

Marriage Agreement Regarding Joint Property Cases from an Islamic Legal Perspective

Agil Nur Qulubi¹

¹ Islamic Family Law, Faculty of Sharia, Metro State Islamic Institute

Article Info

Article history:

Received: 25-03-2024

Revised: 27-05-2024

Accepted: 24-05-2024

Keywords:

Marriage
Agreement
Marital Property
Islamic Law

ABSTRACT

This study analyzes marriage agreements and division of joint property from the perspective of Islamic family law. Marriage agreements are important instruments in providing clarity on the rights and obligations of the parties involved during marriage, as well as avoiding conflicts in the division of property in the event of divorce. In Islamic law, marriage agreements are known as valid contracts as long as they are in accordance with sharia. Joint property includes joint property acquired during marriage, as regulated in Islamic law and positive law in Indonesia. This study uses a literature study method with an analysis of Islamic law literature, laws, and positive law practices related to marriage agreements and division of joint property. The results of the study indicate that marriage agreements can prevent property disputes by establishing fair agreements, protecting the rights of both parties, and providing legal certainty. This article contributes to the understanding of the role of marriage agreements as a preventive measure in protecting the rights of married couples according to the principle of justice.

This is an open access article under the [CC BY-SA](#) license.



Corresponding Author:

Agil Nur Qulubi

Islamic Family Law, Faculty of Sharia, Metro State Islamic Institute

Jl. Ki Hadjar Dewantara 15 A Iring Mulyo, East Metro, Metro City, Lampung, Indonesia.

Email: nurqulubiagil@gmail.com

1. Introduction

A review of Islamic family law on marriage agreements in cases of marital property is essential to understanding how Islamic law views the division of joint property between husband and wife in a marriage. The marriage agreement itself is an important instrument that can provide clarity on the rights and obligations of each party regarding property acquired during the marriage. Marital property, as a term used in Indonesian law, refers to property acquired during a marriage and must be divided fairly between husband and wife in the event of a divorce. In this context, a marriage agreement is a preventive measure that can regulate the division of such property according to the agreement of both parties.

From the perspective of Islamic family law, the division of marital property is not explicitly regulated in the Qur'an or Hadith, but there are basic principles regarding the ownership of property and the division of property between husband and wife. Islamic law recognizes the existence of joint property that can be owned by both parties during marriage, but there is no obligation to divide all property equally, but rather based on the principles of justice and equality. In this case, a marriage agreement can be used as a means to create clarity and

avoid property disputes in the event of a divorce. A well-drafted marriage agreement can clarify the division of property and reduce the potential for conflict that may arise.¹

However, a marriage agreement in the context of Islamic family law must also pay attention to the limitations contained in Islamic law itself, such as the prohibition on ignoring the rights of a wife or husband that have been regulated in the sharia. Therefore, the existence of a marriage agreement must consider the principle of justice, avoid elements of oppression, and protect the rights of both parties in accordance with the principles of Islamic law. In the case of joint property, if there is no marriage agreement that regulates it, Islamic law provides space for husband and wife to resolve disputes through deliberation or involving competent parties, such as religious courts.

2. Research methods

The data collection method in this article uses library research methods. The definition of library research according to Sugiyono is collecting library data obtained from various sources of library information related to the research object, such as through research abstracts, indexes, reviews, journals and reference books.²

According to Nazir in his book, literature study also means a data collection technique by reviewing books, literature, notes, and various reports related to the problem to be solved.³

According to Mestika Zed, literature study or bibliography can be interpreted as a series of activities related to library data collection methods, reading and recording and processing research materials.⁴

According to Sutrisno Hadi, library research is research whose object of study uses library data in the form of books as data sources.⁵

This research was conducted by reading, reviewing, and analyzing various existing literature, in the form of laws, the Compilation of Islamic Law Act and.

3. Results and Discussion

3.1. Marriage agreement

Marriage agreement is formed from two words, namely "agreement" and "marriage". In terms of language, the word agreement comes from the word "promise" which means an agreement between two or more parties, each party stating their willingness and ability to do or not do something.⁶ And an agreement means an act in which one or more people bind themselves to one or more people.⁷ Sudikno said that the law of agreement is a contractual legal relationship between two or more parties that has legal consequences. Meanwhile, according to Prof. Wirjono Prodjodikoro, an agreement is a legal relationship, meaning that one person is obliged to do something certain and the other party has the right to demand that obligation in the law of agreement. An agreement according to KRMT Tirtodiningrat is a legal act based on an agreement between two or more parties, the legal consequences of which can be fulfilled by the provisions of applicable laws.⁸

¹ Sakiman Sakirman, "Contemporary Fiqh Methodology in the Theory of the Limitation of Dialectics Space and Time According to Muhammad Syahrur," *HUNafa: Jurnal Studia Islamika* 14, no. 2 (2017): 301–26, <https://doi.org/10.24239/jsi.v14i2.484.301-326>.

² "CHAPTER 2.pdf," accessed October 10, 2024, <http://eprints.poltekkesjogja.ac.id/3328/5/CHAPTER%202.pdf>.

³ "CHAPTER 2.pdf."

⁴ "BAB III.pdf," accessed October 10, 2024, <https://repository.stiedewantara.ac.id/1868/5/BAB%20III.pdf>.

⁵ "06. BAB III.pdf," accessed October 10, 2024, <http://repository.iainkudus.ac.id/2900/7/06.%20BAB%20III.pdf>.

⁶ "Promise (disambiguation) - Indonesian Wikipedia, the free encyclopedia," accessed December 12, 2024, [https://id.wikipedia.org/wiki/Janji_\(disambiguation\)](https://id.wikipedia.org/wiki/Janji_(disambiguation)).

⁷ Annisa Sodikin, "UNILATORY TERMINATION OF COOPERATION CONTRACT BY PT. ASURANSI JIWASRAYA (PERSERO) WITH SMKN 1 LUBUK SIKAPING COOPERATIVE IN PASAMAN REGENCY" (Sultan Syarif Kasim State Islamic University of Riau, tt), <https://repository.uin-suska.ac.id/14004/>.

⁸ "Contract Law: Definition, Valid Conditions, Principles, and Types – Gramedia Literasi," accessed December 12, 2024, https://www.gramedia.com/literasi/hukum-perjanjian/?srsltid=AfmBOorl1DXEd4M_CGdVwS_1PiYx-SD3-3i8IeRFYnWo-WD0Mz-SZWzy.

Etymologically, marriage in Arabic means nikah or zawaj. These two words are used in the daily lives of Arabs and are found in many places in the Qur'an and the hadith of the Prophet. Al-Nikah means Al-Wath'i, Al-Dhommuh, Al-Tadakhul, al-Jam'u or like 'an al-wath wa al-aqd which means intercourse, sexual intercourse, gathering, jima; and contract. In terminology, marriage is a contract that allows istimta' (intercourse) with a woman, as long as the woman is not with a woman who is forbidden either by descent or by breastfeeding. Marriage according to Islam is a marriage that is in accordance with the provisions set by Allah SWT completely with its pillars and conditions, there are no obstacles that hinder its validity, there is no element of fraud from either party, either husband or wife or one of them, and the intentions of both parties are in line with the guidance of Islamic law.⁹ Meanwhile, according to the Law of the Republic of Indonesia (UU RI) Number 1 of 1974, article 1 concerning marriage states that marriage is:¹⁰

"The physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God." (Law of the Republic of Indonesia Number 1 of 1974 Article 1 concerning Marriage"

the concept of a marriage contract from a fiqh perspective. Starting with the first: a marriage contract in Islamic Law is referred to as aqd, which is the relationship between ijab (submission) and qabul (acceptance) according to the form determined by Islamic law and affects the object of the agreement. This means that a marriage contract is permitted in Islamic Law as long as the contract does not violate the provisions of Islamic law itself. However, if what is agreed to violates Islamic law, the agreement is invalid or void.¹¹

According to Gatot Supramono, a marriage agreement is a bond or agreement between two parties (husband and wife) on something, where the agreement will have legal force if carried out with certain conditions: First, the marriage agreement is made before the marriage takes place. Second, the marriage agreement is made in writing and authorized by the Marriage Registrar (PPN). Third, the contents of the marriage agreement also apply to third parties as long as it is agreed.

Abd. Rahman Ghazali in a book entitled "Fikih Munakahat" A marriage agreement is an agreement made by the two prospective bride and groom (husband and wife) at the time or before the marriage takes place, and each promises to obey what is stated in the agreement, which is ratified by the official marriage registrar (VAT).¹²

3.1.1 Legal Basis

In the Koran there is a verse that commands you to always keep your promises when you make a promise to someone, Allah says in QS. Al-Hujurat verse 9 which reads:¹³

Meaning: And if there are two groups of those who believe at war, let you make peace between them! But if one person violates an agreement with another, you must fight against the one who violates the agreement until he returns to Allah's command. When he has receded, make peace between the two according to justice, and be just; Indeed, Allah loves those who act justly.

There are relatively fewer explanations regarding the legal basis of agreements in the form of hadith when compared to explanations in the verses of the Qur'an. Among other things, the hadith narrated by Muslim priests regarding the conditions that must be fulfilled in an agreement are as follows:¹⁴

God bless you

In article 45 of the KHI, it is explained that the prospective bride or groom and the prospective bride can enter into a marriage agreement in the form of a divorce agreement and other agreements that do not conflict with Islamic law. In the KHI, it is explained that taklik talak is an agreement made by the husband after the

⁹ Restu Taufiq, "EFFECTIVENESS OF MARRIAGE REGISTRATION AT THE KUA OFFICE OF BUKIT BATU DISTRICT, BENGKALIS REGENCY" (Thesis, Sultan Syarif Kasim State Islamic University, Riau, tt), <https://repository.uin-suska.ac.id/2774/>.

¹⁰ "Law No. 1 of 1974," accessed December 12, 2024, <https://peraturan.bpk.go.id/Details/47406/uu-no-1-tahun-1974>.

¹¹ Ahmad Sainul, "THE CONCEPT OF MARRIAGE AGREEMENT IN INDONESIA," *AL QONUNY*, tt, <https://jurnal.uinsyahada.ac.id/index.php/elqanuni/article/view/1827>.

¹² Sainul.

¹³ "Surah Al-Hujurat Verse 9 Arabic, Latin, Translation and Tafsir | Read on TafsirWeb," accessed December 12, 2024, <https://tafsirweb.com/9779-surat-al-hujurat-ayat-9.html>.

¹⁴ Sainul, "THE CONCEPT OF MARRIAGE AGREEMENT IN INDONESIA."

marriage contract which is included in the marriage certificate in the form of a talak which depends on certain circumstances that may occur in the future.¹⁵

3.1.2 Terms, Pillars and Functions of the Marriage Agreement

Marriage agreements have several functions, according to Moch. Isnaeni in Indonesian Marriage Law, marriage agreements have several functions, namely:¹⁶

- a. Created to legally protect property, both the assets inherited by each party and joint assets.
- b. A guideline that regulates the rights and obligations of husband and wife regarding the future of the family, including children's education, business, residence, and so on, as long as it does not conflict with the law and morality.
- c. Protecting family members from the threat of domestic violence.

The marriage agreement comes into force from the time the marriage takes place and may not be withdrawn or changed in any way during the marriage. Abdul Kadir Muhammad is of the opinion that the requirements for a marriage agreement are as follows:¹⁷

- a. Made at the time or before the marriage takes place.
- b. In written form approved by the marriage registrar.
- c. The contents of the agreement do not violate the boundaries of law, religion and morality.
- d. Effective from the date of marriage.
- e. During the marriage, the agreement cannot be changed.
- f. The marriage agreement is contained in the marriage certificate.

A marriage agreement will be valid if it meets the requirements and pillars of the agreement itself. According to the majority of scholars, the requirements for a valid agreement are; (a) It does not violate sharia law on the agreement that has been made. (b) There is no element of coercion. This means that there must be mutual consent and there must be a choice, and (c) the agreement must be clear and explicit, both regarding the content and the sanctions agreed upon.

Meanwhile, the pillars that must be fulfilled when entering into a marriage agreement so that it has legal force (valid) according to the number of ulama as quoted by Dadan Muttaqien are; (a) sigat 'aqad (form of contract) ijab and qabul. The person making the ijab and qabul himself must know what he is promising (tamyiz), in accordance with the object and must relate in a majlis. (b) 'aqid (the person who carries out the contract). Lastly (c) there is ma'qud 'alaih (object agreed upon). The agreement will end if the validity period of the contract expires, is canceled by the contracting parties, or one of the parties dies.¹⁸

3.2. Marital Property

Marital property is property in a marriage that is produced jointly by a husband and wife during the marriage. The term “gono-gini” is a legal term that is popular in society. In the Great Dictionary of the Indonesian Language, the term used is “gana-gini”, which legally means “Property that has been successfully collected during a household so that 2 become the rights of both husband and wife. In fact, the legal term used officially and legally in the laws and regulations in the country, both in Law No. 1 of 1974 concerning Marriage, the Civil Code, and the Compilation of Islamic Law (KHI), is joint property. The term gono-gini is more popular than the term officially used in conventional legal language.¹⁹

¹⁵ “Prenuptial Agreement and Its Contents, Is It Allowed in Islam? - Page 5 - Hot Liputan6.com,” accessed December 12, 2024, <https://www.liputan6.com/hot/read/5176943/perjanjian-pranikah-dan-isinya-boleh-dalam-islam?page=5>.

¹⁶ “Function, Content, and Forms of Marriage Agreements,” accessed December 12, 2024, <https://www.hukumonline.com/klinik/a/bentuk-bentuk-perjanjian-kawin-lt5d10395b1ff28/>.

¹⁷ Hanafie Arief, “AGREEMENT IN MARRIAGE (A STUDY OF POSITIVE LAW IN INDONESIA),” *Al'Adl* IX (tt), <https://media.neliti.com/media/publications/225077-perjanjian-dalam-perkawinan-sebuah-telaa-02c3f637.pdf>.

¹⁸ Dadan Muttaqien, *Legal Expertise in the Field of Marriage and Contracts* (Cita Press, 2006).

¹⁹ Etty Rochaeti, “LEGIDAL ANALYSIS OF JOINT PROPERTY (GONO GINI) IN MARRIAGE ACCORDING TO ISLAMIC LAW AND POSITIVE LAW,” *LEGAL INSIGHT*, tt, <https://ejournal.sthb.ac.id/index.php/jwy/article/view/61/43>.

In Arabic, wealth is also called *أموال ج مال* which means to tend or to be happy. It seems that wealth is so named, because the human heart always tends and delights in it. The Qur'an has also confirmed this, as in QS. ali-Imran (3): 14;²⁰

رُيِّنَ لِلنَّاسِ حُبُّ الشَّهَوَاتِ مِنَ النِّسَاءِ وَالْبَنِينَ وَالْقَنَاطِيرِ الْمُقَنْطَرَةِ مِنَ الذَّهَبِ وَالْفِضَّةِ وَالْخَيْلِ الْمُسَوَّمَةِ وَالْأَنْعَامِ وَالْأَحْزَابِ
ذَلِكَ مَتَاعَ الدُّنْيَا وَاللَّهُ عِنْدَهُ حَسَنُ الْمَبَادِ

Meaning: Beautifully made for (the sight of) mankind is the love of things desired: namely: women, children, much wealth of gold, silver, choice horses, livestock and fields. Such is the enjoyment of the life of this world, and with Allah is a good place of return (Paradise).

Wahbah al-Zuhaili stated that etymologically (linguistically), wealth is "Something that is needed and obtained by humans, whether in the form of visible objects such as gold, silver, animals, plants or (invisible), namely benefits such as vehicles, clothing and housing". According to Hanafiyah scholars, "Wealth is everything that can be taken, stored and utilized."²¹

Joint property is property obtained together by husband and wife during the marriage, Javanese: *gono gini*, Sundanese: *guna kaya*. Joint property in Acehnese society is known as *seharkat* property, in Malay society it is known as *Persatuan* property, in Javanese-Madurese society it is known as *gono gini* property.

The definition of joint property as stated in the Marriage Law, Article 35, states that property acquired during marriage becomes joint property. One definition of joint property is property owned jointly by a husband and wife acquired by both of them during the marriage, such as if someone donates money, or a motorbike, or other goods to a husband and wife, or property purchased by a husband and wife from their own money, or savings from the husband's salary and the wife's salary combined, all of which can be categorized as joint property.²²

The Compilation of Islamic Law in Article 1 letter (f) clearly states: "Property in marriage or partnership is property obtained either individually or together by husband and wife during the marriage and is hereinafter referred to as joint property, without questioning whether it is registered in anyone's name."²³

In the context of marital property, there are several types of property that generally fall into this category. Understanding these types of property is important to determine what should be divided in the event of a divorce. Here are some of the types:²⁴

a. Properties

Property is one of the most common forms of marital property. This can be a house, apartment, land, or commercial building purchased during the marriage. Property acquired through inheritance or gifts from third parties is usually not included in marital property.

b. Vehicle

Vehicles such as cars, motorbikes and other vehicles purchased during the marriage are also included in marital property. This vehicle is considered joint property even if only one party uses it.

c. Savings and Investments

Savings in banks and investments in the form of stocks, bonds, or mutual funds obtained during the marriage are also part of the marital property. All forms of savings and investments obtained from income generated during the marriage will be considered joint property.

d. Other Assets

Apart from property, vehicles and investments, there are many other types of assets that are also included in marital property. This can include valuables such as jewelry, artwork, household items, and even businesses established during the marriage. Essentially, any property acquired during marriage that is not covered by a prenuptial agreement is considered marital property.

3.2.1. Legal Basis

²⁰ "Surat Ali 'Imran Verse 14 Arabic, Latin, Translation and Tafsir | Read on TafsirWeb," accessed December 12, 2024, <https://tafsirweb.com/1146-surat-ali-imran-ayat-14.html>.

²¹ Beri Risky, "THE CONCEPT OF DIVISION OF JOINT PROPERTY ACCORDING TO ISLAMIC LAW AND MARRIAGE LAW," *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 2, no. 1 (December 1, 2020): 63–74, <https://doi.org/10.32505/lantera.v2i1.2115>.

²² Risky.

²³ "Hunting for Property (Gono-Gini) to the Court," accessed December 12, 2024, <https://pa-semarang.go.id/id/publikasi-pengadilan/arsip-artikel/9547-berburu-harta-gono-gini-ke-court>.

²⁴ "Understanding the Division of Gono Gini Assets After Divorce," accessed December 12, 2024, <https://www.hukumku.id/post/pembagian-harta-gono-gini>.

The legal basis for joint property in Indonesia can be seen in several regulations such as Marriage Law No. 1 of 1974, the Civil Code and the Compilation of Islamic Law.

- a. Article 35 paragraph (1) of the 1974 Marriage Law No. 1 states that what is meant by joint property is "property acquired during the marriage". This means that property acquired before the marriage is not referred to as joint property.
- b. Article 119 of the Civil Code states that "Since the marriage is carried out, according to the law there is property between husband and wife, as long as there are no other provisions in the marriage agreement. The joint property, during the marriage, may not be eliminated or changed with the agreement of the husband and wife."
- c. Compilation of Islamic Law article 85 states that "The existence of joint property in a marriage does not preclude the possibility of each husband and wife owning their own property". This article states that there is joint property in a marriage, but it does not preclude the possibility of each husband and wife owning their own property.

In Islam there are no specific rules on how to divide marital property, Islam only provides general guidelines for resolving joint problems, the resolution of the division of marital property depends on the husband and wife. This agreement in the Qur'an is called "Ash Shulhu", namely an agreement to make peace between the two parties (husband and wife) after they have a dispute. Allah says in QS AnNisa 128:²⁵

Meaning: And if a woman is worried about her husband's nusyuz or indifferent attitude, then there is nothing wrong with the two of them making true peace, and peace is better (for them) even though the man is stingy by nature. And if you get along with your wife well and guard yourself (from nusyuz and indifference), then indeed Allah is All-Knowing of what you do.

The verse above explains the peace made by husband and wife after they have a dispute. Usually in this peace there are those who have to give up their rights, in the verse above, the wife gives up her rights to her husband for the sake of harmony between the two. This is strengthened by the words of the Prophet Muhammad SAW which means, from Amru' bin Auf al Muzani from his father from his grandfather that the Messenger of Allah SAW said: "Peace is permissible between Muslim women, except for peace that forbids what is permissible and peace that permits what is forbidden." (HR. Abu Dawud, Ibn Majah).

Likewise in the division of marital property, one of the two parties or both of them sometimes have to give up some of their rights in order to reach an agreement. Generally: a husband and wife who both work and buy household goods with their own money, then when they both divorce, they agree that the wife gets 40% of the goods, while the husband gets 60%, or the wife 55% and the husband 45% or with other divisions, all left to mutual agreement.²⁶

3.3 Application of Marriage Agreement

agreement has a fairly important role in regulating harmony that upholds justice for all parties involved. In its implementation, there are several things that can be applied to a marriage agreement in cases of division of marital property, such as:

- a. Property Management
A prenuptial agreement allows a couple to determine specifically how assets will be managed and divided. For example, they may agree not to merge their individual assets into their marital assets, so that each retains full control over assets owned before the marriage.²⁷
- b. Division of Marital Assets
In the event of a divorce, the agreement will be the main reference in the division of joint property. KHI states that a divorced widow or widower is entitled to half of the joint property, unless there are

²⁵ "Surat An-Nisa Verse 128 Arabic, Latin, Translation and Interpretation | Read on TafsirWeb," accessed December 12, 2024, <https://tafsirweb.com/1660-surat-an-nisa-ayat-128.html>.

²⁶ Anggraini and Paini, "EXECUTION OF DIVISION OF JOINT PROPERTY (Case Study of Civil Case No. 0444/Pdt.G/2012/PA.Tnk)" (Thesis, UIN Raden Intan Lampung., tt), <https://repository.radenintan.ac.id/1523/>.

²⁷ Heppy Hyma Puspytasari, "Joint Property in Marriage According to Islamic Law and Positive Law" 35, no. 2 (tt).

other provisions in the agreement³⁵. This provides legal certainty and reduces the potential for conflict.²⁸

c. Husband and Wife Involvement

KHI also emphasizes the importance of contributions from both parties in obtaining property during marriage. The results of efforts made both individually and together will be counted as joint property.²⁴ This shows that the marriage agreement must consider the active role of both parties.

4. Conclusion

Marriage agreements play a significant role in providing clarity regarding the arrangement of joint assets during marriage and the division of joint assets in the event of a divorce. From the perspective of Islamic family law, such agreements are permissible as long as they do not violate sharia principles, such as justice, equality, and respect for the rights of both parties. This agreement not only serves as a means of fair management of assets, but also reduces the potential for future conflicts by ensuring legal protection for the couple.

This study emphasizes the importance of couples' awareness to make a marriage agreement in accordance with Islamic law and positive law in Indonesia. This not only provides legal certainty, but also becomes a preventive step to maintain harmony and protect the rights of the parties concerned. Thus, the implementation of a marriage agreement can be an effective solution in resolving joint property problems fairly and peacefully.

Recommendation

1. Increasing Public Awareness
The government and related institutions need to educate the public about the importance of marriage agreements as a preventive measure in managing joint assets and preventing conflicts in the division of marital assets. Socialization can be done through seminars, training, and information media.
2. Increasing the Role of Religious and Legal Institutions
Religious institutions, such as the Office of Religious Affairs (KUA), and legal institutions in Indonesia are expected to provide assistance to prospective couples in drafting marriage agreements. This assistance must include guidance that is in accordance with the principles of Islamic law and positive law.
3. Integration of Islamic Law and Positive Law
There needs to be a clearer harmonization between Islamic law and positive law regarding marriage agreements and the division of joint property. This aims to provide legal certainty and minimize the potential for conflict between couples.
4. Academic Study Development
Further research on the implementation of marriage agreements in various cultural and social contexts in Indonesia is needed. This is to enrich understanding and provide more contextual solutions for married couples.
5. Legal Documentation Improvement
It is important to ensure that all marriage agreements are made in writing, properly documented, and approved by an authorized institution so that they have legal force.
6. Promotion of Gender Equity
A marriage contract should be designed to promote equality and fairness for both parties, ensuring that neither party is disadvantaged or deprived of their rights.

²⁸ Firman Wahyudi, "INTERPRETATION OF ARTICLE 97 OF THE KHI ON THE DIVISION OF JOINT PROPERTY FROM THE PERSPECTIVE OF MAQASHID SYARIAH," tt

REFERENCES

- “06. BAB III.pdf.” Diakses 10 Oktober 2024. <http://repository.iainkudus.ac.id/2900/7/06.%20BAB%20III.pdf>.
- Anggraini, dan Paini. “EKSEKUSI TERHADAP PEMBAGIAN HARTA BERSAMA (Studi Kasus Perkara Perdata No 0444/Pdt.G/2012/PA.Tnk).” Thesis, UIN Raden Intan Lampung., t.t. <https://repository.radenintan.ac.id/1523/>.
- Arief, Hanafie. “PERJANJIAN DALAM PERKAWINAN (SEBUAH TELAHAH TERHADAP HUKUM POSITIF DI INDONESIA).” *Al’Adl IX* (t.t.). <https://media.neliti.com/media/publications/225077-perjanjian-dalam-perkawinan-sebuah-telaa-02c3f637.pdf>.
- “BAB III.pdf.” Diakses 10 Oktober 2024. <https://repository.stiedewantara.ac.id/1868/5/BAB%20III.pdf>.
- “Berburu Harta (Gono-Gini) ke Pengadilan.” Diakses 12 Desember 2024. <https://pa-semarang.go.id/id/publikasi-pengadilan/arsip-artikel/9547-berburu-harta-gono-gini-ke-pengadilan>.
- “CHAPTER 2.pdf.” Diakses 10 Oktober 2024. <http://eprints.poltekkesjogja.ac.id/3328/5/CHAPTER%202.pdf>.
- “Fungsi, Isi Materi, dan Bentuk-Bentuk Perjanjian Kawin.” Diakses 12 Desember 2024. <https://www.hukumonline.com/klinik/a/bentuk-bentuk-perjanjian-kawin-lt5d10395b1ff28/>.
- “Hukum Perjanjian: Pengertian,Syarat Sah, Asas, dan Macam-Macamnya – Gramedia Literasi.” Diakses 12 Desember 2024. https://www.gramedia.com/literasi/hukum-perjanjian/?srsltid=AfmBOor1DXEd4M_CGdVwS_1PiYx-SD3-3i8IeRFYnWo-WD0Mz-SZWzy.
- “Janji (disambiguasi) - Wikipedia bahasa Indonesia, ensiklopedia bebas.” Diakses 12 Desember 2024. [https://id.wikipedia.org/wiki/Janji_\(disambiguasi\)](https://id.wikipedia.org/wiki/Janji_(disambiguasi)).
- “Memahami Pembagian Harta Gono Gini Setelah Perceraian.” Diakses 12 Desember 2024. <https://www.hukumku.id/post/pembagian-harta-gono-gini>.
- Muttaqien, Dadan. *Cakap Hukum Bidang Perkawinan dan Perjanjian*. Cita Press, 2006.
- “Perjanjian Pranikah dan Isinya, Bolehkan dalam Islam? - Page 5 - Hot Liputan6.com.” Diakses 12 Desember 2024. <https://www.liputan6.com/hot/read/5176943/perjanjian-pranikah-dan-isinya-bolehkan-dalam-islam?page=5>.
- Puspytasari, Heppy Hyma. “Harta Bersama Dalam Perkawinan Menurut Hukum Islam Dan Hukum Positif” 35, no. 2 (t.t.).
- Risky, Beri. “KONSEP PEMBAGIAN HARTA BERSAMA MENURUT HUKUM ISLAM DAN UNDANG-UNDANG PERKAWINAN.” *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 2, no. 1 (1 Desember 2020): 63–74. <https://doi.org/10.32505/lentera.v2i1.2115>.
- Rochaeti, Ety. “ANALISIS YURIDIS TENTANG HARTA BERSAMA (GONO GINI) DALAM PERKAWINAN MENURUT PANDANGAN HUKUM ISLAM DAN HUKUM POSITIF.” *WAWASAN YURIDIKA*, t.t. <https://ejournal.sthb.ac.id/index.php/jwy/article/view/61/43>.
- Sainul, Ahmad. “KONSEP PERJANJIAN PERKAWINAN DI INDONESIA.” *AL QONUNY*, t.t. <https://jurnal.uinsyahada.ac.id/index.php/elqanunyi/article/view/1827>.
- Sakirman, Sakiman. “Contemporary Fiqh Methodology in the Theory of the Limitation of Dialectics Space and Time According to Muhammad Syahrur.” *HUNAFa: Jurnal Studia Islamika* 14, no. 2 (2017): 301–26. <https://doi.org/10.24239/jsi.v14i2.484.301-326>.
- Sodikin, Annisa. “PEMUTUSAN KONTRAK KERJASAMA SEPIHAK OLEH PT. ASURANSI JIWASRAYA (PERSERO) DENGAN PIHAK KOPERASI SMKN 1 LUBUK SIKAPING DI KABUPATEN PASAMAN.” Universitas Islam Negeri Sultan Syarif Kasim Riau, t.t. <https://repository.uin-suska.ac.id/14004/>.
- “Surat Al-Hujurat Ayat 9 Arab, Latin, Terjemah dan Tafsir | Baca di TafsirWeb.” Diakses 12 Desember 2024. <https://tafsirweb.com/9779-surat-al-hujurat-ayat-9.html>.
- “Surat Ali ‘Imran Ayat 14 Arab, Latin, Terjemah dan Tafsir | Baca di TafsirWeb.” Diakses 12 Desember 2024. <https://tafsirweb.com/1146-surat-ali-imran-ayat-14.html>.
- “Surat An-Nisa Ayat 128 Arab, Latin, Terjemah dan Tafsir | Baca di TafsirWeb.” Diakses 12 Desember 2024. <https://tafsirweb.com/1660-surat-an-nisa-ayat-128.html>.
- Taufiq, Restu. “EFEKTIFITAS PENCATATAN PERKAWINAN PADA KUA KECAMATAN BUKIT BATU KABUPATEN BENGKALIS.” Thesis, Universitas Islam Negeri Sultan Syarif Kasim Riau, t.t. <https://repository.uin-suska.ac.id/2774/>.
- “UU No. 1 Tahun 1974.” Diakses 12 Desember 2024. <https://peraturan.bpk.go.id/Details/47406/uu-no-1-tahun-1974>.
- Wahyudi, Firman. “INTERPRETASI PASAL 97 KHI TENTANG PEMBAGIAN HARTA BERSAMA DALAM PERSPEKTIF MAQASHID SYARIAH,” t.t.

AUTHOR BIOGRAPHY

Agil Nur Qulubi, born on March 19, 2004 in Metro City, Lampung is a student currently studying Islamic Family Law at the Faculty of Sharia, IAIN Metro, he completed his high school education at MAN 1 East Lampung majoring in Islamic Religious Studies and graduated in 2022. Currently active in external organizations, namely the Indonesian Islamic Student Movement (PMII), Turrots Community (TC). And has a high interest in online games, manga, cosplay and also religious studies. Through this research, he hopes that this research can help the community when they want to apply for child custody and guardianship administration. The author can be contacted via email address: nurqulubiagil@gmail.com
