

The Evolution of Fasakh in Indonesia and Malaysia: A Legal Comparative Bibliometric Review

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ARTICLE INFO

Article history
Received: 06 November 2024
Revised: 08 February 2025
Accepted: 08 February 2025
Published: 09 February 2025

Keywords
Fasakh; Religious Court;
Indonesian Islamic Law;
Enactment Law Malaysian
Muslim Family

ABSTRACT

Fasakh, a legal mechanism in Islamic family law, allows a wife to seek marriage annulment under specific conditions, differing from talaq, which is initiated by the husband. While both Indonesia and Malaysia recognize fasakh, their legal frameworks differ; Indonesia regulates it under the Compilation of Islamic Law (KHI) with significant influence from customary law (adat), whereas Malaysia enforces it through the Islamic Family Law Enactment, varying across states. This study aims to compare the legal, procedural, and socio-cultural dimensions of fasakh in both countries, employing comparative legal analysis through doctrinal research and bibliometric analysis using VOSviewer to map the evolution of fasakh-related studies from 2018 to 2024. The findings reveal that courts in both jurisdictions acknowledge domestic violence, financial neglect, religious conversion, contagious diseases, and fraud as primary reasons for fasakh, with an increasing recognition of psychological abuse and economic vulnerability as legitimate grounds. This study contributes to comparative Islamic legal scholarship by systematically analyzing fasakh across jurisdictions and introducing bibliometric analysis to trace its scholarly development, identifying emerging trends such as identity fraud, psychological abuse, and digital documentation in marital disputes. Additionally, the study underscores the role of ijihad in expanding the interpretation of fasakh, aligning it with contemporary maqasid al-shariah (objectives of Islamic law) to ensure justice. Theoretically, the findings highlight the adaptability of Islamic jurisprudence in modern legal contexts, while practically, they provide insights for legal practitioners, policymakers, and

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Available online at: <http://doi.org/10.35905/diktum.v23i1.11332>



religious authorities to enhance judicial consistency and improve access to legal aid for women seeking annulment. This study reinforces the necessity of balancing Islamic legal principles with evolving human rights perspectives, ensuring fasakh remains a protective mechanism within contemporary Muslim societies.

1. Introduction

One of Allah SWT's decrees to all His creations, including man, is in pairs. Humans are interdependent in pairs between a man and a Woman through the agreement of a great and holy marriage (*mitsaqan ghalida*). Marriage aims to condition peace and tranquility in the soul (*sakinah*) in undergoing life of the world is full of tests and trials, sowing feelings of love (*mawaddah*) between a couple who are not limited to love for vent desire sexual, but love sincere without terms that come from sincerity heart; and reach out love (*rahmah*) Allah SWT obtained through enjoyment pair and have offspring so that later all member family they can become the human who spreads love darling to all over entity creatures in nature universe (*Rahmatan lil' alamin*). However, carrying on life on the House ladder can rated as worship and jihad because it is full of problems, tests, and trials. Even though it is hated by Allah SWT, the Islamic religion has allowed divorce, good through *talaq*, which originates from the husband or through *fasakh* proposed by the wife (Zain & Abdullah, 2018).

Fasakh is the cancellation of marriage or application for divorce filed by another party, in particular the wife, to the Religious Court and decided by the Religious Court that the connection between marriage is disconnected Because of the existence of inconsistency in marriage that makes partner husband and wife No can reach out objective wedding (Arofik & Munawaroh, 2022). The law of fasakh is stated in Islamic Fiqh, whereas its implementation is customized based on each country's policy and laws. For example, in Law No. 1 of 1974 concerning Marriages that apply in Indonesia, namely in CHAPTER IV Article 28 Paragraph 1, it is stated that a canceled marriage that causes canceled new known and happens after marriage is legitimate and acknowledged according to Islamic law and Indonesian state law law (Sitompul et al., 2023; Thoif Al Ghotsi & Yazid Adnan Quthny, 2023). Meanwhile, the cancellation of marriage applicable in Malaysia refers to article 54 (1) (b) of the Law Reform (Marriage & Divorce) Act 1976, where the plaintiff can submit a petition for divorce with the reason that the defendant has behaved such that appearance so that plaintiff No can be expected for life together defendant (Abas et al., 2012). Fasakh law is also enforced in various populated Muslim countries like Morocco and Turkey (Maulidah, 2023), and even cancellation of marriage is also arranged in Christianity (Siregar et al., 2023a).

According to Imam al-Ghazali's Theory of Maslahah, particular fasakh (*maslahah al-juz'iyah*) is viewed as an event allowed law in Islam because pregnant values goodness (*maslahah*) at once can avoid damage (*mafsadat*) that can be arises from relationship husband and wife (Djawas et al., 2019). Because of that, fasakh can specified as valid based on Islamic law if the amount the reason given in the lawsuit for cancellation of marriage is factual, logical, and according to Islamic Shariah, among other things, bonds home stairs that are not according to Islamic Sharia such as "kumpul kebo" (Wan Ismail et al., 2018) and serial marriage (Khairani, 2014b), because in the second practice marriage the said there is so a lot disadvantages that can overtake wife and children. Fasakh is also allowed if one couple changes religion (Harahap, 2016) or do fraud like fake identity self (Dwi Astuti et al., 2023; Nasirruddin & Shobirin, 2022), one couple suffer from disease like hit mental and psychiatric disorders (Husna & Muhtadin, 2023; Linawati

et al., 2019) suffer from AIDS disease (Salleh, 2018), even if husband suffer disease sex like ejaculation early (Mudakir et al., 2021; Raihanah Abdullah et al., 2017), and other diseases (Abdul Muthalib, 2023).

Social realities in Indonesia and Malaysia reveal that fasakh is frequently sought due to economic difficulties, domestic violence, abandonment, and financial disputes (Khairifaizul et al., 2024). The Indonesian Religious Courts and Malaysian Syariah Courts have increasingly processed cases where women seek annulment due to financial neglect by their husbands, unauthorized disposal of joint assets (Kasamasu et al., 2017), or persistent domestic abuse (Saputra, 2022). Furthermore, long-term spousal abandonment and unresolved marital conflicts also serve as justifications for fasakh ((Fazil & Hayati, 2022; Mahmud & Mokhtar, 2017b). Regardless of the reason, fasakh has significant social consequences, particularly concerning child welfare (Fitria, 2022a; Kantriburi et al., 2022).

This study seeks to synthesize existing research on fasakh by conducting a comparative bibliometric analysis of its legal application in Indonesia and Malaysia. Unlike previous studies that focus on theological perspectives, this research aims to bridge the gap between legal theory and socio-legal implementation. The novelty of this study lies in its examination of judicial practices, statutory interpretations, and the broader implications of fasakh for women's legal rights within the framework of Islamic law in both countries. By analyzing the execution of fasakh in different legal environments, this study contributes to the discourse on legal harmonization, gender rights, and the evolving role of Islamic jurisprudence in modern family law.

Most of the proposed phases of Religious Courts are triggered by problems and conflicts during the House ladder, like conflict around treasure like lack of living from the husband or misuse and abuse treasure together obtained during marriage without the consent and approval of one party the presence of violence in House the usual stairs experienced by a wife who is considered weaker or the disappearance husband during for years without clarity news resulting from conflict between husband and wife or reason other. Regardless of the source of the cause, fasakh impacts consequences that are particularly detrimental to the future child. This article aims to analyze bibliometrics about the law and implementation of fasakh in Indonesia and Malaysia.

2. Literatur Review

Fasakh, derived from the Arabic term meaning "annulment" or "dissolution," is a legal mechanism in Islamic law that permits the termination of marriage under specific conditions. It is distinct from talaq, which is initiated by the husband, whereas fasakh can be granted by a religious court based on legitimate grievances raised by either spouse (Rahman et al., 2021). The primary objective of fasakh is to protect individuals from harm and uphold justice within marital relationships, aligning with the maqasid al-shariah (Islamic legal objectives). Traditional Islamic jurisprudence outlines various grounds for fasakh, including non-provision of maintenance, chronic illness, deception, and cruelty (Hasan & Abdullah, 2022). Different Islamic schools of thought, such as Hanafi, Maliki, Shafi'i, and Hanbali, interpret and apply fasakh with slight variations (Ahmad & Idris, 2023). In contemporary settings, the recognition of fasakh is embedded in Islamic family laws across Muslim-majority countries, ensuring that marriages comply with ethical and legal standards (Alam et al., 2021). As societal values evolve, the implementation of fasakh continues to be refined to accommodate emerging marital concerns.

Historically, fasakh was primarily granted on limited grounds, such as a husband's failure to provide financial support or physical incapacity (Ismail & Harun, 2020). Over time, the concept expanded as modern legal systems integrated additional

considerations, such as domestic violence and psychological abuse (Yusof et al., 2022). Countries like Malaysia, Indonesia, and Pakistan have incorporated fasakh into their Islamic Family Law Acts, broadening the scope of annulment to address contemporary marital challenges (Kamal & Sulaiman, 2023). In Indonesia, the Compilation of Islamic Law (KHI) formalizes fasakh as a judicial process ensuring fairness in marital dissolution (Rahim & Zainuddin, 2021). Meanwhile, Malaysia's Syariah Courts interpret fasakh dynamically, incorporating expert testimonies and psychological assessments in annulment cases (Salleh & Omar, 2022). These changes reflect the increasing recognition that marital dissolution must consider not only material obligations but also emotional well-being and human dignity.

The expansion of fasakh grounds has sparked debates among Islamic scholars and legal practitioners. Traditionalists argue that excessive flexibility in fasakh rulings might undermine marital stability and lead to higher divorce rates (Ali & Ibrahim, 2021). On the other hand, progressive scholars emphasize that fasakh is essential for protecting spouses from injustice, particularly in cases of abuse and forced marriages (Zahari & Yusuf, 2022). The legal complexities of fasakh also vary across jurisdictions, with some countries requiring extensive evidence and others adopting a more lenient approach (Abdullah et al., 2023). Additionally, feminists and human rights activists advocate for a more accessible fasakh process, especially for women who face institutional barriers in seeking divorce (Khan & Aziz, 2022). These debates highlight the ongoing tension between maintaining traditional jurisprudence and addressing modern societal issues. Resolving these differences requires a balanced legal framework that remains faithful to Islamic principles while ensuring justice for all parties involved.

Recent studies have explored the practical application of fasakh in contemporary Muslim societies. A study by Ismail and Wahab (2023) examined the role of fasakh in Malaysia's Syariah courts, revealing that cases involving domestic violence and abandonment have increased in the past five years. In Indonesia, Rahim et al. (2022) analyzed court decisions on fasakh, showing that most annulments were granted due to financial neglect and irreconcilable differences. Meanwhile, a comparative study by Ahmad and Latif (2023) assessed fasakh practices in Pakistan and the Middle East, highlighting variations in procedural requirements and judicial discretion. These findings suggest that while fasakh remains a vital aspect of Islamic family law, its application is influenced by local customs, legal structures, and social norms. Research also indicates that increased awareness and accessibility to legal aid programs have empowered more individuals, particularly women, to seek fasakh as a viable means of marital dispute resolution (Yusof et al., 2023). Further investigations continue to explore the effectiveness of fasakh in addressing marital conflicts while upholding Islamic legal principles.

In contemporary legal and academic discourse, fasakh has been widely applied in socio-legal research focusing on gender rights, judicial reforms, and Islamic family law. Legal scholars have utilized fasakh as a case study to examine the adaptability of Islamic jurisprudence in modern legal systems (Siddiq & Osman, 2023). Psychological research has investigated the emotional and social implications of fasakh, shedding light on post-divorce coping mechanisms and the impact on children (Mahmud et al., 2022). Additionally, studies on gender equity in Islamic law have explored how fasakh serves as a protective mechanism for women trapped in harmful marriages (Rahman & Idris, 2023). Moreover, economic analyses have assessed the financial consequences of fasakh, particularly regarding alimony and child support obligations (Hassan et al., 2022). These interdisciplinary approaches demonstrate that fasakh is not only a legal concept but also a subject of significant academic inquiry across various fields. Future research may further investigate how legal reforms and social awareness influence the effectiveness of fasakh in ensuring justice and marital well-being.

3. Research Methods

The purpose of the study is to know How to view the law of Indonesian Islam and the Enakmen Constitution of the family of Islam and Malaysia in discussing the implementation of Fasakh. The research method used to answer the question is the literature review method. A literature review is a type of research conducted to review, identify, compare, and evaluate the results of research that researchers have conducted previously to find a runway theory about the discussion that will be under review (Randa & Arsyam, 2022). Data required for this research was collected with the help of *Publish or Perish* to get an article that discusses fasakh in Indonesia and Malaysia. Data collection was carried out by entering the word "fasakh" in the title words column, as well as entering the words "Malaysian Law; Indonesian Islamic Law" in the keyword column, as in the following image 1.

Cites	Per year	Rank	Authors	Title	Year	Publication	Publisher	Type
7	1.00	1	MW Mahmud, SZ ...	Mafqud and Fasakh in the Writing...	2017	Intellectual Discourse	journals.iium.edu.my	PDF
0	0.00	2	ZFR Sitompul, D Ta...	Legal Review of Fasakh Divorce Ple...	2023	Innovative: Journal Of Soci...	j-innovative.org	
0	0.00	3	NFAHB Adnan	Fasakh Suami Yang Berpenyakit Da...	2024		repository.ar-raniry.ac.id	
1	0.20	4	AB Ya'akob	... Undang-undang Keluarga Islam ...	2019		repository.uin-suska.ac.id	
2	0.29	5	WZ Wan Sulong	FASAKH TERHADAP SUAMI GHAL...	2017		eprints.radenfatah.ac.id	
0	0.00	6	ANBM Nod	... Narkoba Menurut Seksyen 53 E...	2020		repository.ar-raniry.ac.id	
0	0.00	7	A Umur, ANBM Nod	Alasan Fasakh Karena Penyalahgun...	2020	El-USrah: Jurnal Hukum Kel...	jurnal.ar-raniry.ac.id	
0	0.00	8	FEI Darusalam	Ketentuan Fasakh nikah menurut U...	2020		etheses.uinsgd.ac.id	
0	0.00	9	MDMD bin Mohd, ...	MAFQUD SEBAGAI ALASAN FASA...	2022	... Hukum Islam dan ...	jurnal.staialhidayahbogor.a...	
0	0.00	10	ABA Irwan	Keberadaan Suami tidak diketahui ...	2020		repository.ar-raniry.ac.id	
0	0.00	11	EIB MANSOR	... MENURUT ENAKMEN UNDANG-...	2023		UIN Sulthan Thaha Saifudd...	CITATIO
0	0.00	12	SA Muthalib	Fasakh Nikah Karena Penyakit Dala...	2023	El-Hadhanah: Indonesian L...		CITATIO
5	2.50	13	F Saputra	Kewenangan Pengadilan Dalam Pe...	2022	Constitutio: Journal of State ...	ejournal.staindirundeng.ac.id	PDF
0	0.00	14	MNBIN YASIN	... RENDAH SYARIAH KUALA TERE...	2024		repository.uin-suska.ac.id	

Figure 1. Data collection with Publish or Perish

The analysis results above give information related to the article that discusses phases according to Malaysian statutes and laws of Indonesian Islam. After doing an analysis, 24 articles were found discussing the topic analysis. Then, continue again by entering the word "cancellation marriage" in the title word column and the words "Malaysian law; law Islam Indonesia" in the keyword column, as in the following image 2.

Cites	Per year	Rank	Authors	Title	Year	Publication	Publisher	Type
1	1.00	1	H Yusuf	Pembatalan Pernikahan Akibat Pen...	2023	Qonuni: Jurnal Hukum dan...	journal.ptiq.ac.id	
0	0.00	2	DUL Fitria	Status Anak Akibat Pembatalan Pe...	2022	Islamic Law: Jurnal Siyasah	ejournal.iapd-nganjuk.ac.id	
13	3.25	3	N Hikmawati, A Wij...	Sanksi Terhadap Pembatalan Renc...	2020	Shautuna: Jurnal Ilmiah ...	journal3.uin-alauddin.ac.id	
2	1.00	4	S Arofik	Pembatalan Pernikahan (Fasakh Ni...	2022	JAS MERAH: Jurnal Hukum...	ejournal.staidpondokkre...	
3	1.00	5	DAF Salamon	Pembatalan pernikahan sebab poli...	2021		etheses.uin-malang.ac.id	HTML
0	0.00	6	EY Siregar, I Haraha...	Pembatalan Pernikahan dalam Pers...	2023	ANWARUL	ejournal.yasin-alsys.org	
0	0.00	7	AA Nasiruddin	Tinjauan Hukum Islam Terhadap P...	2022		repository.iainkudus.ac.id	
0	0.00	8	MF Aditya	PUTUSAN PEMBATALAN PERNIKA...	2024		repository.unja.ac.id	
5	2.50	9	K Mudakir, J Arfaiza...	Tinjauan Yuridis Terhadap Putusan ...	2022	... Syariah Dan Hukum ...	journal.uii.ac.id	
0	0.00	10	S Shobirin	Tinjauan Hukum Islam terhadap Pe...	2022	JIMSIA: Jurnal Ilmu Syariah	jim.iainkudus.ac.id	
0	0.00	11	D MELINTING	ANALISIS YURIDIS TERHADAP PE...	2021		eprints.ummmetro.ac.id	
5	2.50	12	E Kantriburi, K Sudi...	Akibat Hukum Terhadap Pembatal...	2022	Jurnal Komunitas Yustisia	repository.stdis.net	CITATIO
0	0.00	13	MS Husna	Pembatalan Pernikahan karena Sua...	2023	Sekolah Tinggi Dirasat Isla...	etheses.iainrectur.ac.id	PDF
0	0.00	14	ADA Ratnawati	Akibat hukum pembatalan pernik...	2023			

Figure 2. Data collection with Publish or Perish

The above analysis resulted in as many as 20 articles discussing case cancellation marriages, which are regulated by Malaysian statutes and laws in Islam, Indonesia. According to a number of previous researchers, after the data search was done, a review was conducted for the study phase.

An advanced analysis was done using VOSviewers to know the connection bibliometrics between keyword items from researchers. VOSviewers analysis was performed because it can provide three visualizations, namely, overlay visualization, to explain development research that discusses the phases from year to year (Qiu et al., 2019). Density visualization is used to know how many studies regarding the item have been conducted by researchers (Qiu et al., 2019). Network visualization to know about connection bibliometrics between keyword items in research that discusses phase (Qiu et al., 2019).

4. Results and Discussion

Fasakh is a canceled marriage proposed by the party wife without a divorce from the husband and confirmation done by the court (Sitompul et al., 2023). Fasakh in Indonesia is commonly called cancellation marriage, annulment marriage, and also divorce. In Malaysia, Fasakh is also called the cancellation of marriage and divorce. However, there is a difference between fasakh and talaq, where fasakh is submitted by the wife to a religious court with reason terms and conditions of marriage that are not fulfilled, existing violence in the home ladder, the inability of the husband in support of wife, as well as exist disease contagious (Muthalib, 2023; Raihanah Abdullah et al., 2017). In comparison, talaq is a statement of divorce pronounced by the husband to his wife (R. H. Ismail, 2022). The verdict will cancel marriages for Indonesian citizens arranged in Indonesian Islamic law, whereas enactment law Malaysian Muslim families are enforced for Malaysian citizens. This research focuses on the compilation of Indonesian Islamic law and the enactment law of Malaysian Muslim families, who discuss the implementation of Fasakh. The results of the review study based on some research earlier as the following:

Table 1. Results of research review previous

No.	Researcher	Country of origin	Fasakh Study
1.	(RHB Ismail, 2004)	Malaysia	Syariah Court can agree submission fasakh wife against her husband with conditions suitable reason with Enactment Negeri Sembilan Islamic Family 1983.
2.	(Michael, 2007)	Malaysia	Dissolution wedding through phase can done when happen a violence in house ladder.
3.	(Rahayu, 2012)	Indonesia	There is a relationship blood relatives between candidate husband and wife can make legitimacy cancellation wedding based on the case Number: 3187/ Pdt.G /2011/ PA.Sb .
4.	(Abas et al., 2012)	Malaysia	Fasakh Because existence violence well, in general physique both mentally and physically, can approved based on Article 54 (1) (b).
5.	(Khairani, 2014a)	Malaysia	Differences are discussed in Enactment 17 of 2003 on Islamic Family Law, faraq can happened because exist conditions valid marriage that is not fulfilled.

6.	(Harahap, 2016)	Indonesia	There is a change of religion make fasakh valid for done suitable with decision No. 569/ Pdt.G /2008/ PA.Mdn.
7.	(Linawati et al., 2019)	Indonesia	Fasakh with reason Because partner own disturbance soul as well as House the stairs that have been No harmonious allowed based on decision Number 1899/ Rev.G /2013/ PA.Pt. and the basis Judge's considerations in Decision Number 1899/ Rev.G /2013/ PA.Pt.
8.	(Mahmud & Mokhtar, 2017a)	Malaysia	Problem mafqud enable wife for submit fasakh because no exist clarity will existence husband
9.	(Sulong, 2017)	Malaysia	Fasakh is proposed because invisible husband or no known its existence can confirmed based on Act Law Islamic Family (Federal Territories) 1984 below section 52(1)(a).
10.	(Kasamasu et al., 2017)	Malaysia	Application fasakh caused by the existence abuse drugs explained in the street enactment law family Islam section 53.
11.	(Salleh, 2018)	Malaysia	The presence of HIV /AIDS can to be reason submission fasakh suitable with enactment law Muslim families in the State of Johor.
12.	(Djawas et al., 2019)	Indonesia	Reasons why it is allowed phase according to Imam Ghazali is existence shame or disability, fraud, woman Already free from slaves, impotence, poor husbands and what not capable give livelihood, and lost couple.
13.	(Hikmawati & Wijaya, 2020)	Indonesia	According to law custom, there is sanctions in the form of fine when do cancellation marriage, but according to religious law does not There is sanctions because matter This no set up in the Qur'an.
14.	(Lubis, 2020)	Indonesia	Fasakh can happened when one parties got punishment 5 years in prison or more punishment heavy after marriage takes place suitable with one parties got punishment 5 years in prison or more punishment heavy after marriage takes place.
15.	(Age & Nod, 2020)	Malaysia	Reasons for fasakh caused by abuse drugs confirmed through Section 53 of Law No.7 Enactment Islamic family Kedah Darul Aman.
16.	(Salamon, 2020)	Indonesia	Cancellation wedding can happen Because existence forgery identity by one of the party with objective For profitable his party alone, thing This based on the decision of the Malang Religious Court judge Number: 1050/ Pdt.G /2018/ PA.Mlg

17.	(Mudakir et al., 2022)	Indonesia	Cancellation wedding Because existence non-transparency party husband to wife that is own disease ejaculation early rated in accordance with Article 72 paragraphs (2) and (3) compilation Islamic law is connected with analogy the sham sell buy.
18.	(Nasirruddin & Shobirin, 2022)	Indonesia	Cancellation marriage based on forgery identity according to decision No. 0007/ Pdt.G /2017/ PA.Jp in accordance with applicable provision .
19.	(Fazil & Hayati, 2022)	Indonesia	Mafqud with a tempo of 4 years can made as reason submission Fasakh.
20.	(Salsabila & Salami, 2022)	Indonesia	Submission cancellation wedding need a reason that can be received by the cancelled party, the thing this is so that it doesn't cause impact negative on the canceling and canceled parties.
21.	(Fitria, 2022b)	Indonesia	Cancellation wedding according to Islam it is permissible Because existence defective and not fulfillment harmony and/ or condition legitimate marriage, and the process of its annulment must through court.
22.	(Arofik & Munawaroh, 2022)	Indonesia	Cancellation wedding set up in Constitution Number 1 of 1974 Concerning Marriage Article 22 with a number of conditions like one of party Still bound marriage with party others, marriage carried out by officers' marriage registrar who does not own authority, no existence witnesses, and marriage carried out by a marriage guardian who is not valid.
23.	(Saputra, 2022)	Indonesia	The violence that occurred in House ladder result the emergence misery and suffering in a way physique or mentally can made into as reason approved phase according to Constitution Number 23 of 2004 Article 1.
24.	(Thoif Al Ghotsi & Yazid Adnan Quthny, 2023)	Indonesia	Fasakh marriage discussed in Law No. 1 of 1974. As for the annulment marriage due to the existence shame, no fulfill it terms and conditions possible marriage give rise to harm later day
25.	(Dwi Astuti et al., 2023)	Indonesia	Cancellation wedding Because existence forgery identity husband to be able to Marry Again is legitimate action Because husband has violated Article 378 of the Criminal Code.
26.	(Abdul Muthalib, 2023)	Malaysia	The disease mentioned in law Perak State family does not Again can made into as reason it is permissible phase Because disease the can cured through modern medicine.
27.	(Siregar et al., 2023b)	Indonesia	Cancellation wedding can happen because of existence element coercion, polygamy, during the iddah period, existence infidelity, and existence religious differences.

28.	(Husna & Muhtadin, 2023)	Indonesia	Cancellation marriage caused by the existence of mental disorder of one of the parties rated legitimate because existence element fraud Where party wife No know husband's mental state. This is based on the Decision Bogor Religious Court Number 312/ Pdt.G /2022/ PA.Bgr and Article 27 paragraph (2) of the Marriage Law Article 72 paragraph (2) KHI.
29.	(Mawlidah, 2023)	Malaysia	Marriage can cancelled because of violate religious provisions and because a number of things that are administrative, cancellation This must through decision court.
30.	(Khairifaizul et al., 2024)	Malaysia	Consent fasakh by the Court Rendah Syariah Seri Iskandar, State of Perak submitted with reason no fulfill it alimony wife based on proof, affidavit delivery, tempo of conversation, defense, needs and abilities, verses of the Qur'an, Hadith, rules jurisprudence as well as rate alimony wife
31.	(Hana & Lubis, 2024)	Malaysia	Claims fasakh for a woman in a coma get the power of syar'i judges in court according to Enactment Law the Muslim family obeyed Section 53.

Table 1 above shows that studies about fasakh have been discussed and arranged in some laws, such as Islamic Law in Indonesia and the law of Muslim families in Malaysia. Enshrined law among them is like in Enactment Negeri Sembilan Islamic Family 1983 (R. H. Ismail, 2022), Enactment 17 of 2003 on Islamic Family Law (Khairani, 2014a), Act Law Islamic Family (Federal Territories) 1984 below section 52(1)(a) (Sulong, 2017), Enactment Law Muslim family section 53 (Kasamasu et al., 2017), Enactment Law Muslim Families in the State of Johor (Salleh, 2018), Section 53 of Enactment No.7 Law Keluarga Islamic Kedah Darul Aman (Umur & Nod, 2020), article 72 paragraph (2) and (3) compilation law associated Islam with law sell buy in Ramallah (Mudakir et al., 2021), Law Number 1 of 1974 About Marriage Article 22 (Arofik & Munawaroh, 2022), as well Law Number 23 Year 2004 Article 1 (Saputra, 2022).

The reason for the existence of the submission phase, according to the review results, is the existence of violence, in general physique, both mentally and physically, in house ladder (Abas et al., 2012; Hana & Lubis, 2024; Michael, 2007; Saputra, 2022), the existence of connection blood relatives between candidate husband and wife (Rahayu, 2012), the existence of condition legitimate a marriage that did not happen fulfilled (Khairani, 2014a), the existence of change of religion from one party, husband or wife (Harahap, 2016), problems thank you or the disappearance news husband who makes No existence clarity about existence husband in time certain (Fazil & Hayati, 2022; Mahmud & Mokhtar, 2017a, 2017b), there is act the crime committed by the husband that made him get punishment by country (Lubis, 2020) the existence of element fraud as well as existence disease transmitted to new partners known after existence wedding (Abdul Muthalib, 2023; Salamon, 2020; Salleh, 2012).

Method of analysis in study VOSviewers assisted this to know the connection bibliometrics between keywords from several studies previously. As for the results, the analysis is as follows:

1. Overlay Visualization

Overlay visualization explains development research that discusses fasakh yearly (Qiu et al., 2019). As for the results analysis overlay visualization in research, this is as follows:

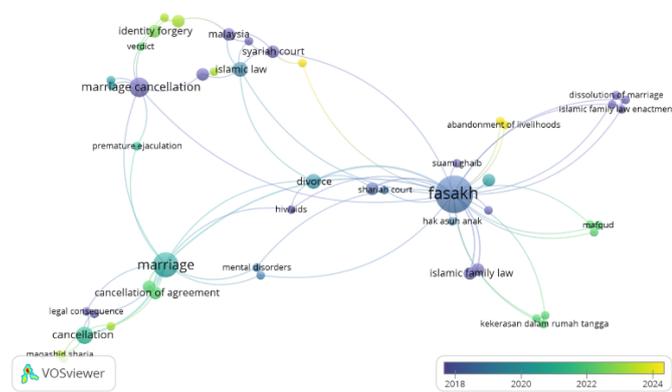


Figure 3. Results of Overlay Visualization Analysis

Based on the results analyzed in Picture 1, it is known that in 2018, the study of fasakh started many studies by researchers. In the period year 2018, researchers relate discussions about fasakh with Sharia court, annulment of marriage, consequence law, law of Muslim families, HIV/AIDS, dissolution of marriage, as well enforcement of Muslim families. Further, in 2020, research grew with studies about divorce, marriage, and Islamic law. Then, the year 2022 research relates fasakh with study cancellation, violence, home ladder, marque, forgery identity, decision, as well as ejaculation early, and the year 2024 research discusses neglect eyes livelihood.

Based on the description, this phase can already be known. It has been discussed since 2018, and the definitions and terms other than the reason submitted phase are reviewed (Darusalam, 2020).

2. Density Visualization

Density visualization is a results analysis that shows how many studies regarding the item have been conducted by researchers previously (Qiu et al., 2019). The results density visualization analysis in research This is as follows:

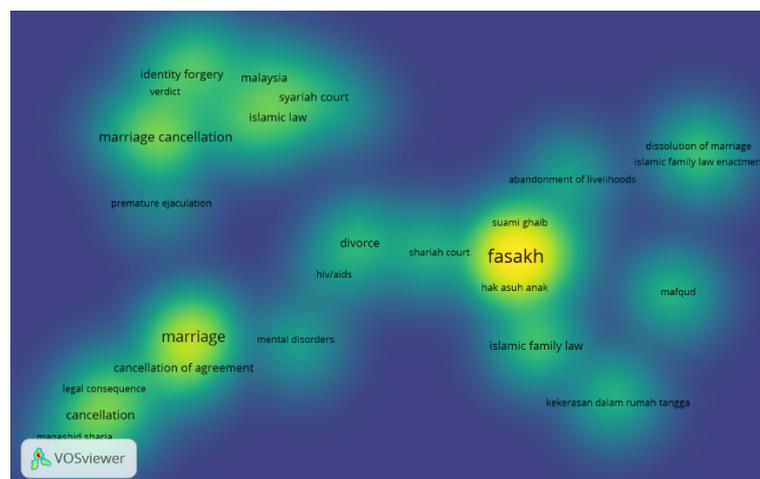


Figure 4. Density Visualization Analysis Results

Based on the results of the density visualization analysis in Figure 4 above, it can be known that the study about phase Lots studied by researchers was previously proven with colored item color yellow. Thus, it is known that research that discusses the compilation between Indonesian Islam law and the Enakmen law family Islam Malaysia has not yet been discussed more deeply. This shows that the research discussed is still ongoing.

3. Network Visualization

Network visualization is a results analysis that shows the connection between bibliometrics and keyword items in research that discusses phase (Qiu et al., 2019). The results analysis in the research is as follows:

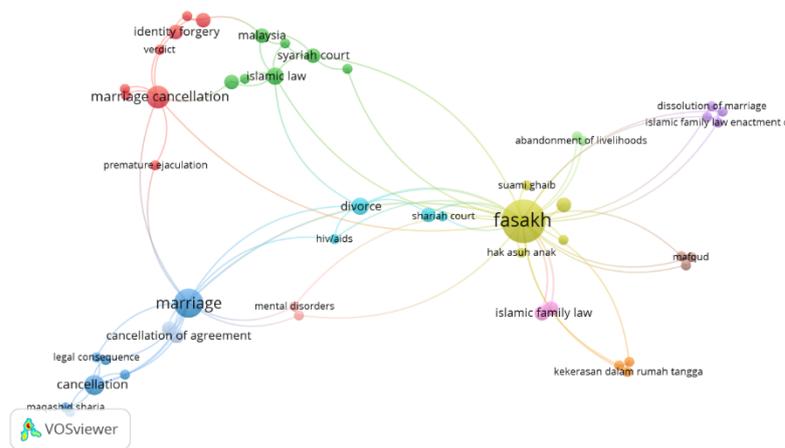


Figure 5. Results of Network Visualization Analysis

Based on the analysis of the results in Figure 5, a connection between items is indicated by a connecting line between items. Analysis results show that There are 49 items divided into 12 clusters as follows:

1. Cluster 1 consists of the above 7 items: marriage mixture, forgery identity, cancellation of marriage, polygamy, early ejaculation, sanctions, and decisions.
2. Cluster 2 consists of the above 7 items: law family, fasakh marriage, Islamic law, Malaysia, law marriage, sharia courts, and violence.
3. Cluster 3 consists of the above 7 items: cancellation, Islam and Christianity, consequences law, maqasid sharia, marriage, changing religions, and marriage.
4. Cluster 4 consists of the above 5 items: right, right foster children, drugs, dissolution marriage, and husband supernatural.
5. Cluster 5 consists of the above 4 items, namely dissolution of marriage, loss, enforcement law of Islamic family, and abuse of drugs.
6. Cluster 6 consists of the above 4 items: divorce, HIV/AIDS, Sharia civil procedure, and Sharia courts.
7. Cluster 7 consists of 4 items: violence, House ladder, authority, and court.
8. Cluster 8 consists of 3 items: mafqud, civil court and sharia courts.
9. Cluster 9 consists of 2 items: law Islamic family and mafqud.
10. Cluster 10 consists of 2 items: disturbance soul and religious courts.
11. Cluster 11 consists of 2 items: neglect eye livelihood and study comparison.
12. Cluster 12 consists of 2 items: cancellation agreement and deed oppose law.

Based on the description, one can know that phase has Lots of connections with other items, such as the reason that makes the party do the submission phase, like the

existence of violence in the House ladder. Good That, in a way, is both mental and physical (Hana & Lubis, 2024), as well as the existence of contagious disease (Abdul Muthalib, 2023). The description above also mentions that this phase has been discussed in the laws of Indonesia and Malaysia. As for the differences between the law phase between these two countries, Fa, each in Indonesia is based on law, customs, religion, and state law, whereas in Malaysia, it is based on easements law Islamic families from each state. Based on the laws in force in Indonesia and Malaysia, it is known that phase can approved by the court If there are appropriate reasons with applicable laws in both countries.

The findings reveal that fasakh, as a mechanism for dissolving marriage, is distinct from talaq and involves judicial intervention at the request of the wife (Sitompul et al., 2023). While fasakh is legally recognized in both Indonesia and Malaysia, the legal frameworks governing its implementation differ. In Indonesia, fasakh is referred to as marriage annulment and is regulated under the Compilation of Islamic Law (KHI), whereas in Malaysia, it falls under the Islamic Family Law Enactment, which varies by state (Muthalib, 2023; Raihanah Abdullah et al., 2017). The reasons for fasakh also vary, including financial neglect, domestic violence, religious conversion, and contagious diseases (R. H. Ismail, 2022). The findings indicate that courts in both countries apply different procedural requirements, yet they share a common goal of ensuring justice for women who seek annulment due to marital hardship.

From a theoretical perspective, fasakh aligns with the maqasid al-shariah principle, particularly in preserving life (hifz al-nafs) and ensuring justice (al-'adl) in marital relations. The theory of Islamic legal adaptation also plays a role in understanding the differences in the application of fasakh in Indonesia and Malaysia. While classical fiqh outlines specific conditions for annulment, contemporary interpretations allow for broader applications, such as psychological abuse and financial instability (Hasan & Abdullah, 2022). The legal frameworks in both countries reflect this adaptive nature of Islamic law, ensuring that fasakh serves as a protective mechanism for vulnerable spouses (Ahmad & Idris, 2023). The distinction between fasakh and talaq further underscores the evolving understanding of Islamic marital jurisprudence, where the husband's unilateral right to divorce (talaq) is complemented by the wife's ability to seek judicial annulment (fasakh) under justifiable grounds.

The findings align with prior research indicating that the acceptance of fasakh depends on the legal and cultural context of each country. In Malaysia, studies show that fasakh is often granted in cases involving domestic violence, abandonment, or the husband's unknown whereabouts (Mahmud & Mokhtar, 2017; Sulong, 2017). Meanwhile, in Indonesia, fasakh is commonly requested due to financial neglect, religious differences, or identity fraud (Harahap, 2016; Saputra, 2022). Research by Rahayu (2012) further supports that fasakh is granted when a marriage violates fundamental Islamic legal principles, such as the discovery of a prohibited familial relationship between spouses. Additionally, the study highlights that judicial discretion plays a crucial role in determining whether a fasakh petition is valid, which aligns with research by Djawas et al. (2019), showing that court rulings vary based on the interpretation of Islamic legal texts.

This study contributes to Islamic legal scholarship by demonstrating the evolving nature of fasakh in response to contemporary marital challenges. Unlike classical fiqh, which limits fasakh to specific grounds such as impotence or fraud, modern Islamic legal interpretations recognize additional justifications, including domestic violence, psychological abuse, and financial instability (Rahman & Idris, 2023). The findings highlight the role of ijtihad (independent reasoning) in shaping contemporary Islamic family law, particularly in reconciling traditional legal principles with modern human rights perspectives. Additionally, this study contributes to comparative legal studies by illustrating how Indonesia and Malaysia implement fasakh within their respective Islamic

legal frameworks, reinforcing the adaptability of *fiqh al-usrah* (family jurisprudence) across different socio-legal environments.

From a practical standpoint, the findings provide valuable insights for legal practitioners, policymakers, and religious authorities. First, understanding the procedural differences between Indonesia and Malaysia can help improve legal assistance for individuals seeking *fasakh*, particularly in cross-border marital disputes. Second, the study highlights the need for clearer judicial guidelines to ensure consistency in *fasakh* rulings, reducing the risk of legal uncertainty for petitioners (Hassan et al., 2022). Third, the findings support the argument for greater legal literacy among Muslim communities, as many spouses are unaware of their rights regarding marital annulment. Finally, this study suggests that integrating psychological and financial assessments into *fasakh* proceedings may enhance the fairness of court decisions, ensuring that women are not left economically vulnerable after annulment.

This research provides novel insights by systematically comparing the implementation of *fasakh* in Indonesia and Malaysia, filling a gap in comparative Islamic family law studies. While previous research has examined *fasakh* in individual contexts, this study uniquely highlights the legal, procedural, and socio-cultural differences between the two countries. Furthermore, this study introduces bibliometric analysis using VOSviewer, mapping key themes in *fasakh*-related research over time. The analysis reveals that research on *fasakh* has expanded significantly since 2018, with recent studies focusing on emerging issues such as identity fraud, mental illness, and digital documentation in marital disputes. Additionally, this study emphasizes the role of customary law (*adat*) in shaping *fasakh* rulings in Indonesia, an aspect often overlooked in conventional Islamic legal studies. Overall, these findings contribute to a deeper understanding of how *fasakh* is applied in diverse Islamic legal systems, paving the way for future research on marital dissolution in other Muslim-majority countries.

5. Conclusion

This study highlights that *fasakh* is a legal mechanism in Islamic family law that allows a wife to seek marriage annulment under specific circumstances, distinct from *talaq*, which is initiated by the husband. In Indonesia, *fasakh* is regulated under the Compilation of Islamic Law (KHI), whereas in Malaysia, it falls under the Islamic Family Law Enactment, with procedural differences across states. The study found that the most common reasons for *fasakh* include domestic violence, financial neglect, religious conversion, contagious diseases, and fraud. Judicial discretion plays a significant role in determining the legitimacy of *fasakh* petitions, with Indonesian courts often considering customary law (*adat*) alongside religious principles, while Malaysian courts adhere strictly to statutory enactments. The study also confirms that *fasakh* has become increasingly relevant in contemporary Muslim societies as a means of protecting women's rights within marriage.

One of the key strengths of this study is its comparative approach, which systematically examines the similarities and differences in the implementation of *fasakh* in Indonesia and Malaysia. Unlike previous studies that focused on single-country perspectives, this research provides a cross-jurisdictional analysis, offering insights into how different legal frameworks interpret and apply *fasakh*. Additionally, this study introduces bibliometric analysis using VOSviewer, mapping the evolution of *fasakh*-related research from 2018 to 2024, revealing new trends in annulment cases, such as psychological abuse, identity fraud, and digital evidence in marital disputes. Another novelty of this research is the discussion of the role of customary law (*adat*) in influencing *fasakh* decisions in Indonesia, an aspect often overlooked in mainstream Islamic legal

studies. These findings contribute to a broader understanding of how Islamic legal principles adapt to contemporary social and legal challenges.

Despite its contributions, this study has several limitations. First, it relies primarily on legal documents and judicial rulings, which may not fully capture the lived experiences of women seeking fasakh. Future research could incorporate qualitative interviews with petitioners, judges, and legal practitioners to gain deeper insights into the practical challenges and emotional consequences of fasakh cases. Second, while this study compares legal frameworks in Indonesia and Malaysia, it does not explore the perspectives of religious scholars (ulama) and policymakers on the evolving interpretations of fasakh. Third, the study does not account for regional variations in fasakh rulings within each country, particularly in provinces where customary law (adat) heavily influences legal decisions.

To build on these findings, future studies should adopt a multi-disciplinary approach, integrating legal, sociological, and psychological perspectives to understand the full impact of fasakh on women's lives. Additionally, research could expand beyond Indonesia and Malaysia to include comparative analyses with other Muslim-majority countries, such as Brunei, Pakistan, or the Middle East, to explore how different legal traditions influence marital annulment processes. Another recommendation is to examine the role of digital documentation and forensic evidence in fasakh cases, particularly in proving domestic abuse, financial neglect, and fraud. Finally, future research should assess public awareness and accessibility to legal aid services for women seeking fasakh, as many petitioners face bureaucratic and financial barriers that prevent them from obtaining justice.

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