

11-02-2026

## **Sayyid Sabiq's thoughts on Thalak in the book *Fiqh Assunnah***

Joseph Antoni & Akmal Abdul Munir

**To cite this article:** Antoni, J. & Munir, A. A. (2026). Sayyid Sabiq's thoughts on Thalak in the book *Fiqh Assunnah*. *Priviet Social Sciences Journal*, 6(1), 231-240.  
<https://doi.org/10.55942/pssj.v6i2.1370>

**To link to this article:** <https://doi.org/10.55942/pssj.v6i2.1370>



Follow this and additional works at: <https://journal.privietlab.org/index.php/PSSJ>  
Priviet Social Sciences Journal is licensed under a Creative Commons Attribution 4.0 International License.

---

This PSSJ: Original Article is brought to you for free and open access by Privietlab. It has been accepted for inclusion in Priviet Social Sciences Journal by an authorized editor of Privietlab Journals

Full Terms & Conditions of access and use are available at: <https://journal.privietlab.org/index.php/PSSJ/about>



## Sayyid Sabiq's thoughts on Thalak in the book *Fiqh Assunnah*

Joseph Antoni\* & Akmal Abdul Munir

UIN Sultan Syarif Kasim Riau, Panam, Jl. HR. Soebrantas No.Km. 15, RW.15, Simpang Baru, Kota Pekanbaru, Riau 28293, Indonesia  
\*e-mail: antoniyoseph@gmail.com

Received 23 December 2025

Revised 31 January 2026

Accepted 11 February 2026

### ABSTRACT

This study aims to analyze a place of thought from Sayyid Sabiq's shop about thalak as contained in a poplar work of Fiqh As-Sunnah. This study focuses on his views on the facts, conditions, forms, and wisdom of a thalak from the perspective of Islamic fiqh. Thus, this larya imiah uses a qualitative approach, namely, library research on primary sources of Fiqh As-Sunnah by Sayyid Sabiq, as well as secondary sources from classical fiqh books and contemporary Islamic law literature. The results of the study show that Sayyid Sabiq understood thalak not as a means to oppress women, but as the last way out (the shari'i emergency way) when the goal of marriage can no longer be achieved. He emphasized that thalak must be pursued with full responsibility, based on the principle of justice. In his view, the law of thalak is mubah, but it becomes makruh if it is done without a good reason. Sayyid Sabiq's thinking shows a strong relevance to the context of Islamic family law in moderation, as it provides a balance between the right of men and women to impose thalak and women's right to self-justice. This research contributes to the development of more rational Islamic family law, to the benefits of sharia.

**Keywords:** Sayyid Sabiq; *Fiqh As-Sunnah*; Thalak; Islamic law; gender justice

**priviet lab.**  
RESEARCH & PUBLISHING



## 1. INTRODUCTION

Marriage in Islam is a sacred bond that aims to form a family that is characterized by *sakinah*, *mawaddah*, and *rahmah*. However, with the demikia in social reality, not all marriage bonds can go as expected. Disharmony, prolonged conflicts, or violations of domestic values often lead to divorce (*Thalak*) (Asyhadie & Adha, 2020). In this context, Islamic law provides a legal mechanism in the form of *Thalak* As last way out of a stalemate in the domestic relations of the Muslim household. Concept *Thalak* has been a concern of scholars and fuqaha from classical to modern times.

Among the contemporary scholars who have made a strong contribution to the understanding of fiqh *Thalak* was Sayyid Sabiq (1915–2000), a great scholar from Egypt and a disciple of Hasan Al-Banna. His work, *Fiqh As-Sunnah*, is one of the modern fiqh books that has succeeded in combining textual and rational approaches, and is composed in a language that is very easy for modern Muslims to understand (Alfarisi, 2025).

Sayyid Sabiq looked at *Thalak* as part of an Islamic legal system that is common and contains wisdom and justice contained in it. In *Fiqh As-Sunnah*, he rejected the practice of *Thalak* It done emotionally by a husband towards his wife or arbitrarily (Jaya et al., 2024), and affirmed that *thalak* must be done according to the provisions of sharia in accordance with the sunnah of the Prophet PBUH. He quoted a hadith of the Prophet PBUH.

أبغض الحلال إلى الله الطلاق

Meaning: *The balal thing that Allah hates the most is thalak* (HR. Abu Dawud and Inu Majah)

This hadith shows that even though *Thalak* legal and permissible, Islam does not recommend it except in an emergency. This view contains a very significant moral message to mankind that marriage should not be played with and divorce is not the main solution in every domestic problem that is lived (Malinda, 2023).

Furthermore, the Qur'an affirms the principle of responsibility in *Thalak* As Allah SWT says:

الطَّلَاقُ مَرَّتَيْنِ فَإِمْسَاكَ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ ۚ وَلَا يَحِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ ۚ إِنَّكُمْ لَعَلَّكُمْ تُعْلَمُونَ

Meaning: Talak (which can be referred to) is mentioned twice. (After that) the husband can detain (refer) in a proper way or release (divorce) properly. It is not lawful for you to take back something (dowry) that you have given them, unless both of them (husband and wife) are worried that they will not be able to carry out the limits of Allah's provisions. If you are worried that both of them are not able to live up to the limits of Allah, then they are not guilty of the payment that (must) be given (by the wife) to redeem themselves. These are the limits of Allah; do not transgress them. Whoever transgresses the boundaries of Allah, they are the wrongdoers. (Q.S Al-Baqara:229)

This verse became the basis of the law of *khulu* and the acceptance of *iwaḍ*. *Khulu* is the wife's right to divorce her husband by paying *iwaḍ* (ransom) through the court. According to Sayyid, Sabiq emphasized that *Thalak* not just a one-sided right, but contains moral and legal responsibilities (Shubhie, 2023).

At the main basis of this study, this study is important because Sayyid Sabiq's thought represents a modern fiqh paradigm that emphasizes the balance between text and context, and rejects the abuse of authority in family domestic affairs (Misnanto, 2024). In today's era where social media and technology are developing rapidly and human thinking has changed its mindset, where divorce cases are drastically increasing due to social and economic problems.

So the concept of sayyid sabiq's thought is very relevant and in accordance with the circumstances of human life to be used as a reference or guideline in building a just and civilized concept of family law. Based on this background, this study aims to elaborate on the views of Sayyid Sabiq regarding *thalak* in the study of *As-Sunnah* fiqh. Analyze the legal bases used by Sayyid Sabiq in establishing the existing law

of thalak. A assessment of the relevance of Sayyid Sabiq's thought to the context of contemporary Islamic family law (Makiyah, 2025).

This research is expected to provide a scientific pattern for the development of Islamic law studies, especially in the field of family law, as well as strengthen the understanding that *thalak* in Islam is a mechanism that aims to maintain justice and benefits in the path of a Muslim not a form of discrimination against women.

## 2. RESEARCH METHOD

This study uses an approach method, namely descriptive qualitative with the type of library research. This approach was chosen because the main purpose of the research is to examine, understand, and analyze a thought of Sayyid Sabiq as contained in his monumental work *Fiqh As-Sunnah*, especially in the discussion of *Thalak* (Stiawan, 2024).

This study uses two types of data sources, namely The main source in this study is the book *Fiqh As-Sunnah* by Sayyid Sabiq. This book consists of several volumes that discuss the laws of fiqh from various aspects of thought, including chapters *Thalak*. As a very popular work in the modern Islamic world, *Fiqh As-Sunnah* It is considered a trans-sectarian work of fiqh because it compiles opinions from various school sources, without fanaticism towards one particular school (Stiawan, 2024).

Secondary sources are in the form of classical fiqh books such as *Al-um* The work of Imam Ash-Shafi'i, *Al-Mughni* by Ibn Qudamah, and *Bidayatul Mujtahid* by Ibn Rushd. In addition, contemporary works and other academic research results such as *Islamic Family Law in the Modern World*, *Al-Fiqh Al-Islami wa Adillatub* by Wahbah Az-Zuhaili, as well as scientific journal articles that discuss the concept of *Thalak* and the thoughts of Sayyid Sabiq.

In this study, data collection is carried out through the documentation method, namely tracing and collecting various imiah literature that is relevant to the theme and research material. Data were obtained from Classical and modern fiqh books, As-Sunnah fiqh writings, as well as scientific articles related to the discussion of family law in general, along with Tafsir Al-Quran and hadiths of the Prophet Muhammad (saw) related to thalak (Sofwan, 2023).

The steps of data collection from this study are carried out in a detailed systematic manner including the identification of scientific works in context, classification of information, along with the analysis of the content of each source taken. Data analysis is carried out using the content analysis method, which is to examine the content of the text in depth to find the meaning, views, and thought patterns of Sayyid Sabiq regarding *thalak*. The analysis is carried out in several stages, namely: (1) Data reduction is the selection of important information from various literatures; (2) Classification of data by grouping important themes such as the legal basis of *thalak*, types of *thalak*, and ethics in imposing *thalak*; (3) Interpretation is to give meaning to Sayyid Sabiq's views in the social and legal context of modern Islam.

In addition, this study also uses a normative approach, where the verses of the Qur'an and hadith are used as a framework for static analysis of Sayyid Sabiq's views. This approach is relevant because fiqh is essentially the result of interpretation of the texts of revelation (Misnanto, 2024).

In connection with this research, it is based on several main approaches, namely textual and contextual approaches. The textual approach is to understand the redaction and context of the evidence presented by Sayyid Sabiq in *Fiqh As-Sunnah*. Meanwhile, the contextual approach includes assessing the relevance of this thought to the development of Islamic family law today, especially in the issue of gender justice and women's rights after divorce (Abbas & Mutia, 2019).

With the combination of these two approaches, the research is expected to be able to display the advantages of a complete and objective understanding of Sayyid Sabiq's views (Misnanto, 2024). To maintain the validity of the data, the researcher used the source triangulation method. That is, every view of Sayyid Sabiq in *Fiqh As-Sunnah* compared with classical and contemporary fiqh sources in order to obtain more accurate and unbiased conclusions. In addition, a comparative analysis was carried out on the opinions of scholars from the four main schools (Hanafi, Maliki, Shafi'i, and Hanbali), in order to assess the position of Sayyid Sabiq's thought among them (Stiawan, 2024).

This research is literature and is not carried out in the field, so the location of the research is in the study room and digital library. The research time lasts gradually for some time, including the process of collecting sources, analyzing, and writing the results of the study (Syafuruddin, 2023).

The framework of this research departs from the understanding that the law *Thalak* in Islam it is emergency and preventive, not an instrument of male domination. Sayyid Sabiq views that every law in Islam has wisdom and purpose (*Maqashid Syariah*) which is oriented towards the benefit of the ummah (Alfarisi, 2025). Therefore, his view of *Thalak* must be read and understood thoroughly in maintaining family integrity and justice for all parties. With these methods and approaches, this research is expected to present a sharp, in-depth, accurate scientific analysis, and free from subjective biases and generalizations (Bela, 2025).

### 3. RESULT AND DISCUSSION

#### 3.1. Results

##### 3.1.1. Overview of Sayyid Sabiq and the Works of Fiqh As-Sunnah

Sayyid Sabiq (1915–2000 AD) was a great scholar from Egypt who was known as a figure of the 20th century fiqh reformer. He was a direct disciple of Hasan Al-Banna, the founder of the Muslim Brotherhood movement (Jaya et al., 2024). His monumental work, *Fiqh As-Sunnah*, became one of the most influential faces of modern fiqh literature because it was compiled in a simple, logical style, and based on the postulates of the Qur'an and authentic hadith without being bound by the fanaticism of certain schools (Harahap, 2024).

The main purpose of Sayyid Sabiq in writing *Fiqh As-Sunnah* is by disseminating the teachings of fiqh which are directly sourced from Nash Syar'i so that it is easier to understand for modern Muslims. This book consists of several large volumes that discuss the law of worship, muamalah, munakahat (including thalak), and jinayah.

In the discussion *Thalak*, Sayyid Sabiq not only quotes the opinion of classical fuqaha but also presents a contextual approach. He placed *Thalak* As an emergency legal mechanism of a marriage, not as an absolute right that can be used at will by a man in deciding a domestic matter (Taufiqurohman & Pangestu, 2023).

##### 3.1.2. Definition And Essence of Thalak According to Sayiid Sabiq

In a study of *Fiqh As-Sunnah*, Sayyid Sabiq defines *thalak* as:

حل عقدة النكاح بلفظ الطلاق ونحوه

Meaning: Cancellation of the marriage bond with the word *thalak* or its equivalent.

From this definition, it can be seen that Sayyid Sabiq emphasized two important elements in *Thalak*. Namely the existence of a valid marriage bond and the existence of a statement of HKUM (Lafaz) that shows the release of the bond (Anton et al., 2024). According to him, *Thalak* It can only be done by a husband who has full intention and awareness of the law, not because of momentary emotions so that he eliminates the awareness in thinking. If *Thalak* said in a state of intense anger until he was unconscious, then the thalak Invalid because it does not meet the element of intention (Jaya et al., 2024).

As stated in the hadith of the Prophet PBUH:

لا طلاق ولا عتاق في إغلاق

Meaning: It is illegal to *thalak* and release slaves in a state of anger (heavy emotions) (HR. Abu Dawud and Ibn Majah)

This hadith is the basis of Sayyid Sabiq's argument that one's moral awareness and responsibility are important elements in the validity of a decision-making *thalak* (Stiawan, 2024).

##### 3.1.3. Classification and Types of Thalak

Sayyid Sabiq classifies *thalak* into several types based on the law and its nature. Based on the Law are: (1) *Thalak Sunnah*, which is a thalak that a person performs in accordance with the guidance of the



Shari'ah, for example, imposing one talaq during the holy period of the wife who has not been married after the last menstruation (Stiawan, 2024); (2) *Thalak Bid'ah*, which is a thalak that a person does by deviating from the rules of Islamic law, such as dropping talaq when the wife is menstruating or at one time imposing three talaqs at once.

Sayyid Sabiq emphasized that *the thalak bid'ah* is haram because it is contrary to the commands of Allah in the Qur'an. *At-Talaq:1*

يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا

Meaning: O Prophet, if you divorce your wives, divorce them when they have their (appropriate) idah, and calculate the time of it, and fear Allah your Lord. Do not take them out of their houses and do not go out unless they do a clear abomination. Those are the laws of God. Whoever transgresses the laws of Allah, he has indeed wronged himself. You do not know that after that Allah will make a new provision. (Q.S.At-Thlaq:1)

This verse confirms that *Thalak* must be done with full human awareness of the time *Iddah*, not with emotion or haste, the number of words is thalak i.e. thalak Raja'I and Thalak Bain. Thalak raja'I is (reusable talaq), i.e. one or two talaq that still allows the husband to refer back to his wife during the iddah period (Sofwan, 2023). As for Thalak Bain, that is, (talaq that cannot be referred) again, thus this *thalak* is divided into two: (1) Bainunah sughra, which is one or two talaq accompanied by the end of the iddah period without reference; (2) *Bainunah Kubra*, which is talaq tiga which requires the wife to marry another man first before she can return to her first husband (Muntashir, 2024)

#### 3.1.4. Law and Ethics of Thalak Implementation

Sayyid Sabiq emphasized that the law of a thalak in Islamic teachings in general is mubah (permissible) (Afandi & Yunus, 2023), but can change to: (a) Obligatory, that is, if domestic life causes harm and there is no hope of islah; (b) Haram, if done without sharia reasons; (c) Makruh, if done without an urgent reason; (d) Sunnah, if necessary to avoid sin or injustice in the rmah of the stairs.

In Fiqh As-Sunnah, he wrote: "Indeed, the Shari'ah does not make thalak a tool to play with marriage, but as an emergency solution when peace is no longer possible" (Sofwan, 2023)"

This shows that he views thalak as a highly ethical mechanism, not just a mere formal law.

#### 3.1.5. Moral Intentions and Responsibilities in Thalak

Sayyid Sabiq emphasized the importance of an intention and common sense in making a thalak vow. According to him, if thalak is said in an uncontrollable state of anger or joking all the time, then the ruling is invalid, based on the hadith:

ثلاث جدهن جد، وهزلهن جد: النكاح والطلاق والرجعة

It means: *Three* things that are serious and the joke is also considered serious: marriage, *thalag*, and referral. That is why we have to be careful not to let our guard Abu Daud)

This hadith shows that the words *Thalak* It cannot be played with, even if it is spoken with the intention of joking. However, Sayyid Sabiq added that the *Thalak* without intent or uttered in an unconscious state cannot be considered valid (Arofik & Sholihah, 2023).

One of the most important contributions of Sayyid Sabiq is his emphasis on the protection of women's rights after the occurrence of *thalak*. He emphasized the obligation of a husband to provide sustenance during the iddah continuously, a decent place to live, and not to remove his wife from the house during the iddah period, as Allah SWT says:

لَا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلَا يَخْرُجْنَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُبَيَّنَةٍ

Meaning: Do not remove them (rejected wives) from their houses, nor do they go out unless they commit a real abominable deed (Q.S At-Thalaq:1).

According to Sayyid Sabiq, this verse clearly shows that Islam provides great protection to women, even after divorce. In his view (Stiawan, 2024), *Thalak* must not harm women socially or economically. Sayyid Sabiq explained that he was sharia *Thalak* have profound wisdom, including: (a) As an emergency exit to avoid greater harm when the marriage is no longer harmonious; (b) To maintain the benefit of both parties so as not to live in suffering; (c) To protect the honor and morals of both partners in a lawful way (Hidayat, 2025). He emphasized that Islam regulates thalak in a fair and balanced manner and does not prohibit absolutely, but also does not allow it to be done arbitrarily without applicable rules (Shubhie, 2023).

## 3.2. Discussion

### 3.2.1. The Character of Fiqh Thought of Sayyid Sabiq

Sayyid Sabiq is known as one of the scholars of the 20th century who tried to revive fiqh in a more rational and applicable format in scientific concepts. Through *Fiqh As-Sunnah*, he broke the chain of sectarian fanaticism and presented the real Islamic law as a system that was flexible, open, and in accordance with the times (Misnanto, 2024). In his view, fiqh is not just a collection of rigid laws, but a great means to realize social benefits and justice (Syafuruddin, 2023).

In context *Thalak*, Sayyid Sabiq does not view it as an absolute right of a man that can be exercised at will, but rather as a moral and legal responsibility that must be exercised by a person with full spiritual awareness. This view differs from some classical fuqaha that emphasize the legal-formal aspect without much mention of the social ethical side (Hidayat, 2025).

For example, Imam Abu Hanifah argued that *Thalak* It's okay to say something even if it's in a bad mood, as long as you can understand what it means. However, Sayyid Sabiq rejected this view by asserting that *Thalak* which is done in a state of heavy emotion is invalid, because it is contrary to the maqashid sharia (purpose of Islamic law), namely *Hifzhu-NASL* (take care of the offspring) and *hifzhu-irdh* (Keeping Honor) (Stiawan, 2024). Ethics is a central element in Sayyid Sabiq's view. He emphasized that divorce should not be carried out by hurting or degrading the spouse of each individual (Muntashir, 2024).

This statement is in line with the Qur'anic verse:

الطَّلَاقُ مَرَّتَيْنِ ۖ فَمِنْ سَاكٍ بِمَعْرُوفٍ أَوْ تَسْرِيحٍ بِإِحْسَانٍ ۚ وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ ۚ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ ۚ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

Meaning: Talak (which can be referred to) is twice. (After that) the husband can detain (refer) in a proper way or release (divorce) properly. It is not lawful for you to take back something (dowry) that you have given them, unless both of them (husband and wife) are worried that they will not be able to carry out the limits of Allah's provisions. If you are worried that they are not able to carry out the limits of Allah, then they are not guilty of the payment that (must) be given (by the wife) to redeem themselves.68) Those are the limits of Allah, do not transgress them. Whoever transgresses the boundaries of Allah, they are the wrongdoers (Q.S Al-Baqarah:229).

This verse becomes the basis of the law of khulu' and the acceptance of 'iwaḍ. Khulu' is the wife's right to divorce her husband by paying 'iwaḍ (ransom) through the court. This is a moral basis in Sayyid Sabiq's thought that *Thalak* must be carried out within the framework of courtesy of respect for human dignity, especially women. In Fiqh Assuunah he wrote:

"It is not proper for a Muslim to play with the sentence of thalak, because it is a great law of Allah, and is only used when the way of peace has been closed".

This view shows that Sayyid Sabiq not only thinks textually, but also morally-philosophically. He placed *Thalak* as a means of ending suffering with honor, not as a tool of revenge or mere emotional venting (Andhika, 2024). Understanding the Opinions of Classical Scholars

To understand Sayyid Sabiq's position in the treasures of Islamic law, it is necessary to compare the views of the fuqaha of the four main sects (Table 1).

Table 1. The views of the fuqaha of the four main sects

Aspects	Classical Scholar	Sayyid Sabiq's View
Valid conditions thalak	It's okay to be angry, even if it's clearly spoken (Hanafi)	It is illegal to be angry so much that you lose consciousness
Thalak three at once	Some consider it legitimate and fall three (Jumhur)	Refuse; only one talak falls, according to the hadith of Ibn Abbas
Protection of women after divorce	Generally focus on <i>iddah</i> and <i>nafkah</i>	Emphasizing the social aspect: the prohibition of removing one's wife, respect and the right of residence
Right of reference	Full rights of the husband during <i>iddah</i>	Must be accompanied by good faith and intention to build a household

In the modern era, the issue of divorce is one of the social problems that has increased drastically in domestic life. Many cases *Thalak* It is done emotionally, even through social media, without legal procedures. Sayyid Sabiq's thinking is very relevant to answer this problem because it emphasizes legal awareness in imposing thalak, as well as the protection of women's rights and ethics in separation (Malinda, 2023).

Sayyid Sabiq emphasized that divorce should not be played with by a Muslim because it damages the joints of society. In his view, Islamic law is not a fixed mechanism, but has flexibility within the limits of sharia maqashid (Jaya et al., 2024). Her thinking is in line with the principle of gender justice in Islam. He rejected the view that men have absolute and absolute power in marriage. On the contrary, she views that women have the same moral and legal rights as men in maintaining the integrity of the household and demanding justice after divorce.

This is in line with the words of Allah swt:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ  
وَيُعَوِّلُهُنَّ أَحَقُّ بِرَدِّهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهُنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ وَاللَّهُ عَزِيزٌ حَكِيمٌ

Meaning: Divorced wives (obligatory) to refrain from (waiting) three times qurū' (chastity or menstruation). It is not permissible for them to hide what Allah has created in their wombs, if they believe in Allah and the Last Day. Their husbands have the right to return to them within that time, if they want improvement. They (women) have the right to be balanced with their obligations in a proper manner. However, husbands have an advantage over them. Allah is Mighty, Wise.i (Q.S Al-Baqarah:228)

Sayyid Sabiq interprets this verse not in the sense of male superiority, but a greater responsibility for men in maintaining justice and family welfare (Arofik & Sholihah, 2023).

### 3.2.2. Sayiid Sabiq's Views in the Perspective of Maqasid Syariah

Within the framework of sharia maqashid, *Thalak* is seen as a mechanism for maintaining the five main objectives of the Shari'ah (*Al-Kulliyat al-Khams*) (Sofwan, 2023) namely: (1) Hifzh ad-Din (Keeping Up With the Religion). That is by avoiding conflicts that lead to sin; (2) Hifzh an-Nafs (Guarding the Soul). That is by providing a way out of domestic suffering; (3) Hifzh al-'Aql (Keeping Your Mind). That is, it prevents emotional actions that eliminate rationality; (4) Hifzh an-Nasl (taking care of offspring). That is so that children grow up in a healthy environment; (5) Hifzh al-Mal (Safeguarding Property). That is to regulate maintenance rights and post-divorce distribution.

Sayyid Sabiq views that every law in Islam, including *Thalak*, must bring benefits (*Maslahah Mursalah*) and prevent a damage (*Mafsadah*) (Andhika, 2024). Therefore, he rejected the practice *thalak three at once* Because it undermines the purpose of welfare and causes social suffering (Husaini, 2024).

Socially, Sayyid Sabiq's thinking challenges the patriarchal culture that often makes *Thalak* as a tool of male power over women (Widiatin, 2025) He views that *Thalak* must be placed within the framework of spiritual ethics a decision born from responsibility to Allah SWT, not from the human ego. This is in line with the hadith of the Prophet PBUH



ما أحل الله شيئاً أبغض إليه من الطلاق

Meaning: There is nothing that is lawful but is most hated by Allah other than *talaq*. That is why we have to be careful not to let our guard Abu Daud and Hakim)

This hadith shows how the balance between the aspects of the law (*Halal*) and morals (*Makruh*) (Muntashir, 2024). Sayyid Sabiq interprets that *Thalak* It is only the last alternative after all Islah efforts have failed. Thus, his thinking provides a new paradigm that Islamic law must go hand in hand with human values that are not only formally legitimate, but also morally correct.

Sayyid Sabiq's thinking has important implications for Islamic family law reform, especially in modern Muslim countries such as Egypt and Indonesia. Some of these implications foster awareness of family law that is fair, especially in the protection of women and children, provide a moderate foundation for fiqh in religious justice policies regarding three thalak at once, Encourage the reinterpretation of fiqh to remain in accordance with the maqashid of sharia in the modern era (Arofik & Sholihah, 2023).

His thinking bridged classical fiqh and contemporary family law, showing that Islamic law does not contradict the principles of human rights, but as long as it is interpreted with a maqashid approach and the appropriate social context (Nurmayani et al., 2025).

#### 4. CONCLUSION

From Sayyid Sabiq's thoughts on thalak in *Fiqh As-Sunnah*, Sayyid Sabiq emphasizes two important elements in *thalak*, namely the existence of a valid marriage bond and the existence of a statement of hkum (lafaz) that shows the release of the bond. Rational thinking, and oriented towards human benefit. His thought is not only a repetition of the opinions of classical scholars, but a reconstruction that aims to present an Islamic law that is in accordance with the safe development that changes at any time and new problems of life.

Sayyid Sabiq's thinking can show courage in reinterpreting classical views by using the maqashid sharia approach. She considers that the validity or not of *thalak* is not enough to be measured from the formal aspect (lafadz), but must also pay attention to the psychological context and intention of a husband as a perpetrator. This view places *thalak* as a conscious decision born from moral and spiritual responsibility to Allah SWT.

Sayyid Sabiq emphasized that marriage in Islam is not only a biological or social bond, but is a *mitsaqan ghalizha* a heavy covenant before Allah. In the context of positive law in various Muslim countries, including Indonesia, Sayyid Sabiq's idea of *thalak* can be used as a reference in strengthening the principles of justice, protection of women, and the balance of family rights in life. For example, in the practice of religious justice, the thinking can be the basis that *thalak three at once* should not be considered as three falls, but rather one, so that there is still room for reference and improvement of relationships.

#### Ethical Approval

Not Applicable

#### Informed Consent Statement

Not Applicable

#### Authors' Contributions

JA conceptualized the study, conducted textual analysis, and drafted the manuscript. AAM contributed to literature review, interpretation of findings, and manuscript revision. Both authors have read and approved the final manuscript.

## Disclosure Statement

The Authors declare that they have no conflict of interest

## Data Availability Statement

The data presented in this study are available upon request from the corresponding author for privacy.

## Funding

Not Applicable

## Notes on Contributors

### Joseph Antoni

Joseph Antoni is affiliated with UIN Sultan Syarif Kasim Riau

### Akmal Abdul Munir

Akmal Abdul Munir is affiliated with UIN Sultan Syarif Kasim Riau

## REFERENCES

- Abbas, S., & Mutia, D. (2019). Talak Raj'i Decision in the Polyandry Case: An Analysis of Islamic Law on the Decision of the Jantho Syar'iyah Court Judge Number 216/Pdt.G/2015/MS-J'TH. *SAMARAH: Journal of Family Law and Islamic Law*, 3(1), 205. <https://doi.org/10.22373/sjkh.v3i1.4865>
- Afandi, M. H., Nelli, J., & Yunus, M. (2023). An Examination of Islamic Family Law in Kampar Regency, Riau: Focusing on the Causes and Prevalence of Divorce in the Community. *El-Usrah*. <https://doi.org/10.22373/ujhk.v6i2.19089>
- Alfarisi, A. H. (2025). The Period of Iddah in Marriage: A Perspective of Fiqh and KHI Law. *Journal of Multidisciplinary Scientific Research*. <https://ojs.ruangpublikasi.com/index.php/jpim/article/view/809>
- Andhika, M. (2024). *The Consequences of Talaq Law Outside the Religious Court on the Rights of Women and Children in the Perspective of Legal Sociology (Case Study in Candi District ....* [etheses.iainkediri.ac.id. https://etheses.iainkediri.ac.id/15407/](https://etheses.iainkediri.ac.id/15407/)
- Anton, A., Putri, M. D., Herliana, E., & ... (2024). Khitbah as a Form of Early Commitment in Islamic Marriage Bonds. *Intellectual Journal and...* <https://jicnusantara.com/index.php/jicn/article/view/2264>
- Arofik, S., & Sholihah, F. W. (2023). Talaq in Cross-Jurisprudence Maddhhab. ... *And Abwal Al...* <https://ejournal.staidapondokkrempyang.ac.id/index.php/jmjh/article/view/397>
- Asyhadie, Z., & Adha, L. H. (2020). *Family law: according to positive law in Indonesia*. Rajawali Press.
- Bela, R. S. (2025). *Religious Leaders' Views on Marriage of Female Series in the Iddah Period After the Determination of the Religious Court Decision (Batunyana Village Study ....* [etheses.uingusdur.ac.id. http://etheses.uingusdur.ac.id/id/eprint/15259](http://etheses.uingusdur.ac.id/id/eprint/15259)
- Harahap, G. (2024). Zawil Arḥām's position on inheritance in the perspective of Islamic law. *ALADALAH: Journal of Political, Social, Legal ....* <https://ejurnalqarnain.stisnq.ac.id/index.php/ALADALAH/article/view/790>
- Hidayat, R. (2025). Ṭalāq in a State of Anger (Comparative Study of Yusuf Qardhawi and Wahbah Az-Zuhaili). [repo.unida.gontor.ac.id. https://repo.unida.gontor.ac.id/6479/](https://repo.unida.gontor.ac.id/6479/)
- Husaini, A. (2024). THE DYNAMICS OF DIVORCE DUE TO ADULTERY AND WITNESS PROBLEMS: A STUDY AT THE KUALA TUNGKAL RELIGIOUS COURT. *'Aainul Haq:*

- Journal of Islamic Family Law.* <http://ejournal.an-nadwah.ac.id/index.php/ainulhaq/article/view/872>
- Jaya, M. H. D., Firmansyah, A., & MMPd, M. H. (2024). *FIQH MUNAKAHAT SEKUPU IN MARRIAGE*. books.google.com. [https://books.google.com/books?hl=en%5C&lr=%5C&id=00hIEQAAQBAJ%5C&oi=fnd%5C&pg=PA80%5C&dq=sayyid+sabiq+thalak+fiqih+assunah%5C&ots=ckg2oFDEXr%5C&sig=Ih9ZH\\_82QcydbYcGYqsK-u6ixd8](https://books.google.com/books?hl=en%5C&lr=%5C&id=00hIEQAAQBAJ%5C&oi=fnd%5C&pg=PA80%5C&dq=sayyid+sabiq+thalak+fiqih+assunah%5C&ots=ckg2oFDEXr%5C&sig=Ih9ZH_82QcydbYcGYqsK-u6ixd8)
- Makiyah, A. (2025). *KAFAAH EDUCATION IN MARRIAGE ACCORDING TO MASTER OF ISLAMIC FAMILY LAW UIN SUSKA RIAU PERSPECTIVE MASLAHAH ...* repository.uin-suska.ac.id. <http://repository.uin-suska.ac.id/89771/>
- Malinda, R. (2023). Differences due to the law of talaq three that fall outside and in front of the court session from the perspective of fiqh of the four schools. etheses.iainkediri.ac.id. <https://etheses.iainkediri.ac.id/9303/>
- Misnanto, M. (2024). THE LAW OF IMPOSING TALAQ OUTSIDE AND INSIDE THE JUDICIARY: A Study of the Manuscript of the Book of Fiqh Shafi'iyah. *Al Fuadiy Journal of Islamic Family Law*. <https://ejurnalqarnain.stisnq.ac.id/index.php/AF/article/view/691>
- Muntashir, M. H. (2024). *DIVORCE OF TALAQ DUE TO NUSYUZ'S WIFE: A SOCIOLOGICAL PERSPECTIVE OF ISLAMIC LAW (A Study of the Decision of the Bengkulu Religious Court)*. repository.uinfabengkulu.ac.id. <http://repository.uinfabengkulu.ac.id/3079/>
- Nurmayani, N., Dhea Annisa Siregar, Salsabila Frisa Maulida, & Reni Ameliani. (2025). TALAK TIGA SEKALIGUS DALAM TINJAUAN FIQH, IMPLIKASI DAN SOLUSI RUJUK KEMBALI. *JURNAL ILMIAH PENELITIAN MAHASISWA*, 3(3), 670–677. <https://doi.org/10.61722/jipm.v3i3.998>
- Shubhie, H. M. (2023). Islamic religious education, fiqh, munakahat and heirs. books.google.com. [https://books.google.com/books?hl=en%5C&lr=%5C&id=z\\_HNEAAAQBAJ%5C&oi=fnd%5C&pg=PA1%5C&dq=sayyid+sabiq+thalak+fiqih+assunah%5C&ots=FKvzoQUenZ%5C&sig=yALMolNb2-oufCh-X8l-SBxi-3Y](https://books.google.com/books?hl=en%5C&lr=%5C&id=z_HNEAAAQBAJ%5C&oi=fnd%5C&pg=PA1%5C&dq=sayyid+sabiq+thalak+fiqih+assunah%5C&ots=FKvzoQUenZ%5C&sig=yALMolNb2-oufCh-X8l-SBxi-3Y)
- Sofwan, M. A. (2023). *Contemporary Fiqh*. books.google.com. <https://books.google.com/books?hl=en%5C&lr=%5C&id=Mxm6EAAAQBAJ%5C&oi=fnd%5C&pg=PP1%5C&dq=sayyid+sabiq+thalak+fiqih+assunah%5C&ots=VUdyR3VKal%5C&sig=8n9vZrMLx6dBdoPjgA7upQnayrk>
- Stiawan, S. H. I. T. (2024). *The Law of Istisna in Sigat Talaq According to the Imam of Madhhab*. books.google.com. <https://books.google.com/books?hl=en%5C&lr=%5C&id=uE74EAAAQBAJ%5C&oi=fnd%5C&pg=PA26%5C&dq=sayyid+sabiq+thalak+fiqih+assunah%5C&ots=aWIAzUUI7v%5C&sig=GYfAPg0YhzGXp0SULsJfFunCcvk>
- Syafruddin, R. A. (2023). *Contemporary Fiqhi (Masail Fiqhiyyah)*. repository.iainpare.ac.id. <http://repository.iainpare.ac.id/id/eprint/5542/>
- Taufiqurohman, T., & Pangestu, R. (2023). DIALECTICS OF LEGISLATION AND MAQASID SYARI'AH IN THE NARRATIVE OF IDDAH AND IHDAD FOR CAREER WOMEN. *International Collaboration Conference Law, Sharia, and Society (Iccolass)*. <https://proceeding.iainkudus.ac.id/index.php/ICCoLaSS/article/view/333>
- Widiatin, L. (2025). *REVIEW OF FIQH MUNAKAHAT ON THE STATUS OF CHILDREN BORN LESS THAN SIX MONTHS AFTER THE MARRIAGE OF BOTH PARENTS* <https://etheses.iainkediri.ac.id/17771/>