

HOW IS TALAQ VALIDITY DETERMINED UNDER MENTAL DISORDERS? A TRANSDISCIPLINARY ISLAMIC FAMILY LAW PERSPECTIVE



Ahmad Zaki Mujahid¹, Syafuri², Oom Mukarromah³, Sayehu⁴, Resti Septiani⁵

*Correspondence :

Email :
oom.mukarromah@uinbanten.ac.id

Affiliation:

¹ Universitas Islam Negeri Sultan Maulana Hasanuddin Banten, Indonesia

² Universitas Islam Negeri Sultan Maulana Hasanuddin Banten, Indonesia

³ Universitas Islam Negeri Sultan Maulana Hasanuddin Banten, Indonesia

⁴ Universitas Islam Negeri Sultan Maulana Hasanuddin Banten, Indonesia

⁵ Universitas Islam Negeri Sultan Maulana Hasanuddin Banten, Indonesia

Article History :

Submission : December 24, 2025

Revised : March 12, 2026

Accepted : March 25, 2026

Published : May 05, 2026

Keywords :

Clinical Psychology, Islamic Family Law, Legal Capacity, Mental Disorders, Talaq Validity

Abstract

This study aims to examine how the validity of divorce (*talaq*) is determined when the husband experiences a mental disorder from a transdisciplinary Islamic family law perspective. This qualitative normative legal research employs conceptual, case, and transdisciplinary approaches by integrating Islamic jurisprudence, *qawaid al-fiqhiyyah* (Islamic legal maxims), *maqasid al-shariah* (objectives of Islamic law), clinical psychology, psychiatry, and Islamic family law and judicial perspectives. Data were obtained through library research involving classical and contemporary fiqh literature, scientific journals, the Compilation of Islamic Law, mental health literature, and selected religious court decisions concerning mental disorders in divorce cases. The findings indicate that the validity of *talaq* cannot be determined solely from its verbal pronouncement but requires consideration of the husband's consciousness, reasoning ability, intention, voluntariness, and legal capacity at the time of pronouncement. Mental disorders, including bipolar disorder, schizophrenia, borderline personality disorder, and major depressive disorder, may affect *aql* (reason), *iradah* (will), and *ahliyyah* (legal capacity), although their effects vary according to clinical severity, symptoms, and temporal conditions. Mental disorder therefore does not automatically invalidate *talaq*. This study concludes that its validity requires a contextual and case – sensitive assessment integrating Islamic legal principles, clinical and psychiatric assessment, judicial considerations, and *maqasid al-shariah*. The study contributes a transdisciplinary framework for determining legal capacity and *talaq* validity while protecting individual rights, marital interests, and family welfare.

Abstrak

Penelitian ini bertujuan untuk mengkaji bagaimana keabsahan perceraian (*talaq*) ditentukan ketika suami mengalami gangguan mental dalam perspektif hukum keluarga Islam transdisipliner. Penelitian hukum normatif kualitatif ini menggunakan pendekatan konseptual, kasus, dan transdisipliner dengan mengintegrasikan fikih Islam, *qawaid al-fiqhiyyah* (kaidah-kaidah hukum Islam), *maqasid al-shariah* (tujuan-tujuan hukum Islam), psikologi klinis, psikiatri, serta perspektif hukum keluarga Islam dan peradilan. Data diperoleh melalui penelitian kepustakaan yang mencakup literatur fikih klasik dan kontemporer, jurnal ilmiah, Kompilasi Hukum Islam, literatur kesehatan mental, dan sejumlah putusan pengadilan agama terkait gangguan mental dalam perkara perceraian. Hasil penelitian menunjukkan bahwa keabsahan *talaq* tidak dapat ditentukan hanya berdasarkan pengucapan talak secara verbal, tetapi juga memerlukan pertimbangan terhadap kesadaran, kemampuan berpikir, kehendak, kesukarelaan, dan kapasitas hukum suami pada saat *talaq* diucapkan. Gangguan mental, termasuk gangguan bipolar, skizofrenia, gangguan kepribadian ambang, dan gangguan depresi mayor, dapat memengaruhi aspek *aql* (akal), *iradah* (kehendak), dan *ahliyyah* (kecakapan hukum),

meskipun pengaruhnya berbeda berdasarkan tingkat keparahan klinis, gejala, dan kondisi temporal. Dengan demikian, gangguan mental tidak secara otomatis membatalkan talaq. Penelitian ini menyimpulkan bahwa keabsahan talaq memerlukan penilaian kontekstual dan berbasis kasus dengan mengintegrasikan prinsip-prinsip hukum Islam, asesmen klinis dan psikiatri, pertimbangan peradilan, serta maqasid al-shariah. Penelitian ini berkontribusi melalui pengembangan kerangka transdisipliner untuk menentukan kecakapan hukum dan keabsahan talaq dengan tetap melindungi hak individu, kepentingan perkawinan, dan kemaslahatan keluarga.

INTRODUCTION

Marriage In modern society (Hikmah, Bachtiar, & Kurniawan, 2022), mental health issues have increasingly become a major concern (Yazid, 2026), including within the lives of Muslim families in Indonesia (Hardani, Erman, & Bratasena, 2026). Mental disorders such as bipolar disorder, schizophrenia, major depression, and borderline personality disorder not only affect an individual's psychological condition, but also influence household harmony, spousal communication, and the implementation of marital rights and obligations. These conditions frequently lead to family conflicts that eventually result in divorce. The issue becomes more complex when mental disorders are associated with legal acts in the form of *talaq*, since Islamic law requires *talaq* to be pronounced with full awareness, rational thinking, and proper intention (Wirdyaningsih, Maryam, Ayuni, & Binti Abdullah, 2026). Meanwhile, modern clinical psychology explains that mental disorders do not always cause a total loss of consciousness; rather, they may be temporary and can affect emotional control and an individual's decision – making ability (Alsamayay & Al – Qudah, 2019). This condition raises legal questions regarding the position and validity of *talaq* pronounced under mental disorder conditions from the perspectives of Islamic law and clinical psychology (Siregar, Albani, & Yazid, 2023).

Previous research has examined divorce, mental disorders, and marital rights from Islamic, legal, and psychological perspectives, but the validity of *talaq* pronounced in cases of mental disorders remains insufficiently explored. Husin (2023), from an Islamic family law perspective, found that divorce among mature couples is shaped by religious, social, and personal factors, demonstrating the complexity of marital dissolution. Scott (2020) showed that psychological intervention can improve the quality of life of divorced women, highlighting the psychological consequences of divorce. Anurag (2021) critically examined Indian family law and argued that treating “*unsoundness of mind*” and “*mental disorder*” as grounds for nullity or divorce may discriminate against persons with mental disabilities. Similarly, Bhugra et al. (2016), examining legislation in 193 countries, found substantial legal restrictions on the marital rights of persons with mental health problems, including restrictions affecting marriage and marital dissolution. Oliffe et al. (2022) demonstrated that men experiencing relationship break – ups employ diverse forms of psychological and social support, including professional mental health care. Despite these contributions, previous studies primarily address divorce as a legal consequence, disability rights, or post – divorce psychological adjustment. They do not adequately explain how mental capacity, consciousness, intention, and self – control should be assessed when determining the validity of *talaq*. This study addresses this gap by integrating *qawaid al-fiqhiyyah* and clinical psychology within a transdisciplinary Islamic family law framework.

Evaluation of existing studies indicates that discussions of mental disorders in Islamic family law have primarily focused on mental disorders as grounds for divorce and on

judicial considerations of public *maslahah*. These studies generally employ the *maqasid al-shariah* approach and have not specifically examined how mental disorders affect the validity of *talaq* as a legal act. In Islamic law, the validity of *talaq* is closely related to the husband's *aql*, *iradah*, and *ahliyyah*, particularly his ability to understand the act, form an intention, and exercise legal agency (Uddin, 2020). From a clinical psychology perspective, however, mental disorders vary in severity (Noor Athief & Juwanti, 2020), symptoms, and functional impairment and do not necessarily result in a complete loss of reasoning ability or volitional control. This distinction raises an important legal issue concerning whether a mental disorder should automatically invalidate *talaq* or whether its validity should be determined based on the individual's actual mental capacity at the time of pronouncement. Accordingly, this study examines the validity of *talaq* in cases of mental disorders through *qawaid al-fiqhiyyah* and clinical psychology, focusing on the relationship between mental condition, legal capacity, intention, and legal agency within contemporary Islamic family law.

The study aims to determine how the validity of *talaq* pronounced in cases of mental disorders can be assessed through a transdisciplinary Islamic family law perspective. It focuses on the extent to which mental disorders affect *aql*, *iradah*, *ahliyyah*, consciousness, emotional regulation, and decision – making capacity relevant to the validity of *talaq*. The study argues that the presence of a mental disorder cannot automatically be equated with the loss of legal capacity because different disorders vary in severity, manifestation, duration, and effects on cognitive and volitional functions. Accordingly, the validity of *talaq* should be determined by examining the individual's actual capacity to understand the meaning and consequences of the pronouncement, form an intentional decision, exercise sufficient self – control, and act voluntarily at the time of pronouncement. The study further argues that *qawaid al-fiqhiyyah* and *maqasid al-shariah* provide normative foundations for assessing intention, certainty, capacity, and the prevention of harm, while clinical psychology and psychiatry provide scientific perspectives for evaluating cognitive, emotional, and decision – making functions. Judicial reasoning then translates these integrated considerations into legal determination. Through this transdisciplinary framework, the study aims to provide a contextual, rigorous, and evidence – informed basis for determining *talaq* validity while protecting legal certainty, individual rights, marital interests, and family welfare in contemporary Islamic family law.

METHODS

This study employs a qualitative method using normative legal research with a transdisciplinary approach to examine how the validity of *talaq* is determined under mental disorder conditions. The research integrates Islamic jurisprudence, Islamic family law, *qawaid al-fiqhiyyah*, *maqasid al-shariah*, clinical psychology, psychiatry, and judicial perspectives. The study was conducted from November to December 2025 through systematic library research. As normative legal research, the study did not involve human participants, interviews, surveys, or experimental procedures; therefore, participant sample size and characteristics were not applicable. Primary materials included classical and contemporary Islamic legal literature on *talaq*, *aql*, *iradah*, *ahliyyah*, and *qawaid al-fiqhiyyah*, relevant provisions of the Compilation of Islamic Law, and selected religious court decisions concerning divorce and mental disorders, including Bandung Religious Court Decision Number 78/Pdt.G/2020/PA.Bdg. Secondary materials comprised peer – reviewed journals, academic books, legal commentaries, and clinical psychology and

psychiatric literature concerning mental disorders and decision – making capacity. Data were collected through documentation and literature review using academic databases, legal repositories, and official judicial sources. The researcher conducted source identification, selection, documentation, classification, and analysis.

Data were analyzed using descriptive, analytical, interpretative, and comparative techniques through four stages: source identification, conceptual classification, interdisciplinary interpretation, and transdisciplinary synthesis. Relevant materials were first screened according to their relationship with *talaq*, mental disorders, legal capacity, and Islamic legal principles. The selected materials were then classified into analytical categories, including consciousness, reasoning ability, intention, voluntariness, *aql*, *iradah*, *ahliyyah*, and clinical characteristics of mental disorders. These categories were interpreted through *qawaid al-fiqhiyyah*, *maqasid al-shariah*, Islamic family law, clinical psychology, psychiatry, and judicial reasoning. The findings were subsequently compared and synthesized to determine how mental disorders may affect the validity of *talaq*. No statistical software was used because the study did not generate quantitative data. Methodological rigor was maintained through source triangulation by comparing Islamic legal literature, statutory provisions, religious court decisions, and clinical psychology and psychiatric scholarship. Source credibility was assessed based on relevance, scholarly authority, legal validity, and consistency with the research objectives, thereby strengthening the validity, reliability, transparency, and reproducibility of the findings.

RESULT AND DISCUSSION

RESULT

Manifestations of Mental Disorders and the Validity of *Talaq* in the Perspective of *Qawaid al-fiqhiyyah* and Clinical Psychology

In Islamic law, *talaq* is one form of marital dissolution carried out by the husband through a specific pronouncement in accordance with the provisions of Islamic law. Basically, *talaq* is permitted in Islam as a last resort when the objectives of marriage can no longer be maintained harmoniously. The verse indicates that *talaq* in Islam must be carried out consciously, responsibly, and without causing harm to the parties involved. Islamic jurists explain that the validity of *talaq* does not merely depend on the pronouncement itself, but is also related to the condition of the person pronouncing the divorce. Imam al – Shafii argued that *talaq* can only be considered valid when pronounced by an individual who possesses awareness and normal reasoning ability, since legal acts in Islam require a clear intention from the person performing them. Meanwhile, Imam Malik explained that an individual's mental condition affects the validity of *talaq*, particularly when the disorder results in the loss of the ability to understand the consequences of one's words and actions.

Ibn Qudamah, in his work *Al-Mughni*, emphasizes that *talaq* pronounced by a person who has lost mental capacity is not considered valid because the capacity required for a legally effective act is absent. In this context, a person pronouncing *talaq* must possess '*aql*, *iradah*, and *ahliyyah*, which are fundamental elements in determining the validity of legal acts in Islamic law. These elements reflect the individual's ability to understand the nature and consequences of the act, form a genuine intention, and exercise legal capacity in making a binding decision. Therefore, mental condition becomes an important consideration in assessing the validity of *talaq*. However, the mere presence of a mental

disorder should not automatically be equated with the absence of these capacities, as the effects of mental disorders may differ in severity, duration, and impact on cognitive and volitional functioning. Accordingly, the validity of *talaq* should be assessed according to the individual's actual mental capacity at the time of pronouncement rather than solely on the basis of a psychiatric diagnosis.

From the perspective of clinical psychology, mental disorders are psychological conditions that affect an individual's patterns of thought, emotions, behavior, and ability to perform normal social functions. According to Sigmund Freud, mental disorders may arise from conflicts between unconscious impulses, emotional pressures, and an individual's inability to control psychological impulses within themselves. Meanwhile, Aaron T. Beck explained that mental disorders are associated with cognitive distortions that influence an individual's way of thinking, decision – making process, and emotional responses to particular situations. Mental disorders are not always identical to a total loss of consciousness as implied by the common societal understanding of "madness." Modern clinical psychology explains that there are various types of mental disorders with different characteristics. Bipolar disorder, for instance, is characterized by extreme mood changes between manic and depressive episodes that may affect emotional stability and decision – making. Schizophrenia is a severe mental disorder that can cause hallucinations, delusions, and disorganized thinking (Nafisah, Nasrudin, Meidina, & Zain, 2024), making individuals unable to distinguish reality from imagination. Meanwhile, borderline personality disorder is characterized by emotional instability, poor interpersonal relationships, and impulsive behavior (Garipova, 2022). Major depression, on the other hand (Yunita, 2023), may result in loss of motivation, severe emotional distress, and a decline in rational thinking ability. These conditions indicate that mental disorders have a complex spectrum and do not entirely result in a permanent loss of consciousness.

The manifestation of mental disorders in the act of *talaq* can be observed through the emotional and psychological condition of the person pronouncing the divorce. Individuals with certain mental disorders may experience emotional instability, impulsive behavior, loss of self – control (Subramanian, 2017), as well as disturbances in thinking and decision – making processes. During manic episodes in bipolar disorder, for example, an individual may act excessively, become easily angered, and make decisions without rational consideration, including pronouncing *talaq* impulsively. In conditions such as psychosis or schizophrenia, individuals may experience disturbances in their perception of reality, causing their words and actions to become difficult to control consciously. In addition, some mental disorders may also result in partial consciousness, a condition in which individuals are still able to speak and act, but their ability to understand the legal consequences of their actions is impaired. This phenomenon indicates that mental conditions have a significant influence on the validity of *talaq* because they are directly related to the awareness and intention of the person pronouncing the divorce.

In Islamic law, Muslim jurists hold different views regarding the validity of *talaq* pronounced in conditions of impaired mental capacity. The majority of jurists, including Imam Abu Hanifah, Imam Malik, Imam al – Shafii, and Imam Ahmad ibn Hanbal, generally maintain that *talaq* pronounced by a person who has lost mental capacity is invalid because the absence of *aql* undermines the capacity required for a legally effective act. This position is supported by the hadith concerning the removal of legal responsibility from a person who lacks reasoning capacity. Jurists have also examined *talaq* pronounced under conditions of intoxication and extreme anger as circumstances that may impair cognitive and volitional functions. Imam Abu Hanifah generally considered the *talaq* of

an intoxicated person valid because intoxication results from the individual's own voluntary conduct, whereas Ibn Taymiyyah and Ibn Qayyim al-Jawziyyah considered it invalid when intoxication causes a complete loss of awareness. Regarding anger, Ibn Qayyim al-Jawziyyah distinguished between ordinary anger and a state that overwhelms reason and self-control (Bone, 2020), maintaining that *talaq* is invalid in the latter circumstance (Sarfitri et al., 2024). These juristic differences demonstrate that Islamic law does not assess the pronouncement of *talaq* independently of the mental state of the person making it. This principle is particularly relevant to contemporary mental disorders (Asman & Muda, 2023), which may involve varying degrees of impairment and fluctuating cognitive and volitional functioning rather than a complete and permanent loss of capacity.

The findings indicate that the validity of *talaq* in cases involving mental disorders is not determined solely by the pronouncement itself but also by the individual's level of awareness, reasoning ability, intention, and will. Islamic legal maxims require consideration of the mental and volitional capacity of the person performing a legal act. In the context of *talaq*, certain mental disorders may impair an individual's ability to understand the legal consequences of the pronouncement. However, disorders characterized by episodic or fluctuating conditions do not necessarily result in a permanent loss of legal capacity (Bourassa, Manvelian, Boals, Mehl, & Sbarra, 2017). Determining whether *talaq* is valid or invalid therefore requires a contextual assessment of the individual's psychological condition at the time of pronouncement. Moreover, marital status in Islamic law constitutes an established legal condition that should not be altered solely on the basis of uncertainty regarding the legal capacity of the person pronouncing *talaq* (Setiyawan, Tuasikal, & Karana, 2024). Accordingly, when the individual's level of awareness cannot be conclusively established, the presence of a mental disorder alone should not be treated as sufficient grounds for either validating or invalidating *talaq*. This approach preserves legal certainty while allowing psychological and clinical evidence to inform the assessment of the individual's actual capacity at the relevant time.

Factors Influencing the Validity of *Talaq* under Mental Disorder Conditions

Psychological factors constitute one of the primary elements influencing the validity of *talaq* under mental disorder conditions. An individual's psychological condition is closely related to the ability to control emotions, think rationally, maintain mental stability, and make conscious decisions. In certain mental disorders, such as bipolar disorder and borderline personality disorder, individuals may experience extreme emotional changes that trigger impulsive behavior and reduced self-control. Such conditions affect the element of *iradah* in the act of *talaq* because the decisions made are often taken without mature rational consideration. Furthermore, disturbances in thinking and emotional instability may cause individuals to have difficulty understanding the legal consequences of their words and actions. Therefore, the level of awareness, reasoning ability, and psychological stability become important factors in determining the validity of *talaq* according to Islamic law.

In addition to psychological factors, social and family conditions also influence the validity of *talaq* under mental disorder conditions. Continuous marital conflicts may worsen an individual's psychological condition, thereby triggering emotional instability and aggressive behavior. Economic pressure, past trauma, domestic violence, and lack of family support also contribute to increasing the risk of mental health disturbances.

Stressful social and emotional conditions may cause individuals to experience difficulties in controlling their emotions and making objective decisions. Under such circumstances, the pronouncement of *talaq* is often made when the individual is angry, emotionally distressed, or psychologically unstable (Wang et al., 2021). Therefore, the social environment and family relationships have a significant influence on the psychological condition of the person pronouncing *talaq* as well as on the assessment of the validity of the legal act performed.

Medical factors and the severity of mental disorders also have a significant influence on an individual's legal capacity in pronouncing *talaq*. Mental disorders vary in terms of severity and characteristics; therefore, not all of them result in a permanent loss of consciousness. Some disorders are temporary and episodic, while others may cause more severe and persistent disturbances of awareness (AL – shahrani & Hammad, 2023). During acute episodes such as psychosis or severe mania, individuals may experience loss of behavioral control, disturbances in thinking, and difficulty distinguishing reality from imagination, thereby impairing their ability to understand legal consequences (Thara, 2016). On the other hand, individuals who undergo certain treatments and therapies may experience improvements in their psychological condition, allowing their level of awareness to return to stability (Zainurohmah, Andini, & Damayanti, 2023). Therefore, the determination of the validity of *talaq* cannot be made generally without considering the severity of the mental disorder, the individual's level of awareness, and the influence of treatment and therapy on reasoning ability.

In addition to psychological and medical factors, legal factors and religious understanding also influence the assessment of the validity of *talaq* under mental disorder conditions. The lack of integration between Islamic law and clinical psychology causes mental disorder issues in family cases to often be understood merely from a normative perspective without deeply considering the individual's psychological condition (Lin, Brown, Wright, & Hammersmith, 2019). Public understanding, which still equates all mental disorders with the condition of being "insane" or having "lost reason," also affects perceptions regarding the validity or invalidity of a person's legal acts. In the practice of religious courts, mental conditions are generally considered more as grounds for divorce rather than as factors influencing the legal capacity of the person pronouncing *talaq* (Pellyn – Elexpuru et al., 2024). Consequently, psychological examinations and medical assessments have not yet become primary considerations in determining the validity of *talaq* (Whisman, Salinger, & Sbarra, 2022). The findings of this study demonstrate that mental disorders affecting an individual's awareness and reasoning ability may cause harm within family relationships if they are not properly considered in determining the legal validity of *talaq*.

The Implications of *Talaq* under Mental Disorder Conditions for Contemporary Islamic Family Law

Talaq pronounced under mental disorder conditions has important implications for the legal validity of *talaq* in Islam. Determining whether *talaq* is valid or invalid cannot be based solely on the pronouncement itself, but must also consider the mental condition and legal capacity of the person pronouncing the divorce. Psychological examinations and medical assessments are necessary to determine the individual's level of awareness, reasoning ability, and control over intention when pronouncing *talaq*. This is important because certain mental disorders may affect the elements of '*aql*, '*iradah*, and '*ahliyyah*,

which constitute the primary requirements in Islamic legal acts. In the theory of *ahliyyah* proposed by Abdul Wahhab Khallaf, a person's legal competence is determined by the ability to consciously understand and be accountable for one's actions. Meanwhile, Wahbah az – Zuhaili explained that a legal act cannot be considered valid when performed by an individual who has lost reasoning ability and awareness due to certain disorders. From the perspective of clinical psychology, the cognitive theory proposed by Aaron T. Beck also explains that mental disorders may affect an individual's patterns of thought, emotional control, and decision – making ability.

The implications of *talaq* in cases involving mental disorders can also be observed in the practice of religious courts, particularly in the role of judges in assessing the legal capacity of the person pronouncing *talaq* (Maksymiuk, 2019). In such cases, judges are required not only to apply the normative provisions of Islamic family law but also to consider the psychological condition of the individual when determining the extent of their cognitive and volitional capacity (Slanbekova et al., 2017). Such assessment is important because certain mental disorders may affect *aql*, *iradah*, and *ahliyyah*, which are fundamental to the validity of legal acts in Islamic law. The judicial assessment should therefore consider the nature, severity (Aasen Nilsen, Breivik, Wold, & Bme, 2018), duration, and functional effects of the mental disorder, particularly its impact on the individual's ability to understand the meaning and consequences of *talaq*, form an intention, and exercise voluntary control at the time of pronouncement. Accordingly, judicial reasoning should integrate relevant psychological and clinical evidence with Islamic legal principles to ensure that the determination of *talaq* validity provides legal certainty while upholding justice and *maslahah* for the parties and their family.

In court proceedings, proving an individual's mental condition becomes an important aspect in determining the validity of the legal act performed by the person pronouncing *talaq*. Such proof may be established through expert testimony, medical records, psychological examination results, and treatment histories indicating the individual's mental condition (Muhamad Hanizad, Mohd Zamri, Zainal, Norshaharizal, & Rosidi, 2025). Therefore, the involvement of psychologists and psychiatrists is necessary to assist judges in objectively and scientifically explaining the psychological condition of the parties involved. The presence of professional experts can provide assessments regarding the individual's level of awareness, emotional stability (Sander, Strizzi, Ilverup, Cipric, & Hald, 2020), reasoning ability, and behavioral control when pronouncing *talaq*. Through psychological examinations and expert testimony, judges may obtain a stronger basis for consideration in determining the legal capacity of the person pronouncing *talaq* and the validity of the legal act performed.

The application of psychological considerations in the practice of religious courts can be seen in the Bandung Religious Court Decision Number 78/Pdt.G/2020/PA.Bdg. In this case, mental disorders in the form of bipolar disorder and borderline personality disorder became important considerations in the examination process of the divorce case. The judges not only considered the formal aspects of divorce, but also took into account the psychological conditions of the parties involved, which affected marital relationships and the ability to fulfill marital obligations. This case demonstrates that the practice of religious courts has begun to provide space for an interdisciplinary approach between Islamic law and clinical psychology in handling family cases related to mental disorders.

Talaq pronounced under mental disorder conditions also has implications for the reform of contemporary Islamic law, particularly in understanding the concepts of '*aql*' and

ahliyyah. In classical fiqh, the loss of reason is generally understood as a condition that causes an individual to lose legal capacity. However, developments in modern clinical psychology demonstrate that mental disorders have a complex spectrum and do not always result in a total loss of consciousness. This condition requires a reinterpretation of the concepts of *'aql* and *ahliyyah* in Islamic law so that they remain relevant to the development of modern knowledge. Therefore, the integration between clinical psychology and Islamic law becomes important in providing a more comprehensive understanding of an individual's legal capacity in the act of *talaq*.

In addition to its impact on legal aspects, *talaq* under mental disorder conditions also has important implications for family protection. Mental disorders that affect emotional stability, reasoning ability, and behavioral control may lead to prolonged conflicts within the household and negatively affect the psychological condition of the spouse. In certain situations, spouses living with individuals suffering from severe mental disorders may experience emotional distress (Craigie et al., 2019), fear, psychological exhaustion, and even verbal or physical violence due to the unstable behavior of the individual with the disorder. Therefore, the handling of *talaq* cases involving mental disorders must consider the protection of spouses so that their psychological rights and personal safety remain safeguarded throughout the family dispute resolution process. These implications are also related to the protection of children within the family (Muhasim, Abdullah, Fikri, Rahman, & Wahab, 2026). Marital conflicts influenced by mental disorders may affect parenting patterns, children's emotional stability, and their psychological development. Children who grow up in a family environment characterized by emotional instability are at risk of experiencing trauma, anxiety, behavioral disorders (Alqawasmi, 2021), and difficulties in social development. In this context, the determination of *talaq* is not only related to the relationship between husband and wife, but also concerns the best interest of the child, which must become a primary consideration in Islamic family law.

Talaq in cases involving mental disorders is also closely related to efforts to preserve family welfare (*maslahah al-usrah*). In Islamic law, marriage is not merely intended to establish a legally recognized relationship but also to foster tranquility (*sakinah*), affection (*mawaddah*), and mutual protection within the family. When a mental disorder significantly impairs emotional stability and persistently disrupts family functioning, the legal resolution should consider the welfare of all family members rather than focusing exclusively on the formal aspects of divorce (Sebyar, Jafar, Harahap, Putra, & Efendi, 2025). In this context, the mental health of family members constitutes an important consideration in addressing *talaq* cases involving mental disorders. A purely formalistic legal approach that disregards the psychological conditions of the parties may fail to address the underlying circumstances and may generate further harm to marital relationships and family well-being (Syukrawati, Sidqi, Nisa, Zufriani, & Witro, 2024). Therefore, the determination of *talaq* validity and its legal consequences should balance legal certainty with *maslahah al-usrah* (family welfare), while taking into account the mental condition, rights, and welfare of the individuals and family members affected.

These implications demonstrate that Islamic family law requires a more contextual approach in responding to the development of modern mental health issues. Classical fiqh understandings regarding the loss of reason can no longer be interpreted simplistically, because mental disorders in clinical psychology encompass diverse spectrums of conditions and affect an individual's level of awareness in various ways (Elzakkers, Danner, Grisso, Hoek, & van Elburg, 2018). Therefore, Islamic law needs to be developed adaptively

in order to address contemporary family problems without neglecting the fundamental principles of the Syariah. Such a contextual approach is important so that the determination of the validity of *talaq* is not merely oriented toward the formal aspect of the pronouncement, but also comprehensively considers the psychological condition and legal capacity of the person pronouncing the divorce.

The transformation of Islamic family law also requires an interdisciplinary approach that brings Islamic legal principles into dialogue with clinical psychology. The integration of these perspectives can provide a more comprehensive understanding of an individual's mental condition in family law cases, particularly those involving *talaq* and legal capacity. Islamic law provides normative principles for determining the validity of legal acts, while clinical psychology contributes an empirical understanding of cognitive, emotional, and behavioral functioning. Such integration is important because mental disorders vary considerably in severity, symptoms, duration, and effects on an individual's ability to understand (Ruck Keene KC (Hon) & Enefer, 2022), intend, and control actions. A diagnosis alone, therefore, cannot necessarily establish the presence or absence of legal capacity. The assessment should consider the individual's actual psychological condition at the time the legal act is performed (Wimpelmann & Saadat, 2025). This approach can strengthen legal certainty while promoting justice, individual protection, and family welfare. Furthermore, contemporary developments in mental health demonstrate that psychological conditions have become increasingly relevant to Muslim family relationships and individual legal actions. Islamic family law must therefore respond to these developments without abandoning its normative foundations. A more integrated approach can help judges, legal scholars, and mental health professionals develop contextual assessments that balance legal capacity, personal autonomy (Reed – Berendt & Clough, 2024), marital interests, and family welfare. Such an approach ultimately supports a more responsive and humane application of Islamic family law in contemporary society.

DISCUSSION

The findings of this study indicate that the validity of *talaq* under mental disorder conditions is influenced by the psychological condition, legal capacity, and level of awareness of the person pronouncing the divorce. Mental disorders such as bipolar disorder, schizophrenia (Dutta, 2021), borderline personality disorder, and major depression may affect emotional control, reasoning ability, and individual decision – making when pronouncing *talaq*. In Islamic law, these conditions are closely related to the elements of *'aqil*, *iradah*, and *ahliyyah* as the primary requirements for legal acts. This study also demonstrates that mental disorders do not always result in a total loss of consciousness, as some conditions are temporary (Webb et al., 2020), episodic (Ojalammi, 2023), and fluctuating. In addition to psychological factors, the validity of *talaq* is also influenced by social, familial, medical, and legal understanding factors within society regarding mental disorders (Idris, Khusaini, & Al – Mansyuri, 2024). In the practice of religious courts, the psychological condition of the parties has begun to become an important consideration in resolving divorce cases, including in the Bandung Religious Court Decision Number 78/Pdt.G/2020/PA.Bdg, which considered mental disorders during the case examination process. These findings demonstrate that the approaches of *qawaid al-fiqhiyyah* and clinical psychology have an important interrelationship in understanding the validity of *talaq* in a more contextual and comprehensive manner.

These conditions arise because mental health issues in modern society have become increasingly complex and directly affect the lives of Muslim families (Kelly, Drogin,

McSherry, & Donnelly, 2020). Mental disorders are no longer understood merely as conditions involving a total loss of reason; rather, they possess varying levels and characteristics that influence individuals' awareness, emotional stability, and decision – making abilities in different ways. In family life practices, emotional instability (Afandi, Nelli, & Yunus, 2023), impulsive behavior, social pressure, marital conflicts, and psychological trauma may affect an individual's ability to control intention and understand the legal consequences of pronouncing *talaq*. On the other hand, public understanding that still equates all mental disorders with "insanity" often causes assessments of an individual's legal capacity to be conducted generally without specifically considering the person's psychological condition (Halim, Idrus, Mustafa, Herawati, & Asti, 2025). Furthermore, the lack of integration between Islamic law and clinical psychology results in the determination of the validity of *talaq* focusing more on formal legal aspects than on the mental condition of the person pronouncing the divorce. These circumstances indicate that the issue of *talaq* under mental disorder conditions is influenced by psychological (Ghauri, 2024), social, medical, and legal understanding factors that continue to develop within contemporary society.

These conditions indicate that determining the validity of *talaq* can no longer rely solely on a normative approach centered on the formal pronouncement of *talaq* but requires a comprehensive assessment of the psychological condition of the person pronouncing it (Mohamad, Wahid, Azhar, & Esa, 2026). Psychological examination and medical assessment are therefore important for evaluating the individual's level of awareness, emotional stability (Latif & Saidon, 2021), reasoning ability (Muhammad, Bustami, Darwis, Fajri, & Nasir, 2026), and legal capacity at the time of pronouncement. Such assessment is particularly relevant because mental disorders differ in severity, symptoms, duration, and effects on cognitive and volitional functioning (Dawood, 2024). This situation highlights the need to reinterpret the concepts of '*aql*' and *ahliyyah* in Islamic law so that their application remains responsive to developments in contemporary knowledge and mental health (Stavert, 2021). The assessment should not be based solely on the existence of a psychiatric diagnosis but should consider the individual's actual functional capacity when *talaq* is pronounced (Devy & Suci, 2020). Furthermore, mental disorders in *talaq* cases may produce broader consequences for family life (Ghaly, 2019), including disruption of marital relationships (Jones & Shanneik, 2020), parenting patterns, and the psychological well – being of other family members (Nasir, 2016). A legal approach that incorporates psychological considerations therefore serves not only to determine the validity of *talaq* but also to protect individual rights, preserve family welfare (*maslahah*), and prevent greater social and psychological harm within Muslim families.

Research findings show that studies on mental disorders, marriage, and divorce have produced diverse conclusions across legal, Islamic, human rights, and psychological perspectives. International research has found that mental disorders may lead to restrictions on marital rights and (Badawi & Nasution, 2021), in some legal systems, may constitute grounds for marital nullity or divorce, while other studies emphasize that mental disorders do not necessarily eliminate an individual's capacity to seek support (Mashhour, 2017), make decisions, or maintain social and family relationships (Abbasi, 2017). Research within Islamic family law has predominantly emphasized mental disorders as grounds for divorce and the role of Islamic legal objectives in protecting family welfare (Hasanudin, Mukhlas, Noradin, Solehudin, & Jubaedah, 2023). In contrast, the findings of this study demonstrate that the validity of *talaq* cannot be determined solely by the existence of a mental disorder or by its classification as a ground for divorce (Prabowoa, Chirzin, Nashori,

& Syifa Amin Widigdo, 2024). Rather, validity depends on the individual's actual capacity at the time of pronouncement (Faiz, Zulfahmi, & Izzuddin, 2022), particularly regarding awareness, intention (Putra et al., 2025), reasoning, and voluntary control. This finding extends existing research by distinguishing between mental disorder as a clinical condition and mental incapacity as a legal condition. Through the integration of Islamic legal principles and clinical psychology (Krayem & Funston, 2023), this study therefore provides a more contextual framework for determining *talaq* validity while maintaining legal certainty, individual rights, and family welfare.

Based on the findings of this study, strengthening a transdisciplinary approach is necessary for resolving *talaq* cases involving mental disorders. Conceptually, Islamic family law needs to develop a more contextual understanding of *'aql* and *ahliyyah* by engaging with developments in clinical psychology and psychiatry. Methodologically, research in Islamic family law should integrate legal (Hamidah, Furaida, Rosdiana, Sulalah, & Rahman, 2024), psychological, and psychiatric perspectives to assess individual legal capacity more objectively and comprehensively. A transdisciplinary approach enables these fields to interact in developing an integrated framework for determining the validity of *talaq* rather than treating legal and psychological considerations separately. From a policy perspective, religious courts should strengthen mechanisms for psychological and psychiatric assessment and facilitate the involvement of qualified psychologists or psychiatrists in *talaq* cases involving mental disorders. Such measures are important to ensure that the determination of *talaq* validity is not based solely on formal legal considerations but also considers the individual's actual psychological condition, legal capacity, and capacity for intentional and voluntary decision – making. This approach can strengthen legal certainty while protecting individual rights, marital interests, family welfare, and *maslahah*. Ultimately, integrating Islamic legal reasoning with clinical and psychiatric assessment can support more contextual, evidence – informed, and just decisions in contemporary Islamic family law.

CONCLUSION

This study concludes that the validity of *talaq* under mental disorder conditions cannot be determined solely by the verbal pronouncement of divorce or by the existence of a psychiatric diagnosis. The decisive consideration is the individual's legal capacity at the time of pronouncement, particularly the ability to understand the meaning and consequences of *talaq*, exercise conscious intention, control the decision, and act voluntarily. Mental disorders such as bipolar disorder, schizophrenia, borderline personality disorder, and major depressive disorder may affect *aql* (reason), *iradah* (will), and *ahliyyah* (legal capacity), but their effects vary according to the severity, duration, symptoms, and clinical manifestation of the disorder. Mental disorder therefore does not automatically invalidate *talaq*. Determining its validity requires a contextual and case – sensitive assessment of consciousness, reasoning ability, intention, voluntariness, and legal capacity when the pronouncement occurs. Such assessment should integrate Islamic legal principles, *qawaid al-fiqhiyyah*, clinical psychology, psychiatry, and judicial considerations to distinguish between the mere presence of a mental disorder and an actual impairment of legal capacity.

This study contributes to contemporary Islamic family law by developing a transdisciplinary perspective that connects classical Islamic legal concepts with contemporary knowledge concerning mental capacity. Conceptually, the study

demonstrates that *aql*, *iradah*, and *ahliyyah* can be examined in relation to clinical indicators of cognition, consciousness, emotional regulation, insight, and decision-making capacity. Methodologically, it demonstrates that normative Islamic legal analysis can be strengthened through dialogue with clinical psychology, psychiatry, and judicial reasoning when determining the legal consequences of *talaq* under mental disorder conditions. Theoretically, the findings reaffirm the relevance of *qawaid al-fiqhiyyah* and *maqasid al-shariah* in addressing contemporary family law issues while balancing individual rights, marital interests, and family welfare. The study therefore provides a foundation for a more contextual, humane, and evidence-informed approach to determining *talaq* validity.

This study is limited by its normative and library-based design, which does not empirically examine how mental capacity is assessed in actual religious court proceedings. It also does not involve direct interviews or observations with judges, psychologists, psychiatrists, lawyers, or litigating parties, and its clinical discussion focuses on selected mental disorders rather than the full spectrum of psychiatric conditions. These limitations may restrict the extent to which the proposed framework reflects institutional practices and evidentiary challenges in different judicial settings. Future research should therefore employ empirical and socio-legal approaches involving relevant legal and clinical professionals and examine actual court cases involving mental disorders and *talaq*. Further studies may also develop standardized assessment indicators that integrate Islamic legal capacity, clinical evaluation, psychiatric evidence, and judicial reasoning. Such research would strengthen the practical applicability of the transdisciplinary framework and contribute to more consistent and fair determinations of *talaq* validity in contemporary Islamic family law.

DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

Achmad Zaki Mujahid, Syafuri, Oom Mukarromah, Sayehu, and Resti Septiani contributed to the conceptualization, methodology, investigation, data analysis, writing, review and editing, and final approval of the manuscript.

FUNDING STATEMENT

This research did not receive any specific grants or funding from any funding agency, whether from the public, commercial, or non-profit sectors.

DATA AVAILABILITY STATEMENT

The data supporting the findings of this study were obtained from various library sources, such as books, scientific journals, statutory regulations, and published religious court decisions that are openly accessible through relevant academic sources.

DECLARATION OF INTERESTS STATEMENT

The author declares that there are no financial interests or personal relationships that could have influenced the results of this research and the writing of this article.

ADDITIONAL INFORMATION

Correspondence and requests for materials should be addressed to oom.mukarromah@uinbanten.ac.id

ORCID

Achmad Zaki Mujahid  <https://orcid.org/0009-0007-1211-8021>

Syafuri  <https://orcid.org/0009-0003-7904-2114>

Oom Mukarromah  <https://orcid.org/0009-0005-5747-1377>

Sayehu  <https://orcid.org/0000-0003-0592-4395>

Resti Septiani  <https://orcid.org/0009-0000-2323-6647>

REFERENCES

- Aasen Nilsen, S., Breivik, K., Wold, B., & Børre, T. (2018). Divorce and family structure in Norway: Associations with adolescent mental health. *Journal of Divorce & Remarriage*, 59(3), 175–194. <https://doi.org/10.1080/10502556.2017.1402655>
- Abbasi, M. Z. (2017). Judicial *ijtihad* as a tool for legal reform: Extending women's right to divorce under Islamic law in Pakistan. *Islamic Law and Society*, 24(4), 384–411. <https://doi.org/10.1163/15685195-00244P04>
- Afandi, M. H., Nelli, J., & Yunus, M. (2023). An examination of Islamic family law in Kampar Regency, Riau: Focusing on the causes and prevalence of divorce in the community. *El-Usrah: Jurnal Hukum Keluarga*, 6(2), 298. <https://doi.org/10.22373/ujhk.v6i2.19089>
- AL-shahrani, H. F., & Hammad, M. A. (2023). Impact of emotional divorce on the mental health of married women in Saudi Arabia. *PLOS ONE*, 18(11), e0293285. <https://doi.org/10.1371/journal.pone.0293285>
- Alqawasmi, A. Y. O. (2021). Marriage and divorce practices in Islamic centers in Italy. *Ocati Socio-Legal Series*, 11(4), 959–989. <https://doi.org/10.35295/OSLS.IISL/0000-0000-0000-1198>
- Alsamayyat, L., & Al-Qudah, A. (2019). The divorce of the drunk in Islamic fiqh and Jordan personal status law. *An-Najah University Journal for Research - B (Humanities)*, 33(3), 433–462. <https://doi.org/10.35552/0247-033-003-004>
- Anurag, P. M. (2021). The soundness of 'unsoundness': Marriage, divorce, and mental disability in India. *Jindal Global Law Review*, 12(2), 293–309. <https://doi.org/10.1007/s41020-021-00154-5>
- Asman, & Muda, R. Bin. (2023). Social dynamics on the increasing divorce of Malay communities during COVID-19 in Sambas, West Kalimantan, Indonesia: Perspective of Islamic family law. *Al-Manahij: Jurnal Kajian Hukum Islam*, 17(2), 153–166. <https://doi.org/10.24090/mnh.v17i2.8235>
- Badawi, A., & Nasution, K. (2021). Sexual deviation as a reason for divorce in Islamic law perspective. *Millah: Journal of Religious Studies*, 20(2), 417–448. <https://doi.org/10.20885/millah.vol20.iss2.art9>
- Bhugra, D., Pathare, S., Nardodkar, R., Gosavi, C., Ng, R., Torales, J., & Ventriglio, A. (2016). Legislative provisions related to marriage and divorce of persons with mental health problems: A global review. *International Review of Psychiatry*, 28(4), 386–392. <https://doi.org/10.1080/09540261.2016.1210577>
- Bone, A. (2020). Islamic marriage and divorce in the United Kingdom: The case for a new paradigm. *Journal of Muslim Minority Affairs*, 40(1), 163–178. <https://doi.org/10.1080/13602004.2020.1737412>
- Bourassa, K. J., Manvelian, A., Boals, A., Mehl, M. R., & Sbarra, D. A. (2017). Tell me a story: The creation of narrative as a mechanism of psychological recovery following

- marital separation. *Journal of Social and Clinical Psychology*, 36(5), 359–379. <https://doi.org/10.1521/jscp.2017.36.5.359>
- Craigie, J., Bach, M., Gurbai, S., Kanter, A., Kim, S. Y. H., Lewis, O., & Morgan, G. (2019). Legal capacity, mental capacity and supported decision–making: Report from a panel event. *International Journal of Law and Psychiatry*, 62, 160–168. <https://doi.org/10.1016/j.ijlp.2018.09.006>
- Dawood, S. (2024). Islamic law and gender equality: Challenges and reforms in Sri Lanka's Muslim Marriage and Divorce Act. *Journal of Islamic Law*, 5(2), 288–305. <https://doi.org/10.24260/jil.v5i2.2833>
- Devy, S., & Suci, D. M. (2020). The implementation of verdict execution on providing Maḍiyah maintenance following divorce according to Islamic law (Case study in Syar'iyah Court Banda Aceh). *Samarah*, 4(2), 416–442. <https://doi.org/10.22373/sjkh.v4i2.6179>
- Dutta, S. (2021). Divorce, kinship, and errant wives: Islamic feminism in India, and the everyday life of divorce and maintenance. *Ethnicities*, 21(3), 454–476. <https://doi.org/10.1177/1468796821999904>
- Elzakkers, I. F. F. M., Danner, U. N., Grisso, T., Hoek, H. W., & van Elburg, A. A. (2018). Assessment of mental capacity to consent to treatment in anorexia nervosa: A comparison of clinical judgment and MacCAT–T and consequences for clinical practice. *International Journal of Law and Psychiatry*, 58, 27–35. <https://doi.org/10.1016/j.ijlp.2018.02.001>
- Faiz, A. K., Zulfahmi, A. R., & Izzuddin, A. (2022). Between state law and Islamic law: The practice of divorce outside the Situbondo Religious Courts, Indonesia. *Journal of Islamic Law*, 3(2), 176–192. <https://doi.org/10.24260/jil.v3i2.848>
- Garipova, R. (2022). Divorce from missing husbands: Rizaeddin Fakhreddin and reform within Islamic tradition in Imperial Russia. *Journal of the Economic and Social History of the Orient*, 65(5), 761–801. <https://doi.org/10.1163/15685209-12341582>
- Ghaly, M. (2019). The Convention on the Rights of Persons with Disabilities and the Islamic tradition: The question of legal capacity in focus. *Journal of Disability & Religion*, 23(3), 251–278. <https://doi.org/10.1080/23312521.2019.1613943>
- Ghauri, N. (2024). Muslim women's experiences of Islamic evaluative mediation within Shari'a councils in England and Wales in relation to obtaining divorce as victims of domestic abuse. *Journal of Social Welfare and Family Law*, 46(4), 534–555. <https://doi.org/10.1080/09649069.2025.2454105>
- Halim, P., Idrus, A. M., Mustafa, A., Herawati, A., & Asti, M. J. (2025). Reasons underlying a wife's divorce suit at the Sungguminasa Religious Court, South Sulawesi: An Islamic law philosophy perspective. *Samarah*, 9(3), 1974–1992. <https://doi.org/10.22373/sjkh.v9i3.26900>
- Hamidah, T., Furaida, A., Rosdiana, A. M., Sulalah, & Rahman, N. N. B. A. (2024). The dynamics of urban Muslim families post–divorce: The contribution of Islamic law in building resilience of Indonesian and Malaysian families. *De Jure: Jurnal Hukum dan Syar'iah*, 16(2), 363–381. <https://doi.org/10.18860/J-FSH.V16I2.27461>
- Hardani, S., Erman, & Bratasena, I. P. (2026). Women's iddah period in “grey divorce”: Reformulation of Islamic marriage law in Indonesia based on maqaṣid al–sharī'ah. *El-Usrah*, 9(1), 37–59. <https://doi.org/10.22373/ujhk.v9i1.34045>
- Hasanudin, Mukhlas, O. S., Noradin, M. F. B. M., Solehudin, E., & Jubaedah, D. (2023). Phenomena of domestic violence against women and divorce in 2020–2022 in

- Indonesia: An Islamic perspective. *Al-Manahij: Jurnal Kajian Hukum Islam*, 17(2), 137–152. <https://doi.org/10.24090/mnh.v17i2.7686>
- Hikmah, W. S., Bachtiar, H., & Kurniawan, K. D. (2022). Bisexual orientation, divorce, and Islamic law in Indonesia: Legal standing and arguments. *Ahkam: Jurnal Ilmu Syariah*, 22(1), 137–160. <https://doi.org/10.15408/ajis.v22i1.25791>
- Husin, A. (2023). Falling out of love: Divorce of three Acehnese ubanan couples in the Islamic law perspective. *Samarah*, 7(3), 1868–1896. <https://doi.org/10.22373/sjhk.v7i3.19433>
- Idris, A. R., Khusaini, M., & Al–Mansyuri, S. A. (2024). Contemporary Islamic law in Indonesia: The fulfillment of child custody rights in divorce cases caused by early marriage. *MILRev: Metro Islamic Law Review*, 3(1), 1. <https://doi.org/10.32332/milrev.v3i1.8907>
- Jones, J., & Shanneik, Y. (2020). Reformulating Muslim matrimony: Islamic marriage and divorce in the contemporary United Kingdom and Europe. *Journal of Muslim Minority Affairs*, 40(1), 1–5. <https://doi.org/10.1080/13602004.2020.1744841>
- Kelly, B. D., Drogin, E., McSherry, B., & Donnelly, M. (2020). Mental health, mental capacity, ethics, and the law in the context of COVID–19 (coronavirus). *International Journal of Law and Psychiatry*, 73, 101632. <https://doi.org/10.1016/j.ijlp.2020.101632>
- Krayem, G., & Funston, L. (2023). Listening to Muslim women's lived expertise concerning surviving family violence and seeking Islamic community divorce in the Australian context: A qualitative analysis of Muslim women's, community/religious leader's, and professional responder's perspectives. *Oxford Journal of Law and Religion*, 12(2), 232–252. <https://doi.org/10.1093/ojlr/rwad016>
- Latif, L. B. A., & Saidon, R. B. (2021). The position of oral ta'liq divorce from the perspectives of fiqh and Islamic family law in Malaysia. *Journal of Fatwa Management and Research*, 26(2), 267–279. <https://doi.org/10.33102/jfatwa.vol26no2.413>
- Lin, I.–F., Brown, S. L., Wright, M. R., & Hammersmith, A. M. (2019). Depressive symptoms following later–life marital dissolution and subsequent repartnering. *Journal of Health and Social Behavior*, 60(2), 153–168. <https://doi.org/10.1177/0022146519839683>
- Maksymiuk, K. (2019). Marriage and divorce law in pre–Islamic Persia: Legal status of the Sassanid' woman (224–651 AD). *Cogent Arts & Humanities*, 6(1), 1703430. <https://doi.org/10.1080/23311983.2019.1703430>
- Mashhour, A. (2017). *Islamic law and gender equality: Could there be a common ground? A study of divorce and polygamy in sharia law and contemporary legislation in Tunisia and Egypt* (Vol. 3). Taylor & Francis. <https://doi.org/10.4324/9781315251738>
- Mohamad, A. H. H., Wahid, H., Azhar, N. A. A. N., & Esa, M. S. M. (2026). Mapping global scholarship on Islamic family law through analysis of marriage, divorce and family relations in Muslim societies. *Discover Global Society*, 4(1). <https://doi.org/10.1007/s44282–026–00435–1>
- Muhamad Hanizad, N. I. S., Mohd Zamri, S. H. C., Zainal, B. A., Norshaharizal, N. I. H., & Rosidi, M. H. (2025). A maqasid al–Shariah approach to divorce due to a spouse's mental illness: Legal and rights–based insights from Islamic family law. *International Journal of Research and Innovation in Social Science*, IX(VI), 5496–5505. <https://doi.org/10.47772/IJRISS.2025.906000419>
- Muhammad, F., Bustami, Z., Darwis, M., Fajri, P. C., & Nasir, N. M. (2026). Judicial reluctance and legal gaps in recognizing gambling as a ground for divorce: An Islamic

- law analysis of decisions of the Pekanbaru Religious Court. *Mawaddah: Jurnal Hukum Keluarga Islam*, 4(1), 333–350. <https://doi.org/10.52496/mjhki.v4i1.32>
- Muhasim, A., Abdullah, Fikri, M., Rahman, A. A., & Wahab, A. (2026). Reforming divorce rules in the Compilation of Islamic Law (KHI): Bridging real life and legal norms in Indonesia. *Jurnal Litigasi*, 27(1), 100–129. <https://doi.org/10.23969/litigasi.v27i1.48461>
- Nafisah, D., Nasrudin, N., Meidina, A. R., & Zain, M. F. (2024). Comparative analysis of Islamic family law and normative law: Examining the causes of divorce in Purwokerto, Indonesia. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8(2), 847. <https://doi.org/10.22373/sjkh.v8i2.16825>
- Nasir, M. A. (2016). Islamic law and paradox of domination and resistance: Women's judicial divorce in Lombok, Indonesia. *Asian Journal of Social Science*, 44(1–2), 78–103. <https://doi.org/10.1163/15685314-04401006>
- Noor Athief, F. H., & Juwanti, R. H. (2020). Court decisions on post–divorce children's livelihood: Islamic law analysis on their practices in Indonesia and Malaysia. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 20(2), 151–173. <https://doi.org/10.18326/ijtihad.v20i2.151-173>
- Ojalammi, J. M. P. (2023). Making meaning by sacrifice—Self and relationship commitment in Finnish spouses and partners of people with mental illness. *Journal of Family Studies*, 29(1), 97–114. <https://doi.org/10.1080/13229400.2021.1877174>
- Oliffe, J. L., Kelly, M. T., Gonzalez Montaner, G., Seidler, Z. E., Kealy, D., Ogrodniczuk, J. S., & Rice, S. M. (2022). Mapping men's mental health help–seeking after an intimate partner relationship break–up. *Qualitative Health Research*, 32(10), 1464–1476. <https://doi.org/10.1177/10497323221110974>
- Pellyn–Elexpuru, I., Van Dijk, R., Van der Valk, I., Martınez–Pampliega, A., Molleda, A., & Cormenzana, S. (2024). Divorce and physical health: A three–level meta–analysis. *Social Science & Medicine*, 352, 117005. <https://doi.org/10.1016/j.socscimed.2024.117005>
- Prabowoa, A. D. A., Chirzin, M., Nashori, F., & Syifa Amin Widigdo, M. (2024). Marriage, divorce in Islamic psychological analysis and maqashid sharia. *Petita: Jurnal Kajian Ilmu Hukum dan Syariah*, 9(2), 511–524. <https://doi.org/10.22373/petita.v9i2.321>
- Putra, A. M. S., Harmanto, A., Afriyanti, D., Azhar, M., Ardian, F., & Mustafa, A. (2025). Post–divorce spirituality and the renewal of tawhıd among Muslim women in Pekanbaru, Indonesia: A path to a contextual theology of Islamic family law. *Juris: Jurnal Ilmiah Syariah*, 24(2), 219–231. <https://doi.org/10.31958/juris.v24i2.15986>
- Reed–Berendt, R., & Clough, B. (2024). (Un)blurred lines? Sex, disability, and the dynamic boundaries of mental capacity law. *International Journal of Law and Psychiatry*, 93, 101960. <https://doi.org/10.1016/j.ijlp.2024.101960>
- Ruck Keene, A., & Enefer, A. (2022). What place has 'capacity' in the criminal law relating to sex post JB? *International Journal of Law and Psychiatry*, 85, 101843. <https://doi.org/10.1016/j.ijlp.2022.101843>
- Sander, S., Strizzi, J. M., IIIverup, C. S., Cipric, A., & Hald, G. M. (2020). When love hurts—Mental and physical health among recently divorced Danes. *Frontiers in Psychology*, 11, 578083. <https://doi.org/10.3389/fpsyg.2020.578083>
- Sarfitri, D. S. P., Damayanti, R., Fidiyani, R., Winarsih, W., Qoiri, M. N., & Muhsen, J. J. (2024). Battle for blood: Child custody conflicts in divorce—Islamic vs. customary law.

- Contemporary Issues on Interfaith Law and Society*, 3(2), 263–282.
<https://doi.org/10.15294/ciils.v3i2.31406>
- Scott, R. M. (2020). Islamic law, unitary state law, and communal law: Divorce and remarriage in Egypt's Coptic community. *Exchange*, 49(3–4), 215–236.
<https://doi.org/10.1163/1572543X-12341567>
- Sebyar, M. H., Jafar, W. A., Harahap, S. M., Putra, D., & Efendi, R. (2025). Divorce mediation at Panyabungan Religious Court: Transforming the desire for divorce into reconciliation through cultural values in contemporary Islamic jurisprudence. *Al-Manahij: Jurnal Kajian Hukum Islam*, 81–100.
<https://doi.org/10.24090/mnh.v19i1.12255>
- Setiyawan, D., Tuasikal, H., & Karana, H. A. (2024). The phenomenon of divorce during the election period in the perspective of Islamic law. *Jurnal Media Hukum*, 31(1), 150–166. <https://doi.org/10.18196/jmh.v31i1.21868>
- Siregar, N. M., Albani, M. S., & Yazid, I. (2023). The rights of an apostate wife whom her husband divorces based on the judgment of Islamic religious judges. *Jurnal Ilmiah Mizani*, 10(1), 11–26. <https://doi.org/10.29300/mzn.v10i1.2940>
- Slanbekova, G., Chung, M. C., Abildina, S., Sabirova, R., Kapbasova, G., & Karipbaev, B. (2017). The impact of coping and emotional intelligence on the relationship between posttraumatic stress disorder from past trauma, adjustment difficulty, and psychological distress following divorce. *Journal of Mental Health*, 26(4), 334–341.
<https://doi.org/10.1080/09638237.2017.1322186>
- Stavert, J. (2021). Supported decision–making and paradigm shifts: Word play or real change? *Frontiers in Psychiatry*, 11, 571005.
<https://doi.org/10.3389/fpsy.2020.571005>
- Subramanian, N. (2017). Islamic norms, common law, and legal reasoning: Muslim personal law and the economic consequences of divorce in India. *Islamic Law and Society*, 24(3), 254–286. <https://doi.org/10.1163/15685195-00243p03>
- Syukrawati, S., Sidqi, I., Nisa, S. M., Zufriani, Z., & Witro, D. (2024). Post–divorce rights of women and children in Pekalongan City, Central Java: Challenges in Islamic law analysis. *Al-Ahkam*, 34(1), 121–146. <https://doi.org/10.21580/ahkam.2024.34.1.20624>
- Thara, R. (2016). Legislative provisions related to marriage and divorce of persons with mental health problems: A global review. *International Review of Psychiatry*, 28(4), 393–394. <https://doi.org/10.1080/09540261.2016.1210581>
- Uddin, I. (2020). In pursuit of an Islamic divorce: A socio–legal examination of practices among British Muslims. In *Cohabitation and religious marriage: Status, similarities and solutions*. Bristol University Press.
<https://doi.org/10.51952/9781529210842.ch009>
- Wang, F., Lu, J., Lin, L., Cai, J., Xu, J., & Zhou, X. (2021). Impact of parental divorce versus separation due to migration on mental health and self–injury of Chinese children: A cross–sectional survey. *Child and Adolescent Psychiatry and Mental Health*, 15(1), 71. <https://doi.org/10.1186/s13034-021-00424-z>
- Webb, P., Davidson, G., Edge, R., Falls, D., Keenan, F., Kelly, B., Shea Irvine, R. (2020). Key components of supporting and assessing decision–making ability. *International Journal of Law and Psychiatry*, 72, 101613. <https://doi.org/10.1016/j.ijlp.2020.101613>
- Whisman, M. A., Salinger, J. M., & Sbarra, D. A. (2022). Relationship dissolution and psychopathology. *Current Opinion in Psychology*, 43, 199–204.
<https://doi.org/10.1016/j.copsyc.2021.07.016>

- Wimpelmann, T., & Saadat, M. (2025). 'There is no compulsion in marriage': Divorce and gendered change in Afghanistan during the Islamic Republic. *British Journal of Middle Eastern Studies*, 52(3), 688–706. <https://doi.org/10.1080/13530194.2024.2327508>
- Wiryaningsih, Maryam, R., Ayuni, Q., & Binti Abdullah, R. (2026). Fusion approach in Indonesia's Islamic courts: Blending Islamic principles with Asian family – mediation practices in divorce cases. *Al-Istinbath: Jurnal Hukum Islam*, 11(1), 86–112. <https://doi.org/10.29240/jhi.v11i1.14848>
- Yazid, M. (2026). Between peace and gender justice: Islamic court mediators' perspectives in divorce mediation in West Sumatra. *Journal of Islamic Law*, 7(1), 168–192. <https://doi.org/10.24260/jil.v7i1.2644>
- Yunita, S. (2023). Review of Islamic law against reconciling bupah after triple divorce. *Khazanah Hukum*, 5(1), 81–88. <https://doi.org/10.15575/kh.v5i1.24695>
- Zainurohmah, Z., Andini, M. P., & Damayanti, A. V. (2023). Discourse on post – divorce distribution of joint assets in the perspective of Islamic law in Indonesia. *Contemporary Issues on Interfaith Law and Society*, 2(1), 71–86. <https://doi.org/10.15294/ciils.v2i1.66295>