



Division of Salary on Civil Servant Divorce Reviewed in Islamic Law Perspective

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Abstract: This study examines the legal consequences of divorce for male civil servants based on Article 8 of Government Regulation No. 45 of 1990, which amended Government Regulation No. 10 of 1983. The regulation requires male civil servants who divorce their wives to give part of their salary to their ex-wives until they remarry. This obligation differs from Islamic law and the Compilation of Islamic Law (KHI), which limits the financial obligations of husbands after divorce to alimony during the *iddah* period and the provision of *mut'ah*. This study aims to analyze the compatibility of Article 8 with the principles of Islamic law and evaluate the impact of its implementation on divorced male civil servants. The researcher used a qualitative library research method by reviewing relevant literature, legislation, and legal documents related to divorce and post-divorce obligations. The researcher analyzed the collected data using normative legal analysis. The results of the study indicate that the obligation to distribute a portion of male civil servants' salaries to their ex-wives until they remarry is contrary to Islamic law. However, this regulation serves as a legal protection mechanism for divorced women and as a disciplinary measure for civil servants as state officials and public role models. Nevertheless, the duration of the obligation until the ex-wife remarries has the potential to place an excessive burden on male civil servants.

Keywords: Salary distribution, Divorce, Civil servants, Islamic law

Introduction

Marriage in Indonesia is clearly regulated in Law Number 1 of 1974 concerning Marriage. Article 1 of Marriage Law Number 1 of 1974 states: "Marriage is a 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 One Almighty God." From the above law, it can be understood that one of the purposes of marriage is to form a happy and lasting family. However, not all marriages succeed in achieving this goal, so Islam allows for divorce. Divorce is a last resort in resolving domestic problems and is the only way to achieve harmony (Ghozali, 2010, p. 213).

Divorce by a civil servant is specifically regulated in Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for civil servants. Article 8 of



Government Regulation No. 45 of 1990 states that if the divorce is initiated by the male civil servant, he is obliged to surrender a portion of his salary for the livelihood of his ex-wife and children. The salary distribution referred to in paragraph (1) is one-third for the male civil servant concerned, one-third for his ex-wife, and one-third for his child or children. If there are no children from the marriage, the portion of the salary that must be surrendered by the male civil servant to his ex-wife is half of his salary. The distribution of salary to the former wife is clearly regulated in Article 8 of Government Regulation No. 45 of 1990, namely that if the former wife of the civil servant concerned remarries, her right to a portion of her former husband's salary is revoked as of the date she remarries. (Presiden Republik Indonesia, 2004).

Under Government Regulation No. 45 of 1990, if a male civil servant divorces his wife, he is required to give part of his salary to his ex-wife, $\frac{1}{2}$ (half) if they do not have children and $\frac{1}{3}$ (one third) if they have children. This is the legal consequence for a male civil servant who divorces his wife. Article 8 also states that the obligation of the male civil servant only ends when the ex-wife remarries another man, so as long as the ex-wife has not remarried, the male civil servant is obliged to give a portion of his salary to his ex-wife in accordance with the specified amount. Furthermore, Article 16 of Government Regulation Number 45 of 1990 states that "civil servants who refuse to comply with the provisions on salary distribution in accordance with the provisions of Article 8 shall be subject to one of the severe disciplinary penalties based on Government Regulation Number 30 of 1980 concerning Disciplinary Regulations for Civil Servants."

In Islam, the consequences of divorce are also regulated in *fiqh munakahat* and are included in the compilation of Islamic law. Article 149 of the KHI states that if a marriage is dissolved due to divorce, the former husband is obliged to provide *mut'ah* (compensation) to his former wife, either in the form of money or goods, unless the former wife is *qobla al dukhul* (has not consummated the marriage), provides *nafkah* (living expenses), *maskan* and *kiswah* to the former wife during the *iddah*, unless the former wife has been granted a *talak ba'in* or *nusyus* and is not pregnant, pay the entire outstanding dowry, and half if *qobla al dukhul*, and provide *hadhanah* costs for children who have not reached the age of 21. (Mahkamah Agung RI, 2011).

The Compilation of Islamic Law states that one of the obligations of a former husband to his former wife is *iddah* and *mut'ah*. In line with the Compilation of Islamic Law, *fiqh munakahat* also stipulates that the obligations that must be fulfilled by a husband towards his divorced wife are *nafkah* during the *iddah* period and *mut'ah*. 'Iddah is the period during which a woman waits (at that time) and is not allowed to remarry after the death of her husband or after divorcing her husband. (Sabiq, 2011, p. 118). According to another definition, *iddah* is a waiting period that women must observe before remarrying after divorce or the death of their husband (Hasan Nul Hakim, 2021, p. 86). Thus, there is a difference in the consequences of divorce based on Government Regulation No. 45 of 1990 and Islamic law as stipulated in *fiqh munakahat* and the Compilation of Islamic Law related to divorce by civil servants. In Islam, the husband's obligations to his ex-wife are limited to the *iddah* period, but Government Regulation No. 45 of 1990 states that male civil servants who divorce their wives are obliged to give a portion of their salary to their ex-wives as long as the ex-wives have not remarried, and those who do not comply with this provision are subject to sanctions.

A number of previous studies have discussed divorce among civil servants

and its legal implications, both from the perspective of positive law and Islamic law. Research by Sobhan et al., for example, examined the obligation to provide financial support after divorce among civil servants based on Government Regulation No. 45 of 1990 and found that the policy of salary sharing was intended as a form of economic protection for women after divorce (Sobhan & Rangkuti, 2022). However, the study focused on administrative and disciplinary aspects, without conducting a normative analysis of its compatibility with Islamic legal principles.

Ahmad Wildan discussed the application of Article 8 of Government Regulation No. 45 of 1990, which regulates the distribution of one-third of civil servant salaries to former wives, often experiencing dysfunction in practice in religious courts (Akmal et al., 2025). Next is Rosdalina Bukido, who examines the context of divorce among Muslim female civil servants, including issues of gender inequality, lack of financial support after divorce, and structural challenges in Islamic family law and national law (Rosdalina Bukido, 2025). However, these studies have not specifically compared the provisions on salary distribution in PP No. 45 of 1990 with the concept of a husband's obligations to his ex-wife in Islamic law, such as *nafkah iddah* and *mut'ah*, which are regulated in *fiqh munakahat* and the Compilation of Islamic Law (KHI). In other words, there has been no comprehensive study assessing the extent to which the post-divorce salary distribution for civil servants is in line with or contradicts the principles of Islamic law, particularly the time limit and purpose of providing *nafkah*, as well as its implications for legal justice. This study aims to fill this normative analysis gap, rather than merely providing an empirical description.

This study aims to normatively examine the regulation of salary distribution due to divorce of civil servants according to Government Regulation No. 45 of 1990, analyze the obligations of husbands to their ex-wives in Islamic law based on *fiqh munakahat* and the Compilation of Islamic Law (KHI), including provisions on *iddah* and *mut'ah alimony 'ah*, and to assess the compatibility of positive state law with the principles of justice and benefit in Islamic law regarding the consequences of divorce for civil servants. The research questions to be answered in this study are: how is the distribution of civil servant salaries due to divorce regulated according to Government Regulation No. 45 of 1990? What are the concepts and limits of a husband's obligations to his ex-wife according to Islamic law (*fiqh munakahat* and KHI)? And how does Islamic law view the provisions for the distribution of salaries after divorce for civil servants until the ex-wife remarries?

This research is significant because there are considerable differences between positive law (Government Regulation No. 45 of 1990) and Islamic law in regulating the consequences of divorce, particularly the financial obligations of the husband to his ex-wife. In Islamic law, these obligations are generally limited to the *iddah* period and take the form of *nafaqah iddah* and *mut'ah*, while Government Regulation No. 45 of 1990 requires a portion of the husband's salary to be paid to his ex-wife for as long as she remains unmarried, without a clear time limit from a sharia perspective. This difference has implications for substantive justice, the harmonization of national and Islamic law, and the protection of the rights of women and children after divorce. In addition, this research is also relevant in practical terms for religious court judges and policymakers, as it can provide a balanced view between the need for economic protection for ex-wives and the principles of Islamic law that emphasize benefit and justice.

Method

The method used in this paper is the normative juridical research method, which is legal research data conducted by examining library or secondary materials. This normative legal research attempts to synchronize the applicable legal provisions in legal protection with other legal norms or regulations in relation to the application of the law. The type of research carried out in this study is library research. Library research is a type of research conducted by reading books, magazines, and other data sources to collect data from various literature, both in libraries and elsewhere. To collect secondary data related to the issues raised, books, legal journals, research results, and legislative documents were studied.

The analysis conducted in this study is a normative legal analysis because it is based on Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for civil servants. This study will be analyzed using a qualitative approach, namely by observing the data obtained and relating it to legal provisions and principles, then it will be examined using inductive logic, namely thinking from the specific to the general.

Result and Discussion

Divorce and Its Legal Consequences

The word divorce means separation, division. The word divorced means: not mixed (related, united again), no longer husband and wife. (Siregar, 2015). Divorce in Arabic is known as *talaq*, which etymologically means "to release the rope" (Al-Malibari, n.d., p. 112). In general terms, divorce is the termination of the relationship or bond of marriage between a man and a woman (husband and wife). Scholars, including Sayyid Sabiq, define divorce (*talak*) as the dissolution of the bond or termination of the marital relationship. As for Abdur Rahman Al-Jaziri, he defines it as the dissolution of the marital status/bond or the reduction of the bond using certain words. (Abdurrahman Al-Jaziri, 2017). *Talak* (divorce) in this sense is the dissolution of the bond or restriction of movement with specific words, while the meaning is the dissolution of the marriage bond so that it is no longer lawful for husband and wife to be together. Meanwhile, Wahbah al-Zuhaili defines divorce as an act or statement to dissolve the marriage bond with the word "talak" or its equivalent, or to dissolve the marriage bond directly or temporarily with a specific word.

According to Article 114 of the KHI, divorce is the termination of marriage due to divorce, which can occur because of *talak*, or based on a divorce suit. Meanwhile, Law No. 1 of 1974 does not clearly explain the meaning of divorce, but only states that divorce is one of the causes of the termination of marriage. From the above definitions of divorce/*talak*, it can be concluded that divorce is an act that results in the termination/end of the husband and wife relationship so that it is no longer lawful for them to have relations as husband and wife as they did before the *talak* was pronounced. Among the legal bases for divorce is found in the Qur'an, Surah An-Nisa verse 130, which means that if the two divorce, Allah will provide for each of them from His abundant bounty. And Allah is All-Encompassing (in His bounty) and All-Wise. Similarly, in Surah At-Talaq verse 1, Allah SWT provides guidance on the permissible time for divorce, which is during the *iddah* period (the wife can face her *iddah* in a reasonable manner).

Article 149 of the Compilation of Islamic Law also states that if a marriage is

dissolved due to divorce, the former husband is obliged to provide his former wife with appropriate mut'ah, either in the form of money or goods, unless the former wife is qabla dukhul, provides nafkah, maskan, and kiswah to the former wife during the iddah period, unless the former wife has been divorced by talak ba'in or nusyuz and is not pregnant, paying the entire outstanding dowry and half if qabla dukhul, and providing hadhanah costs for children who have not reached the age of 21.

The legal consequences of divorce on the status, rights, and obligations of the former husband/wife according to Article 41 letter c of Law Number 1 of 1974 are that the court may require the former husband to provide living expenses and/or determine certain obligations for the former wife. The normative provisions in Article 41 letter c of Law Number 1 of 1974 are related to Article 11 of Law Number 1 of 1974, which contains normative provisions that a woman whose marriage has been dissolved is subject to a waiting period, which is then elaborated in Article 39 of Government Regulation Number 9 of 1975, which contains imperative provisions that for a widow whose marriage has been dissolved due to divorce, the waiting period for widows who are still menstruating is set at 3 (three) menstrual cycles with a minimum of 90 (ninety) days, and for those who do not menstruate, it is set at 90 (ninety) days.

Based on the above provisions regarding the obligations of a husband to his divorced wife, these include: First, iddah maintenance. Iddah maintenance is maintenance provided by the husband to his divorced wife during her iddah period, whether in the form of food, clothing, or shelter. A wife who has divorced her husband will receive rights divided into three categories, namely: a) receiving the necessities for her livelihood, including clothing, food, and shelter (Syarifuddin, 2007, p. 322); b) In the case of ba'in sughra and ba'in kubra divorce while the wife is pregnant, the scholars agree that the wife is entitled to financial support and a place to live until she gives birth. If the wife is not pregnant and is divorced through ba'in kubra, the scholars differ in their opinions. One opinion states that the wife is entitled to a place to live and financial support. This opinion is held by the Hanafi scholars, Umar bin Khattab, Umar bin Abdul Aziz, Ath-Tsaur, and Ahmad. Another opinion states that the wife is not entitled to maintenance and shelter. This opinion is held by Imam Ahmad in a well-known narration, Abu Tsaur, and Abu Daud. The next opinion is that the wife is entitled to a place to live but not to financial support. This opinion is held by Imam Malik, Imam Shafi'i, and Imam Ahmad (Devi Yulianti, R. Agus Abikusna, 2020). c) a wife whose husband has died. If the wife is pregnant, scholars agree that she is entitled to financial support and a place to live, whereas if she is not pregnant, scholars differ in their opinions. Some scholars, including Imam Malik, Imam Shafi'i, and Abu Hanifah, argue that a wife who is undergoing the 'iddah period following the death of her husband is entitled to a place to live. Some scholars, including Imam Ahmad, argue that a wife who is undergoing the 'iddah period after the death of her husband and is not pregnant is not entitled to financial support and shelter.

The second right is mut'ah, which is a gift from the husband to his wife as compensation or consolation for being divorced. The gift of mut'ah is a command from Allah SWT to husbands to always treat their wives with the principle of maintaining the marriage bond with kindness or releasing/divorcing with virtue (Gussevi et al., 2023). The scholars agree on the obligation to provide mut'ah to a wife who has been divorced before consummation and whose dowry amount has not been determined at the time of the marriage contract. If the husband has

determined the amount of the dowry at the time of the marriage contract and divorces his wife before consummation, then the husband is only obliged to provide half of the determined dowry amount. For a wife who is divorced by her husband after consummation of the marriage, it is obligatory to provide her with mut'ah maintenance. This opinion is narrated by Imam Shafi'i, the companion Ali R.A., the companion Umar bin Khattab and his two sons, Al-Hasan bin Ali and Abdullah bin Umar (Muhammad Baghir, 2008, p. 234).

Divorce of Civil Servants and Its Legal Consequences

Several experts have provided definitions of civil servants. Among them, A.W. Widjaja argues that "employees are physical and spiritual (mental and intellectual) workers who are always needed and therefore constitute one of the key assets in cooperative efforts to achieve specific goals (organizations)." He further adds that "employees are people who are employed in a particular body, whether in government institutions or in business entities" (Widjaja, 2006, p. 15). The definition of civil servants is also found in several laws and regulations, in the explanation of Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning amendments to Government Regulation Number 10 of 1983 concerning marriage and divorce permits for civil servants, which states: "Civil servants are defined as elements of the state apparatus, servants of the state and servants of the community who must be good role models for the community in their behavior, actions, and obedience to applicable laws and regulations."

The process of obtaining a divorce permit for civil servants begins with the applicant submitting a written request for a divorce permit to their superior, accompanied by the reasons for requesting the divorce permit, as stipulated in the provisions of Article 3 Paragraphs (1), (2) and (3) of Government Regulation of the Republic of Indonesia Number 10 of 1983 in conjunction with Government Regulation Number 45 of 1990 concerning Divorce Permits for Civil Servants. Article 3 states that civil servants are required to obtain prior permission or a letter of reference from an official; for Civil Servants who are plaintiffs or for Civil Servants who are defendants to obtain the permit or certificate as referred to in paragraph (1), they must submit a written request; and in the letter of request for a permit or notification of a divorce lawsuit to obtain a certificate, the complete underlying reasons must be stated.

The consequences of divorce by civil servants are stipulated in Article 8 of Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning marriage and divorce permits for civil servants, as follows (Zakiyyah & Adillah, 2019):

- a. If the divorce is initiated by the male civil servant, he is required to surrender a portion of his salary to support his ex-wife and children.
- b. The salary distribution referred to in paragraph (1) shall be one-third for his ex-wife and one-third for his children.
- c. If there are no children in the marriage, the portion of salary that must be surrendered by the male civil servant is half of his salary.
- d. If the divorce is initiated by the wife, she is not entitled to a portion of her ex-husband's income.
- e. The provisions referred to in paragraph (4) shall not apply if the wife requests a divorce because she is being co-married.
- f. If the former wife of the relevant Civil Servant remarries, her right to a portion of her former husband's salary shall be forfeited from the time she

remarries.

These provisions must be implemented by a husband if he wishes to proceed with the divorce, as this is a consequence that they must accept as a legal result of the divorce. The obligations imposed on male civil servants must be carried out, because civil servants who refuse to comply with these rules will be subject to disciplinary sanctions as stipulated in Article 16 of Government Regulation No. 45 of 1990 concerning Amendments to Government Regulation No. 10 of 1983 concerning marriage and divorce permits for civil servants, which states that civil servants who refuse to comply with the salary distribution provisions of Article 8 shall be subject to one of the severe disciplinary sanctions based on Government Regulation No. 30 of 1980 concerning Disciplinary Regulations for Civil Servants.

Islamic Legal Review of the Obligations of Civil Servant Husbands to Their Divorced Ex-Wives

Regarding the consequences of divorce, Islam has regulated the obligations of husbands towards their divorced wives, including iddah and mut'ah. Specifically, the rules regarding the divorce of civil servants, the obligations of civil servant husbands to their divorced ex-wives are regulated in Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning marriage and divorce permits for civil servants. The regulation states that if the divorce is initiated by the male civil servant, he is obliged to provide a portion of his salary to his ex-wife, specifically one-third of his salary if there are children and half of his salary if there are no children. The obligation to provide a portion of the salary remains in effect until the ex-wife remarries, at which point the obligation is terminated.

Article 8 paragraphs (2) and (3) clearly state that male civil servants must pay one-third of their salary to their ex-wives if they have children from the marriage, and half of their salary if they do not have children from the marriage. Furthermore, paragraph (6) also clearly states that the time limit for a former wife to receive her rights related to her former civil servant husband's salary is until she remarries. Based on the provisions of this article, it can be seen that the obligation of male civil servants to provide a portion of their salary to their ex-wives is clearly regulated in terms of the amount and time limit, namely one-third or half of the salary portion and the time limit until the ex-wife remarries. So, as long as the ex-wife has not remarried, she is entitled to receive a portion of her ex-husband's salary. This provision is clearly different from the rules explained above regarding the obligations of a husband to his wife in Islam.

In Islamic law, the provision of financial support that is imposed on the husband in the text of the Quran and Hadith does not specify a fixed amount that must be given by the husband to his ex-wife, but is adjusted according to the husband's ability and capacity (Ihwanudin, 2019). Furthermore, in Islam, there is no obligation of the husband to his ex-wife except during the iddah period, because the rights and obligations of husband and wife end when divorce occurs. Once the divorce has taken place and the wife has completed the iddah period, there are no longer any rights and obligations binding the two parties (Farisa & Zulfahmi, 2023). This is in accordance with the opinion of Ibn Hazm, quoted by Sayyid Sabiq, that the husband has the right to provide for his wife from the moment the marriage contract is concluded, regardless of whether the wife is obedient or disobedient, rich or poor, and this responsibility continues even after divorce, specifically during the wife's waiting period (iddah) (except in cases of

disobedience), because divorce only truly occurs after the wife's waiting period has ended (Sabiq, 1968).

Islamic law stipulates that a husband's obligations towards his divorced wife are iddah and mut'ah (Amalia & Romli, 2025). The iddah allowance is given by the husband to his ex-wife only until she has completed her iddah period (Arma, 2022). The waiting period for divorced women is clearly defined in Islam. For women who still menstruate, the waiting period is three menstrual cycles. If the woman does not menstruate (has never menstruated or is menopausal), the waiting period is three months. If the woman is pregnant, the waiting period lasts until she gives birth (Ridha, 2022). In addition to iddah maintenance, the husband's obligation to his ex-wife is mut'ah, which is a gift from the husband to his ex-wife as a consolation for a wife who has been divorced by her husband. In addition, the mut'ah gift can be used as a means of livelihood for the ex-wife and alleviate her worries about the divorce she is facing (Mahmud, 2020).

According to this point it can be seen that the husband's obligation to his ex-wife as stipulated in Islamic law is to provide nafkah iddah during the wife's iddah period and mut'ah, the amount of which is adjusted to the husband's ability and capacity, so that after the iddah period ends, they are no longer bound by the rights and obligations as they were during the marriage. However, the provisions contained in Article 8 of Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 stipulate the amount explicitly and the time limit until the ex-wife remarries, so that the ex-husband still has an obligation to give part of his salary to his ex-wife until she remarries. It can be concluded that the provisions in Article 8 of Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning marriage and divorce permits for civil servants are not in accordance with the provisions of Islamic law.

A civil servant is an example and role model for the community, so special rules are needed for civil servants regarding marriage and divorce. Some special rules for civil servants are that they must first obtain permission from their superior to get married or divorced, female civil servants are prohibited from becoming a second/third/fourth wife, and several other rules, including special rules regarding the consequences of divorce (Tumilantouw et al., 2024). From the rules governing this matter, it can be seen that continuing to provide a portion of the salary to the children and ex-wife of a male civil servant is a form of protection for women who have been divorced by their husbands. During marriage, a woman always receives financial support from her husband to meet her daily needs. After divorce, she no longer receives financial support, so when alimony is granted to the ex-wife upon divorce, her livelihood is guaranteed until she remarries.

The implementation of PP No. 45 of 1990 has indeed caused problems because male civil servants naturally object to having part of their salary given to their ex-wives, who are no longer their legal responsibility. This salary distribution is also not in line with Law No. 1 of 1974 and the KHI (Islamic Family Law) regarding the consequences of divorce. However, the implementation of the regulation on the distribution of male civil servants' salaries to their ex-wives, apart from being a form of protection for women, can also have a deterrent effect on male civil servants, so that they will not easily divorce their wives.

From the perspective of Islamic law, in Islamic law, the obligations of a husband to his ex-wife after divorce are limited to the period of iddah and mut'ah, which aim to protect the interests of women and children without causing long-

term dependence. This provision is reinforced in empirical studies discussing the determination of iddah and mut'ah maintenance in religious court practices, that the fulfillment of maintenance is part of the protection of women's rights according to Islamic law (Arianty & Fikri, 2025). However, Government Regulation No. 45 of 1990 requires the payment of a portion of the husband's salary to his ex-wife for as long as she remains unmarried, without any limit on the duration of the obligation, which potentially exceeds the limits of what is required by Islamic law. From an Islamic legal perspective, this excessive provision of financial support has the potential to create a form of socio-economic dependence that is no longer relevant once the iddah period has ended.

Substantive justice in Islamic law emphasizes a balance between rights and obligations (*tawazun*) (Makmoer et al., 2024). The obligation to provide ongoing financial support without assessing the actual needs of the former wife may disregard this principle, as it can become a prolonged burden on the husband. Meanwhile, if the intent of this Government Regulation is to prevent divorce, Islamic law emphasizes mediation and family counseling to strengthen the commitment of the husband and wife before divorce is granted, in accordance with the concept of *sadd al-dzari'ah* (closing the door to harm). The iddah provision also serves as a period of reflection that helps couples evaluate their decision to divorce, so that policies such as PP No. 45/1990, which are more economic in nature, need to be balanced with a preventive approach so that divorce does not become the first solution.

According to this normative analysis, it can be asserted that the application of salary distribution provisions in Government Regulation No. 45 of 1990 is not fully in line with Islamic legal values, particularly with regard to the time limit and proportionality of post-divorce alimony obligations. In Islamic law, the financial obligations of the husband towards his ex-wife are designed to be limited and contextual, in order to achieve a balance between protection and substantive justice. However, this difference does not necessarily indicate a fundamental contradiction, but rather reflects a difference in approach between Islamic law and state policy. Therefore, harmonization efforts are needed so that the objectives of protecting women and the welfare of the family can still be realized without neglecting the principles of justice in Sharia law.

Conclusion

Article 8 of Government Regulation No. 45 of 1990 concerning amendments to Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants stipulates the obligations of male civil servants who divorce their wives. If the divorce is at the initiative of the male civil servant, he is obliged to provide a portion of his salary to his former wife, namely $\frac{1}{3}$ if there are children from the marriage and $\frac{1}{2}$ of his salary if there are no children. The time limit for providing this portion of the salary is until the former wife remarries. Therefore, the stipulation that a male civil servant must provide a portion of his salary to his former wife until she remarries is not in accordance with Islamic law. The regulation of salary distribution due to divorce of civil servants in Government Regulation No. 45 of 1990 is a state policy that aims to provide economic protection for women and children after divorce and prevent easy divorce. However, from an Islamic law perspective, the husband's financial obligations to his ex-wife have clear limitations, especially regarding the timing and form of alimony. This difference in approach shows that harmonization between national

law and Islamic law has not been fully realized. Therefore, it is necessary to review and adjust policies that are more oriented towards substantive justice and the principle of *maslahah* (public interest) in order to be in line with Islamic legal values.

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