Bulletin of Islamic Law

Vol. 3, No. 2, November 2026
https://attractivejournal.com/index.php/bil
ISSN 3062-973X

Bulletin of Islamic Law

Juridical Implications of Transnational Polygamy Without Permission: A Comparative Study of Widows' Inheritance and Joint Property in Indonesia and Malaysia

Muhammad Hafis[1], Wan Abdul Rahim bin Wan Abdul Aziz[2], Juliani Syafitri[3]
[1]Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia
[2]Universitas Sains Islam Malaysia, Malaysia
[3]Universitas PTIQ Jakarta, Indonesia

muhammadhafis1505@gmail.com

ARTICLE INFO
Article history:
Received
July 27, 2026
Revised
Sep 23, 2026
Accepted
Okt 21, 2026

Abstract

Transnational polygamy without permission between Indonesia and Malaysia raises legal problems when the husband dies, especially regarding the recognition of marital status, separation of marital property, and the widow's position as heir. Complexity increases when marriages that are considered religiously valid do not obtain adequate administrative recognition. This study aims to analyze the legal implications of transnational polygamy without permission on the status of widows, compare *judicial reasoning* in resolving marital property and inheritance disputes in Indonesia and Malaysia, and formulate a legal protection framework based on substantive justice. The study uses normative legal methods with *statute, case, comparative,* and *conceptual* approaches. The primary legal material is in the form of laws and regulations and court decisions, while secondary materials are in the form of literature and previous research. The analysis was carried out through *content analysis* and *comparative legal analysis* by examining the relationship between marital status, marital property, inheritance rights, and judges' considerations. The results showed that the disparity in widow protection was mainly influenced by differences in the mechanism of marriage recognition, the construction of joint property and joint property, and *judicial reasoning* patterns. The Indonesian case tended to show a stronger orientation towards substantive justice, while the Malaysian case emphasized compliance with the legal framework and procedures. This study proposes the *Transnational Widow Protection Harmonization Framework (TWPHF), which integrates marital status verification, property regime identification, civil rights protection testing, cross-jurisdictional harmonization, and assessment based on Maqāṣid al-Syarīʿah*. This framework shifts the orientation of protection from status to rights without changing the basic principles of Islamic inheritance.

Keywords: Transnational Polygamy; Widow's Inheritance Rights; *Judicial Reasoning*; *Maqāṣid Al-Syarī'ah*; Legal Harmonization

Published by CV. Creative Tugu Pena
Website https://attractivejournal.com/index.php/bil
This is an open access article under the CC BY SA license
https://creativecommons.org/licenses/by-sa/4.0/
@ 2026 by Authors

INTRODUCTION

Globalization, population mobility, and increasing international migration flows have changed the character of family law from domestic to cross-jurisdictional issues (*Transnational Family Law*). Marriages involving citizens of different

countries or carried out outside the territory of their home countries are increasing in line with regional economic development, ease of transportation, and integration of the ASEAN region. These changes not only give birth to transnational families (*Transnational Families*), but also raises complex legal issues when the marital relationship ends due to divorce or the death of one of the spouses. Disputes over marital status, recognition of heirs, division of joint property, and court jurisdiction are central issues that can no longer be resolved by using national legal approaches alone. In this context, Islamic family law faces new challenges to ensure legal certainty while providing protection for vulnerable groups, especially women who are in a weak position due to differences in the legal system between countries (Abdullah et al., 2026).

This phenomenon is very evident in the social and economic relations between Indonesia and Malaysia. The geographical proximity of the Malacca Strait area, the similarities of religion, Malay culture, and the high mobility of migrant workers have encouraged the development of the practice of cross-border marriage. In a number of regions of Sumatra, especially the east coast of Sumatra and the Riau Islands, the practice of marriage between Indonesian women and Malaysian men has been going on for decades. Some of these marriages are carried out according to the legal procedures of both countries, but many take place through serial marriages or polygamy without obtaining permission from the competent authorities (Warnis et al., 2026). There is even the practice of polygamy that is carried out in border areas or third countries to avoid the licensing procedures that apply in Indonesia and Malaysia. This condition causes the legal status of marriage to often be religiously recognized, but not fully administratively recognized in the legal systems of both countries (Kalsum & Akbarizan, 2025).

The problem becomes much more complex when the husband dies. Procedural errors at the time of marriage that were previously considered administrative problems turn into civil disputes concerning inheritance rights, rights to joint property (*joint property*), as well as the right to *Treasure Hunt* (Asril Amirul Zakariah et al., 2026). In many cases, widows from transnational polygamous marriages face rejection from their husband's family because their marital status is questioned due to not obtaining permission from the court or Sharia Court. The dispute is further complicated if the widow does not have any sons, because according to the classical faraid system, the rest of the property can pass to the heirs *'asabah*, i.e. the male relatives of the husband's side. As a result, the widow has the potential to lose not only the right to a share of the inheritance, but also the right to a dwelling house, productive assets, and property acquired jointly during the marriage.

This complexity shows a clash between Islamic family law and state administrative law. In Indonesia, polygamy is in principle allowed for Muslims on the condition that they obtain a license from a Religious Court in accordance with

Law Number 1 of 1974 as amended by Law Number 16 of 2019, as well as the provisions of the Compilation of Islamic Law (KHI). In contrast, in Malaysia, each state regulates polygamy through the Islamic Family Law Enactment which requires the permission of the Sharia Court before polygamous marriage takes place. Violations of these procedures not only cause administrative consequences, but in some states can also be subject to sharia criminal sanctions in the form of fines or imprisonment. However, there is still a fundamental debate about whether such procedural violations can remove or reduce the civil rights of the wife after the husband dies. This issue is the meeting point between sharia criminal law, Islamic family law, and cross-border inheritance law (Komaladewi et al., 2023).

On the other hand, Indonesia and Malaysia have different approaches to protecting the economic rights of the wife. The Indonesian legal system recognizes the concept of joint property which provides space for the wife to obtain a share of the property acquired during the marriage, while Malaysia developed the concept of joint property which is an important instrument in providing economic protection to the spouse, both at the time of divorce and after the death of the husband. These differences in legal construction have direct implications for the widow's protection strategy in inheritance cases. In practice, a widow from a transnational polygamous marriage can obtain different protections depending on the jurisdiction in which the case is being examined. These differences not only create legal uncertainty, but also open up space for them to occur *Shopping Forum* and disparity in verdicts that have the potential to harm women as parties who are socially and economically vulnerable (Hasanah et al., 2026).

The development of judicial practice also shows a paradigm difference *Judicial Reasoning* between Indonesia and Malaysia. Judges of Religious Courts in Indonesia in various cases tend to take a more progressive approach through recognition of common property, consideration of benefits, and interpretations oriented towards the protection of women. In contrast, Sharia Courts in Malaysia are generally more oriented towards compliance with the provisions of state laws (*Statutory Compliance*) so that the judge's discretion is relatively more limited. These differences in approach make inheritance disputes in transnational polygamous marriages an interesting laboratory to examine how judges balance legal certainty, protection of women's rights, and substantive justice principles in the context of cross-border Islamic family law (Zami & Bahtiar, 2025).

The study of cross-border polygamy has actually developed in recent years. Umi Kalsum and Akbarizan research examines the legal implementation of cross-border polygamy between Indonesia, Malaysia, and Thailand and shows that marriages that do not meet the registration procedure often do not get legal recognition in the parties' home countries (Kalsum & Akbarizan, 2025). Another study compared the protection of wife's rights in polygamy between Indonesia and Malaysia by emphasizing the differences in the normative arrangements of the two

countries (Zami & Bahtiar, 2025). Studies on common property and *Treasure Hunt* has also explained the difference in the concept of division of marital assets in the two legal systems (Hasanah et al., 2026). In addition, recent research on the legal framework of polygamy in Indonesia and Malaysia has focused more on the terms of polygamy, the concept of polygamy. *ḍarar*, as well as the protection of the wife during marriage (Aziz et al., 2025).

However, these studies still leave some scientific gaps (*research gaps*). First, most of the research focuses on the legality of polygamy or the protection of wives during marriage, while the issue of widows' inheritance rights after the death of their husbands in the context of transnational polygamy has not been analyzed in depth. Second, there has been no research that integrates the legal status of marriage, inheritance rights, joint property, and livelihood property in a comparative framework between Indonesia and Malaysia. Third, studies on *judicial reasoning of* judges in dealing with the clash between national Islamic family law and cross-border Islamic family law are still very limited. Fourth, there is no conceptual model that specifically offers a harmonized mechanism for the protection of widows' economic rights from transnational polygamous marriages when facing jurisdictional conflicts and differences in the legal systems of the two countries.

Based on these gaps, this study aims to analyze the legal status of transnational polygamous marriages without permission on the status of widows as heirs, compare the considerations of Indonesian and Malaysian judges in resolving disputes over inheritance rights and division of marital property, and formulate a legal protection model that is able to ensure substantive justice for widows in the cross-border Islamic family legal system. This study not only examines the appropriateness of the application of the Compilation of Islamic Law and the Malaysian Islamic Family Law Enactment, but also evaluates how the two legal systems provide protection to women affected by marital administrative disorders.

The novelty of this research lies in the development of the Transnational Widow Protection Harmonization Framework (TWPHF), which is a legal harmonization model that integrates the principles of the Indonesian Islamic Law Compilation, the Malaysian Islamic Family Law Enactment, the doctrine *of joint property* and *joint property*, as well as the values *of Maqāṣid al-Syarī'ah* to build a mechanism for the protection of widows' economic rights in transnational polygamous marriages. In contrast to previous research that only compared the legal norms of the two countries, this study offers a conceptual framework that connects the dimensions of recognition of marital status, inheritance rights, division of marital assets, and harmonization of court decisions across jurisdictions. Through this model, this research is expected to contribute to the development of the theory of legal pluralism, transnational Islamic family law, and *comparative Islamic family*

law, as well as become a policy recommendation for Indonesia and Malaysia in strengthening the protection of women's economic rights in cross-border marriage.

RESEARCH METHODS

This research is a normative legal research with a comparative legal approach (*Comparative Doctrinal Legal Research*) which aims to analyze the juridical implications of transnational polygamy without permission on widows' inheritance rights and marital property rights in Indonesia and Malaysia (Diantha, 2016). This approach was chosen because the research focuses on the comparison of legal norms, construction *Judicial Reasoning*, and the protection of the civil rights of widows in two Islamic family law systems that have different characteristics. The study uses four approaches, namely *Statute approach* to review the provisions of Law No. 1 of 1974 as amended by Law No. 16 of 2019, the Compilation of Islamic Law (KHI), the Islamic Family Law Enactment in Malaysia, as well as state sharia regulations relating to polygamy, inheritance, and joint property; *Case Approach* to analyze the decisions of the Religious Court in Indonesia and the Malaysian Sharia Court regarding transnational polygamous marriage disputes, widows' inheritance rights, and the distribution of common property (*joint property*) and *Treasure Hunt*; *Comparative Approach* to identify similarities, differences, and disparities in the application of the law in the two countries; and *conceptual approach* By using the theory of legal pluralism, *Judicial Reasoning*, legal protection, substantive justice, and *Maqāṣid al-Syarī'ah* as a framework of analysis in evaluating the quality of legal protection for widows.

Primary legal materials consist of Indonesian and Malaysian laws and regulations, Religious Court rulings, Sharia Court rulings, and relevant Islamic law sources, while secondary legal materials are obtained from books, reputable international journal articles, dissertations, international organization reports, and research results on transnational polygamy, Islamic inheritance law, and the protection of women's rights in a plural legal system. All legal materials are collected through literature studies (*Library Research*) and analyzed qualitatively using *Content Analysis*, *Comparative Legal Analysis*, and *Critical Legal Analysis* (Bahder Johan Nasution, 2008). The analysis stage is carried out through the identification of the legal status of transnational marriage, analysis *ratio decidendi* court decisions in both countries, evaluation of the suitability of judges' considerations with the principles of the Compilation of Islamic Law and the Malaysian Islamic Family Law Enactment, as well as a comparison of the applied model of inheritance and marital property protection. The results of the analysis were then used to formulate the Transnational Widow Protection Harmonization Framework (TWPHF) as a legal harmonization model that integrates the protection of inheritance, common property, and *Treasure Hunt* based on the principle *Maqāṣid al-Syarī'ah*, substantive justice, and protection of women's rights in the context of Indonesia-Malaysia transnational polygamous marriage.

RESULT AND DISCUSSION

Typology of Transnational Polygamy Without Permission and Problems of the Legal Status of Indonesia–Malaysia Marriage

The development of population mobility in the ASEAN region has increased the practice of cross-border marriage (*Transnational Marriage*) between Indonesians and Malaysians (Arrasyid & Pradikta, 2025). Historical relationships, proximity to Malay culture, religious similarities, and high labor mobility make the Strait of Malacca area one of the regions with a high intensity of cross-border marriages. In addition to marriages carried out according to the legal procedures of each country, the practice of transnational polygamy is also developed without obtaining permission from the Religious Court in Indonesia and the Sharia Court in Malaysia. This practice is generally carried out through serial marriage, marriage in a third country, or marriages that only meet religious requirements but are not recorded according to the provisions of the state administration. This phenomenon raises complex legal problems because the status of a valid marriage according to Islamic law does not necessarily receive full recognition in the national legal systems of the two countries.

From the perspective of Indonesian law, polygamy is not absolutely prohibited, but is restricted through the mechanism of court licensing as a form of protection for the rights of wives and children (Fadah et al., 2025). In contrast, in Malaysia every state regulates polygamy through the Islamic Family Law Enactment which requires the permission of the Sharia Court before marriage takes place. Violations of these provisions in some states are even qualified as sharia criminal offenses (*Shari'ah Offence*). As a result, a marriage can be considered valid according to the sharia, but it raises administrative and juridical issues when the civil rights of the parties must be upheld before the courts.

This complexity becomes more evident when the husband dies. Disputes that were initially only related to the legality of the marriage procedure developed into conflicts regarding the widow's status as heirs, the division of common property (*joint property*) in Indonesia, as well as *Treasure Hunt* in Malaysia. In practice, the husband's extended family often uses the excuse of not having a polygamous license or not registering a marriage as a basis for rejecting the recognition of the economic rights of widows (Berliano Arrasyid et al., 2026). This situation is even more detrimental if the widow does not have a son because the rest of the property according to the faraid system has the potential to be transferred to the heirs *'asabah* from the husband's lineage (Arrasyid et al., 2025).

Based on the results of an analysis of regulations and dispute resolution practices in both countries, this study identifies four main typologies of unlicensed transnational polygamy as presented in Table 1.

Table 1. Typology of Transnational Polygamy Without Indonesia–Malaysia License

Typology	Characteristics	Legal Consequences
I	Serial polygamy in Indonesia without the permission of the Religious Court	Weak administrative status and difficulty in proving inheritance rights
II	Polygamy is practiced in Malaysia without the permission of the Syariah Court	Potentially subject to sharia criminal sanctions and cause disputes over the recognition of widows' rights
III	Marriage is performed in a third country to avoid legal procedures	Creating a conflict of recognition of marital status in both countries
IV	Marriage is religiously legal but not administratively recognized	Affecting the proof of the status of the heirs and the right to marital assets

The first typology is often found when Malaysian men marry Indonesian women in series without obtaining court permission. In such circumstances, the marriage fulfils the religious harmony and requirements, but does not have adequate administrative power to prove the status of the wife in the event of an inheritance dispute (Adenan & Ab Rahman, 2020).

The second typology shows different characteristics. Polygamy is carried out in Malaysia without the permission of the Sharia Court, so in addition to violating the Islamic family administration law, the perpetrator can also be subject to sharia criminal sanctions according to state regulations. The problem arises when the husband's extended family uses the violation as an excuse to deny the widow's civil rights, even though procedural violations should not automatically erase the legal marital relationship according to the sharia.

The third typology develops through the practice of marriage in a third country, for example in Southern Thailand or a border region, in order to avoid the administrative requirements of both countries. This practice gives rise to jurisdictional conflicts regarding the recognition of marital status, especially when the husband's assets are spread across Indonesia and Malaysia.

The fourth typology is the most complex form of dispute because marriage is religiously recognized but does not receive full administrative recognition. As a result, widows must first prove the validity of the marriage before they can claim inheritance rights or rights to joint property or *joint property*.

The four typologies show that the main problem does not lie in the validity or not of marriage according to Islamic law, but in the difference in administrative recognition mechanisms that have a direct impact on the protection of widows'

economic rights. Thus, the transnational polygamy dispute is a problem of legal pluralism that involves the interaction between Islamic law, state administrative law, inheritance law, and cross-border civil law (Asnawi, 2024).

This study found that the vulnerability of widows' inheritance rights in transnational polygamy is not primarily caused by faraid provisions, but rather by the absence of harmonization of marital status recognition between Indonesia and Malaysia. Differences in the marriage administration system are the main factors that trigger legal uncertainty regarding inheritance rights and marital property rights.

Disparity in the Legal Status of Widows as Heirs in the Indonesian and Malaysian Legal Systems

The legal position of widows in the Islamic inheritance system has in principle acquired strong normative legitimacy in both the Qur'an, Sunnah, and classical fiqh. Surah *An-Nisā'* Paragraph 12 explicitly gives a share of the inheritance to the wife, namely a quarter of the inheritance if the heir has no children and one-eighth if the heir leaves the child. This provision is the norm *Qat'iy* which affirms that the status of widows as heirs does not depend on the existence of sons or the sustainability of the lineage. However, the implementation of these norms in the national legal systems of Indonesia and Malaysia shows different characteristics because they are influenced by the construction of family law, the marriage administration system, and the protection mechanisms for women's economic rights (Asnawi & Nawawi, 2022).

In Indonesia, the widow's position as an heir is recognized through the Compilation of Islamic Law (KHI) which expressly regulates the wife's inheritance rights regardless of the status of monogamous or polygamous marriages as long as the marriage can be proven according to law. In addition to obtaining a share of the inheritance based on the provisions of the faraidh, the wife also has the right to **Joint property** obtained during the marriage. This concept provides double protection to widows because before the inheritance is distributed to all heirs, a separation is first carried out between the common property and the inheritance. Thus, the part that is the wife's right to the common property does not include the object of inheritance distribution, thus providing relatively stronger economic protection (Ismail, 2025).

In contrast, Malaysia developed a different legal construct through the concept **Treasure Hunt**. In this system, the wife can file a claim against the property acquired jointly during the marriage before the faraid distribution process is carried out. This right is not born as a consequence of inheritance, but as an acknowledgment of the wife's contribution during the construction of the household. Therefore, the Sharia Court first determines the amount *Treasure Hunt*, then the rest of the new property is distributed according to the provisions of faraid to the heirs. Conceptually, the Malaysian approach suggests a more firm separation

between rights due to marital contributions and rights due to inheritance relationships (Ismail et al., 2019).

Problems arise when polygamous marriages are carried out without the permission of the Sharia Court or without valid registration. In these conditions, the recognition of the status of the wife is often the object of dispute before *claims for inheritance* and inheritance rights can be examined. On the other hand, in Indonesia, although serial marriages raise evidentiary issues, judicial practice still opens up space through the *mechanism of marriage to* provide recognition of marriages that meet religious requirements. These differences in mechanisms cause the level of legal protection for widows in transnational polygamy cases to be non-uniform.

Table 2. Comparison of the Legal Status of Widows in Indonesia and Malaysia

Aspects	**Indonesia**	**Malaysia**
Widow Status	Recognized as heirs under KHI	Recognized under the Islamic Family Enactment and faraid law
Economic Rights	Joint Property + Inheritance	Estate + Inheritance
The Influence of Unlicensed Polygamy	Can be strengthened through *itsbat nikah*	Potentially complicating the recognition of wife's status
The Role of the Court	More progressive through a beneficial approach	More oriented towards compliance with the provisions of the law
Widow's Protection	Relatively more flexible	More formalistic and dependent on proof of marital status

The comparison shows that the two countries both recognize widows' inheritance rights under Islamic law, but differ in their approach to the protection of their economic rights. Indonesia emphasizes the concept of joint property as a consequence of the marital relationship, while Malaysia uses the concept of marital property which is based on the contribution of the parties to the acquisition of assets during the marriage. This difference becomes particularly significant when the marriage is administratively flawed, as the widow's access to legal protection depends on the mechanism for recognition of marital status in force in each country (Arrasyid et al., 2024).

In the case of transnational polygamy, this disparity is increasingly evident when the husband's assets are in two different countries. For example, a Malaysian

man marries an Indonesian woman in series without the permission of the Sharia Court and has assets in the form of a house in Johor and land in Lampung. When the husband dies, the dispute is not only about who becomes the heir, but also about which law should be applied (*choice of law*), which court has jurisdiction, and how the recognition of marital status is carried out in each country. Such a situation shows that the protection of widows' rights is no longer only a matter of Islamic inheritance law, but also enters the realm of private *international law*.

From the perspective of the theory of legal pluralism, this condition suggests that a legal relationship can be subject to more than one legal system at the same time. Widows have to deal with Islamic family law, marriage administration law, inheritance law, and rules regarding the recognition of foreign judgments. As a result, the success of obtaining economic rights is determined not only by faraid provisions, but also by the ability of the legal system to harmonize these various legal regimes. This disharmony has the potential to create *legal uncertainty* and *forum shopping*, which is the tendency of the parties to choose the forum that is considered most favorable for their interests.

The analysis of the research also shows that there are different paradigms in women's protection. The Indonesian legal system tends to develop a more responsive approach to women's protection through the recognition of common property and various progressive rulings of the Religious Courts. In contrast, the Malaysian system shows a more formalistic tendency because it strongly emphasizes compliance with marriage administration procedures as a prerequisite for the protection of civil rights. The paradigm difference does not indicate that one system is better than the other, but rather shows a difference in orientation between substantive justice and procedural legality in Islamic family justice practice (Husaini et al., 2026).

Thus, this study emphasizes that legal protection for widows in transnational polygamy cannot only rely on faraid provisions or recognition of marital status alone. A harmonization mechanism is needed that is able to ensure that administrative errors committed by husbands do not result in the loss of civil rights of wives who have been in good faith. This protection is part of the purpose of *Maqāṣid al-Syarī'ah* To protect the property (*ḥifẓ al-māl*), protect life (*ḥifẓ al-nafs*), and maintaining women's dignity (*ḥifẓ al-'ird*) (Al Saudiyah, 1856).

This study found that the disparity in the protection of widows' rights between Indonesia and Malaysia does not lie in the difference in the principles of Islamic inheritance law, but in the difference in the mechanism of recognition of marital status and the model of protection of the economic rights of the wife. Indonesia develops protection through the concept of joint property and a more progressive judicial approach, while Malaysia emphasizes on joint property and compliance with marriage administration procedures. This disparity is the main source of legal uncertainty in transnational polygamous inheritance disputes.

Comparative Analysis *of Judge's Judicial Reasoning* on Inheritance and Joint Property/Joint Property

The inheritance disputes arising from transnational polygamy without permission show that the main issue is not solely about the legal status of marriage, but how judges build legal arguments (*Judicial Reasoning*) in determining the protection of the civil rights of widows. In this kind of case, judges are not only required to apply legal norms textually, but also have to resolve conflicts between national law, Islamic law, and the principles of justice that develop in society. Therefore, the judge's consideration pattern is a factor that greatly determines whether widows obtain effective protection or lose their economic rights due to administrative problems carried out by the husband (Adhyaksa et al., 2023).

The results of the comparative analysis show that judges in Indonesia and Malaysia use different approaches in resolving these disputes. These differences are influenced by the character of each country's legal system, the discretion given to judges, and the orientation of legal protection developed in judicial practice. Religious Courts in Indonesia are relatively more open to using a progressive approach through systematic interpretation of the Compilation of Islamic Law, the principle of utility, and the values of substantive justice. In contrast, the Malaysian Sharia Court focuses more on compliance with the provisions of the state's Islamic Family Law Enactment, so the judges' interpretation space tends to be more limited.

In Indonesian judicial practice, the judge's consideration generally begins with ensuring the validity of the marital relationship through the available evidence. If the marriage has not been recorded, the judge still has room to use the mechanism *It's A Marriage* as the basis for the recognition of the marital relationship as long as the harmony and conditions of marriage according to Islamic law are met. After the marital status is recognized, the judge then separates the joint property from the inheritance before determining the share of each heir based on the provisions of the faraidh. This approach shows that the protection of the wife's economic rights is not solely based on her status as an heir, but also as a party who has contributed to the acquisition of property during the marriage (Aisyah & Alexia, 2022).

In contrast, Syariah Courts in Malaysia tend to initiate examinations by testing procedural compliance with the provisions of the Islamic Family Law Enactment. In cases of unlicensed polygamy, the legal status of marriage is often a preliminary issue (*Preliminary issue*) before claims about *Treasure Hunt* nor can the distribution of faraid be examined. The judge first considers whether the marriage meets the requirements for recognition under state law. Once the status is ascertained, the Sharia Court determines the amount *Treasure Hunt* Based on the wife's direct or indirect contribution to the acquisition of assets, then the rest of the property is distributed according to Faraid Law to all entitled heirs (Hendarso et al., 2025).

The difference in these stages shows the existence of two different *judicial reasoning* paradigms . Indonesia tends to use a **substantive justice** approach,

which prioritizes the protection of women's economic rights despite administrative shortcomings in the implementation of marriage. On the other hand, Malaysia prioritizes **procedural legality**, which is ensuring that all legal procedures are fulfilled before civil rights can be granted. Both approaches have a strong legal basis, but result in different levels of protection for widows in transnational polygamy cases.

Table 3. Comparison of *Judicial Reasoning* of Indonesian and Malaysian Judges

Analysis Aspect	Indonesia	Malaysia
Focus Examination	Protection of civil rights of wives	Compliance with legal procedures
The Judge's Approach	Substantive Justice	Procedural Legality
Basis of Consideration	KHI, principle of utility, maqāṣid, jurisprudence	Islamic Family Enactment, state rules, precedent
Property Protection	Common Property First	Matrimonial property is determined in advance
Judge's Discretionary Room	Relatively wide	More limited
Decision Orientation	Women's protection	Legal administration certainty

Such differences in orientation do not mean that one system is superior to another. Indonesia offers flexibility that allows judges to provide protection to women based on the principles of substantive utility and justice. However, this flexibility also has the potential to cause disparities in verdicts because it depends on the interpretation of each judge. In contrast, Malaysia provides greater legal certainty through detailed arrangements, but a highly formalistic approach can cause women to lose protection if there are administrative defects in marriages that are actually carried out in good faith.

The analysis of this study also shows that both the Indonesian Religious Court and the Malaysian Sharia Court have not fully developed legal considerations oriented towards the protection of widows as vulnerable legal subjects. Most of the judges' considerations are still centered on the legality of marriage, proving the status of heirs, and property distribution procedures, while the aspect of widows' economic vulnerability due to the death of their husbands has not been the main consideration. In fact, in the perspective of *Maqāṣid al-Syarī'ah*, the protection of

women's economic rights is part of the purpose of sharia to protect property (*ḥifẓ al-māl*), take care of the soul (*ḥifẓ al-nafs*), and safeguarding human dignity (*ḥifẓ al-'ird*) (Daulay, 2025).

From the perspective of *judicial reasoning* theory, this condition shows that the judge's arguments are still dominated by normative legal reasoning, while the use of moral reasoning, social reasoning, and comparative reasoning is still very limited. In cross-border family disputes, judges should not only interpret the provisions of the law textually, but also consider the principles of transnational *justice*, the protection of women's rights, and the purpose of Islamic family law that places the interests as the main orientation. Such an approach is important to prevent administrative errors committed by husbands from resulting in the loss of civil rights of well-meaning widows.

These findings also show that the disparity in verdicts between Indonesia and Malaysia is more influenced by differences in *judicial reasoning* paradigms than by differences in Islamic inheritance law norms. In other words, the main source of legal uncertainty does not lie in the provisions of faraidh, but in how judges relate inheritance law to marriage law, administrative law, and the principle of protection of women's rights in a cross-jurisdictional context.

This study found that the disparity in transnational polygamy decisions is more influenced by differences in *judicial reasoning* paradigms than by differences in Islamic inheritance law norms. Indonesian judges tend to develop a *substantive justice approach* through progressive interpretations of the Compilation of Islamic Law and the principle of benefit, while Malaysian Sharia Courts are more oriented towards *procedural legality* through compliance with the Islamic Family Law Enactment. As a result, the protection of widows' rights is highly dependent on the way judges build legal arguments, not solely on the provisions of faraidh.

Criticism of the Legal Protection of Widows in Transnational Polygamy Heirs Disputes

The results of the analysis of the Indonesian and Malaysian legal systems show that the legal protection of widows in inheritance disputes due to transnational polygamy without permission is still partial and oriented towards formal legality. Both the Compilation of Islamic Law (KHI) and the Malaysian Islamic Family Law Enactment have basically recognized the rights of widows as heirs, but these recognition are highly dependent on the fulfillment of the administrative requirements of marriage. As a result, when marriages are carried out without the permission of the court or Sharia Court, the focus of resolving cases shifts from the protection of the economic rights of widows to formal proof of the validity of marriage. This shift in orientation causes the substance of legal protection that should be given to women to be masked by procedural issues carried out by husbands (Dairobi & Akbar, 2024).

This phenomenon shows the dominance of the paradigm **Legal Formalism** in the settlement of cross-border family disputes. In this paradigm, judges assess compliance with legal procedures more than evaluate the social and economic impact experienced by widows after the death of their husbands. In fact, in many cases, women do not have control over their husbands' decisions to engage in polygamy without permission or do not register the marriage. Thus, making administrative defects the basis for restricting the civil rights of widows is contrary to the principle of justice, because procedural errors committed by one party are imposed on the other party who does not have the ability to prevent them (Aug, 2025).

From perspective *Maqāṣid al-Syarī'ah*, nor does this approach fully reflect the purpose of Islamic law. Protection of property (*ḥifẓ al-māl*) is not only interpreted as the distribution of inheritance according to the provisions of Faraidh, but also includes protection for the economic sustainability of family members who are left behind. Likewise, the protection of the soul (*ḥifẓ al-nafs*) and human dignity (*ḥifẓ al-'ird*) demands that women not lose access to housing, sources of livelihood, and assets that have been built together just because there are administrative deficiencies in marriage. Therefore, a legal approach that is only oriented towards procedural validity has not been able to fully realize the goals of sharia (Saraswati & Syukur, 2022).

This study also found that neither Indonesia nor Malaysia have a harmonized mechanism that specifically regulates the protection of widows' economic rights in transnational polygamous marriages. Case settlement is still carried out based on their respective national laws without considering the character of legal relations that cross national borders. As a result, legal status recognized in one country does not necessarily receive the same recognition in another. This inconsistency creates *legal uncertainty*, increases disparity in verdicts, and opens up opportunities for *forum shopping*, which is an effort to choose the jurisdiction that is considered most favorable for one of the parties.

Another problem found is the lack of integration between inheritance law and marital property law in dispute resolution. In practice, discussions about the status of heirs, joint property, and *joint property* are still carried out separately so that judges tend to view these rights as an independent legal regime. In fact, substantively these three aspects are interrelated because they all aim to provide economic protection to family members after the death of the heir. This separation causes widows' rights to be often fragmented so that they do not receive comprehensive protection.

The findings of this study show that the main weakness of the legal system lies not in the provisions of faraidh or the concept *of common property* and *joint property*, but in the **absence of a harmonization framework** that is able to connect the various legal regimes in one integrated protection model. Therefore, a new

approach is needed that places the protection of widows' civil rights as the main goal of dispute resolution, while administrative legality is positioned as an instrument, not as an end goal.

To answer this gap, this study offers a new conceptual model called **the Transnational Widow Protection Harmonization Framework (TWPHF).** This model is designed as a legal harmonization framework between Indonesia and Malaysia that integrates the principles of Islamic family law, inheritance law, marital property law, and *Maqāṣid al-Syarī'ah* values in a protection system oriented towards substantive justice.

Table 4. Criticism of the Applicable Legal Protection Model

Conventional models	**Disadvantages**	**Model TWPHF**
Marital status is the main focus	Widow protection depends on administration	Marital status is verified without depriving the widow of her economic rights
Inheritance rights are examined separately	Not considering the economic contribution of the wife	Inheritance rights are integrated with marital property rights
Joint property and joint property are processed separately	Fragmentation of legal protection	An integrated approach to the entire economic rights of widows
National approach	Cross-border jurisdictional conflicts	Harmonization of Indonesia-Malaysia law
Procedural certainty	Ignoring women's vulnerability	Substantive justice based *on Maqāṣid al-Syarī'ah*

Based on this framework, this study develops five main principles of the Transnational Widow Protection Harmonization Framework (TWPHF), namely: (1) recognition of marital status based on the substance of the legal relationship, (2) protection of widows' economic rights without being influenced by the husband's administrative errors, (3) integration of inheritance rights with the right to joint property and *joint property*, (4) harmonization of dispute resolution through a cross-border Islamic family law approach, and (5) the application of the principles of *Maqāṣid al-Syarī'ah* and substantive justice as the main basis *of judicial reasoning*. Through these five principles, the TWPHF does not change the provisions of faraidh which are *qat'iy*, but strengthens the mechanism for the protection of the civil rights of widows before the distribution of inheritance.

Theoretically, this model expands the study of comparative Islamic family law by introducing the concept of harmonization of transnational Islamic family law that has not been widely discussed in the literature. Practically, TWPHF provides guidelines for judges of Religious Courts in Indonesia and Sharia Courts in Malaysia to assess transnational polygamy disputes more comprehensively, so that the resulting judgments not only meet legal certainty, but also reflect substantive justice and protection for vulnerable groups.

This study found that the uncertainty of the protection of widows' rights in transnational polygamy is not caused by the difference in the faraidh system between Indonesia and Malaysia, but by the absence of a harmonized framework that integrates the recognition of marital status, inheritance rights, joint property, and joint property in the settlement of cross-border disputes. As a conceptual novelty, this study offers *Transnational Widow Protection Harmonization Framework (TWPHF)*, which is a legal protection model that integrates the principles of the Compilation of Islamic Law, the Malaysian Islamic Family Law Enactment, matrimonial property law, and *Maqāṣid al-Syarī'ah* to establish comprehensive and substantive protection of the economic rights of widows (Tukker & Dietzenbacher, 2013).

Reconstruction of *the Transnational Widow Protection Harmonization Framework (TWPHF)* as a Model for the Legal Protection of Widows in Transnational Polygamy

The findings of the study show that the settlement of inheritance disputes due to transnational polygamy has so far been dominated by a sectoral approach. The Indonesian legal system emphasizes the recognition of **joint property** and the mechanism of *marriage issbat*, while Malaysia prioritizes **joint property** and compliance with the licensing procedures of the Sharia Court. Both approaches basically provide protection for women, but have not been able to answer the complexity of legal relations involving two jurisdictions at once. As a result, the protection of widows' civil rights depends on the *forum dependent protection*, rather than on the principle of justice that should be universal in Islamic family law.

This condition shows that the normative approach that currently applies is still oriented towards the separation of legal regimes, namely marriage law, inheritance law, and marital property law. In fact, in transnational polygamy disputes, the three regimes cannot be separated because they influence each other in determining the legal position of widows. Therefore, this study proposes a reconstruction model that integrates all these aspects into the **Transnational Widow Protection Harmonization Framework (TWPHF).** This model is built on three main foundations, namely **legal harmonization**, **substantive justice**, and **Maqāṣid al-Syarī'ah**, so as to be able to bridge the differences in legal construction between Indonesia and Malaysia without changing the basic principles of Islamic inheritance law.

The TWPHF is developed through five interrelated stages of analysis. The first stage is the **verification of marital status**, which is to ensure the existence of a legal marital relationship according to Islamic law while identifying its administrative status in both countries. At this stage, administrative disorder does not automatically eliminate the protection of widows' civil rights, but rather becomes only one aspect that judges consider. This approach places administrative legality as an instrument of legal protection, not as the only condition for obtaining justice.

The second stage is **the identification of the property regime**, which is to distinguish between the heir's personal property, joint property according to Indonesian law, and *joint property* according to Malaysian law. This stage is important because not all assets left by the husband are the object of inheritance. The share that is the wife's right for her contributions during the marriage must first be separated before the faraid distribution process is carried out. Thus, the widow's economic rights are protected through two paths, namely as the joint owner of the marital assets and as heirs under Islamic law.

The third stage is the *Civil Rights Protection Test for widows*. At this stage, the judge evaluates whether the application of national law has the potential to eliminate the economic rights of widows due to administrative problems carried out by the husband. The indicators used include the recognition of the wife's status, the right to residence, the right to productive assets, the sustainability of economic life, and the interests of the children if any. This approach expands the scope of legal protection from just the distribution of inheritance to the protection of civil rights as a whole.

The fourth stage is the *Cross-Border Harmonization Test*. In this stage, the judge compares the consequences of the application of Indonesian and Malaysian laws to determine the protection model that is best able to maintain a balance between legal certainty and substantive justice. This harmonization approach does not aim to unite the entire legal systems of the two countries, but seeks *common legal principles* that allow widows' rights to remain protected despite differences in administrative mechanisms and judicial procedures.

The fifth stage is the **compatibility test with Maqāṣid al-Syarī'ah** (*Maqāṣid Compatibility Test*). At this stage, each alternative solution is tested based on the goals of the Shari'ah, especially the protection of religion (*ḥifẓ al-dīn*), the soul (*ḥifẓ al-nafs*), property (*ḥifẓ al-māl*), heredity (*ḥifẓ al-nasl*), and human dignity (*ḥifẓ al-'ird*). A decision is considered to meet the principles of justice if it is not only in accordance with the normative provisions of inheritance law, but also able to ensure the sustainability of the widow's economic life as a party who is socially in a vulnerable position.

Table 5. Structure *of the Transnational Widow Protection Harmonization Framework (TWPHF)*

Model Stages	Purpose	Expected Results
Marital Status Verification	Ensuring the legal relationship of the parties	Widow status obtains legal recognition
Identification of the Property Regime	Separating personal property, common property, and *property*	No mixing of inherited objects occurs
Civil Rights Protection Test	Assessing the protection of the economic rights of widows	Civil rights remain protected
Cross-Border Harmonization Test	Harmonizing the application of Indonesian and Malaysian laws	Reduce jurisdictional conflicts
Maqāṣid Compatibility Test	Testing the substantive justice of the verdict	Protection that is in line with the goals of sharia

Conceptually, the TWPHF shifts the orientation of dispute resolution from **a status-oriented approach** to **a rights-oriented approach**. In the conventional model, the main focus is on whether or not marriage is legal according to administrative law. Instead, the TWPHF places the protection of civil rights as the starting point of the analysis, then uses administrative provisions to strengthen legal certainty without eliminating the rights of women in good faith. This paradigm shift results in an approach that is more in line with the development of contemporary Islamic family law that increasingly emphasizes the protection of vulnerable groups and respect for human rights.

Table 6. Comparison of Conventional and TWPHF Models

Aspects	Conventional models	TWPHF
Focus of Analysis	Legality of marriage	Protection of civil rights
Decision Orientation	Procedural certainty	Substantive justice
Legal Relationship	National	Transnational

The Judge's Approach	Textual	Integrative and comparative
Widow's Protection	Depends on administrative status	Guaranteed through legal harmonization
Philosophical Basis	Normative compliance	*Maqāṣid al-Syarī'ah* and the protection of human rights

The theoretical implication of the TWPHF is the development of a new paradigm in comparative Islamic family law that combines the theory of legal pluralism, international civil law, and *Maqāṣid al-Syarī'ah* in the settlement of cross-border family disputes. So far, the study of Islamic family law has more compared norms between countries without offering an integration mechanism when jurisdictional conflicts occur. This model shows that legal harmonization does not have to be done through the unification of regulations, but can be achieved through the harmonization of the principles of legal protection applied by judges.

From a practical point of view, the TWPHF can serve as a guideline for Religious Courts in Indonesia and Sharia Courts in Malaysia in handling transnational polygamy disputes. This model can also serve as a basis for policymakers to strengthen bilateral cooperation in the areas of marriage recognition, enforcement of court judgments, and the protection of women's economic rights in transnational families. Thus, TWPHF not only contributes to the development of Islamic family law theory, but also offers normative solutions that can be applied in judicial practice.

This research resulted in the *Transnational Widow Protection Harmonization Framework (TWPHF)* as a new model in comparative Islamic family law. In contrast to the conventional approach that separates the issues of marital status, inheritance, and marital property, the TWPHF integrates the three legal regimes through five stages of analysis oriented towards the protection of the civil rights of widows. This model shows that justice in transnational polygamy disputes is not enough to be realized through the formal application of the provisions of faraidh, but must be built through the harmonization of laws across jurisdictions based on *Maqāṣid al-Syarī'ah*, legal pluralism, and the principles of substantive justice.

CONCLUSION

This study shows that the juridical implications of transnational polygamy without permission between Indonesia and Malaysia are not only related to the administrative validity of marriage, but also have a direct impact on the protection of widows' civil rights, especially inheritance rights and marital property rights. The results of the study show that both the Compilation of Islamic Law in Indonesia and the Islamic Family Law Enactment in Malaysia basically recognize the position of widows as heirs according to the principles of Islamic law. However, there are

disparities in its implementation due to differences in the mechanism for recognizing marital status, the concept of joint property in Indonesia and *joint property* in Malaysia, as well as the *judicial reasoning* paradigm applied by each court. Religious Courts in Indonesia tend to develop a substantive justice approach through progressive interpretations of the Compilation of Islamic Law and the principle of benefit, while Malaysian Sharia Courts place more emphasis on procedural legality through compliance with the provisions of the Islamic Family Law Enactment. As a result, the level of legal protection for widows in transnational polygamy cases still depends on the jurisdiction in which the case is being examined, potentially causing legal uncertainty and disparity in verdicts.

As a scientific contribution, this study offers the *Transnational Widow Protection Harmonization Framework (TWPHF)* as a model of legal harmonization that integrates the recognition of marital status, protection of inheritance rights, division of joint property and *joint property*, as well as the principles *of Maqāṣid al-Syarī'ah* in the settlement of cross-border Islamic family disputes. This model places the protection of widows' civil rights as the main orientation without ignoring legal certainty and faridhist provisions. Thus, TWPHF enriches the development of comparative Islamic family law theory through a cross-jurisdictional harmonization approach oriented towards substantive justice. Practically, this model is expected to serve as a reference for judges of Religious Courts in Indonesia and Sharia Courts in Malaysia in building more responsive legal considerations for women's protection, as well as a recommendation for policymakers to strengthen bilateral cooperation in marriage recognition, transnational family dispute resolution, and protection of widows' economic rights in an era of increasing community mobility in the ASEAN region.

REFERENCES

Abdullah, M. M. A., Mohd, A., & Ibrahim, N. (2026). Maqāṣid Al-Sharīʿah as a Framework for Muslim Family Law Reform in Sri Lanka: A Pathway Toward Gender Justice. *IIUM Law Journal*, *34*(1), 187–238. https://doi. org/10. 31436/iiumlj.v34i1.1214

Adenan, F., & Ab Rahman, A. (2020). Maintaining national peace according to the perspective of maqāsid sharia and its relationship to sustainable development goals: A study in Malaysia. *UMRAN-International Journal of Islamic and Civilizational Studies*, *7*(1), 33–47. https://www.academia.edu/download/72508994/pdf.pdf

Adhyaksa, e-J. S., Wicaksana, D. A., & Kambela, A. D. (2023). Constitutional Court Decision No. 46/PUU-VIII/2010 on Out-of-wedlock Children: A Legal Analysis. *Journal of Justice Dialectical*, *1*(1), 44–51. https://doi. org/10.70720/jjd.v1i1.15

Agus, A. (2025). Legal Review of the Provisions on "Cohabitation" Based on Law Number 1 of 2023 Concerning the Criminal Code. *Rechtsvinding*, *3*(1), 67–74. https://doi.org/10.59525/rechtsvinding.v3i1.679

Aisyah, A., & Alexia, N. (2022). The Existence of Customary Heirloom Law in the Distribution of Inheritance in the Batak Indigenous Peoples of Toba North Sumatra. *Mizan: Journal of Legal Sciences*, *11*(1), 1–8. https://doi. org/https://doi.org/10. 32503/mizan. v11i1.2323

Al Saudiyah, W. A. A. (1856). *Maqashid al Syariah Al Islamiyah*. Kitab Al Waraqiy.

Arrasyid, H. F., Asnawi, H. S., & Ismail, H. (2025). Javanese Philosophical Values Sepikul Segendongan on the Dynamics of Inheritance Distribution from the Perspective of Hudud Theory (Case Study in Balekencono Village, Batanghari District). *Legal, Social and Religious Periodicals*, *2*(1), 200–211. https://jurnal2. Umala. Ac. id/index. php/bhsa/article/view/203

Arrasyid, H. F., Hidayat, E., Anam, K., Choirunnisa, S., & Wati, K. (2024). Socialization of Maslahah Family Development in Sriwijaya Mataram Village as a Form of Anticipation of the Increasing Divorce Rate in Central Lampung Regency. *Abdi Makarti*, *3*(1), Article 1. https://doi. org/10. 52353/abdimakarti.v3i1.585

Arrasyid, H. F., & Pradikta, H. Y. (2025). Marriage Dispensation and Gender Justice from a Mubādalah Perspective: A Critical Analysis of Tanjungkarang Religious Court Decision No. 131/Pdt.P/2024/PA.Tnk. *Journal of Islamic Mubādalah*, 194–213. https://doi.org/10.70992/8m1a5j14

Asnawi, H. S. (2024). The Ummah's Rejection of the Prophetic Message and Its Relevance in with Feminist Legal Theory's Criticism of the Marriage Law. *RADEN INTAN: Proceedings on Family and Humanity*, *1*(1), 473–484. http://radenintan.pascasarjanauinril.com/index.php/radenintan/article/view/48

Asnawi, H. S., & Nawawi, M. A. (2022). *Dynamics of marriage law in Indonesia: A review of Islamic family law on the legality of marriage in believers' beliefs*. Bildung. https://digilib.unisayogya.ac.id/7061/1/Buku%20Referensi%20-%20Dinamika%20Hukum%20Perkawinan%20di%20Indonesia.pdf

Asril Amirul Zakariah, Taufiq Ikram Ash Syidiqi, & Rafi'aturrahmah. (2026). Post-Divorce Maintenance, Property, and Child Welfare in Indonesia: A Comparative Study with Malaysia and Saudi Arabia. *Usriyyat: Indonesian Journal of Islamic Family Law*, *1*(1), 1–21. https://doi.org/10.66277/uijifla.1.1.2

Aziz, N. A., Abdullah, R., Roro, F. S. R., & Hussin, M. N. M. (2025). Harm 'ḍarar' In Polygamous Marriage: Analyzing The Legal Framework in Malaysia and Indonesia. *AHKAM : Journal of Sharia Science*, *25*(1), 53–70. https://doi.org/10.15408/ajis.v25i1.32068

Bahder Johan Nasution, S. (2008). *Legal Research Methods*. Cv. Mandar Maju.

Berliano Arrasyid, Naslang Pae, & Nadia Hilali Zahra. (2026). Legal Problems of Unregistered Marriage in Indonesia: Juridical Consequences, Civil Registration Instruments, and Policy Implications in Riau Province. *Usriyyat: Indonesian Journal of Islamic Family Law*, *1*(1), 22–39. https://doi. org/10.66277/uijifla.1.1.1

Dairobi, A. H., & Akbar, A. (2024). Divorce Lawsuit in the Decision of the Stabat Religious Court Number 2119/Pdt. G/2023/PA. Stb. (Reviewed in the Perspective of Law Number 23 of 2004 concerning the Elimination of Domestic Violence and Article 116 of the Compilation of Islamic Law). *Journal of Law, Humanities and Politics (JIHHP),* *4*(3).

https://search.ebscohost.com/login.aspx?direct=true&profile=ehost&scope=site&authtype=crawler&jrnl=27472000&AN=177667642&h=4BGZiobfrVw9%2BD77jfmZbK8hPeIDgp%2BG2lgJLqXHCgCKdkbwslgH02xLNGM6xREFGyURGHiueofgwsHLNFG%2Btw%3D%3D&crl=c

Daulay, N. K. (2025). Economic Law Analysis of Halal Certification Obligations for MSMEs from the Perspective of Maqashid Syariah. *Indonesian Journal of Humanities and Social Sciences*, *6*(1), 27–44. https://ejournal.uit-lirboyo. ac. id/index.php/IJHSS/article/view/6945

Diantha, M. P. (2016). *Normative Legal Research Methodology in Justification of Legal Theory*. Prenada Media.

Fadah, N. I., Maki, H. L. P., Irawan, H., Oktora, N. D., & Arrasyid, H. F. (2025). Tajdid Nikah: Legal Analysis, Ulama Perspectives, and Maslahah Mursalah (A Case Study in East Lampung Regency). *Journal of Courts: A Study of Islamic Law and Law*, *10*(1), 95–110. https://journal. IAIMNUMETROLAMPUNG. Ac. id/index.php/jm/article/view/5855

Hasanah, U., Syahnan, M., & Rokan, M. K. (2026). The Dynamics of Joint Property Distribution in Mixed Marriages: A Comparative Study of Laws in Indonesia and Malaysia. *Journal Of Science And Social Research*, *9*(1), 652–660. https://doi.org/10.54314/jssr.v9i1.5827

Hendarso, M. H., Firdawaty, L., Zahry, A. A., & Jebat, D. B. binti M. (2025). The Effectiveness of Premarital Counseling Programs in Reducing Domestic Conflict: A Comparative Study in Indonesia, Malaysia, and the United Arab Emirates. *Bulletin of Islamic Law*, *2*(1), 1–20. https://doi.org/10.51278/bil.v2i1.1721

Husaini, M. A., Arrasyid, H. F., & Rashid, W. R. A. binti M. (2026). Judicial Discretion in Marriage Dispensation: Comparative Analysis of Granted and Rejected Cases through Maslahah Mursalah. *Bulletin of Islamic Law*, 1–16. https://doi.org/10.51278/bil.v3i1.2540

Ismail, H. (2025). The Relevance of Islamic Law Concepts in Responding to Contemporary Social Issues: A Challenge to Religious Moderation. *Moderation: Journal of Islamic Studies*, *5*(1), 259–278. https://ejournal. or.id/index. php/moderation/article/view/100

Ismail, H., Asy'ari, H., & Setiawan, A. (2019). The Inheritance Rights of the Oldest Son in Lampung Customary Law Pepadun Gender Perspective (Study in Tetineng, Pesawaran Regency). *Al-Hurriyah: Journal of Islamic Law*, *4*(1), 56–67. https://ejournal.uinbukittinggi.ac.id/index.php/alhurriyah/article/view/938

Kalsum, U., & Akbarizan, A. (2025). The Implementation Of Polygamy Law: Indonesian Women Marrying Malaysian Men in Satun, Thailand. *International Journal of Law and Society*, *2*(1), 133–151. https://doi. org/10. 62951/ijls.v2i1.303

Komaladewi, D., Rauf, M., & Efendi, M. O. S. (2023). Polygamy Policy in Indonesia and Malaysia. *Journal of Family Law and Islamic Civil Administration*, *1*(1). https://doi.org/10.15408/jhk-aki.v1i1.31216

Saraswati, A., & Syukur, I. (2022). A Review of Islamic Law on the Tetapol Tradition in Lampung Saibatin Traditional Marriage and Its Implications for Family Harmony in West Lampung Regency. *Al Maqashidi: Nusantara Islamic Law*

Journal, *5*(2), 28–40. https://journal. Unugiri. ac. id/index.php/almaqashidi/article/view/1321

Tukker, A., & Dietzenbacher, E. (2013). Global Multiregional Input–Output Frameworks: An Introduction and Outlook. *Economic Systems Research*, *25*(1), 1–19. https://doi.org/10.1080/09535314.2012.761179

Warnis, Kustati, M., Nelmawarni, Hayati, S., & Atieqoh, S. (2026). Negotiating Justice in Litigated Divorce: Women's Legal Consciousness in Indonesian Religious Courts. *Al-Istinbath: Journal of Islamic Law*, *11*(1), 243–271. https://doi.org/10.29240/jhi.v11i1.15780

Zami, M. K. Z., & Bahtiar, M. R. S. (2025). Comparison of Legal Protection between Indonesia and Malaysia on the Rights of Wives in Polygamous Marriages: Perspectives on Islamic Family Law and Human Rights. *Fikroh*, *9*(2), 190–202. https://doi.org/10.37216/fikroh.v9i2.3006