶ In this case, the research method is formulated as the possibilities of a type used in research and evaluation..¹⁷ Research methods can also be understood as a method used in collecting research data and comparing it with predetermined size standards. In this case the researcher uses several research tools including:

A. Type of Research

When viewed from its purpose, this study is included in the empirical juridical research, which is a study that aims to gather information about a symptom that exists at the time of the study. This research was conducted to obtain data on the practice of uttering *sighat taklik talak* based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 and its legal consequences in Religious Affairs Office Panjang District, Bandar Lampung City.

B. Research Approach

The research approach used is a qualitative approach. This approach is intended to understand the problem and display the

¹⁶ Cholid Narbuko dan Abu Achmadi, *Metodologi Penelitian*, (Jakarta: Bumi Aksara, 2003), 1.

¹⁷ Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: Universitas Indonesia Press, 2012), 5.

data in the form of a description. The definition of a qualitative approach is an approach performed with various procedures to obtain data in the form of words both orally and in writing from observable people and behaviors.¹⁸

C. Collecting Data Technique

Technique used by researchers in collecting data for this research is to conduct interviews. An interview is a process of obtaining information for research purposes by questioning between the interviewer and the respondent or the person he or she is interviewing.¹⁹ Researchers used a semi-structured interview form by continuing to use the questions that had been prepared beforehand, and improvising questions if needed to get as much information as possible. Interview material is defined as the problems that are asked of respondents, ranging from problems or research objectives.²⁰

D. Research Location

This research location is located in Panjang District, Bandar Lampung City. This place was chosen because the subdistrict obtained the information from the Head of Religious Affairs Office Panjang District that the district is a district that still uses

¹⁸ Lexy J Moleong, *Metode Penelitian Kualitatif*, (Bandung: Remaja Rosda Karya, 2005), 3.

¹⁹ Burhan Bungin, *Metodologi Penelitian Sosial dan Ekonomi: Format-format Kuantitatif dan Kualitatif untuk Studi Sosiologi, Kebijakan, Publik, Komunikasi, Manajemen, dan Pemasaran*, (Jakarta: Kencana, 2013), 133.

²⁰ Burhan Bungin, *Metodologi Penelitian Sosial dan Ekonomi...*, 134.

the divorce taklik contained in the marriage book based on the Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014.

E. Data Sources

In general, the data used in empirical research are classified into two, namely primary data and secondary data. The data sources used in this study are:

a. Primary Data

Primary data is data obtained directly from the source, whether through interviews, observations, questionnaires, or reports in the form of documents that are then processed by researchers.²¹ Primary data from this study were obtained from the interview results and documentation results.

For interviewing, the researcher will interviewing was did do with informan from Religous Affairs Office Panjang for knowing the information of sighat taklik talak statement in Religous Affairs Office Panjang District, that is the Head Of Religous Affairs Office Panjang District with the name “H. Purnawirawan S.Ag”. then the researcher will interview with informans from Religous Affairs Office Panjang District, the

²¹ Amiruddin, *Pengantar Penelitian Hukum*, (Jakarta: Raja Grafindo Persada, 2006), 30.

Religious Courts Class 1 A of Tanjungkarang, and Syariah Faculty of State Islamic University Maulana Malik Ibrahim Malang for knowing the data about legal consequences of the sighat taklik talak implementation in Religious Affairs Office Panjang District, Bandar Lampung City. They are:

No	Name	Position
1.	H. Purnawirawan, S.Ag	The Head Of Religious Affairs Office Panjang District
2	Drs. H. Sanusi, M.Sy	The Judge of Religious Courts Class 1 A of Tanjungkarang
3	Drs. HKM Junaidi, S.H. M.H	The Judge of Religious Courts Class 1 A of Tanjungkarang

b. Secondary Data

Secondary data is data that supports the description or completeness of primary data. Secondary data in this study in the form of books or *Kitab*, as well as laws in Indonesia, etc. related to taklik talak.

F. Data Processing Techniques

To manage the entire data obtained, it is necessary to have data management and analysis procedures that are appropriate to the approach used. The data processing technique used in this study is a qualitative descriptive analysis that has the following stages:

b. Data Checking

Data checking is a re-examination of data finder records to determine if the records are good enough and can be prepared immediately for the purpose of the next process. other data, so that researchers get an overview of the problems being studied..

c. Classification

Classification is classifying the data that has been obtained to make it easier to read the data according to the needs required. This stage aims to organize and systematize the data obtained so as to facilitate discussion.

d. Verification

Verification is the stage by which a researcher obtains data and information from a field, where that data and information are required to answer research

questions. This step is done so that the validity of the data can be recognized by the reader.

e. Analysis of Data

Analysis is the stage for processing raw data derived from data sources to be re-displayed with words that are easy to understand. In this stage, the data is in the form of the practice of uttering sighat taklik talak whose sighat is based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 and its legal consequences in Religious Affairs Office Panjang.

f. Conclusion

Conclusion is the stage where the researcher takes some points to draw answers to the questions in the formulation of problems in the form of conclusions about research practice of uttering sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 and its legal consequences in Religious Affairs Office Panjang District Bandar Lampung City.

CHAPTER IV

DISCUSSION OF RESEARCH FINDINGS

A. Conditions of Research Object Data

1. Geographical Location of Religion Affairs Office Panjang District, Bandar Lampung City

Office of Religious Affairs, Panjang District, Bandar Lampung City, is located at JL. Yos Sudarso No. 61 Kelurahan Panjang Selatan, Panjang District, Bandar Lampung City. The office has an area of 2,326 hectares, with the border region

- a. In the north, Teluk Betung Selatan
- b. South side is bordered by District Katibung South Lampung
- c. The east borders the district of Tanjung Karang East
- d. West side is bordered by the Bay of Lampung

Broadly speaking, as an illustration that the District Long is at an altitude from sea level 2 M, with a minimum or maximum temperature reaching 30°C, with a population of 65,735 people as of December 31, 2016.

2. Geographical Location of Tanjung Karang Class IA Religious Court in Bandar Lampung City Tanjung Karang

Religious Court which is located at Jalan Untung Suropati No 2, Kp Baru, Kedaton District, Bandar Lampung, Lampung. The Bandarlampung Religious High Court was formed based on the Law of the Republic of Indonesia Number 20 of 1992 dated 31 August 1992

concerning the Establishment of the Yogyakarta High Religious Court, the Jambi High Religious Court, and the Bandar Lampung High Court.

The jurisdiction of the Tanjungkarang Religious Court covers the area of Bandar Lampung City with an area of 169.21 KM² which is divided into 20 Districts and 126 Kelurahan. As well as with a population of 1,167,101 people, this is based on data from 2014.

Then regarding the division of administrative areas, Bandar Lampung City consists of 20 Districts and 126 Sub-District with the following details.

No	Name District	City District	Number of Sub-district
1	Rajabasa	Rajabasa	7
2	Teluk Betung Timur	Karang City	6
3	Labuhan	Ratu Labuhan Ratu	6
4	Enggal	Enggal	6
5	Bumi Sane	Sukaraja	5
6	Peaceful	Peace	7
7	Langkapura	LangkapuraPieces	5
8	Way Halim	Way Halim	6
9	Sukabumi	Sukabumi	7
10	Tanjung Seneng	Way Kandis	5
11	Kedaton	Kedaton	7

12	PiecesKemiling	Kemiling	7
13	Tanjung Karang Barat	Water Building	7
14	Tanjungkarang Pusat	Palapa	7
15	Teluk Betung Utara	Kupang City	6
16	East rock promontory	Kotabaru	5
17	Length	length	8
18	Gulf South Betung	Talbot	6
19	Telok Betong West	Hyacinths	5
20	Sukarame	Way Halim Permai	6

3. Identity head of KUA Panjang District of Bandar Lampung

Name : H. Purna Irawan, S.Ag
NIP : 19730718 199703 1 002
Objective : Administrator
Rank /Level : I / III d
Position : Head / VAT
Name of Wife : Hj. Rismayanti, S.Ag
Child : Algi Lutfi Irawan
Aidil Pasya Irawan
No Tel / Hp : 08536766279

Address : St. Pajajaran No. 89A Jagabaya II Way Halim
Bandar Lampung

**4. Identity of Religious Court Judge Class IA Tanjung Karang City
Bandar Lampung**

1. Name : Drs. H. Sanusi, M.Sy.
- NIP : 19580806.198703.1.001
- TTL : Serang Regency, August 6, 1958
- Rank / Gol. Room : Associate Uatam Advisor (IV / d)
- Position : Junior Principal Judge at the Religious Court of
the TJK
- Work History : - TMT staff. 1988
- TMT First Registrar. 1992
- TMT First Level Judge. 1994
- TMT First Level Judge. 1996
- Deputy Chairman of the TMT Court. 2003
- Chairman of the TMT Court. 2005
- Deputy Chairman of the TMT Court. 2010
- Chairman of the TMT Court. 2012
- TMT First Level Judge. 2015
- TMT First Level Judge. 2018
- TMT staff. 1988
- Education History : - SDN 6, 1970
- Junior High School 1974

- Senior High School 1978
- Srata I / IAIN Sunan Gunung Jati Year 1985
- Strata II / IAIN Raden Intan Lampung Year 2010

Award History : - Karya Satya XX 2009

- Karya Satya XXX 2020

2. Name : Drs. HKM Junaidi, SH, MH

NIP : 19590801.198703.1.004

TTL : Lubuk Linggau, 1 August 1959

Rank / Gol. Room : Intermediate Main Advisor (IV / d)

Position : Junior Principal Judge at the Religious Court of
the TJK

Work History : - Staff of the Solok TMT Religious Court. 1992

- TMT First Level Judge. 1995

- TMT First Level Judge. 2000

- TMT First Level Judge. 2005

- TMT First Level Judge. 2010

- TMT First Level Judge. 2015

Education history : - Elementary school graduated 1975

- Junior High School / Madrasah Tsanawiah
Negeri graduated in 1981

- Madrasah Aliyah Negeri 3 graduated in 1982

- Strata I / IAIN Syarif Hidayatullah graduated
1989

Award History : - Satya Lencana Karya Satya 2018

B. The Implementation of Pronouncing *sighat Taklik* divorces in the marriage Book Based on the Applicable marriage Rules and Practices in Religious Affairs Office Panjang District, Bandar Lampung City

Taklik talak one agreement in marriage, in this case the agreement in the form of lynchings occurrence of divorce, so as to achieve a divorce is then it is necessary to implement the terms stated in the agreement. This is explained in Article 1 letter e of the Islamic Law Compilation, it is explained that Taklik-talak is an agreement that is pronounced by the prospective groom after the marriage contract which is stated in the marriage certificate in the form of a promise of divorce that depends on certain circumstances that may occur in the future."

Taklik talaq is included in the talaq oath, in the talaq oath it is divided into several parts, namely as follows.

First, the oath of talaq which is meant to drop the actual talaq, this is like a man's words to his wife such as "*Anti thaliq* (you are divorced)" or "*Anti muthallaqah* (you are divorced)", or with other words that indicate the occurrence of talaq . In this case, no difference of opinion was found among scholars regarding the validity of the divorce.

Second, the oath of thalaq dan suspends it with conditions. The oath is taken for the purpose of prohibiting a work or to order it with an order. This is like

a husband's words as follows "you are divorced if you go to the place of the so - and -so" or "if the so -and -so enters, then my wife is divorced." Regarding the law of the fall of the matter, there are two opinions, namely the opinion of the majority of scholars on the matter is the fall of the divorce with the fulfillment of the conditions that are sworn. then another opinion of some of them is that if the word talaq has been said, then the taklik talaq falls, whether the conditions are met or not, it is something that is ddianut by some Salaf scholars.

From the above, that Ibn Taymiyyah and Ibn Qayyim gave the opinion that if what is desired from the utterance of sighat taklik talaq is to do something and do not like the fall of talaq, or just to force something, then it includes an oath. Further on this matter, according to Ibn Qoyyim that it is a playful act or a playful oath and is not subject to any law for the perpetrator. This opinion is in line with the opinion of Thawus bin Kisan rahimahullah. Ha is the opinion of Abu Muhammad, the brother of Shaykh Ibn Taymiyyah. Apart from the above opinion, according to Ibn Taymiyyah, this is subject to the punishment of *expiation* (paying a fine).

Third, suspend the divorce on conditions. It has the meaning that divorce can occur if the conditions that have been made as a condition of the fall of divorce. It is as follows, namely "you are divorced when this year has passed" and so on. According to some scholars, this or divorce can fall, there is no different opinion on this matter except Abu Muhammad ibn Jazm, Thawus ibn Kisan, and some followers of the Shafi'i school.

The opinion of the first group on the above is that there is no difference of opinion among the scholars on this matter, that is, the talaq still falls with the fulfillment of the conditions of the fall of the talaq. Furthermore, in the second group argues that Imam Bukhari commented in the book of *Ash-Shohih* with *sighat jazm* (firm sentence) on the hadith narrated from Nafi ', he said: a man divorces his wife forever if he leaves the house, then Ibn Umar said as follows "If the woman leaves the house, then she divorces forever; and if it does not come out, then nothing is subject to the law. "

Based on this, Ibn Taymiyyah and his disciples or Ibn Qayyim have the opinion that what is meant by the oath here is the pronouncement of divorce, not to forbid or direct to do an act and not to impose. However, in its implementation it shows otherwise.²²

From the three types above, *sighat taklik talak* in the marriage book based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 falls into the last category with the first opinion that the *sighat* is a *sighat* uttered by the husband to the wife. a divorce suspended with certain conditions. As for one of the conditions is that I do not physically hurt my wife. Further to the above, that why it is included in the first reason, because it is true will lead to the fall of divorce if there is a violation or the condition has been met.

Sighat taklik talak in marriage with straight forward *sighat*. Therefore, the *taklik* conditions need to be considered before they are made and pronounced when the marriage contract is finished, namely that the contents do not contradict

²² Amru Abdul Mun'im Salim, *Fikih Thalak Berdasarkan Al-Qur'an dan Sunnah*, ...,111-113

Islamic law, use straightforward language, but may not be in a state of being unreal or supposing, such as "if the sun rises from the west, my divorce fell. ". So that attention to substance and purpose must be considered carefully.²³ Of course, this is inseparable from a problem or something that is identical with marriage. The marriage is closely related to the religious affairs office, one of which is the Panjang District Office of Religious Affairs.

The Panjang District Office of Religious Affairs does not require or even eliminate the activity of taklik talak in its territory, such as the decision of the Indonesian Ulama Council on 23 Robiul Akhir 1417 H / 7 September 1996 which decreed that sighat taklik talak in the marriage book was based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 is no longer needed. The substance or reasons for the MUI decision are as follows.

1. Whereas the material of sighat taklik talak has basically been fulfilled and is contained in Law Number 1 of 1974 concerning Marriage and Law Number 7 of 1989 concerning Religious Courts.
2. According to the Islamic Law Compilation (KHI), the taklik talak agreement is not a necessity in every marriage (KHI Article 46 paragraph 3).
3. Whereas the historical context of saying sighat taklik talak was to protect women's rights, where at that time there were no marriage laws and regulations, so saying the sighat was no longer necessary. "

²³ Zaeni Ashadi, etc, *Hukum Keluarga Menurut Hukum Positif di Indonesia*,, 172.

The Panjang District Religious Affairs Office, in this case the head of the office, namely H. Purnawirawan S.Ag, explained that the recitation of sighat taklik talak is still recommended. This can be seen from his explanation "yes recommended"²⁴. This suggestion is a confirmation that it still exists or is still being used in the District Office of Religious Affairs. The sighat used in the Head of Religious Affairs Office in Panjang District is the sighat determined by the Minister of Religion. This can be seen from his opinion which is as follows.

"It's impossible, because the sighat taklik talak has been standardized by the Ministry of Religion. If they want to make a sighat taklik again, it is no longer an agreement."²⁵

The above statement can explain that the sighat taklik talak has been standardized by stipulating it by the Ministry of Religion of the Republic of Indonesia. The use of sighat taklik talak implemented by the Minister of Religion is based on the Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014. The sighat is written in the marriage book or it can be referred to as a marriage certificate quote. The sighat is as follows.

"After the marriage contract, I bin solemnly promise, that I will fulfill my obligations as a husband, and I will pergauli my wife named binti well (*mu'asyarah bil-makruf*) according to the teachings of Islamic law.

Next I say sighat taklik on my wife as follows:

At my time:

- 1) left my wife for two years in a row.
- 2) Or I did not give him obligatory alimony for three months,
- 3) I hurt my wife's body,

²⁴ Purna Irawan, *interview*, (Bandar Lampung, 18 February 2021)

²⁵ Purna Irawan, ..., (Bandar Lampung, 18 February 2021)

4) Or I let (disregard) my wife for six months.

Then my wife did not like it and complained to the Religious Court or the officer who was given the right to handle the complaint, and the complaint was allowed and accepted by the court or the officer, and my wife pay Rp. 10.000, - (ten thousand rupiah) as iwadh (substitute) to me, then my talak one fell to her. "

Furthermore, when viewed from the explanation of the Head of KUA in Panjang District, it can be seen that the use of sighat taklik talak according to the above is only based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 by the consequence that sighat taklik talak is outside of the provisions of the Ministry of Religion. not used within the territory of Religious Affairs Office of Panjang Distric.

Then, if a husband and wife want to make sighat taklik talak outside of the provisions stipulated by the Ministry of Religion of the Republic of Indonesia, then this is not considered sighat taklik talak anymore, but rather an agreement. The agreement is an agreement between husband and wife. So this has the consequence that the agreement cannot be made in the Panjang District Religious Affairs Office, because in terms of agreements it is not the authority of the religious affairs office.

In the implementation of sighat taklik talak, Mr. Purna explained that "When they both agree, especially the wife asks the husband to follow it, in his view it applies, so we recommend that we do not oblige."²⁶ It can be seen that based on the Regulation of the Minister of Religion Number 2 of 1990 in the jurisdiction of the Panjang District Office of Religious Affairs, the implementation of the sighat taklik is carried out on the basis of a voluntary

²⁶ Purna Irawan, ..., (Bandar Lampung, 18 February 2021)

principle. However, in practice the average person agrees to read the sighat taklik talak. This can be seen from the explanation given by the head of the Religious Affairs Office in the region as follows.

"Yes, but on average they agree, agree to read, only technically reading and reading when is that something (different), yes, yes."²⁷

Furthermore, in the explanation above, Mr. Purna explained about the technicalities of reading it. Regarding the technicality of reading it and the reading time is slightly different. Then he explained the technical matters of reading and the time to read the sighat taklik talak in the marriage book, namely as follows.

"We suggest we ask, read sir, want to read it here or both of you, if the time is not possible, we usually offer to read it but because the time is no longer available now, it's tight please just read it together, aa now, to prove it for testimony. just sign the item first."²⁸

Looking at the explanation above, we can see that there are two technical readings and reading times, namely as follows.

First, read and understand sighat taklik talak at the time of the completion of the marriage contract at the place where the marriage contract is carried out with the leader.

Second, the groom reads and understands the sighat taklik talak not with the leader.

However, according to him, in the signing of the evidence, the sighat taklik talak was read in the marriage certificate and marriage book or it can also be referred to as the excerpt of the marriage certificate, both those who read and understand the post-contract marriage with the penghulu or not, both sign it at the

²⁷ Purna Irawan, ..., (Bandar Lampung, 18 February 2021)

²⁸ Purna Irawan, ..., (Bandar Lampung, 18 February 2021)

completion of the marriage contract. in that sense, evidence of the reading of taklik talak has been written, even though the implementation was carried out after the signing. As instructed by him that "To prove it for the testimony of the child, just sign it first."²⁹

The reading and understanding of the sighat taklik talak that is in the marriage book at the time of the marriage ceremony procession which is accompanied by the presence of the leader is not so much as the executor of the reading and understanding of the taklik talak in the absence of the leader. The reading and understanding of taklik talak not with the penghulu got a percentage of 70%, while the reading and understanding with the taklik talak got a percentage of 30%. The following is his brief explanation of the percentage.

"If it can be said here that 70 30 yes, 70% of what they read by themselves, 30% they read at the time of the marriage ceremony procession." ³⁰

Reading and understanding of sighat taklik talak is based on Regulation of the Minister of Religion Number 2 of 1990 both in front of or not in front of him. the headman has his own reasons. According to the Head of Religious Affairs Office, this is as follows.

"Because in order for them to understand that, it turns out that in the sighat taklik rules, there are things that must be understood from both the husband and wife, because so far the only question is the fine, the iwadh only, the iwadh amount alone, but there are rules like this, leaving your wife for two years then not providing a living, hurting your body, letting go for six months eee it's important to understand until of course there are new rules that emphasize or have more competence than the current rules.

²⁹ Purna Irawan, ..., (Bandar Lampung, 18 February 2021)

³⁰ Purna Irawan, ..., (Bandar Lampung, 18 February 2021)

This is because it is the average person who gets married is a new experience for them. Yes, those who are experienced are still the problem, what else is inexperienced. That's why we recommend, recommended, but not required. Um, because sometimes someone asks for something like that, but there are those who don't, but our advice is to read it, the problem of reading can be that during the marriage ceremony procession it can be outside the procession of the marriage contract. "³¹

As for the reasons for reading and understanding sighat taklik talak based on the Regulation of the Minister of Religion Number 2 of 1990 which was carried out in the absence of the leader and the presence of the leader, classified from the explanations given by the Head of the Office of Religious Affairs in Panjang District above, are as follows.

1. The reason for the reading and understanding of sighat taklik talak based on Regulation of the Minister of Religion Number 2 of 1990 after the marriage contract was held in front of the ruler of
 - a. The time of Penghulu who was still free to remain at the place where the marriage contract took place.
2. The reasons for the reading and understanding of sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 after the marriage contract was carried out in front of the ruler of
 - a. The time of Penghulu who did not have much to stay in the place where the marriage contract took place.

³¹ Purna Irawan, ..., (Bandar Lampung, 18 February 2021)

- b. So that the bride and groom can understand and digest more deeply or maximally about everything that is contained in the sighat taklik talak.

As for the purpose of the sighat taklik talak implementation based on the Regulation of the Minister of Religion Number 2 of 1990 concerning the Obligations of Marriage Registrar Employees are as follows.

Based on surah An-Nisa verse 128, which is as follows.

وَإِنْ امْرَأَةٌ خَافَتْ مِنْ بَعْلِهَا نُشُوزًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا

بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا

فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا

"And if a woman is worried about nusyuz or indifference from her husband, then it is okay for both of them to establish real peace, and peace is better (for them) even though humans are according to a stingy nature. and if you get along with your wife well and take care of yourself (from nusyuz and indifference), then Allah is omniscient about what you are doing. "

According to Sudarsono, based on Surah An-Nisa verse 128 above, the agreement using sighat taklik talak carried out after the marriage contract is no more appropriate than what is said when there is nusyuz treatment both from the husband and wife. In the surah, according to Sudarsono, an example taken by a husband is such as not wanting to give his wife's rights, not wanting to have sex,

and being harsh on his wife. Then the example taken by the wife is that the wife walks in her non-mukhrim without the husband's permission, leaves the house without the husband's permission, and so on.

However, if a husband is found in the future, then the solution is as confirmed in Surah An-Nisa verse 128, namely that the wife is given the right to procure an agreement with her husband for the benefit of the relationship. The contents depend on mutual agreement, such as a husband promising not to repeat certain actions.

Then, if the opposite is true, the wife who is found Nusyuz, Sudarsono explains that the solution is confirmed in Surah An-Nisa verse 34, which is as follows.

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ

أَمْوَالِهِمْ ۗ فَالصَّالِحَاتُ قَنِينَاتٌ حَافِظَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۗ وَالَّتِي تَخَافُونَ

نُشُوزَهُنَّ فَعِظُوهُنَّ ۖ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاصْرَبُوهُنَّ ۗ فَإِنِ اطَّعْنَكُمْ فَلَا

تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا

"Men are the leaders of women, because Allah has exaggerated some of them (men) over others (women), and because they (men) have spent part of their wealth. Therefore, a godly woman who is obedient to God takes care of herself when her husband is not there, because God has taken care of (them). women whom you are worried about nusyuznya, So advise

them and separate them in their beds, and beat them. then if they obey you, then do not find a way to trouble them. Allah is Most High, Most Great."

Based on the above verse, that verse is the main basis for making important steps in completing nusyuz from the wife's side. namely as follows. *First*, the husband gives advice not to violate his obligations as a wife. *Second*, if it doesn't work, separate the beds. *Third*, if it doesn't work, then hit it within reasonable limits. *Fourth*, if in the three cases, namely being given advice until being beaten does not work either, then the procurement of taklik talak, namely making an agreement in which if there is a violation of this, then the divorce will fall.³²

Furthermore, in jurisprudence books in general, taklik talak is stated as a tool for the husband to give warnings and lessons to his nusyuz wife, such as a husband declaring to his wife who often has an intimate relationship with youth A. "you met that, my divorce fell once over you."³³

In this case, the implementation of sighat taklik talak as discussed above is of course different in purpose from the implementation carried out in the area of the Panjang District Office of Religious Affairs. The explanations above show that the taklik talak agreement is not the first step in implementing prevention, but rather correcting it. Meanwhile, according to Mr. Purna are as follows.

"Yes, because if we look at the iwadh, it is not commensurate, but what we appreciate is that the country already has such good intentions to be able to provide protection to the wives and also to maintain family harmony that the two parties should not be arbitrary. That is the case, especially from the male side, then there are the rights and obligations of both of them,

³² Muhammad Syaifuddin, etc, *Hukum Perceraian*, ...142-144.

³³ Zaeni Ashadi, etc, *Hukum Keluarga Menurut Hukum Positif di Indonesia*,, 171.

although in fact the rules in this sighat taklik, are also unable to contain all the rules of what the husband and wife should do. "

Looking at the explanation from the head of the KUA in Panjang District above, the head of the KUA the opinion that the implementation of taklik talak carried out in his area is an attempt by the government to anticipate unwanted events during marriage. So that this is a protection given to the wife. Protection for both body and spirit of the wife. Even though it has not covered all the rules relating to the obligations of husband and wife. Sighat which is applied based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 About .

C. The Legal Consequences of Pronouncing Sighat Taklik Talak Based On Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014

Taklik talak consists of two words, namely taklik and talak. word from the word Taklik “*Allaqa yu'alliqu ta'liqan*” which means to hang.³⁴ But in the legal dictionary there are two discussions, namely taklek and talik. The two discussions each have a meaning, namely the *first*, Taklek is a divorce because the conditions that have been uttered by the man when married, have been met. Then, *secondly*, talik has the meaning that the promise made by the groom that if things happen as

³⁴ Khoiruddin Nasution, *Menjamin Hak Perempuan dengan Taklik talak dan Perjanjian Perkawinan*, , 333.

mentioned, and his wife reports it, to the Religious Judge, then the first talaq will fall.³⁵

Then the word talak comes from Arabic, namely *tallaqa yutalliqu ta'liqan* which means mentalak, divorce, or the word becomes "separation". But, taklik talak in book of vocabulary book So that the meaning from the language side of taklik talak is hanging talak, which means that to achieve the divorce, it is also necessary to achieve something that has been hung by the husband.³⁶

In Article 1 letter e of the Islamic Law Compilation, it provides an explanation that taklik-talak is an agreement that is pronounced by the prospective groom after the marriage contract which is stated in the marriage certificate in the form of a promise of divorce that is suspended in certain circumstances that may occur in the future. So that when in the future the conditions for the divorce that were hung are fulfilled, the divorce will fall. So that taklik divorce is one of the reasons for the break up of a marriage. This is as explained in Article 8 of the Compilation that the break of a marriage other than a divorce by death can only be proven by a divorce certificate in the form of a decision from the Religious Court in the form of a divorce decision, a divorce vow, khuluk, or a divorce judgment. "

In the jurisdiction of the Panjang District Office of Religious Affairs, the use of sighat taklik talak only uses the sighat that has been implemented by the Ministry of Religion based on the Regulation of the Minister of Religion Number

³⁵ Subrata, Kubung, *Kamus Hukum Internasional dan Indonesia*, (Surabaya: Permata Press, 2018), 411.

³⁶ Khoiruddin Nasution, *Menjamin Hak Perempuan dengan Taklik talak dan Perjanjian Perkawinan*, , 333.

2 of 1990 concerning the obligation to register a marriage. So it was ditetapkan di dalam Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014. The sighat is as follows.

"After the marriage contract, I bin solemnly promise, that I will fulfill my obligations as a husband, and I will my wife named binti well (*mu'asyarah bil-makruf*) according to the teachings of Islamic law.

Next I say sighat taklik on my wife as follows:

At my time:

- 1) left my wife for two years in a row.
- 2) Or I did not give him obligatory alimony for three months,
- 3) I hurt my wife's body,
- 4) Or I let (disregard) my wife for six months.

Then my wife did not like it and complained to the Religious Court or the officer who was given the right to handle the complaint, and the complaint was allowed and accepted by the court or the officer, and my wife pay Rp. 10.000, - (ten thousand rupiah) as iwadh (substitute) to me, then my talak one fell to her.

In the opening phrase before the sentence which states taklik divorce, it is as follows.

"After the marriage contract, I bin solemnly promise, that I will fulfill my obligations as a husband, and I will have sexual my wife named binti well (*mu'asyarah bil-makruf*) according to the teachings of Islamic law. "

The opening sentence above, is an explanation of the divorce taklik which will be hung, the explanation of who will be the divorce taklik. This is because as a determinant of the wife who is divorced. This is due to the need for certainty regarding the married wife. Because in Article 24 Paragraph 3 it is explained that "If during the marriage contract the husband represents the qobul to another person, the divorce taklik is read and signed by the husband at another time in

advance of the a marriage registrar or the a marriage registrar Assistant where the marriage contract is made or the one who is in the territory of his residence. " So if in this case it is not explained by mentioning the name of a wife, it is feared that the identity of the wife is unclear, especially for those who are polygamous.

Next sighat taklik talak:

Next I say sighat taklik on my wife as follows:

At my time:

- 1) left my wife for two years in a row.
- 2) Or I did not give him obligatory alimony for three months,
- 3) I hurt my wife's body,
- 4) Or I let (disregard) my wife for six months.

Then my wife did not like it and complained to the Religious Court or the officer who was given the right to handle the complaint, and the complaint was allowed and accepted by the court or the officer, and my wife pay Rp. 10.000, - (ten thousand rupiah) as iwadh (substitute) to me, then my talak one fell to her.

Looking at the above sighat, it can be viewed from four parts. The four parts are not cumulative, but can be worn individually. This is as explained by Mr. HKM Junaidi as the judge's resource person, namely as follows.

"So in principle it is not cumulative, so one of the 4 things is if the wife is not happy and complains about the case in a religious court, the complaint can be accepted, then it will fall into divorce, right? Then he paid iwadh, why is it because his wife was redeemed?"³⁷

³⁷ HKM Junaidi, *interview*, (Bandar Lampung, 5 March 2021)

The 4 parts of the *sighat taklik talak* which are applied based on the Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 are as follows.

1. left my wife for two years in a row.

Leaving his wife for two consecutive years is a violation committed after the recitation of *sighat taklik-talak* based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014. In this case Mr. Sanusi, hereinafter referred to as Judge 1, as a judge at the Tanjungkarang Religious Court who was the resource person the interview explained the two consecutive years, namely as follows.

"Yes, for two consecutive years, he has a record under him as long as his wife does not mind, for example, he was in Saudi Arabia for two years, I would like to, if for example, her husband could actually report two years in a row, but his wife did not complain because of what, because it was sent every month. then even though his name is taken far away by his name, so in fact his name leaves the wife's *eee* as long as his wife doesn't complain, but if for example she complains even though she sends, complaining can happen, because of what? Because the husband is okay with the husband leaving his wife for six consecutive months not giving ... letting go. "³⁸

Then from that, Mr. HKM Junaidi, hereinafter referred to as Judge 2, also explained as follows.

"Two years in a row, there was no confirmation for two years, so that's a minimum, not a maximum, so yes, the language is like this for two years, so there is no information at all. In fact, it includes the reasons for divorce in letter b, if in 116 Compilation of Islamic

³⁸ Sanusi, *interview*, (Bandar Lampung, 28 January 2021)

Law or article 19, it is not included in the sighat taklik divorce, it does not matter.”³⁹

The explanation above can be understood that "leaving your wife for two years in a row" means leaving without there is a pause. Leaving for two consecutive years is the minimum limit for leaving one's wife for two consecutive years. So that when the husband leaves within one year more than eleven months, this is not yet the reason for divorce based on taklik talak, taklik talak which is contained in the marriage book.

Furthermore, from the above explanation, Mr. Sanusi confirmed that it is as follows.

"Leaving there is that he does not communicate and his wife has objections, but if for example leaving, communication and the wife do not object, it does not happen, because below that, if the wife complains about her husband's treatment to the court, then the court accepts the complaint, then divorce falls. one."⁴⁰

The explanation above explains that as long as the husband left his wife for two years there was no communication at all.

Furthermore, from the above, if the husband leaves his wife for two years. Then in the last two months, the wife was not happy or for that matter there was no communication at all. Even though leaving him has reached the conditions, the wife's willingness is the determinant. So when the wife is not willing in the last two months for 2 consecutive years, then

³⁹ HKM Junaidi, *interview*, (Bandar Lampung, 5 March 2021)

⁴⁰ Sanusi, *interview*, (Bandar Lampung, 28 January 2021)

the conditions for the fall of the divorce law are not fulfilled. This is based on the explanation explained by Mr. Sanusi, which is as follows.

"Yes, the important thing is when the husband is called, it is not possible for the husband not to be called, asked for information for up to two years, but my permission from my wife and my wife allowed me, then now my wife is not willing, since the beginning, my wife said yes, then. Honestly, it's not possible to go to Saudi Arabia if my wife doesn't allow me, I see, it's just a matter of proof, what the husband denies is the same as what the wife and wife have to prove, the husband also has to prove, if I send it every month sir, here I prove this, there are witnesses and witnesses."⁴¹

In this case it is clear, that the conditions for the fall of taklik divorce by leaving the wife for two consecutive years also need to confirm the willingness of the wife to the husband by looking at the explanation of the husband about the wife's willingness.

The explanation above is emphasized by the explanation from Mr. HKM Junaidi, which is as follows.

"So if for example 5 months come and then go again, you say in a row, right? There is no interval, there is no gap, right?"⁴²

So with this it can be seen that the departure for two consecutive years is twenty-four months without interruption.

Then from that, one of the ways that can be taken from Mr. Junaidi's explanation regarding the anticipation of uncertainty regarding

⁴¹ Sanusi, ..., (Bandar Lampung, 28 January 2021)

⁴² HKM Junaidi, *interview*, (Bandar Lampung, 5 March 2021)

the husband's departure, either regarding the time of his departure or the reason for his leaving, is as follows.

"If it is agreed that there is evidence of agreement, that is why in a marriage there is a promise in that marriage."

This is in line with the marriage promise described in Article 11 Paragraph (1) that "A husband and wife candidate can enter into an agreement as long as it does not conflict with Islamic law and the prevailing laws and regulations." and Article 11 Paragraph (2) explains that "The agreement as referred to in Paragraph (1) is made in 4 copies in paper according to the applicable regulations, the first sheet is for the husband, the second sheet is for the wife, the third sheet is for a marriage registrar and the fourth sheet is for the court.

2. Or I did not give him obligatory alimony for three months.

Not giving a living for three months is one part of *sighat taklik talak*. The meaning of not giving a living for three months is the same as three months in a row. The meaning of "during" is "successive". Even though the use of diction in the *sighat* is slightly different from the cause of the occurrence of *taklik divorce* at the first point or in the point that I left my wife for two consecutive years. This is based on the explanation explained by Mr. Sanusi.

"Consecutively, it means that three months for three months he did not provide a living. But if it's only been a month, not yet, not two months. "⁴³

Furthermore, Mr. HKM Junaidi is of the opinion regarding *sighat taklik talak* on this second point, namely as follows.

"Yes, the language is not called consecutively, but the meaning is that, right, three months in a row, two months have not yet reached three months, so the three months don't give at all, it means consecutively right, even though it is not mentioned. "⁴⁴

From the explanation above, it can be seen that even though it is not mentioned with successive diction, it has meaning in succession. This has the consequence that these three months are the minimum requirement for the fall of the hanging divorce. As continued by Mr. Sanusi that "So what is meant by the minimum standard"⁴⁵ in this case Mr. HKM Junaidi also emphasized that "At least 3 months, minimum."⁴⁶. As for the examples given by Mr. Sanusi are as follows.

⁴³ Sanusi, *interview*, (Bandar Lampung, 28 January 2021)

⁴⁴ HKM Junaidi, *interview*, (Bandar Lampung, 5 March 2021)

⁴⁵ Sanusi, *interview*, (Bandar Lampung, 28 January 2021)

⁴⁶ HKM Junaidi, ..., (Bandar Lampung, 5 March 2021)

"3 months, he did not give it at all from November until now November December January, just three months, he just gave it to him, especially his children."⁴⁷

Because of the above, this explains that when there is an incident the husband who do not provide a living for three months without succession during the marriage, then this is not the cause of the fall of taklik divorce. The examples are as follows.

"If Fulan married Fulanah one year. In that one year, so and so did not provide a living in June, July and September to the fulanah or his wife. So these three months cannot make the taklik divorce fall, because they are not consecutive. The incident in the three months has lapsed with the provision of a living in August. "

Furthermore, regarding this second sighat point, Mr. Sanusi is of the opinion that not giving a living for three consecutive months is a fabrication from the Ministry of Religion. Although in fiqh it may be two months or one month long. However, it is feared that it will become short or in the sense of being short. The explanation is as follows.

"Because of that 3 months was actually engineered by the Ministry of Religion, at least 3 months, if it's only been a month, don't do it, even though in the law of fiqh it is permissible, if you do not provide me with compulsory living for a month, for example in taklik divorce it is permissible. this is once considered vague "⁴⁸

⁴⁷ Sanusi, *interview*, (Bandar Lampung, 28 January 2021)

⁴⁸ Sanusi,, (Bandar Lampung, 28 January 2021)

3. Or I hurt my wife's body,

To be able to get taklik divorce because the condition of this third point is fulfilled is to commit an act of hurt to the wife who has reached its quality. This is as explained by Judge 1, namely as follows.

"The panel of judges must first see what the quality of the acts of Jarimah ol committed by men, if it is just a pinch and then complained, it is not just a pinch, and the panel of judges will certainly not accept it for granted."⁴⁹

The following is as follows.

"Yes, although it is proven to be pinch, the pinch does not meet the quality."⁵⁰

The quality measures given by Judge one above are as follows.

"Yes, a measure of quality, for example bruises, turning blue. When it comes to ordinary punches, I also usually pinch ordinary people, yes, it's an irrational and reasonable time, and public opinion states that it is not in the category of hurting the body. Then he just shakes it."⁵¹

The measure of the quality of the fall of taklik talak is by doing the third point of sighat taklik talak which is based on the Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 by

⁴⁹ Sanusi,, (Bandar Lampung, 28 January 2021)

⁵⁰ Sanusi,, (Bandar Lampung, 28 January 2021)

⁵¹ Sanusi,, (Bandar Lampung, 28 January 2021)

the husband against the wife as explained by judge 1, namely hurting the body until it causes bruises and turns blue on the wife's body. The size given by Judge 2 is as follows.

"So it hurts the body, now the size is fissure, and testimony. So if until the blow it injures, it looks blue, swollen even though it doesn't reach the post mortem, but the size of the post mortem, yes post mortem, the punches are dangerous, but if at first you joke about all kinds of things right, ee suddenly goes too far, outrageous, punches like that, So there is magic who saw the beating or there were no witnesses, the evidence of the marks of the beating was a post mortem, there were bruises until it bled, right? Which resulted in physical damage right?⁵²

The measure of hurting the wife's body according to judge 2 as explained above is to hurt the body, which is injurious and dangerous in nature so that it can result in turning blue in the body area and the presence of swelling. Then from that, these measurements can be proven by the presence of proof of post mortem and / or witnesses. As for example, there is no proof of post mortem, it can be proven only by the presence of witnesses. This can be seen from the explanation of Judge 2, namely that "Yes, there is a witness that can."⁵³

Furthermore, the explanation from Judge 2 is as follows.

"Putting in may not hurt that standard. At least the judge can judge, yes, the extent to which it hurts his body, pinching if it's not dangerous is that right. If pinching can be dangerous, pinching the left neck, for example, has been proven until it kills him right. Look for another reason, you can't enter that reason."⁵⁴

⁵² Sanusi,, (Bandar Lampung, 28 January 2021)

⁵³ HKM Junaidi, *interview*, (Bandar Lampung, 5 March 2021)

⁵⁴ HKM Junaidi,, (Bandar Lampung, 5 March 2021)

Even though you hurt your body just by pinching, this can make it fulfilled the requirement of not having a divorce at this third point. The size of the pinching is pinching which can endanger the wife. This is exemplified as a husband pinching the left neck, causing the wife to get loud.

As for the occurrence of violence against the wife on the grounds of educating her. educate by force or by spanking. This is as narrated by Muqatil regarding the reasons for the revelation of Surah An-Nisa Verse 34. That Sa'ad bin Rabi', he is a person who belongs to the tribe, was treated by his wife, Habibah bint Zayd bin Abu Zuhayr. Then, he slapped her. So Mr. Habibah went with him to the Prophet Muhammad SAW. He said, "I put my daughter (Habibah) to sleep with him (Sa'ad), then he slapped her". Prophet Muhammad SAW said: "Let her *recite* her husband". So Habibah and her father went to *recite* her husband. Then the Prophet Muhammad SAW said, "Come back, here Jibril comes to me". Allah revealed this verse, then Prophet Muhammad SAW read it. Prophet Muhammad SAW said, "I want a case and Allah wants a matter, whereas what Allah wants is better".

In the case above, according to Muhammad Thalib's observations, some Muslims who follow western thinking are against the existence of the Shari'a on beating wives which applies nusyuz. However, they did not reject this because the wife did nusyuz and was arrogant. This means that in this situation the wife has really trampled on the husband's self-esteem

or dignity. The wife does this *nusyuz* continuously based on her inability to be advised anymore, even not caring about her husband's abandonment of her. They also beat the wife when the wife is really too much. This was also done by scholars, wise men, government elites, and their kings. Therefore, hitting is a very important teaching, especially in matters of religion. This is done not needing to wait for the behavior to rest badly. Thus, how can it not be done, while the decline in moral level has been rampant and the environment has been damaged, while the husband has no other way than to hit, then the wife cannot leave her act *nusyuz*, except only by taking a beating.⁵⁵ Regarding this matter by the two judges.

Between judge 1 and judge 2 who were the sources in this study, there were two different opinions regarding the beatings committed by the husband based on the education of the wife. Judge one argued as follows.

"Coming home late at night as a wife should not be allowed to do that, in the end it is slapped by her husband, the important thing is not to smack your face, hold your hands or feet or not, as a punishment for a husband to a disobedient wife, his name is *nusyuz*."⁵⁶

The above is argued by the first judge, namely as follows.

"I hit him with a sling because the judge came home at 10 in the evening, I don't know where he was, he shouldn't be a wife like that, it makes sense, hitting was not because I hit him, but I was the responsibility of my husband. if a wife does not obey her husband, she may be beaten. "

⁵⁵ Muhammad Syaifuddin, etc, *Hukum Perceraian*,, 144-145.

⁵⁶ Sanusi, *interview*, (Bandar Lampung, 28 January 2021)

"Well, because it is a consequence, after being examined the husband turned out to be conducting *littarbiyyah* education for his wife. So it's not what it's called, it's not a violation. Yes, it means that in the future he will be better right, oh yes, finally the wife also apologizes, sir. "

The husband by slapping it is also not wrong because it is the responsibility of the husband to his disobedient wife.

But because of the responsibility of the husband. ”⁵⁷

The explanation from Judge 2 was as follows.

"We are chasing *Litarbiyah*, of course there is something wrong with his wife, right? The *littarbiyah* should not be smacked, the meaning has a measurable prophetic language, hit your wife, but if sheour wife's face her pride disappears"

"*Littarbiyah* basically doesn't hurt her"⁵⁸

As for what judge 2 takes is as follows.

"His face was hit by *littarbiyah*, in front of other people, he could fight, he felt he was authoritative as a man, sir, on his face, *littarbiyah* was his husband's excuse."⁵⁹

Judging from the two explanations of the two judges above, it can be seen that the first judge wanted bodily harm by hitting to be permissible, because the wife did not obey the husband. However, according to him, the streak also had limitations, namely by not hitting in the face or face area. This is slightly different from the opinion of the second judge. The second judge wanted that the act of hurting the body on

⁵⁷ Sanusi, ..., (Bandar Lampung, 28 January 2021)

⁵⁸ HKM Junaidi, *interview*, (Bandar Lampung, 5 March 2021)

⁵⁹ HKM Junaidi, ..., (Bandar Lampung, 5 March 2021)

the grounds of educating the wife was allowed as long as it did not hurt the wife.

4. Or I let (disregard) my wife for six months.

Sighat taklik talak "Letting your wife go for 6 months" is similar to the second point of sighat taklik talak, which is not giving a living for three months. The two points have a meaning in succession, even though the word in the sentence is the word "duration". As explained by Mr. Sanusi, they are as follows.

“The six months are the same, so it doesn't mean he gets two months home, no, do that again, not so, the understanding of six months is in that six month period, if a month comes home it's not six months, yes not, don't arrive This counts for a month, won't do it again for a month, maybe that's not the case. It is not a law, so its general meaning does not fall into the category of public opinion.”⁶⁰

Agreeing from the explanation above, Mr. HKM Junaidi explained more as follows.

"Six months can do it right, six months it does not provide for everything, even though he is at home. Do not give, apologize, do not sleep with him, there is the language of *Wa 'Asyiruhunna Bil Ma'ruf*, hang out, one of which is a husband and wife relationship.”⁶¹

⁶⁰ Sanusi, *Interview*, (Bandar Lampung, 28 January 2021)

⁶¹ HKM Junaidi, *Interview*, (Bandar Lampung, 5 March 2021)

From the above explanation, it can be seen that the treatment of husbands towards wives by "leaving the wife for six months" is not only done by leaving the wife at home while the husband leaves or in the sense of leaving the wife, but leaving the wife at home while the husband is at home. can also be the cause of the fall of the divorce. Furthermore, Mr. Jundi added that as follows.

"Having a husband is not understanding, looking for food alone, going alone, there is him at home, who for two years did not know the news at all, now he's been at home for six months, ee the fifth month he started, not in six. last month, got into strife."⁶²

Even though the husband is at home, but does not give an understanding of wife, the wife is allowed to find her own food, the wife is left to travel alone for 6 months or more, then this can also fulfill the conditions for sighat taklik talak because these four. Then, even though the husband has ignored the wife and left the wife after five months, but in the last six months the husband has changed, so that thing cannot be the cause of the fall of the divorce act. So that leaving for six months is the minimum limit to be able to make the conditions for the fall of the taklik talak fall.

Then, from the four conditions that are not cumulative above, there is a determinant sentence to confirm the implementation of the four conditions that are not cumulative. The sentence is as follows.

⁶² HKM Junaidi, ..., (Bandar Lampung, 5 March 2021)

"Then my wife did not like it and complained to the Religious Court or the officer who was given the right to handle the complaint, and the complaint was allowed and accepted by the court or the officer, and my wife pay Rp. 10.000, - (ten thousand rupiah) as iwadh (substitute) to me, then my talak one fell to her. "

From the sentence in the sighat taklik talak above, it can be seen that in order to carry out or fall the divorce depends on the four conditions that are not cumulative, the wife is in a state of displeasure, then has to report it to the Religious Court. So that the religious court will consider whether the complaint can be justified or not. If it is justified by the religious court, in this case the judge continues with the payment of iwadh by the wife, then divorce will fall.

This is in accordance with the opinion of Muhammad Yusuf Musa regarding taklik divorce. Whereas taklik divorce that is uttered by husband can lead to consequences for the fall of husband's divorce to his wife if the following conditions are fulfilled:

1. That what is said is something that did not exist when the taklik was pronounced but it is possible to happen in the future.
2. When taklik talak is pronounced, the taklik object or wife has become the legal wife for the taklik speaker.
3. When the taklik talak is pronounced by the husband, the wife is in the assembly.⁶³

⁶³ Aulia Muthiah, *Hukum Islam Dinamika Seputar Keluarga,...* , 101.

Then, in measuring the pleasure of the wife, this is not only measured by the wife's departure to the religious court to sue the husband, but by listening to the husband's explanation. One example, as explained by Judge Mr. Sanusi, is as follows.

"So the point is that the wife did not complain about her lawsuit to the religious court. Now, it is not just a complaint against the religious court that the lawsuit was accepted by the religious court. If it only filed, it turned out that after being examined, this was a fabrication, it was already yes and already running, it turned out that she was attracted to another man. , for example, she had a relationship with another man and asked her to marry, finally her husband sued but as long as she was then her husband was called from Saudi Arabia, we heard, and it turned out that for example his wife was cheating on him, then the lawsuit had to be canceled, if only he e is based on taklik talak, because e what, the conditions for taklik talak are not fulfilled."⁶⁴

Seeing from the explanation of Mr. Sanusi above, it can be seen that the explanation regarding the pleasure of a wife who is located in the heart can be known in two ways, namely as follows.

First, to confirm his pleasure by interpreting his arrival at the Religious Court. The presence of the wife to the religious court explained that the wife left home to complain about the violation of taklik talak due to the wife's ignorance of the taklik divorce violation committed by the husband.

Second, confirm whether a wife is happy or not by listening to her husband's explanation of what happened. So that anything that was confirmed by his wife regarding the violation of the husband's taklik

⁶⁴ Sanusi, *interview*, (Bandar Lampung, 28 January 2021)

divorce, was not confirmed only by the fact that there was a violation of taklik divorce.

Then, Mr. HKM Junaidi also argued about his wife's disgrace that he said "In the implementation of two consecutive years, his departure was in the absence of his wife, even though the last two months in two years changed his pleasure to be displeasing, this was not included in the two consecutive years."⁶⁵ So that the wife in this case cannot be justified.

Then from that, if it is proven true that there is a violation of taklik talak, then this can be punished with talak khul'i. This is in accordance with the statement stated by Mr. HKM Junaidi "Because of khuluk, there is an iwadh of 10 thousand, it is talak khul'i."⁶⁶. This is despite the fact that in general the divorce that is hung has the result of the fall of the divorce of one raj'i, this is different, because in the hanging of the husband's divorce on himself it also includes conditions with an act that must be done by the wife so that the violation of taklik divorce is proven properly.

The opinion of Mr. HKM Junaidi above, in line with the decision explained by Satria Efendi in his book, that the violation of the non taklik talak sued in the Blora Religious Court was decided by the verdict of talaq *khul'I*. Then in the decision, the defendant was charged 'iwad to the Plaintiff with 'iwad Rp. 1000,-. The violation is not to provide maintenance for a year.⁶⁷ This is in line with the explanation in the Guidebook for the Implementation of Duties and

⁶⁵ HKM Junaidi, *Interview*, (Bandar Lampung, 5 March 2021)

⁶⁶ HKM Junaidi, ..., (Bandar Lampung, 5 March 2021)

⁶⁷ Satria Effendi M. Zein, *Problematika Hukum Keluarga Islam Kontemporer Analisis Yurisprudensi dan Pendekatan Ushuliyah*, (Jakarta: Prenada Media, 2004), 100.

Administration of Religious Courts book II in the technical section of the judiciary which in this case is in the section guided by proceedings at the Religious Court/Sharia Court section specific guidelines, namely “Amar for the divorce decision on the grounds of the violation of taklik talak, reads: “Defeating the divorce of one Khul'i Defendant (name.... bin....) against the Plaintiff (name.... binti....) with iwadh of Rp. (.....write in letters)”.⁶⁸ so that the divorce of one khul'i is a legal consequence of the violation of taklik talak which is the reason for divorce.

This is in accordance with the explanation explained by Abdul Ghofur regarding the elements as well as the rukun, which later became the characteristic of the khulu '. The explanation is as follows.

- a. Husbands divorce wives on ransom.

This explains that the husband who wants to pronounce or carry out the divorce is someone whose words have been calculated accordingly ', in other words, he is already baligh and is acting on his own will intentionally or not in a state of insanity or under the direction that he is not lawfully doing khulu '.

- b. the wife who asked for a divorce from her husband in ransom.

In this case, the wife is required to fulfill two conditions, namely as follows.

⁶⁸ Muhammad Iqbal, *Pedoman Pelaksanaan Tugas dan Administrasi Peradilan Agama Buku II, Edisi Revisi 2010*, (Jakarta: Direktorat Jendral Badan Peradilan Agama Mahkamah Agung RI, 2010), 178.

- 1) He is someone who is still in the territory of the husband, namely his wife or wife who has been divorced by her husband, but is still in *iddah raj'iy*.
 - 2) He is someone who can already act on treasure. This is because for the purposes of the khulu 'it is required to provide property. Then also, he was touched to meet the requirements that he was baligh, not crazy or sensible, not under interdiction, and was capable of acting on property. If these conditions cannot be fulfilled, then the guardian is allowed to do khulu 'on him and then still use his own property, except for the guardian who wants the khulu'. Khulu 'can be performed by a third party at the will of the third party with the consent of the wife who is called *khulu' ajnabi*. So that the iwadh payment is borne by the third party.
- c. Iwadh or ransom money.
- Iwadh is placed by the majority of ulama as a rukun that cannot be abandoned for the sake of the validity of the khulu '.
- d. Saying khulu 'or Sighat
- In terms of utterance of khulu', the scholars explain that the utterance of khulu 'consists of two kinds, namely using lafaz *sharih* or clear and clear and using lafaz *kinayah*, then it must also be accompanied by intention.
- e. The reason for the occurrence of khulu'

The main reason that is used as the reason for khulu' is that there is a concern that the wife cannot carry out her duties as a wife which causes her to not enforce the law of Allah SWT.⁶⁹

Seeing from the above elements, the khul'i talak that occurs because of taklik talak is also included in it. This is because it has been required in the sight in the form of complaints from the wife to the court and payment of iwadh. This has a consequence that when the evidence proves that it is true that the husband has committed an offense of taklik talak and is justified by the religious court, in this case the judge at the court, then the divorce is one khul'i divorce.

As for the meaning of khuluk itself in the dictionary of law is to redeem talaq, the way the wife obtains a divorce by paying a ransom to the husband.⁷⁰ So that in terms of meaning also divorce with the reason that the taklik talaq has been fulfilled, it is a talaq khul'i. Then the divorce is a divorce that imposes a divorce. It divorced with talak ba'in shughraa. This is as stipulated in the Compilation of Islamic Law in Article 119 paragraphs 1 and 2.

The meaning of Talak ba'in sugra in the Compilation of Islamic Law Article 119 paragraph 1 is divorce that cannot be referred to, but may be with a new marriage contract. although in the iddah period. So that when a divorce is based on a violation of immoral divorce and this is justified by the religious court which adjudicated the case, which then the former husband and wife want to reunite or legally become husband and wife again, then the marriage with a new contract must be carried out by both of them.

⁶⁹ Muhammad Syaifuddin, *Hukum Perceraian*, ..., 134-135.

⁷⁰ Subrata, Kubung, *Kamus Hukum Internasional dan Indonesia*, ..., 230.

CHAPTER V

CONCLUSION

A. Conclusion

After conducting research on the pronunciation of sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 and its legal consequences in the Office of Religious Affairs of Panjang District. It can be concluded as follows.

1. The implementation of Sighat taklik talak at the Panjang District Religious Affairs Office is still held. Then Sighat taklik talak used in the implementation in the religious affairs office only uses sighat taklik talak which is based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014. The implementation of sighat taklik talaq is implemented in two ways, namely the *first*, reading and understanding of taklik talak is done in front of the marriage registrar. Then, *secondly*, the reading and understanding of sighat taklik talak is done not in front of the marriage registrar. However, the signing as proof of the reading of the sighat taklik talak was done before the departure of the marriage registrar.
2. The legal consequences of pronouncing sighat taklik talak based on Decree of the Minister of Religion of the Republic of Indonesia Number 75 of 2014 on the Obligations of Marriage Registrar Employees are as follows.

- a. Husbands should not leave their wives without permission for at least two years without the slightest severance. Then in a period of two years between husband and wife did not cut off communication between the two during the leaving.
- b. The husband must not provide the wife with maintenance for at least three months. Three long months is three months in a row.
- c. Husbands should not hurt their wives until they reach that degree of hurtful quality. The quality of hurting is hurting the body by causing bruising and harmful scars. This is confirmed by the presence of a visa or witness. This is allowed by a single judge if it does not hurt in the sense of hitting the wife for the sake of education of the wife, except hitting the face.
- d. Husbands should not leave their wives for 6 months. Six months is equal to six months in a row.

When the above is violated by the husband, while the wife is not pleased and it is reported by the wife, then the taklik talaq falls with talaq khul'i. Ridho the wife can be known by two things *first*, the wife came to court to complain about the violation committed by the husband is a form of dislike of the wife to the actions of the husband. *Second*, an explanation from the husband about the actual incident.

B. Advice

1. For prospective husbands and prospective wives, the utterance of *sighat taklik talak* is one way to protect both from arbitrariness from either party. So that implementing it is also a form of discretion from the existence of a violation on one side.
2. For the chiefs in the ranks of the Office of Religious Affairs, implementing the utterance of *sighat taklik talak* in the marriage book in marriage is not something that can easily happen just like the fall of *taklik talak*, so its implementation is also an effort to avoid the arbitrariness of the husband against the wife .
3. For the judges, complicating the divorce is a priority in determining the divorce case, so that the stalling of the examination of the truth of the implementation of *sighat taklik talak* is an effort to complicate the occurrence of divorce.

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APPENDIXES

1. Photo with Mr. Purna Irawan as a Head of Religious Affairs Office of Panjang District



2. Photo with Mr. Sanusi as a Judge in Islamic Court of Tanjungkarang Bandar Lampung City



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