



The Legal Status and Juridical Authority of the Hakam in the Islamic Law: An Analysis of Syiqaq Cases in the Exegesis of Fakhruddin al-Razi

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Abstract

Household conflict (*syiqaq*) is a recurrent phenomenon with the potential to culminate in divorce, producing adverse consequences for spouses, children, and the broader social environment. Addressing *syiqaq* with fairness and wisdom is therefore an urgent necessity, particularly by recognizing the role of the *hakam* (mediator) as prescribed in Islamic teachings. This study examines the concept, legal status, qualifications, authority, and procedural role of the *hakam* as outlined in Fakhruddin al-Razi's exegesis (*Tafsir al-Razi*). Employing a textual and content analysis methodology within a thematic (*maudhu'i*) interpretative framework, the research analyzes relevant Qur'anic verses and al-Razi's commentary concerning *hakam* in the context of *syiqaq*. Al-Razi underscores the *hakam* as a just mediator, typically drawn from among pious individuals or members of the disputing families. Two primary perspectives on the *hakam's* authority are identified: (1) possessing full decisional authority, and (2) serving solely as a non-binding intermediary. The mediation process involves structured dialogue, mutual consultation, and efforts to arrive at an optimal resolution, whether through reconciliation or separation. The *hakam* model remains pertinent in contemporary settings, provided it is adapted in accordance with the principles of justice and equity. Collaboration between state institutions and community actors is essential to enhancing the effectiveness of mediation practices and mitigating the incidence of divorce. Accordingly, mediation via the *hakam* represents a balanced and equitable approach to resolving familial disputes, safeguarding the integrity of the family unit as a foundational element of society.

Keyword: Hakam, *Syiqaq*, Tafsir Mafatih al-ghabib, Islamic Law

Abstrak

Konflik dalam rumah tangga (syiqaq) merupakan fenomena yang berulang dan berpotensi berujung pada perceraian, yang dapat menimbulkan dampak negatif bagi pasangan, anak-anak, dan lingkungan sosial yang lebih luas. Oleh karena itu, penanganan syiqaq secara adil dan bijaksana menjadi kebutuhan mendesak, khususnya dengan mengakui peran hakam (mediator) sebagaimana diajarkan dalam Islam. Penelitian ini mengkaji konsep, status hukum, kualifikasi, kewenangan, dan prosedur peran hakam sebagaimana tercantum dalam tafsir Fakhruddin al-Razi (Tafsir al-Razi). Dengan menggunakan metode analisis tekstual dan isi dalam kerangka tafsir tematik (maudhu'i), penelitian ini menelaah ayat-ayat Al-Qur'an yang relevan serta penafsiran al-Razi terkait hakam dalam konteks syiqaq. Al-Razi menekankan bahwa hakam adalah mediator yang adil, umumnya dipilih dari kalangan orang saleh atau anggota keluarga dari pihak yang berselisih. Terdapat dua pandangan utama mengenai kewenangan hakam: (1) memiliki otoritas penuh untuk mengambil keputusan, dan (2) hanya bertindak sebagai perantara tanpa kekuatan mengikat. Proses mediasi melibatkan dialog yang terstruktur, musyawarah bersama, dan upaya untuk mencapai penyelesaian terbaik, baik melalui perdamaian maupun perpisahan. Model hakam tetap relevan dalam konteks kekinian selama diterapkan sesuai dengan prinsip keadilan dan kesetaraan. Kerja sama antara institusi negara dan aktor masyarakat menjadi penting untuk meningkatkan efektivitas praktik mediasi serta menekan angka perceraian. Dengan demikian, mediasi melalui hakam mencerminkan pendekatan yang seimbang dan adil dalam menyelesaikan konflik keluarga, serta menjaga keutuhan keluarga sebagai pilar utama masyarakat.

Kata Kunci: *Hakam, Syiqaq, Tafsir Mafatih al-Ghaib, Hukum Islam*

Introduction

The Islamic law stipulates specific requirements and essential pillars for the institution of marriage, as it is regarded as a divine command from Allah (SWT). Marriage is a sacred bond that unites two individuals, often from diverse social, cultural, and familial backgrounds.¹ Through this union, a man and a woman collaborate in fulfilling one of the primary objectives of marriage raising children within a shared framework of responsibility.² However, many couples experience

¹ Hasse Jubba et al., "Compromise of Islam and Customary Practices in the Religious Practices of the Muslim Community in Papua: A Study of Maqāsid Syarī'ah," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (2024), p. 305.

² Muhammad Juni Beddu et al., "Fresh Flour in The Perspective Of Religion, Social, and Culture in The Riau Islands Community," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (2024), p. 18.

sustained tension and conflict over the course of their marriage, which may ultimately result in divorce.³

Household conflict, referred to in Islamic legal terminology as *syiqaq*, is an inherent aspect of marital dynamics that cannot be entirely avoided. *Syiqaq* signifies more than mere incompatibility between spouses; it may also point to deeper underlying issues psychological, social, or economic in nature.⁴ In the context of the contemporary society, where life pressures are increasingly multifaceted, such conflicts frequently culminate in divorce.⁵ The consequences extend beyond the couple, adversely affecting children and the broader social environment. Consequently, the fair and prudent resolution of *syiqaq* constitutes an urgent societal and moral imperative.

Multiple factors contribute to *syiqaq* as a prevalent issue within the framework of the Islamic family law.⁶ In regions such as Situbondo, East Java, instances of *syiqaq* often arise from unmet marital rights and frequently bypass judicial mediation, resulting in a high incidence of divorce without prior reconciliation efforts.⁷ A similar pattern is observed in West Nusa Tenggara, where tension exists between customary practices, religious norms, and formal marriage regulations. This discord reflects broader challenges in aligning legal compliance, social ethics, and guarantees of legal certainty.⁸

Furthermore, violations of women's rights are widespread. For example, in Palembang, South Sumatra, early marriage contributes significantly to the denial of women's economic, human, and reproductive rights.⁹ In contrast, efforts to uphold women's and children's post-divorce rights are more structured in Aceh, where the

³ Tutik Hamidah, et.al., "The Dynamics of Urban Muslim Families Post-Divorce: The Contribution of Islamic Law in Building Resilience of Indonesian and Malaysian Families," *De Jure* 16, No. 2 (2024). Mursyid Djawas, et.al., "Creating Family Resilience in Indonesia: A Study of "Marriage Guidance" Program in Aceh and South Sumatera," *al-Ihkam: Jurnal Hukum dan Pranata Sosial* 17, No. 1 (2022).

⁴ Imam Fakhr al-Din Muhammad Al-Razi, *Tafsir Mafatih Al-Ghaib*, 4th ed. (Beirut: Dar al-Kutub al-Ilmiyah, 2013). Muslem Muslem and Siti Aminah Binti Abd Samat, "Mekanisme Majelis Tahkim Dalam Penyelesaian Sengketa Rumah Tangga (Analisis Enakmen Undang-Undang Keluarga Islam Nomor 2 Tahun 2003 Seksyen 48 Tentang Penambahan Kaedah-Kaedah Hakam Di Mahkamah Rendah Syariah Shah Alam, Selangor, Malaysia)," *Media Syari'ah* 20, no. 1 (2020).

⁵ Soraya Devy et al., "The Role of Witness as Evidence in Divorce Cases at the Banda Aceh Syar'iyah Court," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 2 (2021), p. 579.

⁶ Theresia Dyah Wirastri and Stijn Cornelis Van Huis, "The State of Indonesia's Marriage Law: 50 Years of Statutory and Judicial Reforms," *AHKAM: Jurnal Ilmu Syariah* 24, no. 2 (2024), p. 215–32.

⁷ Abd. Karim Faiz, et.al., "Between State Law and Islamic Law: The Practice of Divorce Outside the Situbondo Religious Courts, Indonesia," *JIL: Journal of Islamic Law* 3, no. 2 (2022), p. 176–92.

⁸ Jumarim, et.al., "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024), p. 27–52.

⁹ Qodariah Barkah, et. al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 2 (2022), p. 383–411.

Religious Courts (Sharia Courts) mandate provisions for ‘iddah and *muṭ‘ah* maintenance, distribution of joint property, and the awarding of child custody to the mother, alongside financial support and guardianship responsibilities from the family.¹⁰ These legal mechanisms illustrate the Religious Court's dual role in upholding both statutory and social justice.¹¹ However, it must also be acknowledged that household conflict is not unilaterally caused. In certain cases, conflict arises from the neglect of domestic responsibilities by wives, due either to career pursuits or, in more severe instances, extramarital affairs. Such dynamics further complicate the landscape of marital discord and demand nuanced legal and ethical consideration.¹²

The Islamic law, as a comprehensive and divinely ordained legal system, offers clear guidance for the resolution of domestic conflict, including through the institution of the *hakam*.¹³ The pivotal role of the *hakam* in mediating between disputing spouses is explicitly established in the Qur'an, particularly in Surah al-Nisa' (4:35). This verse not only serves as a foundational legal text but also outlines procedural guidance for appointing a *hakam* from each spouse's family. If both mediators are sincerely committed to reconciliation, the verse affirms that Allah will bestow guidance and blessings upon their efforts.¹⁴ The intended outcome of such mediation is either the restoration of the marital relationship or, if reconciliation proves unfeasible, a dignified separation.¹⁵ The verse thus highlights the importance of the *hakam* as a neutral and authoritative figure in the resolution of marital disputes.¹⁶

Fakhruddin al-Razi's *Maḥfātīḥ al-Ghayb*, also known as *Tafsir al-Kabir*, represents a seminal contribution to the Islamic exegetical tradition. Composed in the 12th century CE, this monumental work is distinguished by its multidisciplinary methodology, integrating theological, philosophical, logical, and empirical perspectives. Al-Razi's tafsir is particularly notable for its emphasis on dialectical reasoning and rational argumentation, positioning it as a response to the intellectual and theological challenges of his time. *Maḥfātīḥ al-Ghayb* significantly advanced the

¹⁰ Luthfi Auni and Nidawati Nidawati, "The Semiotic Meaning and Philosophy of Symbols in the Gayo Ethnic Marriage Processions in Central Aceh," *Jurnal Ilmiah Peuradeun* 11, no. 1 (2023), p. 39.

¹¹ Fajri M. Kasim, et.al., "The Protection of Women and Children Post-Divorce in Sharia Courts in Aceh: A Sociological Perspective," *Ahkam* 22, No. 1 (2022).

¹² Syaifuddin Zuhdi et al., "The Confiscation of Husbands' Wealth as A Collateral for Post-Divorce Child Support: Perspective of Maqāṣid Al-Sharī'ah," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024), p. 912.

¹³ Siti Aminah and Arif Sugitanata, "Genealogy and Reform of Islamic Family Law: Study of Islamic Marriage Law Products in Malaysia," *JIL: Journal of Islamic Law* 3, no. 1 (2022), p. 94–110.

¹⁴ Muhammad Ali Al-Shabuni, *Shafwa Al-Tafasir* (Beirut: Dar al-Fikr, 1991).

¹⁵ Al-Razi, *Tafsir Maḥfātīḥ Al-Ghaib*.

¹⁶ Kamarusdiana Kamarusdiana et al., "Pre-Marital Education: Concepts and Regulations in Indonesia and Malaysia," *Al-Ahkam* 32, no. 1 (2022), p. 43.

discipline of tafsir, especially through its attempt to harmonize divine revelation with human reason. Its enduring relevance lies in its model for integrating religious and rational inquiry, making it a foundational text in both classical and contemporary Islamic thought.¹⁷

Fakhruddin al-Razi, a distinguished theologian and philosopher aligned with the *Ahlusunnah wa al-Jama'ah* tradition, offers profound insights into the concept and legal status of the *hakam* in cases of *syiqaq* through his classical exegetical work. In his interpretation of Surah al-Nisa' verse 35, al-Razi not only engages with the explicit meaning of the Qur'anic text but also contextualizes it within its broader social and legal framework.¹⁸ His tafsir enables a nuanced understanding of the role of the *hakam* in marital mediation, elucidating both the qualifications necessary for fulfilling this role and the ethical standards required for impartial and equitable resolution.

This study aims to explore in depth the status and authority of the *hakam* in the context of *syiqaq*, drawing primarily on al-Razi's interpretation of Surah al-Nisa' verse 35. The core research questions address al-Razi's conception of the *hakam*, the qualifications and limitations of his authority, and the ideal procedures for mediation as derived from this exegetical perspective.¹⁹ The study also seeks to evaluate the relevance of al-Razi's conceptualization of *hakam* in addressing contemporary challenges within domestic conflict resolution.

To achieve these objectives, a qualitative research methodology is employed, utilizing a thematic (*mawdu'i*) interpretative approach,²⁰ Qur'anic verses and relevant passages from *Tafsir al-Razi* are analyzed through textual and content analysis, with particular attention to the historical, social, and legal contexts underlying the commentary. Comparative insights from other classical exegetes are also incorporated to enrich the analysis. The primary source is *Tafsir al-Razi*, with secondary sources drawn from scholarly literature on Islamic family law, tafsir studies, and legal theory.

In addition, a normative-Islamic legal approach is used to assess the jurisprudential implications of the *hakam's* authority in resolving *syiqaq*. This involves evaluating the role of *maqāṣid al-sharī'ah* (the higher objectives of Islamic

¹⁷ Husna Maulida and Bashori, "Kajian Kitab Tafsir Mafatih Al-Ghaib Karya Fakhruddin Al-Razi," *AT-TAKLIM Jurnal Pendidikan Multidisiplin* 2(1) (2025), p. 228-248. Alam Tarlam, "Studi Analisis Metodologi Tafsir Mafatih Al-Ghayb Karya Fakruddin Al-Razi," *Al-Kainah: Journal of Islamic Studies* 2, No. 1 (2023), p. 46-68.

¹⁸ Al-Razi, *Tafsir Mafatih Al-Ghaib*.

¹⁹ Gandi Liyorba Indra, M. Yasin Al Arif, and Abdul Qodir Zaelani, "The Ideal Age For Marriage in The Compilation of Islamic Law (KHI) and Psychology," *Al-'Adalah* 20, no. 1 (2023), p. 1.

²⁰ Yusuf Al-Qardhawi, *Kaifa Nata'amal Ma'a Al-Qur'an Al-'Azim* (Kairo: Dar al-Shuruq, 1999). Badrudin and Endang Saeful Anwar, *Metodologi Penelitian Tafsir dan Aplikasinya*, Pekalongan: Nasya Expanding Manajemen, 2024.

law) in guiding legal interpretation (*istinbāt*) based on the verse.²¹ This framework is instrumental in determining the extent to which al-Razi's model of the *hakam* can be applied in modern contexts, particularly within contemporary Islamic family law systems. The significance of this study lies in its attempt to bridge classical Islamic legal thought with the realities of modern life, ensuring that Islamic values continue to serve as a foundational reference for achieving justice and harmony within the family. The institution of the *hakam*, when understood through the lens of al-Razi's tafsir, offers a fair and proportionate mechanism for resolving marital disputes, thereby preserving the integrity of the family as the cornerstone of society.²²

Syiqaq and Its Resolution According to the Islamic Law

The term *syiqaq* is defined as a form of discord rooted in persistent hostility and unresolved issues between spouses.²³ According to Law No. 17 of 1989, *syiqaq* refers to sharp and continuous disputes between husband and wife that threaten marital harmony and may ultimately lead to divorce. This conflict may stem from either or both partners and requires a nuanced resolution approach that takes into account the underlying causes and specific circumstances involved.

Common contributing factors to *syiqaq* include financial instability, jealousy intensified by social media, early marriage,²⁴ interference from extended family, long-distance marital arrangements due to professional obligations, and evolving perspectives on gender equality within the family unit.²⁵ Fundamentally, *syiqaq* reflects a relational breakdown in which both parties rigidly adhere to their respective positions, refusing to consider the other's viewpoint,²⁶ regardless of which side initiated the conflict.²⁷

Disputes between spouses can be broadly classified into three categories:

²¹ Ainol Yaqin, et.al., "Actualization of Moderation in Reasoning at Ma'had Aly Salafiyah Syafi'iyah Sukorejo Situbondo and Its Influence on Istimbâth of Islamic Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (2022), p. 434–57,

²² Munisah Munisah et al., "Barambangan: Dynamics and Challenges in Resolving Husband and Wife Disputes in the Banjar Community," *Syariah: Jurnal Hukum Dan Pemikiran* 23, no. 1 (2023), p. 50–60.

²³ Muhammad Ali Al-Shabuni, *Tafsir Ayat Al-Ahkam Min Al-Qu'an* (Beirut: Dar al-Kutub al-Ilmiyah, 1999).

²⁴ Edi Kurniawan et al., "Early Marriage, Human Rights, and the Living Fiqh: A Maqasid Al-Shari'a Review," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 1 (2020), p. 1–15.

²⁵ Hasanudin et al., "Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023), p. 137–52

²⁶ Tiara Rismayanti, Danu Aris Setiyanto, and Muhammad Auzai, "Long-Distance Relationship Family Resilience Strategy and Its Relevance to the Development of Islamic Family Law in Indonesia," *JIL: Journal of Islamic Law* 3, no. 2 (2022), p. 132–58

²⁷ Siti Nurjanah and Iffatin Nur, "Gender Fiqh: The Mobilization of Gender-Responsive Movements on Social Media," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022).

1. Conflict initiated by husband

Such disputes often arise from a failure to fulfill the husband's legal and moral obligations, particularly in providing for the wife's material needs.²⁸ including appropriate clothing, food, and shelter proportional to his economic capacity. Interestingly, data suggests that *syiqaq* due to economic hardship is rare among lower-income households; such disputes are more prevalent in middle- and upper-income families, where expectations regarding standards of living are higher.

Polygamous arrangements frequently serve as a source of conflict, especially when the husband fails to maintain equity among his wives or engages in behavior that provokes jealousy. Although polygamy is permitted under Islamic law, it often remains socially and emotionally unacceptable to many women, who may lack a nuanced understanding of its principles or are influenced by cultural norms.²⁹ In such cases, *syiqaq* often results in divorce, particularly when the wife is financially independent and childless.³⁰ Conversely, some women remain in the marriage despite ongoing conflict due to economic dependence or familial obligations.

Domestic violence—both physical and psychological—is another critical driver of *syiqaq*. Physical abuse, such as beating, as well as verbal and emotional abuse that belittles or exerts undue pressure on the wife, can lead to severe psychological harm and the erosion of her identity.³¹ While such behavior may be normalized by some husbands, it profoundly affects the wife's well-being and, by extension, the upbringing of children. Domestic violence is a frequent and legally substantiated cause for divorce,³² as the nature of the abuse is often clearly observable and easily supported with evidence in court proceedings.³³ In addition, infidelity by the husband is a major catalyst for prolonged *syiqaq*, with most cases culminating in divorce. The betrayal of trust and emotional devastation resulting from extramarital affairs significantly undermines the marital bond and contributes to irreparable breakdowns in the relationship.

²⁸ Nofiardi Nofiardi, "Testimonium de Auditu Witness: Comparison of Maṣlahah in the Settlement of Syiqaq in the Religious Court of the Border Regions," *Samarah* 7, no. 2 (2023).

²⁹ Bahrul Fawaid and Fajar ainun Ridho, "Perceraian Yang Diakibatkan Oleh Pertengkaran (Syiqaq)," *QISTIE* 16, no. 1 (2023).

³⁰ Arbanur Rasyid et al., "Dynamics of Childless Marriage Through the Lens of Maqasid Al-Shari'a," *Jurnal Ilmiah Peuradeun* 12, no. 2 (2024), p. 763.

³¹ Mufrod Teguh Mulyo et al., "The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Maṣlahah Mursalah," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023), p. 125–36.

³² Syukrawati Syukrawati et al., "Post-Divorce Rights of Women and Children in Pekalongan City, Central Java: Challenges in Islamic Law Analysis," *Al-Ahkam* 34, no. 1 (2024), p. 121.

³³ Sarfika Datumula, "Mediasi Dalam Penyelesaian Perkara Perceraian Di Luar Pengadilan," *Innovative: Journal of Social Science Research* 3, no. 2 (2023).

2. Dispute initiated by wives

Conflicts that arise due to the actions of the wife are generally linked to a failure to fulfill marital obligations, which in Islamic legal terminology is referred to as *nusyūz*.³⁴ *Nusyūz* denotes acts of disobedience or non-compliance by the wife in the context of her responsibilities within marriage. These acts, while often occurring unconsciously, are typically perceived as commonplace within the day-to-day dynamics of household life. Examples include minor acts such as displaying discontent through facial expressions, failing to respond to greetings, or neglecting routine domestic interactions.³⁵ Such behavior is often rooted in pre-marital habits that are unconsciously carried into married life, causing the wife to view household responsibilities as burdensome rather than shared commitments.³⁶ *Nusyūz* tends to be more prevalent among women who have not received adequate religious education regarding spousal obligations, including those who bypass premarital counseling programs provided by the Office of Religious Affairs (*KUA*).³⁷ This underscores the importance of educational interventions to foster greater awareness of mutual responsibilities within marriage.³⁸

3. Disputes initiated by both parties or ambiguous sources

Disputes may also emerge from both spouses simultaneously or from causes that are difficult to identify.³⁹ These conflicts often stem from poor communication, such as misunderstandings about individual grievances or a lack of recognition for one partner's contributions. In addition, when one partner dominates discussions or decisions, leaving the other without a voice, it can lead to feelings of marginalization and resentment. These issues tend to escalate when unresolved for extended periods, ultimately fostering a narrative of neglect or devaluation within the relationship. Parenting disagreements frequently fall into this category, as differing philosophies on child-rearing can create friction.⁴⁰ When each parent insists on applying their own approach, the result may be disciplinary actions that unintentionally harm the child

³⁴ Ahmad Fadhil, "Tafsir Al-Sayis Dan Al-Zuhayli Terhadap Ayat Nusyuz Dan Syiqaq Serta Dan Penyelesaiannya: Analisa Teologis Normatif, Psikologis, Dan Sosiologis," *Syaksia : Jurnal Hukum Perdata Islam* 22, no. 2 (2021).

³⁵ Al-Shabuni, *Tafsir Ayat Al-Ahkam Min Al-Qu'an*.

³⁶ Asrizal Saiin et al., "Walking Together: Dynamics of Muslim Wives Dual Role in Rural Areas Pursuing Career and Household Responsibilities," *El-Mashlahah* 14, no. 1 (2024), p. 129.

³⁷ Fadli Fadli and Budi Juliandi, "Negosiasi Antara Hukum Positif Dengan Hukum Islam: Penetapan Wali Nikah Di Kantor Urusan Agama Idi Rayeuk, Aceh, Indonesia," *JIL: Journal of Islamic Law* 2, no. 2 (2021), p. 268.

³⁸ Anggi Prasetyo and Ilyya Muhsin, "The Practice of *Siḥah* Marriage among the Rifa'iyah Congregation in Sociological and Islamic Marriage Law Perspectives," *Al-'Adalah* 20, no. 2 (2024), p. 235.

³⁹ Israt Damiarto, Alfitri, and Moh Mahrus, "Konflik Suami Istri Perspektif Al Quran (Kajian Ayat Tematik Terkait Nusyuz Dan Syiqaq)," *Jurnal Tana Mana* 4, no. 2 (2023).

⁴⁰ Tri Wahyu Hidayati, Ulfah Susilawati, and Endang Sriani, "Dynamics of Family Fiqh: The Multiple Roles of Women in Realizing Family Resilience," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022), p. 219–38.

or infringe upon the child's rights. Such actions, while intended to enforce discipline, often become sources of conflict between parents—particularly when one parent disapproves of the other's methods.

Contemporary scholars in the Islamic law have increasingly argued that *nusyūz* is not exclusive to wives but may also be committed by husbands. This broader interpretation reflects an evolving understanding of marital ethics and has contributed to the rising incidence of divorce initiated by women (*khulu'*) in Indonesia. While the *Compilation of Islamic Law* in Indonesia traditionally frames *nusyūz* as a violation committed solely by the wife, such a one-sided view is increasingly challenged. Classical scholars have often overlooked the concept of *nushūz* by the husband, maintaining a male-centric interpretation of marital dynamics.⁴¹ However, recent scholarship views the woman's right to seek divorce as part of a wider movement towards gender justice and the democratization of legal agency in marriage. This shift calls for an interpretation of Islamic law that actively upholds gender equity and provides balanced protections for both spouses, particularly in recognizing and responding to forms of injustice that women may endure within marriage.⁴²

The Role of the Hakam in Syiqaq Cases According to Tafsir al-Razi

The concept of the *hakam* an individual appointed to mediate and resolve marital disputes resulting from *syiqaq* (serious conflict) is elaborated upon by Imam al-Razi in his interpretation of verse 35 of Surah al-Nisa:

وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَأَبْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا

Meaning: “If you fear discord between them, appoint a mediator from his family and a mediator from her family. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is All-Knowing and All-Aware” (Qur'an, Surah al-Nisa [4]: 35).

In his exegesis, Imam al-Razi examines the interpretation of the phrase “*fab'athū ḥakamān min ahlihi*” (appoint a mediator from his family). Scholars have differed on the identity of the *hakam* referred to in this verse. One school of thought holds that the verse refers specifically to the *imam* (ruler) or someone vested with formal authority, based on the principle that the enforcement of *Shari'ah* law lies within the domain of the ruling authority. Conversely, another scholarly opinion posits that the verse refers to any righteous member of the Muslim community.⁴³ This view is based on the wording “*wa in khiftum*” (if you fear), which addresses

⁴¹ Uswatun Hasanah Apriyanti Apriyanti, “Nusyuz of Husband and Wife in the Maslahah Perspective,” *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 1 (2025), p. 20.

⁴² Atun Wardatun and Bianca J. Smith, “Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage,” *Ulumuna* 24, No. 2 (2020).

⁴³ Al-Razi, *Tafsir Mafatih Al-Ghaib*.

the community at large, indicating that the responsibility is not limited to state authorities but is a collective duty of all believers.

The second interpretation is considered stronger by many scholars. It is supported by a fundamental principle of Qur'anic interpretation: if there are no specific indicators limiting the scope of a directive, the default assumption is that it applies universally.⁴⁴ Under this view, the command to appoint a *hakam* is valid regardless of the presence of a formal leader. Any pious individual may initiate the process of reconciliation by appointing mediators from both the husband's and wife's families.⁴⁵ This approach is seen as a means of preventing harm (*daf' al-darar*), a duty incumbent upon every member of the Muslim community.⁴⁶ Importantly, these divergent opinions do not stem from differences in *qirā'āt* (variant readings of the Qur'an). Rather, they arise from interpretive reasoning, and the consensus on the verse's recitation underscores that these legal distinctions are not the result of textual variations.

The differing interpretations of Qur'an 4:35 underscore broader variations in how the roles of individuals and institutional authorities are understood within Islamic thought. The first interpretation emphasizes the role of formal institutions such as the Office of Religious Affairs (*Kantor Urusan Agama*), Sharia Courts, and Islamic Religious Courts as the legitimate enforcers of shari'ah.⁴⁷ This perspective aligns with classical *fiqh* principles that place the *imam* (or state authority) at the center of legal and social governance. It also corresponds with Indonesia's Law No. 17 of 1989 on Religious Courts, which defines the *hakam* as an individual appointed by the court, typically a member of either the husband's or wife's family, or another party tasked with facilitating the resolution of marital discord (*syiqaq*). Conversely, the second interpretation reflects a more decentralized and inclusive approach, suggesting that Islam empowers righteous individuals within the community to actively participate in conflict resolution. This interpretation promotes a collective ethic, wherein social cohesion and dispute mediation are community responsibilities not solely dependent on institutional structures.⁴⁸

From the perspective of Islamic jurisprudence, these interpretations carry significant practical implications. If the appointment of *hakam* is exclusively the prerogative of the *imam* or state authority, then the resolution of marital disputes

⁴⁴ Sufriadi Ishak, "Logika dan Penalaran dalam Ilmu Hukum Dan Ilmu Hukum Islam," *Jurnal Al-Mizan* 10, no. 1 (2023), p. 13–26.

⁴⁵ Al-Razi, *Tafsir Mafatih Al-Ghaib*.

⁴⁶ Sufriadi Ishak, "Kemudharatan Tidak Harus Dihilangkan Dengan Kemudharatan," *Jurnal Al-Mizan: Jurnal Hukum Islam Dan Ekonomi Syariah* 7, No. 2 (2020), p. 117–26.

⁴⁷ Zulkarnain, Habib Iman Nurdin Sholeh, and Ahmad Zaenul Muttaqin, "Local Wisdom in Sebambangan Traditional Marriage Practices: A Maqāṣid Shari'ah Perspective," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 1 (2024), p. 119–137.

⁴⁸ Jumni Nelli et al., "The Immorality of a Husband as the Cause of a Working Wife to File for Divorce Lawsuit in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (2023), p. 119.

becomes entirely reliant on formal mechanisms.⁴⁹ However, if the responsibility extends to capable individuals within the community, conflict resolution can occur more flexibly and promptly—particularly in contexts where official institutions may be absent or unable to function effectively. Thus, a collaborative model that integrates both institutional and community efforts is ideal in addressing household disputes and reducing divorce rates. Furthermore, the role of *hakam* should extend beyond dispute resolution to include preventive measures such as public education and community outreach on family harmony and Islamic values.⁵⁰

In line with this, Imam al-Shafi'i recommended that judges appoint two impartial individuals as mediators (*hakam*), preferably one from each spouse's family. The rationale is that family members possess deeper insight into the couple's circumstances and are more invested in achieving a just resolution. Nevertheless, appointing *hakam* from outside the family is also permissible if necessary.⁵¹

Law No. 7 of 1989 concerning Religious Courts also outlines the legal framework for the role of *hakam*. Article 76, paragraph 2 explicitly states: "*The court, after hearing witness testimonies regarding the nature of the dispute between the husband and wife, may appoint one or more persons from each party's family or from outside the family to act as hakam.*" This provision clearly establishes that the *hakam* is an individual formally appointed by the court—through a panel of judges—regardless of whether the appointee is related to the disputing parties.⁵² While the parties involved in the dispute may suggest individuals to serve as *hakam*, the final decision rests with the court.

The appointment is issued through an interim decision, as *hakam* is considered an auxiliary mechanism employed by the judges prior to the final ruling. This interim ruling specifies the identity of the appointed *hakam*, their responsibilities, the timeframe in which they must fulfill their duties, and the postponement of further judicial proceedings or issuance of a final decision.⁵³ In light of this formal appointment process, judges are expected to possess a comprehensive understanding of the conflict and its underlying causes before designating *hakam*.⁵⁴

⁴⁹ Zulfia Hanum Alfi Syahr, et. al., "The Role of Indigenous Peoples, Social Workers, and the Syar'iyah Court in Diversion of Children Perpetrators of Jinayah," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 1 (2023), p. 113–24.

⁵⁰ Fransiska Novita Eleanora and Dwi Atmoko, "Aktualisasi Sertifikasi Pranikah Dalam Meminimalisir Kekerasan Dalam Rumah Tangga," *Jurnal Hukum Sasana* 7, no. 1 (2021).

⁵¹ Nurbazla Ismail, et.al., "The Perspectives of Legal Practitioners on the Concept and Categories of Third Parties in the Household under Islamic Family Law in Malaysia," *El-Usrah* 7, no. 2 (2024), p. 841–59.

⁵² Ridwan Jamal, "Penyelesaian Perkara Gugat Cerai Yang Di Dasarkan Atas Alasan Syiqaq (Studi Terhadap Proses Penyelesaian Gugat Cerai Syiqaq Di Pengadilan Agama Manado)," *Jurnal Ilmiah Al-Syir'ah* 13, no. 2 (2015).

⁵³ M. Yahya Harahap, *Kedudukan, Kewenangan Dan Acara Peradilan Agama* (Jakarta: Pustaka Kartini, 2000).

⁵⁴ Imran Rosyadi, *Rekontruksi Epistemologi Hukum Keluarga Islam* (Jakarta: Kencana, 2022).

This insight becomes a reference point for the *hakam* in exploring viable solutions, as they are expected to draw on the court's findings during trial to formulate an appropriate mediation strategy.

The Authority of *Hakam* in *Syiqaq* Cases According to Tafsir al-Razi

The role of *hakam* in resolving marital disputes is central and influential, as the eventual outcome of a case often depends on the approach adopted by the appointed mediator. Therefore, *hakam* must embody the quality of justice—demonstrating integrity and impartiality.⁵⁵ Abdul Aziz al-Khuli emphasizes that a *hakam* must act fairly, sincerely strive for reconciliation, be held in respect by both parties, and advocate for the aggrieved party when the other is unwilling to cooperate. *Hakam* is responsible for assessing the circumstances of both spouses and facilitating a just and equitable resolution.

The function of *hakam* is essentially mediatory, and this role is more effectively carried out when the *hakam* is a family member, as they are presumed to possess a more intimate understanding of the marital relationship and its complexities.⁵⁶ In addressing the scope of *hakam*'s authority in Islamic jurisprudence, Imam al-Razi explores whether the mediators have the power to make binding decisions independently—such as enacting a divorce on behalf of the husband or requesting compensation (*khulu'*) from the wife's property. Accordingly, a *hakam* must possess impartial and ethical qualities, including integrity and the avoidance of unjust partiality. This requirement aligns with the view expressed by Abdul Aziz al-Khuli, who asserts that a *hakam* must maintain fairness between the disputing parties, genuinely seek reconciliation, command the respect of both sides, and support the aggrieved party when the other is unwilling to cooperate.⁵⁷ A *hakam* is expected to comprehend the circumstances of both individuals involved and facilitate a just resolution. Thus, the *hakam* functions as a mediator in conflicts between spouses.⁵⁸ The process of mediation is likely to be more effective if the *hakam* is selected from among the family members of each spouse, as they are more familiar with the context and dynamics of the relationship, as previously discussed.

In addressing the issue of Islamic law concerning the authority of two *hakam* (mediators) in resolving marital disputes, Imam al-Razi presents a line of reasoning regarding whether *hakam* possess the authority to issue binding decisions without

⁵⁵ Lisnawati Lisnawati, Sabarudin Ahmad, and Bariah Safrut, "Modernizing Divorce in Courts: How to Realize Justice in Diverse Geographical Conditions?," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024), p. 367.

⁵⁶ Nofiardi, "Testimonium de Auditu Witness: Comparison of Maṣlahah in the Settlement of Syiqaq in the Religious Court of the Border Regions."

⁵⁷ Arne Huzaimah, "Menelaah Pelaksanaan Pengangkatan Hakam Pada Perkara Syiqaq Di Pengadilan Agama Indonesia Dan Mahkamah Syariah Malaysia," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 19, no. 1 (2019).

⁵⁸ Pagar Pagar, et.al., "Hakam Dan Mediasi Dalam Perkara Syiqāq Di Mahkamah Syariah Bireuen Propinsi Aceh," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 10, no. 01 (2022).

the explicit consent of the spouses.⁵⁹ This includes actions such as pronouncing divorce on behalf of the husband or requesting a ransom (*khulu'*) from the wife's property. Imam al-Razi refers to the Shaf'i school of thought, noting that scholars within the school hold two differing opinions on this matter, namely Autonomous Decision-Making Authority and Representative Function Only. Autonomous Decision-Making Authority is According to this view, supported by scholars such as Imam Malik and Ishaq, the *hakam* may issue binding decisions without the explicit consent of either spouse. Representative Function Only: This opinion, advocated by Abu Hanifah, holds that *hakam* serve merely as intermediaries and cannot decide outcomes independently. Their role is limited to conveying potential resolutions rather than determining them.⁶⁰

Both perspectives are based on the same textual foundation, namely a hadith attributed to Ali ibn Abi Talib, highlighting that the divergence arises not from differing sources but from distinct legal interpretations of the same evidence:

مَا رَوَى ابْنُ سِيرِينَ عَنْ عُبَيْدَةَ أَنَّهُ قَالَ جَاءَ رَجُلٌ وَامْرَأَةٌ إِلَى عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ، وَمَعَ كُلٍّ وَاحِدٌ مِنْهُمَا جَمْعٌ مِنَ النَّاسِ، فَأَمَرَهُمْ عَلِيٌّ بِأَنْ يَبْعَثُوا حَكَمًا مِنْ أَهْلِهِ وَحَكَمًا مِنْ أَهْلِهَا، ثُمَّ قَالَ لِلْحَكَمَيْنِ: تَعْرِفَانِ مَا عَلَيْكُمَا؟ عَلَيْهِمَا إِنْ رَأَيْتُمَا أَنَّ تَجْمَعَا فَاجْمَعَا، وَإِنْ رَأَيْتُمَا أَنَّ تُفَرِّقَا فَفَرِّقَا، فَقَالَتِ الْمَرْأَةُ: رَضِيتُ بِكِتَابِ اللَّهِ تَعَالَى فِيمَا عَلَيَّ وَبِإِيهِ. فَقَالَ الرَّجُلُ: أَمَّا الْفُرْقَةُ فَلَا، فَقَالَ عَلِيٌّ: كَذَبْتَ وَاللَّهِ حَتَّى تُقَرَّ بِمِثْلِ الَّذِي أَقَرْتُ بِهِ.⁶¹

Meaning: A narration from Ibn Sirin, quoting 'Ubaidah, recounts that a man and a woman approached Ali ibn Abi Talib (RA) regarding a marital dispute, each accompanied by a group of supporters. Ali instructed them to appoint a *hakam* a mediator from each of their respective families. He then addressed the appointed *hakamayn* (dual of *hakam*), saying: "Do you understand your responsibilities? If you determine that reconciliation is possible, then reconcile them. But if you find that separation is necessary, then separate them." The woman accepted the ruling of Allah concerning her rights and obligations. However, the man objected to separation, prompting Ali to respond, "You are lying, by Allah, until you admit what the woman has admitted."

The first interpretation maintains that Ali conferred full decision-making power upon the *hakamayn*, allowing them to determine either reconciliation or separation without requiring the spouses' consent. This view is supported by Ali's following comments.⁶²

⁵⁹ Isman and Yahya, "Istiqlal Al-Ma'nawī: A Multicultural Judicial Reasoning," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 1 (2022).

⁶⁰ Al-Razi, *Tafsir Mafatih Al-Ghaib*.

⁶¹ Al-Razi, *Tafsir Mafatih Al-Ghaib*.

⁶² Al-Razi, *Tafsir Mafatih Al-Ghaib*.

عَلَيْكُمْ إِنْ رَأَيْتُمَا أَنْ تَجْمَعَا فَاجْمَعَا، وَإِنْ رَأَيْتُمَا أَنْ تُفَرِّقَا فَفَرِّقَا،

Meaning: "If it appears that reconciliation between the parties is possible, then efforts should be made to restore the marital relationship. However, if it becomes evident that separation is necessary, then dissolution of the marriage should be pursued."

The second interpretation contends that the *hakam*'s function is limited to facilitating reconciliation (*islah*), and that any further action—particularly divorce—requires the explicit consent of both spouses. This perspective is drawn from the husband's refusal to accept separation and Ali's insistence that he acknowledge the same commitment as the wife. This interaction is seen as reinforcing the necessity of mutual agreement in such decisions.⁶³ The hadith narrates;

فَقَالَ الرَّجُلُ: أَمَّا الْفُرْقَةُ فَلَا، فَقَالَ عَلِيٌّ: كَذَبْتَ وَاللَّهِ حَتَّى تُقَرَّ بِمِثْلِ الَّذِي أَقَرَّتْ بِهِ

Meaning: The man stated, "With regard to separation, I do not consent." In response, 'Alī (may Allah be pleased with him) said, "By Allah, you are not speaking the truth until you admit to what the woman has already confessed."

The hadith thus presents two legally and ethically nuanced interpretations. On the one hand, the wording suggests that the *hakam* are entrusted with decisive authority, supporting the first interpretation. On the other hand, Ali's insistence on the husband's acknowledgement could indicate that equity and mutual consent are essential, aligning with the second interpretation.

Whether the *hakam* should be understood as a formal judge (*qadi*) with full adjudicative powers or as a respected and pious community member appointed as a mediator has significant implications. If interpreted as a judge, the authority to issue binding decisions including divorce is consistent with the first view. However, if the *hakam* is understood as a lay mediator, then their role should be restricted to advising and proposing resolutions, without the authority to enact binding judgments.

This duality remains highly relevant in contemporary applications of Islamic family law. While *hakamayn* are expected to act with objectivity and impartiality, their authority must be carefully delineated to ensure they do not overstep the personal rights of either spouse.

The legal implications derived from the cited hadith can be interpreted in two distinct ways. On one hand, the hadith appears to grant the *hakam* full authority to make binding decisions, aligning with the first interpretation.⁶⁴ On the other hand, Ali's admonishment of the husband suggests an emphasis on justice and mutual agreement, supporting the second interpretation.⁶⁵ The first view is more plausible if the *hakam* mentioned in the hadith is understood as a judge endowed with full decision-making power. Conversely, if the *hakam* is regarded as a devout and just

⁶³ Al-Razi, *Tafsir Mafatih Al-Ghaib*.

⁶⁴ Zahrul Mubarrak and Muhammad Irfan Nur, "Wewenang Hakam Dalam Menyelesaikan Sengketa Rumah Tangga (Syiqaq) Dalam Fiqh Syafi'iyah," *Jurnal Al-Nadhair* 2, no. 2 (2023).

⁶⁵ Al-Shabuni, *Shafwa Al-Tafasir*.

individual appointed to mediate, then their role is limited to facilitating reconciliation without the authority to enforce decisions independently of the spouses' consent. Both interpretations remain relevant in contemporary contexts of resolving marital disputes within the Islamic law. While a *hakam* is expected to serve as a neutral mediator, their authority must be carefully constrained to protect the rights of both husband and wife.⁶⁶

In practice, the mediation process involves direct dialogue between the *hakam* and the party they represent to discern the underlying concerns and intentions—whether reconciliation is desired or separation is preferred.⁶⁷ Once sufficient insight is gained, the *hakamayn* deliberate jointly to propose a resolution: preserving the marriage or initiating a separation,⁶⁸ whether through *ṭalāq* (divorce initiated by the husband) or *khulu'* (divorce initiated by the wife in exchange for compensation).⁶⁹ If both parties agree to reconciliation, the *hakamayn* guide them with advice and encouragement. If divorce is determined to be the most appropriate outcome, the *hakamayn* may either issue the *ṭalāq* or facilitate a *khulu'* in accordance with Islamic legal principles.⁷⁰

According to Article 76, paragraph (2) of Law No. 7 of 1989 on Religious Courts, the role of the judge in cases of marital discord (*syiqāq*) is limited to facilitating reconciliation between the disputing spouses. This provision does not confer any binding decision-making authority upon the judge with regard to appointing a *hakam*. This limited function stands in stark contrast to the authority granted to arbitrators under Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution, where arbitrators are empowered to issue binding decisions with enforceable legal effect.⁷¹ In the religious court context, the judge is granted discretionary authority to consider, accept, or reject proposals submitted by the appointed *hakam*. The judge is not legally obligated to follow these recommendations.⁷² However, if the *hakam*'s proposal is found to be well-reasoned and is corroborated through confrontation with both parties and if both parties

⁶⁶ Muhammad Aulia Rahman, Roibin Roibin, and Nasrullo Nasrullo, "Dayak Ngaju Customary Fines in Pre-Marriage Agreement to Minimize Divorce in The Perspective of Maslahah Mursalah Ramadhan Al-Buthi," *El-Mashlahah* 13, no. 1 (2023), p. 57–75.

⁶⁷ Pagar, Fuad, and Muhammad, "Hakam Dan Mediasi Dalam Perkara Syiqāq Di Mahkamah Syar'iyah Bireuen Propinsi Aceh."

⁶⁸ M. Tahir Maloko et al., "Sompā Tanah in Makassar Bugis Customary Marriages: Legal, Religious, and Cultural Perspectives," *Jurnal Ilmiah Peuradeun* 12, no. 3 (September 30, 2024), p. 1213.

⁶⁹ M. Ihsan Azni Azni, Muhammad Hafis, Asril Amirul Zakariah, Adi Harmanto, Miftahuddin Miftahuddin, "Pseudo-Maslahah and Epistemological Failure in Marriage Dispensation at Indonesian Religious Courts," *Jurnal Ilmiah Peuradeun* 13, no. 2 (2025).

⁷⁰ Al-Razi, *Tafsir Mafatih Al-Ghaib*.

⁷¹ Harahap, *Kedudukan, Kewenangan Dan Acara Peradilan Agama*.

⁷² Jamal, "Penyelesaian Perkara Gugat Cerai Yang Di Dasarkan Atas Alasan Syiqāq (Studi Terhadap Proses Penyelesaian Gugat Cerai Syiqāq Di Pengadilan Agama Manado)."

respond in alignment with the proposal, then the judge is expected to adopt it as part of the resolution.⁷³

From the foregoing explanation, it can be concluded that *syiqaq* (marital discord) is an inevitable aspect of domestic life. Consequently, there is a convergence in both the conceptual and practical approaches of Islamic law and national law, particularly as reflected in the Marriage Law implemented through the Religious Courts and practiced by the community,⁷⁴ In the event of household conflict, both legal systems emphasize the importance of pursuing reconciliation or mediation, preferably through the involvement of a *hakam*. The mediation model facilitated by a *hakam* is strongly encouraged in Islamic law as a means of resolving domestic disputes in a just and peaceful manner. Moreover, this approach also supports government initiatives aimed at reducing divorce rates and strengthening family resilience in Indonesia.

Conclusion

Syiqaq, defined as the escalation of conflict between husband and wife, is a frequent occurrence in married life and can arise from diverse causes, including financial strain, personality incompatibilities, external interference, or neglect of marital duties. Islam recommends mediation through *hakam* as an equitable and peaceful means of addressing such conflicts. This method ensures that the interests and circumstances of both spouses are fully considered before any resolution is proposed. The *hakam* must embody qualities of justice, impartiality, and sincerity in seeking the most favorable outcome for both parties. Imam al-Razi's interpretation which limits the *hakam*'s role to that of mediator and advisor, providing input to both the judge and the disputants without possessing binding authority is particularly suitable in the modern context. This interpretation is consistent with the principles enshrined in Law No. 7 of 1989, which emphasizes reconciliation rather than adjudication. Conversely, interpretations that grant *hakam* full authority to impose binding decisions appear less applicable in today's context, given the volatile nature of domestic conflicts. These conflicts often de-escalate naturally following a period of introspection and reconciliation between the parties. Therefore, mediation via *hakam* whether the mediator is officially appointed by the court or mutually selected by the families should be regarded as an essential step in the conflict resolution process. Ultimately, effective collaboration between government institutions and the wider community is crucial for legitimizing and optimizing the role of *hakam* in marital dispute resolution. Such synergy presents a strategic and culturally rooted approach to lowering divorce rates and enhancing family stability in Indonesia.

⁷³ Rosyadi, *Rekonstruksi Epistemologi Hukum Keluarga Islam*.

⁷⁴ Kamarusdiana, et.al., "Family Dispute Resolution Practices in Kepulauan Seribu (Study of the Role of Religious Leaders, Community and State Apparatus)," *Syariah: Jurnal Hukum dan Pemikiran* 23, No. 2 (2023).

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