



THE DYNAMICS OF THE JUDGE'S DECIDENDI RATIO IN DETERMINING THE PORTION OF COMMON PROPERTY: MAQĀSID AL-SHARIA'S APPROACH TO DECISION 504/PDT. G/2022/PA. MTR

Inayah Anugerah Ulfatunnisa¹

¹Universitas Islam Negeri Alauddin Makassar, Indonesia

Correspondence Email: anugerahinayhl@gmail.com

ABSTRACT

This study examines the dynamics of the ratio decidendi of the Panel of Judges in determining the portion of joint property in Decision Number 504/Pdt.G/2022/PA. Mtr through the perspective of Maqāsid al-Syarī'ah. This case is interesting because the judge divides the joint property unevenly, namely $\frac{2}{3}$ for the wife and $\frac{1}{3}$ for the husband, in contrast to the general provisions of Article 97 of the Compilation of Islamic Law (KHI) which regulates the division in halves. The research uses a juridical-normative approach and a case study of the verdict, with an analysis of the legal basis used by the judge, the consideration of the facts of the trial, and its relevance to Maqāsid al-Syarī'ah. The results of the study show that judges do not simply adhere to legal-formal provisions, but emphasize the principle of substantive justice based on the wife's greater contribution in the acquisition of joint property, both in terms of financing, domestic roles, and family support during marriage. This ruling is seen as fulfilling the purpose of sharia, especially the maintenance of property (hifz al-māl), soul (hifz al-nafs), and offspring (hifz al-nasl). In addition to reflecting the progressive paradigm of religious justice in recognizing the economic value of women's domestic work, this study recommends a clearer guideline for the assessment of spouse contributions to encourage consistency in common property jurisprudence.

Keywords: Maqāsid al-syarī'ah; common property; Wife's contribution; Compilation of Islamic Law (KHI)

1. INTRODUCTION

In the joint property is one of the crucial issues in Islamic family law in Indonesia which is often a source of dispute after divorce. The Compilation of Islamic Law (KHI), especially Article 97, emphasizes that widows or widowers are entitled to receive half of the joint property in the event of divorce. However, the development of judicial practice shows that the application of such rules is not always rigid, but depends on the conditions and contributions of the parties during the marriage. This dynamics of jurisprudence have given rise to a debate about the limits of judges' flexibility in interpreting legal-formal norms in order to achieve substantive justice.

In this context, Decision Number 504/Pdt.G/2022/PA. Mtr is one of the interesting examples because the Panel of Judges decided to divide the joint property unevenly, namely $\frac{2}{3}$ of the share for the wife and $\frac{1}{3}$ share for the husband. The judge's consideration came out of the general pattern of equal sharing. This decision raises an important question: to what extent can the judge's consideration be based on the parties' factual contribution to the acquisition of property, rather than solely on the text of the regulation? And how are these considerations related to the basic principles of Islamic law, including the concept of Maqāṣid al-Syarī'ah?

In Islamic family law literature, Maqāṣid al-Syarī'ah is seen as a normative paradigm that emphasizes the protection of five fundamental aspects of human life: religion (hifẓ al-dīn), soul (hifẓ al-nafs), intellect (hifẓ al-'aql), heredity (hifẓ al-nasl), and property (hifẓ al-māl). In the case of joint property, the maqāṣid serves as a basis for ensuring that the division of assets reflects justice that is in line with social realities and the real contribution of the couple during the marriage. Thus, legal interpretation is not only oriented to the text, but also to the benefits and justice that Islamic law wants to realize.

The main problem to be studied in this study departs from the tension between the application of formal legal-formal rules of KHI and the need for substantive justice that is more responsive to the socio-economic context of couples. In particular, this study assesses how judges in Decision 504/Pdt.G/2022/PA. Mtr conducts an assessment of the wife's contribution which includes financial roles, domestic work, and family support as elements that also determine the acquisition of joint property. In many cases, women's domestic contributions are still often seen as a natural task, rather than an economic asset that has legal value. Therefore, the decision in this case can be seen as a progressive precedent that provides recognition of the economic value of domestic work.

The significance of this research lies in its efforts to bridge normative Islamic law with modern judicial practices, especially in strengthening the concept of justice based on fairness and gender equality. The research findings are expected to make a theoretical contribution to the development of religious judicial jurisprudence in Indonesia, as well as open up a new discourse space on the reinterpretation of Article 97 of the KHI through the Maqāṣid al-Syarī'ah approach. In addition, this research is also relevant practically, especially for judges, legal academics, and policymakers in formulating guidelines for evaluating spouse contributions in a more objective and measurable manner to avoid disparity in future judgments.

In line with that, the main objectives of this study are:

1. Analyze the legal considerations (ratio decidendi) of the Panel of Judges in the case of the distribution of joint property;
2. Examine the harmony of the verdict with the principles of Maqāṣid al-Syarī'ah; as well as providing recommendations for strengthening consistency and fairness in decisions related to common property.

Thus, this research not only discusses normative-legal aspects, but also seeks to understand the orientation of justice as the main goal of Islamic sharia in the context of family law. This decision provides an illustration that Islamic law has methodological richness that allows adaptation to social dynamics while maintaining the basic values of sharia, namely the benefit and justice for all parties.

2. METHODS

This study applies a juridical-normative approach combined with the analysis of case studies of jurisprudence, especially on Decision Number 504/Pdt.G/2022/PA. Mtr related to the determination of the portion of joint property in divorce cases. The juridical normative approach is used to examine the positive legal norms that govern the division of joint property according to the Compilation of Islamic Law (KHI) and relevant laws and regulations in the family law system in Indonesia. In addition, this study integrates the perspective of Maqāṣid al-Syarī'ah as an analytical knife to find out the extent to which judges prioritize the value of benefits in their considerations. The analysis of the case study was carried out as an effort to understand the pattern of legal reasoning (judicial reasoning) and the dynamics of the ratio decidendi of the Panel of Judges in determining the unequal division of joint property between husband and wife.

The research design systematically describes the legal phenomena contained in Decision Number 504/Pdt.G/2022/PA. Mtr, especially the judge's consideration in determining the portion of the distribution of common property. The analysis is carried out through two main approaches. First, a normative analysis that studies the positive legal basis related to joint property, including Article 97 of the KHI, the provisions of the Marriage Law and its amendments, as well as relevant judicial guidelines. This stage aims to assess the limits and interpretation space that judges can make to written legal provisions.

Second, jurisprudence analysis and judicial reasoning, which is to examine the judge's considerations based on the facts of the parties' contributions during marriage and the principle of substantive justice. The focus is on identifying the logical reasons behind the unequal division ($\frac{2}{3}$: $\frac{1}{3}$) and its consistency with the benefits to be achieved. By combining these two approaches, the research was able to provide a more comprehensive understanding of the shift in judges' mindsets in the distribution of common property, from mere textual compliance to the application of contextual justice.

This study uses three types of legal sources as the basis for data collection. First, the primary legal source, namely Decision Number 504/Pdt.G/2022/PA. Mtr as the main object of study, as well as the Compilation of Islamic Law (KHI) and regulations related to property in marriage. Several other religious court rulings are also used as a benchmark to assess the consistency of the application of the law in the unequal distribution of common property. Second, secondary legal sources are obtained from books, academic literature, and scholarly articles on Islamic family law, maqāṣid al-syarī'ah, and substantive justice, including the study of the wife's economic contribution both directly and indirectly in the formation of joint assets. Third, tertiary legal sources such as legal dictionaries, sharia encyclopedias, and regulatory indexes that help clarify terms and ensure the accuracy of references in the analysis. The use of these three sources ensures that the research has a strong theoretical and juridical basis and a comprehensive analysis.

The analysis is carried out through three stages:

a. Normative Analysis

The normative analysis was carried out by examining Article 97 of the Compilation of Islamic Law and the principles of justice as the basis for the division of common property. This research focuses on the principle of equal sharing and the judge's interpretation space in applying legal discretion to determine a more proportionate division based on factual conditions and the real contribution of the parties during marriage.

b. Ratio Decidendi Analysis

The ratio decidendi analysis is directed at tracing the juridical logic in the judge's consideration that causes the distribution of common property to be unbalanced. This study assesses the relationship between the considerations, evidence, and contributions of the parties, and compares the decision with the pattern of equal sharing in similar cases to see the development of a more contextual approach to justice.

c. Analysis of Maqāṣid al-Syarī'ah

Mapping the decision with the following principles:

- Hifz al-māl (protection of wealth)
- Hifz al-nafs (protection of the rights and welfare of the weak)
- Hifz al-nasl (protection of family sustainability)

Through these three analysis methods, this study comprehensively assesses the alignment between formal legality and the benefits of sharia in religious justice practice that begins to recognize the economic value of women's domestic work.

3. RESULTS AND DISCUSSION

The division of joint property after divorce is an important issue in the practice of religious justice, where Article 97 of the KHI is often rigidly understood as a half-and-half division without looking at the real contribution of the couple during the marriage. Social change shows that women now play a role not only in the domestic sphere, but also as the economic support of the family, so that the demand for substantive justice is getting stronger. Decision of the Mataram Religious Court Number 504/Pdt.G/2022/PA. Mtr is an important representation of this development, when judges decide to divide the joint property proportionately $\frac{2}{3}$ for the wife and $\frac{1}{3}$ for the husband based on the wife's greater financial and upbringing contributions. This decision shows a paradigm shift from formal legality to the application of maqāṣid al-Syarī'ah that emphasizes the benefit, protection of rights, and justice in the settlement of family disputes.

Overview of Things

Case with Number 504/Pdt.G/2022/PA.Mtr was filed at the Mataram Religious Court with the object of a dispute over the division of joint property after divorce. The dispute over the division of joint property that arose after the divorce was filed by the wife who demanded an unequal distribution, arguing that her contribution both financially and non-financially was much greater than that of the husband. This case is important to study because it is related to the paradigm shift of judges in applying Islamic family law, especially related to how the principle of material justice in the distribution of common property began to be formulated through the approach of jurisprudence and maqāṣid al-Syarī'ah. This shows that normative texts such as Article 97 of the KHI are no longer applied mechanically but must be interpreted contextually according to the needs of justice in each case.

In its ruling, the Panel of Judges of the Mataram Religious Court ruled that the distribution of joint property was carried out with a portion of $\frac{2}{3}$ of the share for the wife and $\frac{1}{3}$ part for the husband. This decision appears very progressive because it deviates from the norm that has been considered standard, namely the half-and-a-half division as contained in Article 97 of the KHI. These deviations are certainly not without juridical reasons, but based on the results of the trial examination which shows that there is a significant inequality in contribution. Wife works as a

member of the House of Representatives with a fixed income that is used to support the household economy dominantly, including in the purchase of common assets. In addition, she also bears the burden of household management and childcare which has a non-material contribution value that is no less significant for the sustainability of the family.

Meanwhile, even though the husband works as a notary, his income in some periods is actually considered lower than that of his wife, and his contribution to the accumulation of common property is not as large as the plaintiff's. In fact, there are also findings that husbands are not consistently involved in efforts to increase family assets. The judge considered that this condition must be considered proportionately, because the principle of equal rights in marriage does not mean equalization of results without taking into account the concrete contributions that have been made by each party during the marriage.

The judge's consideration also shows that the application of Article 97 of the KHI is not an absolute provision. The phrase "insofar as it is not otherwise specified in the marriage agreement" is an interpretation gap that provides discretion for judges to prioritize the principle of substantive justice. In other words, if in the evidentiary process it is found that conditions objectively show that there is an injustice if the division is carried out equally, then the judge can determine different levels of division according to the real contribution of the couple. This concept is emphasized by the judge in the ratio decidendi to achieve the benefit of the parties, especially the wife who will bear a greater burden after the divorce because the custody of the child is with her.

Furthermore, this ruling is in line with the direction of Islamic law reform in Indonesia which is slowly recognizing the value of women's domestic work as an important part of contributing to the common property. This can be seen in the judge's consideration who not only views the economic contribution, but also the value of the wife's role in the household as a fundamental factor in the family's economic success. This approach is a form of recognition of gender justice in the Islamic family law space—an important issue in the context of legal modernization in Indonesia.

Decision 504/Pdt.G/2022/PA. This Mtr also reflects the development of jurisprudence that increasingly accepts the equitable distribution approach in the distribution of common property, namely distribution based on the principle of proportional justice, not just formal nominal equality. In the perspective of *maqāṣid al-Syarī'ah*, this decision reflects the protection of property (*Hifẓ al-Māl*), the protection of the vulnerable in the family (*Hifẓ al-Nafs*), and the sustainability of the welfare of the offspring (*Hifẓ al-Nasl*). With these three foundations, this decision can be said to reflect the application of progressive and contextual Islamic legal principles according to the needs of the times.

From an academic point of view, the research on this case provides space to evaluate the extent to which religious justice is beginning to abandon the textual-centered approach that has been dominant so far, towards a more adaptive and responsive justice-centered reasoning model. In addition, this case can serve as an important precedent that encourages other judges to be more sensitive to the social realities of married couples, especially in assessing women's contributions that are often overlooked in classical legal constructions.

Thus, the description of case Number 504/Pdt.G/2022/PA. Mtr not only provides an overview of individual joint property disputes, but also opens up a broader discourse on the evolution of Islamic family law in Indonesia. This shows that justice in the division of joint property is not enough to be calculated mathematically, but must describe the recognition of the hard work and concrete role of each party during the marriage. Therefore, this ruling has an important

value as part of the development of national jurisprudence, which at the same time supports the purpose of the research to affirm the urgency of the application of substantive justice within the framework of *maqāṣid al-Syarī'ah* in the practice of modern religious justice.

Based on this overview, the study continues with an analysis in three dimensions: normative, *ratio decidendi*, and *maqāṣid al-Syarī'ah*, and compares it with other rulings to evaluate the pattern of development of jurisprudence in religious courts.

Normative Analysis: Positive Law and Interpretation Space

Normatively, the division of joint property in Indonesia in Islamic law is regulated by Article 97 of the KHI, which stipulates that joint property is divided equally between husband and wife after divorce, unless there is another agreement or special circumstances. This principle of "equal sharing" reflects the principle of formal justice and equal rights between husband and wife in the ownership of common property.

But these static regulations are not always able to answer the complexity of real circumstances, especially in modern society where the role of wives can be economically and domestically significant. Therefore, the judge's interpretation and discretion space is very important. The 504 ruling shows that the judge understood that Article 97 of the KHI is not absolute without exceptions there are "special circumstances" that allow for the adjustment of the division based on factual conditions. This demonstrates the legitimacy of dynamic interpretations in Islamic family law that are responsive to socio-economic realities.

This normative analysis proves that positive legal mechanisms provide a flexible normative foundation, provided that judges are willing to apply the principle of justice by considering the context. Thus, the decision $\frac{2}{3} : \frac{1}{3}$ in this case cannot be automatically assessed as an irregularity, but rather as a reasonable application of legal discretion to uphold substantive justice.

Ratio Decidendi Analysis: Juridical Logic and Trial Facts

Ratio decidendi is an important part of a court decision that sets a binding precedent (jurisprudence) for lower courts in similar cases in the future. At this stage, the research describes the structure of the judge's argumentation in the verdict, mapping how the facts of the trial and evidence are connected to legal norms to produce a decision.

a. Judge's Argumentation Structure

By examining decision number 504/pdt. G/2022/PA. Mtr, the pattern of the structure of the argument can be drawn as follows:

Comparison of husband vs wife contributions — the judge compared that the husband's contribution over the past five years was relatively stagnant and there was no evidence of investment or deposit of new assets, while the wife's contribution was quite large and consistent. It is contained in the judge's legal considerations in decision 504/pdt/G/2022/PA.Mtr page. 59 "Considering that after carefully examining the postulates of the parties related to the acquisition of joint property in the form of the object of land and house dispute as described in the proof of joint property, it turns out that it is found that in the acquisition of the object of joint property there is a contribution from the Plaintiff of the reconvention and there is also a contribution/assistance from the father of the Defendant of the reconvention so that the Panel of Judges is of the opinion that the division of the object of the dispute cannot necessarily be divided equally by giving equal rights/shares to the parties but must be divided according to the contribution of each party to the case"

Assessment of the principles of justice and benefit — the judge considered that the half-and-half division would create injustice for the wife, given the domestic burden and the greater economic contribution that the wife had beared. Therefore, the verdict chose a $\frac{2}{3}$ division : $\frac{1}{3}$ as an effort to achieve substantive justice. It is contained in the judge's legal considerations in decision 504/pdt/G/2022/PA. Mtr page 61 "the division of joint property between the Reconvension Plaintiff and the Reconvension Defendant is not only stagnant in the two-half division but must be divided proportionately and fairly according to the contribution of each party as has also been reflected in several Supreme Court Decisions-RI including Decisions Number 597K/Ag/2016 and Number 266 K/AG/2010, therefore by upholding the mandate of the provisions of Article 2 paragraph (1) of Law Number 48 of 2009 concerning The Judiciary that prioritizes the values of justice in the administration of justice, the Panel of Judges considers it necessary to reformulate the portion of the portion of the common property in the a-quo case by stipulating that the part of the Reconvension Plaintiff is $\frac{1}{3}$ of the share, while the part of the Reconvension Defendant is $\frac{2}{3}$ of the share"

Considerations of the future and the welfare of the family — the judge considered that a larger portion for the wife would provide post-divorce financial protection, especially if there were children to be cared for, so that the decision reflected social responsibility and welfare. It is contained in the judge's legal considerations in decision 504/pdt/G/2022/PA. Mtr page 38 custody falls to his mother "Considering that based on the legal facts related to the provisions of the law as described above and considering psychologically that the child of this age still needs the care, attention, warmth and affection of his biological mother, the Panel of Judges is of the opinion that the Plaintiff of the Convention has a very principled virtue and has fulfilled the requirements of hadhonah juridically as custody holder (hadhonah rights)" while still giving the father the right to meet his children contained in Amar Decision 504/PDT/G/2022/PA. Mtr page 65 "To punish the Convention Plaintiff to give the widest possible access to the Convention Defendant to meet with his children, invite them to travel and stay and other things that are beneficial in the best interests of the two children"

The results of this analysis show that judges do not simply refer to legal-formal norms, but build arguments that combine empirical facts, justice values, and benefits.

b. Relevance of Evidence and Facts to the Decision.

In many cases, religious court rulings often ignore non-material contributions such as domestic work and family care; The focus tends to be on real assets and formal proof of ownership. However, in case 504, the judge received evidence in the form of financial documents (business accounts, proof of transfers, memorandum of household expenses) and witness statements (family, neighbors) regarding the wife's contribution to household welfare. This shows that the court is willing to broaden the definition of "contribution" not just direct financial, but also a domestic role that supports the family's economic stability.

The acceptance of this kind of evidence certainly opens up space for a more humane and contextual assessment. This decision thus becomes an example of jurisprudence in which the reality of married life including domestic burdens and informal contributions is recognized as a valid factor in the calculation of the portion of the common property.

c. Comparison with Equal Sharing Patterns.

In comparison, there are a number of religious court rulings that maintain the principle of

equal sharing, even though factual conditions show that wives have independent income and make significant contributions to household economic development. In these cases, judges tend to adhere to the normative formula of Article 97 of the KHI, namely the division of joint property each gets 1/2 share, without considering the disparity in actual contributions between husband and wife.

This can be seen, for example, in a number of religious court rulings in various regions which although admitting that wives are more active in providing for the family's needs still state that the division must be done equally. This approach is based on the assumption that marriage is a partnership that cannot be measured mathematically, as well as the concern that considering economic contributions will discriminate against women who are not working in many other cases.

However, the comparison also shows that Decision No. 504/Pdt.G/2022/PA. Mtr is not an anomalous case, but part of a trend of progressive jurisprudence that is developing in the religious justice environment. The judge in this decision dared to carry out contextual and teleological interpretations, in line with the principle of Maqāṣid al-Syarī'ah.

Analysis of Maqāṣid al-Syarī'ah: Sharia Values in the Distribution of Common Property

The approach of maqāṣid al-syarī'ah is very important to be applied in the case of the division of common property because it does not only focus on normative texts, but focuses on moral, humanitarian, and beneficial values which are the basic goals of the establishment of Islamic law. In the context of Decision Number 504/Pdt.G/2022/PA. Mlg, the judge does not just interpret Article 97 of the KHI and other positive rules literally, but uses them as a foothold to produce a more contextual verdict—which takes into account the fact of the parties' contribution to the formation of joint property, psychological and social conditions after divorce, and the survival of children. This approach asserts that the principle of substantive justice takes precedence over mere formal justice that stagnates in the number of halves. Thus, the judge's ratio decidendi in this case is completely maqāṣid, namely ensuring that the law provides benefits and avoids harm to the most economically and socially vulnerable parties, namely wives and children.

- **Hifz al-māl (protection of wealth)**

The principle of ḥifz al-māl in maqāṣid al-syarī'ah affirms that one's property must be protected according to his real contribution. In this case, the wife not only plays the role of the household manager, but also contributes significantly financially so that the assets both land and house buildings can be realized. The judge's decision to give a $\frac{2}{3}$ portion to the wife is a form of recognition of the contribution and shows that Islamic law values women's hard work not only as objects of protection, but as active economic subjects whose property rights must be guaranteed by the state. By giving a larger portion to the wife, the judge is actually ensuring that women's economic rights are not deprived of by formal interpretations of the law that often harm women. Therefore, ḥifz al-māl is translated not only as protection of property, but also as protection of the right to property arising from equal work and contributions.

- **Hifz al-naḥs (protection of the rights and welfare of the weak)**

Divorce is a legal event that has an impact on economic and psychological instability, especially for women who in many cases are the parties who have to reorganize all aspects of their lives after leaving marriage. Therefore, the principle of ḥifz al-naḥs requires a guarantee of decent survival for the more vulnerable parties after divorce. In the judge's consideration, it can be seen that the wife has been carrying the domestic and economic burden so that after divorce

she has the potential to experience greater economic vulnerability than a husband who has financial independence. Taking into account this reality, the judge determined a $\frac{2}{3}$ division : $\frac{1}{3}$ which directly provides social protection for the wife so that she does not fall into poverty or financial pressure. This confirms that *maqāṣid al-syarī'ah* has a protection orientation that favors humanity.

- *Hifz al-nasl* (protection of family sustainability)

The existence of children in marriage presents obligations that must not be broken after divorce. Mothers who are then designated as guardians need strong financial support to ensure that the child's education, health, and moral and psychological life are maintained. By giving a larger portion of his property to the wife, the judge ensures that the rights of children as an important part of the family's survival are protected. The principle of *hifz al-nasl* in this case does not only target the reproductive aspect of offspring, but also how the state and the law ensure that the next generation is guaranteed their welfare even though their parents are no longer together. This means that the division of joint property not only resolves economic disputes between husband and wife, but also becomes an instrument for child protection in the long term.

Comparative Jurisprudence: Trends and Patterns of Judgment Evolution

In a jurisprudence survey of several religious court rulings over the past decade, it was found that the majority still apply the equal sharing pattern, despite claims of wife's contribution. The most common reasons that arise are: the absence of valid evidence of the wife's contribution, or the judge chooses to follow the KHI text literally.

However, since around 2018–2023, there has been an increasing tendency for judgments to give different portions, especially when the wife can prove a significant material contribution and/or domestic burden. The 504 verdict belongs to this wave. Thus, it can be said that religious justice in Indonesia is undergoing a paradigm shift: from legal formality to contextual justice based on real benefits and contributions.

Comparative jurisprudence shows that the main determinants of pattern change are: evidence of contributions, financial documentation, women's awareness of their rights, and progressive interpretations of judges that open up room for discretion. This is in line with the demand for modernization of Islamic family law to be more responsive to social realities and the demands of gender justice.

The Dynamics of Ratio Decidendi and the Relevance of Maqāṣid al-Syarī'ah in Determining the Portion of Common Property

Analysis of the decision 504/Pdt.G/2022/PA.Mtr shows an important transformation in the practice of religious justice, where judges are no longer fixated on the 50:50 division as a normative consequence of Article 97 of the KHI, but are moving towards a substantive justice approach that prioritizes proportionality of contribution and protection of the weaker parties. This illustrates the dynamics of *ratio decidendi* that are progressive and adaptive to modern social realities, especially in the context of increasing women's economic contribution in households.

The panel of judges in the decision explicitly stated that the distribution of joint assets cannot be done automatically or mathematically equivalent, but must pay attention to the real contribution value of each party. This is emphasized in the consideration of the decision on page 59: "... It was found that the legal fact that in the acquisition of the object of common property there was a contribution from the Plaintiff of the reconvention and there was also a contribution / assistance from the father of the Defendant of the reconvention so that the Panel of Judges was

of the opinion that the division of the object of dispute could not necessarily be divided equally ... but must be divided according to the contribution of each party to the case."

This argument shows that the judge considers that the acquisition of assets does not only come from the income of the spouse, but also from the contribution of the wife's family. This means that ratio decidendi rests on the principle of al-ghunmu bi al-ghurmi—the division of rights must be proportional to the burden of business and risk. The judge rejected the application of the formalistic principle of equal sharing because it was proven that it did not reflect justice for wives who made greater and more stable contributions during marriage.

The dimension of maqāṣid al-syarī'ah is very clear in the judge's consideration, especially regarding three aspects:

- Hifz al-māl (protection of wealth)

The judge ensures that the parties who contribute more are not economically disadvantaged after the divorce. The judge even strengthened his argument with: "... Sharing Property... must be distributed proportionately and fairly according to the contribution of each party, as ... Supreme Court Decision No. 597K/Ag/2016 and No. 266 K/AG/2010..." (p. 61)

The emphasis on the principle of justice in Law No. 48 of 2009 also makes it clear that the protection of economic rights is a moral and constitutional obligation for judges.

- Hifz al-nafs (protection of the rights and welfare of the weak)

The panel of judges emphasized that the condition of the wife as the holder of child custody is the main consideration in determining the portion of the joint property. As affirmed on page 38: "... psychologically the child of that age is still in dire need ... Compassion... from his biological mother..."

And it is strengthened by the verdict on page 65 which opens the father's access to stay in contact with the child, so that the child's interests are maintained.

Thus, the proportion of $\frac{2}{3}$ of the share for the wife is not only related to economic contributions, but also the heavier role of nurturing and supporting the sustainability of the family is imposed on her after divorce.

- Hifz al-nasl (protection of family sustainability)

The judge's decision looks at the future of the family, especially the survival of the children. Family welfare is placed as the foundation of the decision, demonstrating a holistic maqasid understanding that post-divorce welfare is an integral part of religious justice.

4. CONCLUSION

This study shows that the dynamics of the ratio decidendi of the Panel of Judges in Decision Number 504/Pdt.G/2022/PA. The Mtr regarding the distribution of joint property after divorce reflects an effort to interpret justice in a contextual manner outside the normative provisions of Article 97 of the Compilation of Islamic Law. However, consideration that places more emphasis on the material contribution of the husband than the domestic contribution of the wife shows that the meaning of contribution is still narrow and not fully aligned with the principle of substantive justice embraced in modern Islamic family law.

Through the perspective of maqāṣid al-Syarī'ah, judges should not only consider past contributions alone, but also consider post-divorce benefits, including the economic protection

of women who are often in vulnerable positions. The wife's domestic contribution, which has not been counted in formal economic value, actually has a central role in the creation of common wealth and family continuity. Thus, the justice that the sharia wants to realize must focus on the maintenance of property, souls, and the sustainability of life for all parties involved, without recreating inequality that has the potential to harm women after the marriage bond ends.

The results of this analysis confirm the importance of reconceptualizing the meaning of contributions in disputes of common property in the Religious Court in order to be in line with *maqāṣid al-Syari'ah* and the development of contemporary Islamic legal thought. There is a need for more systematic and measurable normative guidelines in assessing the contribution of couples during marriage so that they can realize the consistency of jurisprudence and provide more proportionate legal protection, especially to parties in a weaker position. In this way, religious courts not only carry out formal legal instruments, but at the same time realize the basic values of sharia, namely justice, benefit, and respect for human dignity.

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