

Dynamics of gender equality: Analysis of the practice of taklik talak in Morocco and Indonesia from the perspective of legal sociology

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Article information	Abstract
Submitted: 2024-11-21 Revised: 2024-12-114 Published: 2024-12-31	The practice of talk plays a crucial role in protecting the rights of wives in Islamic marriages in Indonesia and Morocco, allowing them to complain to the courts in case of a breach of the agreement by the husband. Despite its protective purpose, talk implementation is heavily influenced by both countries' social, cultural, and local policy contexts. This study aims to analyze the practice of taklik talak in Indonesia and Morocco to understand the dynamics of gender equality in Islamic family law through a socio-legal approach. This study uses qualitative descriptive, analytical, and comparative methodologies to understand talk implementation, collecting data from Islamic legal texts and legislation. Content analysis is used to explore the influence of cultural and legal factors on the practice and its impact on women's rights. The results show a complex dynamic between religious norms and aspirations for gender equality, as seen in the contradiction between contractual terms prohibiting polygamy and the teachings of the Qur'an. This underscores the need for education, discussion, and legal revision to create a more inclusive and equitable practice of Islamic law. The comparative study of practices in Morocco and Indonesia highlights differences in implementing Islamic legal principles related to gender equality; Morocco has the Moudawana reforms that control polygamy, while Indonesia adopts an approach that supports legal pluralism without significant legislative changes. Recommendations from this study include developing a more inclusive curriculum, organizing discussion forums, conducting broader comparative studies, and reforming legal policies to support gender equality.

Keywords: family law, gender equality, morocco, divorce



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INTRODUCTION

The main problem in the practice of *ṭalāq* and *ta'liq ṭalāq* lies in how these mechanisms reflect gender equality within family law. This issue is crucial to examine because divorce is not merely a private matter but also affects the protection of women's rights. According to Qomari et al. (2027), Asman (2020), and Ni'ami (2022), *ṭalāq* constitutes an essential element of marriage in Indonesia, recorded in the marriage contract as an agreement between husband and wife. Black et al. (2013), Nurhadi (2019), and Muzakir et al. (2023) emphasize that *ta'liq ṭalāq* grants wives the right to file a lawsuit in the Religious Court if the husband violates the agreement, although its implementation, as noted by Chae et al. (2021), Lwamba et al. (2022), and Zada & Zada (2024), remains influenced by local culture. In Morocco, Peletz (2018), Sonneveld (2020), and Fauzi (2023) demonstrate a similar role of divorce, yet its application is more strictly regulated by state policies. From a socio-legal perspective, as argued by Shang (2022) and Valerio et al. (2024), this comparative analysis is essential to conclude the extent to which *ta'liq ṭalāq* protects women's rights while reflecting the principles of gender equality.

The issue of implementing talk talk in Muslim countries demonstrates significant variation. Nizar (2021) and Andriansyah (2023) argue that this practice is not uniform, as it is shaped by diverse cultural, legal, and traditional contexts. The reason for such differences is evident in Maliki countries such as Morocco, where Baylocq and Hlaoua (2016) as well as Kaya and Drhimeur (2022) explain that stricter legal interpretations often restrict its implementation. Different findings emerge in the Indonesian context; van Huis (2019), Riyani (2019), and Asman (2020) observe that talk is in fact an integral part of Islamic marriage ceremonies, closely tied to cultural diversity and existing legal systems. Yakin (2022) and Pradikta et al. (2024) emphasize that this contrast is particularly notable given that both Indonesia and Morocco are Muslim-majority countries. Wardhani et al. (2022) and Sihombing (2024) further note that the practice is influenced by the simultaneous operation of multiple legal systems, including national, religious, customary, and international law. From these perspectives, it can be concluded that a comparative analysis of regulations and the cultural-legal factors shaping talk is essential for understanding its dynamics in Indonesia and Morocco.

Previous research on *taklik talak* has primarily explored normative legal aspects and classical exegetical perspectives, yet there is still a lack of comparative studies that situate this practice within the framework of legal sociology. Much of the existing literature focuses on a single country: in Indonesia, studies tend to emphasize the plural socio-cultural context and its interaction with Islamic family law, while in Morocco, scholars often highlight the influence of the Maliki school and state regulations. However, few studies have examined how differences in legal systems, religious interpretations, and socio-cultural realities in both countries simultaneously shape gender relations in marriage. This gap is significant because *taklik talak* functions not only as a legal mechanism but also as a reflection of social norms. Addressing this gap, the present study offers a comparative perspective to enrich discussions on gender equality in Islamic family law.

This study aims to analyze the dynamics of gender equality through the practice of *taklik talak* in Indonesia and Morocco using a socio-legal approach. The research focuses on four key aspects: the concept of *taklik talak* in classical exegesis and texts, its practice in Indonesia, the legal regulations applied in Morocco, and a comparison between the two countries. By examining these aspects, the study seeks to reveal how religious interpretations, social practices, and legal norms shape gender relations within the family context. The expected contribution of this research is to enrich academic discourse on Islamic family law by offering a perspective that is more responsive to gender equality issues while providing a comparative view that broadens the literature. Furthermore, the study offers practical benefits by serving as input for policymakers, academics, and gender activists in formulating regulations and strategies that are more inclusive, just, and supportive of women.

Based on the research objectives, it can be concluded that the practice of taklik talak in Indonesia and Morocco not only reflects aspects of law and classical exegesis but also illustrates the dynamics of gender relations in Muslim societies. A comparative analysis of the two countries provides insights into how regulations and social practices influence women's positions within the family and the extent to which gender equality values are accommodated. From this, the study raises several important questions for discussion: How does the concept of taklik talak in classical exegesis shape contemporary practices in Indonesia and Morocco? How do differences in legal and social systems between the two countries affect the implementation of taklik talak? And to what extent does this practice support or hinder the realization of gender equality in the context of Islamic family law?.

METHOD

This study applies a qualitative method with a descriptive, analytical, and comparative approach to gain an in-depth understanding of taklik talak regulations and practices in Indonesia and Morocco. According to Seixas et al. (2018) and Bazen et al. (2021), such an approach is effective for analyzing complex socio-legal phenomena across different contexts. This method was chosen to explore the cultural and legal factors influencing the implementation of taklik talak in both countries. The primary data were drawn from classical Islamic legal texts discussing taklik talak as well as national laws currently in force in Indonesia and Morocco. To strengthen the analysis, secondary data were also incorporated, including books, journals, and scientific articles. As noted by Ellram et al., (2016) and Wickham (2019), secondary literature plays a crucial role in complementing primary sources and providing broader perspectives on Islamic family law, feminist thought in Islam, and the application of taklik talak.

The data obtained were classified according to key aspects relevant to the research, such as legal regulations, cultural influences, and gender implications. Ranganathan and Aggarwal (2018) emphasize that categorizing data in this way allows for a clearer and more structured interpretation of complex issues. The analysis was conducted systematically through qualitative procedures, including organizing data into categories, describing data units, synthesizing information, and identifying emerging patterns or themes. As Kuckartz (2019) and Gioia (2021) argue, such techniques are essential in ensuring depth and coherence in qualitative research. The study also employed content analysis to explore the symbolic meanings embedded in the examined sources. According to Hamilton and Finley (2019), this method must be carried out with principles of objectivity, systematicity, and generalization to maintain both the validity and reliability of findings.

The study concludes by identifying the cultural and legal factors that influence talk practice in Indonesia and Morocco. It further evaluates the impact of these practices on women's rights in marriage, offering insights into how each country's legal and cultural frameworks shape gender equality. This perspective enriches academic discussions on Islamic family law while also contributing practically to legal reform aimed at fostering a more inclusive system. As Thomas and Harden (2008) highlight, qualitative research requires in-depth and systematic analysis to capture the complexity of social and cultural phenomena. Similarly, Ricci et al., (2019) emphasize that such methodological rigor ensures that findings are not only contextually grounded but also reliable for advancing both scholarly discourse and policy reform.

RESULTS and DISCUSSION

Results

The concept of taklik talak in tafsir and classical books

Classical scholars have long discussed the concept of talk in Islamic law, emphasizing justice and conformity with Sharia. Al-Qurthubi and Fakhruddin Ar-Razi noted that the conditions in the

talk must be clear and ma'ruf. At the same time, Sheikh Zainuddin al-Malaibari in Fathul Mu'in explained that the talk only applies if the conditions are met. The views of Ibn Kathir, Imam Nawawi, and As-Sarakhsī also highlight the importance of the principles of justice and compensation, such as Awadhi, in its implementation. This view emphasizes that talk is a binding legal agreement and must be based on Sharia values. The following are the concepts related to talk talk according to the ulama, namely:

Table 1
Talak Taklik According to Classical Ulama

No	Character Name	Description
1	Al-Qurthubi	The divorce agreement must fulfill the principles of justice and must not be used as a tool of oppression against the wife. This principle emphasizes the importance of justice in implementing the divorce agreement to protect the wife's rights (Al-Qurtubi, 2018; Tiopan, 2023).
2	Ibn Kathir	Emphasizes the importance of clarifying the conditions for accepting divorce and adapting them to Islamic law principles. The conditions must be fair and not unjust (Miswar et al., 2023; Santoso & Sari, 2024).
3	Fakhruddin Ar-Razi	Emphasizing that the conditions in the divorce agreement must be ma'ruf (good) and not harm either party. Taklik's talk is considered valid if it fulfills these requirements (Fatih, 2022; Shesa et al., 2024; Abdullah et al., 2024).
4	Sheikh Zainuddin al-Malaibari	Talak or conditional talk is permitted, but the talk only takes effect if the agreed conditions have been fulfilled. The emphasis is on fulfilling concrete requirements before the divorce is valid (Munir, 2013; Qomari et al., 2017; Suryani, 2022).
5	Muhammad bin Ahmad As-Sarakhsī	Discussing each or wash, namely compensation in divorce, and its relationship to talk talk (Bhudiman & Ratnawaty, 2021; Haruna et al., 2023; Agusnadi, 2024; Rizani et al., 2024).

Note: The data in the table is derived from the views of classical scholars in tafsir and fiqh, reinforced by contemporary references that examine them in the context of issues of gender equality

This table provides an overview of the concept of taklik talaq according to classical scholars, yet its relevance requires deeper critical analysis in light of modern contexts. Al-Qurtubi stresses the principle of justice, underscoring that divorce agreements must not serve as tools of oppression and should safeguard women’s rights. The challenge lies in determining how consistently this principle is applied in contemporary legal systems. Ibn Kathir emphasizes the need for clarity in divorce conditions to avoid disputes, though what constitutes “clarity” in modern jurisprudence is still open to debate. Fakhruddin Ar-Razi highlights that conditions must be ma’ruf (good) and fair, but interpretations of this vary across socio-cultural settings, requiring further study. Shaykh Zainuddin al-Malaibari insists that conditions must be concretely fulfilled before divorce is valid, though misuse remains possible. Finally, As-Sarakhsī introduces economic justice through compensation in divorce, yet its effectiveness in protecting women in patriarchal contexts remains questionable. Together, these views provide a solid foundation but need reinterpretation to align with contemporary gender equality concerns.

The practice process of taklik talak in Indonesia

The talk-talk process in Indonesia is a typical example of how cultural traditions and Islamic law are integrated into the marriage ceremony. This narrative explores various aspects of this practice, from its implementation as part of the artistic tradition to its regulation within a formal legal framework. Through a series of rules and legal reforms, talk has been strengthened as a cultural element and as an essential legal component in ensuring legal clarity and certainty in Islamic marriage in Indonesia. This shows the adaptation and evolution of Islamic marriage that accommodates tradition while complying with applicable legal regulations.

Table 2
Taklik Talak in Indonesia

No	Talak Taklik Process	Description
1	Wedding Cultural Practices	Taklik talk has been an integral part of Islamic wedding traditions in Indonesia for centuries. Almost every Islamic wedding in this country involves the husband reading the sight talk after the marriage ceremony. This divorce agreement is also included in the marriage book published by the Office of Religious Affairs (KUA) (Asriani & Haddade, 2021; Afadi & Sari, 2024).
2	Ministry of Religion Declaration Number 3 of 1953	The Ministry of Religion encourages reading talks to be carried out at every wedding procession. Taklik talks are used as a formal means of declaring divorce or divorce in accordance with an established agreement (Faiz et al., 2022; Zein et al., 2023).
3	Compilation of Islamic Law (KHI)	The Compilation of Islamic Law (KHI) reforms Islamic law in Indonesia, including clarifying the legal force of divorce talks. Article 1, letter c KHI states that the husband must pronounce and sign the divorce agreement after the marriage contract. The Sighat talk, which the Minister of Religion determines, must be officially recorded in the marriage certificate (Sari et al., 2021; Mangarengi et al., 2024).
4	The Legal Strength of Taklik Talak	The Compilation of Islamic Law (KHI) provides a more structured and detailed legal framework for implementing talk talk. This practice is part of the culture and has a firm legal basis in Islamic marriage in Indonesia (Kamal, 2024; Aldisa, 2024).
5	Integration of Culture and Law	Taklik talk reflects the integration of cultural traditions and formal legal regulations in Islamic marriage in Indonesia, making it an almost mandatory protocol for the groom (Kusmardani, 2024; Rinaldo et al., 2024).

Note: The data in this table is compiled from the findings of researchers in Indonesia who examined the practice of taklik talak in Islamic marriages

Taklik talk has become an integral part of Indonesia's tradition and regulation of Islamic marriage law. It reflects the state's efforts to preserve custom and adapt it to modern legal structures. The Compilation of Islamic Law (KHI) provides detailed legal clarity on talk, marking progress in addressing legal issues that may arise from this practice. However, the effectiveness of the Ministry of Religious Affairs' Decree in improving the understanding and implementation of talk is still not fully understood. Further analysis of the response to the implementation of talk in various regions in Indonesia and its impact on gender equality could enrich the understanding. Additional information on how this regulation affects the rights and obligations of husbands and wives and the potential gender bias in practice would provide a more systematic and comprehensive insight into the social and legal consequences of talk in Indonesia.

Talak taklik in Morocco based on applicable law

In Morocco, taklik talaq protects wives by allowing them to include clauses, such as anti-polygamy, in marriage contracts. Under Article 31 of the 1957-1958 Code of Personal Status, violations can lead to divorce or automatic dissolution, ensuring legal safeguards for women and restricting husbands from practicing polygamy without consent.

Table 3
Divorce in Morocco

No	Taklik Divorce Process	Description
1	Anti-Polygamy Clause	Article 31 of the Code of Personal Status 1957-1958 allows a wife to include a clause in the marriage contract prohibiting her husband from practicing polygamy. If the husband violates this agreement by practicing polygamy, the wife has the right to file for divorce (Jansen, 2007; Booley, 2017).
2	Automatic Dissolution of Marriage	Suppose the husband violates the anti-polygamy clause agreed upon in the talk. In that case, the violation can result in the automatic dissolution of the first marriage, giving the wife the right to file for divorce (Osman, 2019).

3	Protection of Wife's Rights	The talk in Morocco is designed to provide more protection for wives' rights, allowing them to take legal action in case of a violation of the agreement made in the marriage contract (Madih et al., 2019).
4	Regulation of Polygamy	Although polygamy is still permitted under certain conditions, the law gives the wife the authority to prohibit her husband from practicing polygamy through talk, which, if violated, can have legal consequences for the husband (Abdullah, 2008; Sam'un & Hadi, 2023).
5	Judicial Provisions	Suppose no ta'liq talak explicitly prohibits polygamy. In that case, the court has the authority to dissolve a marriage if polygamy causes harm to the first wife, indicating the use of talk as a protection mechanism for wives (Yuliatin, 2022; Rusliadi, 2023).

Note: The data in this table is compiled from research findings on the practice of taklik talak in Morocco, highlighting legal protections for wives through anti-polygamy clauses, automatic dissolution of marriage, and court oversight mechanisms

The table on divorce laws in Morocco illustrates a serious legislative effort to protect the rights of wives, especially polygamy. The anti-polygamy clause strengthens the wife’s control over the conditions of her marriage, but its effectiveness in practice still needs further evaluation. Although the law allows the wife to prohibit polygamy, the fairness of its implementation is questionable and requires further study. In addition, the court’s authority to dissolve a marriage shows legislative flexibility, but the fairness and consistency of court decisions also need to be closely monitored. Further analysis is required to ensure that these legal reforms provide adequate protection and are enforced in practice in line with the needs and rights of wives in Morocco.

Comparison of taklik talak practices in Morocco and Indonesia

A comparison of talk talks in Morocco and Indonesia shows significant differences in legal and cultural approaches. Morocco, with the Maliki School and the Moudawana codification, stands out through its stronger protection of women, such as restrictions on polygamy. In contrast, Indonesia follows the Shafi’i School with the guidance of the Compilation of Islamic Law, which is more influenced by local traditions. The progressive legal reform in Morocco contrasts with the traditional implementation in Indonesia, reflecting the different dynamics of women’s rights protection in the two countries.

Table 4
Comparison of Moroccan and Indonesian Divorce Laws

No	Aspect	Morocco	Indonesia
1	Dominant School of Thought	Maliki School of Thought	Shafi'i School of Thought
2	Legal Approach	Codification through Moudawana (2004) for family law reform.	Compilation of Islamic Law (KHI) as a guide to Muslim family law.
3	Position of Polygamy	Polygamy is made more complex; the husband must meet the wife's requirements and court approval.	Polygamy is permitted, but the divorce decree prohibiting polygamy is rarely implemented.
4	The Role of Taklik Talak	Part of the marriage contract, including provisions limiting polygamy.	Generally, marriage contracts give the wife the right to sue for divorce if the conditions are violated.
5	Legal Reform	Driven by the feminist movement, prioritizes gender equality.	There have been no significant reforms, but the talk is still traditionally applied.
6	Protection Focus	Gives more excellent space to women's rights, including involving women in marriage requirements.	Protecting the wife's rights through the terms of the divorce agreement, which must be mutually agreed upon.
7	Fatwa or New Policy	Legal reform has been widely implemented.	The MUI fatwa (2016) states that talk is not mandatory, but the practice remains common.

This table reflects significant differences between talk-talk practices in Morocco and Indonesia, which are influenced by factors such as the school of thought, legal approach, and culture. Morocco adopted the Maliki School with a modern legal approach through the Moudawana codification that provides more excellent protection for women, including restrictions on polygamy that require court approval. In contrast, Indonesia uses the Shafi'i School with guidance from the Compilation of Islamic Law (KHI), which is more flexible but lacks the coercive power of codified law. Legal reform in Morocco was influenced by the feminist movement, resulting in a more inclusive family law system, while in Indonesia, significant reforms are still minimal, even though talk remains a tool for protecting wives. Polygamy in Morocco is complicated by strict conditions, while in Indonesia, although permitted, supervision of its implementation is weak. In the case of Talk Talk, Morocco makes it an integral part of the marriage contract to limit polygamy, while in Indonesia, its role is more traditional, giving the wife the right to file for divorce if the conditions are violated. The MUI Fatwa statement that talking is not mandatory adds to the dynamics in Indonesia, although the practice remains common. This difference shows Morocco is more progressive in family law reform, while Indonesia still faces challenges in consistently and inclusively implementing talk. This emphasizes the importance of a deeper analysis of how culture and law shape the protection of women's rights in both countries.

Discussion

Perspective of classical scholars on gender equality in the practice of taklik talak

A study of classical scholars' opinions on taklik talak reveals the complex interplay between religious norms and gender equality aspirations within Islamic marriage (Syatar et al., 2023; Fauzi, 2023). Scholars interpret that Islam permits wives to stipulate specific conditions in the marriage contract, including prohibiting polygamy, as a means to protect their rights (von Struensee, 2004; Prakon et al., 2023). Ibn Qudamah al-Maqdisi emphasizes that these conditions must be respected and implemented justly, reflecting the ethical imperative of fairness in marital agreements. Similarly, companions of the Prophet, such as Umar bin al-Khattab and Sa'ad bin Abi Waqqash, argue that violating these conditions can lead to annulment, underscoring early recognition of women's agency within marriage (Moten, 2013; Zulfikar, 2020). Analytically, contemporary scholars compare these classical principles with modern practices, noting variations in implementation across different legal and cultural contexts, thereby highlighting the potential of taklik talak to reconcile traditional norms with evolving standards of gender equality.

This perspective is supported by scholars who interpret the hadith of the Prophet Muhammad SAW as emphasizing the importance of fulfilling marital conditions that govern husband-wife relations, highlighting the binding and essential nature of these conditions, especially when aimed at protecting the wife's rights (Ali, 2023; Baydar, 2023). Hidayati and Assa'diah (2021) further analyze that Islamic law actively seeks to recognize and strengthen women's position in marriage, providing them with mechanisms to influence contractual conditions according to their needs and preferences. Comparatively, contemporary scholars note variations in the implementation of these principles across different cultural and legal contexts, revealing both the opportunities and challenges in aligning classical prescriptions with modern expectations of gender equity in marital arrangements. This interpretation underscores the potential of contractual conditions like taklik talak to mediate between religious norms and evolving standards of women's empowerment in marriage.

However, other scholars, such as az-Zuhri and Malik (2024), interpret that conditions prohibiting polygamy may conflict with the Qur'an, which permits polygamy under specific circumstances (Syamsuddin, 2018; Alfian & Purwanto, 2024). Analytically, this perspective highlights the tension between individual autonomy in marital contracts and adherence to broader religious

norms. Comparatively, while these scholars maintain that conditions contradicting Qur'anic teachings are invalid, they argue that such conditions do not render the entire marriage void (Nasr-Esfahani et al., 2021; Rizapoor et al., 2023). This approach demonstrates an interpretative effort to balance respect for personal agreements with compliance to foundational religious principles. It also reveals the diversity of scholarly opinions on taklik talak, showing how classical jurisprudence negotiates the interplay between contractual freedom and doctrinal conformity, thus providing insight into the complexities of implementing gender-sensitive practices within Islamic marital law.

This study indicates that, according to scholars such as Caeiro (2011) and Ali (2021), achieving absolute gender equality within Islamic law remains complex and often contested. Interpretatively, classical scholars emphasize respecting the conditions stipulated in the marriage contract, thereby recognizing women's agency and contractual rights. Analytically, however, traditional interpretations continue to impose limitations when these conditions conflict with norms deemed fundamental to Islam (Oman, 2011; Kadivar, 2021; Malik, 2024). Comparatively, this demonstrates the tension between safeguarding women's autonomy and adhering to doctrinal principles. These perspectives collectively reveal that while Islamic law provides mechanisms to protect women's rights in marriage, the practical realization of gender equality necessitates careful negotiation between historical jurisprudence, textual interpretations, and contemporary aspirations for justice and inclusivity. Such an approach highlights the ongoing need to reconcile classical legal frameworks with modern gender-sensitive considerations in Islamic marital practice.

The tension between gender equality and traditional religious norms can be illustrated as a tree: its roots represent classical scholars' interpretations, which often limit women's rights, particularly in marriage and taklik talaq practices. Rigid norms, including support for polygamy, conflict with gender equality principles. To address this, educational programs and interfaith dialogues should promote inclusive interpretations of classical teachings. Legal reforms are needed to align Islamic law with gender justice, while encouraging women's participation in religious discourse and policy-making ensures their perspectives influence law and spiritual practices, fostering a more equitable and just framework for family and marital relations.

Comparative Analysis of Schools of Thought and Codification of Gender Equality in the Practice of Taklik Talak in Morocco and Indonesia

The approaches to taklik talaq in Morocco and Indonesia demonstrate significant differences influenced by schools of thought, legal codification, and socio-cultural contexts. Scholars argue that Morocco, guided by the Maliki School, implemented family law reforms through the 2004 Moudawana, which strengthened women's rights by regulating polygamy, requiring the first wife's consent and court approval for subsequent marriages (Eisenberg, 2011; Rinaldi, 2022; Wafa et al., 2024). Researchers further interpret this reform as a response to feminist advocacy and a state effort to embed gender equality within Islamic law (Kinasih, 2023; Jamil et al., 2023; Zoglin, 2009; Daharis, 2023; Ezzerouali et al., 2024). Comparatively, Indonesia reflects a different trajectory, with legal codification influenced by national regulations and cultural practices, showing how local interpretations of taklik interact with broader Islamic principles while highlighting diverse pathways for integrating gender justice into family law frameworks.

In contrast, scholars note that Indonesia, following the Shafi'i school of thought, adopts a more conservative approach through the Compilation of Islamic Law (KHI) (Syahputra & Zuhdi, 2024). Researchers emphasize that KHI regulates taklik talaq without explicitly using polygamy prohibition as a condition, reflecting the dominant Shafi'i perspective permitting polygamy within sharia limits (Al-Hakim et al., 2024; Syifa & Izzuddin, 2024). Analysts further argue that Indonesia's legal pluralism allows negotiation and variation in practice, where Islamic law, customary law, and national law intersect to shape local application (Lukito, 2012; Hamida, 2022). Comparative studies highlight

that, in Indonesia, *taklik talaq* functions both as a mechanism to protect wives' rights and as a social instrument to maintain stability in a multicultural context, demonstrating how cultural, legal, and religious factors interact to produce diverse outcomes in gender and family law.

These differences highlight how Islamic legal schools and codifications interact with social dynamics in each country. According to Büchler and Schlatter (2013) and Booley (2017), Morocco's reforms demonstrate a more progressive trajectory, emphasizing gender equality as a central pillar of family law through a structured legislative framework. In contrast, scholars analyzing Indonesia note that the country tends to rely on traditional adaptations embedded in religious practices, allowing for greater flexibility in protecting women within a socially contextualized legal framework. Such observations suggest that both approaches reflect the diversity and richness of Islamic legal interpretations, and they underscore the need to consider local cultural and social contexts when developing legal frameworks that advance gender equality.

Morocco and Indonesia's approaches to family law reflect how Islamic legal principles are adapted to each country's unique social, cultural, and political contexts. Both cases show that Islamic family law is flexible, capable of responding to changing social realities, including gender equality issues. Morocco, through the Moudawana reforms, adopted a progressive approach by enacting strict legal measures to limit polygamy and protect women's rights, influenced by the feminist movement and a desire to align religious values with social equality. Indonesia, through the KHI, retained traditional flexibility, allowing individual negotiation in family matters without major legislative reforms. Despite these differences, both countries aim to balance religious principles with legal modernization. Morocco emphasizes structured codification, while Indonesia relies on pluralistic, context-sensitive adaptations. Together, these cases illustrate that Islamic law can support justice and equality through either progressive reform or traditional adaptation, depending on social dynamics and cultural context.

CONCLUSION

Research on the views of classical scholars on *talk* reveals the dynamics between religious norms and aspirations for gender equality in Islamic marriage, highlighting the contradictions between contractual terms that support the prohibition of polygamy and some teachings of the Qur'an. This indicates the need for education, discussion, and legal revision to make Islamic legal practices more inclusive and equitable. A comparative analysis of *talk* in Morocco and Indonesia reveals differences in applying Islamic legal principles related to gender equality. Morocco has made progress with the Moudawana reforms that limit polygamy and strengthen women's rights, demonstrating the impact of the feminist movement and the country's dedication to gender equality. In contrast, Indonesia has taken a more traditional approach with the Compilation of Islamic Law that supports legal pluralism and local adaptation without significant legislative changes. Despite their different approaches, both countries demonstrate how Islamic family law can be calibrated to suit unique social needs and contexts.

The theoretical implications of this study lie in a deepened understanding of *talk* as a dynamic and adaptive instrument in Islamic law, reflecting social changes and norms of justice. Practically, the results of this study can be used as policy recommendations to review and strengthen the role of *talk* in family law codes in Muslim-majority countries. This recommendation also includes the need for dialogue to develop more inclusive regulations and represent evolving social needs, especially in protecting women's rights.

This study acknowledges several limitations, including the limited focus on the Indonesian and Moroccan contexts without extensive comparison with other Islamic countries. Therefore, recommendations for further research are to delve deeper into the comparative practice of *talk* in various Islamic countries to identify and understand local variants and adaptations of Islamic law in

a global context. This research could also explore the influence of socioeconomic and political factors in regulating and accepting talk in Muslim societies.

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