

Ex Officio Judicial Authority And Women's Post-Divorce Rights: A Maqāṣid Al-Sharī'ah Analysis of Indonesia's Religious Courts

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Abstract: The ex officio authority of judges in Indonesian Religious Courts is intended to safeguard wives' post-divorce rights, yet its implementation remains inconsistent, creating legal uncertainty and undermining substantive justice. This study examines the legal construction and effectiveness of ex officio authority in determining wives' post-divorce rights in the Religious Courts of Jambi Province through the framework of Maqāṣid al-Sharī'ah. Employing a normative-empirical legal research design with a qualitative approach, data were collected through in-depth interviews with judges, court clerks, legal scholars, and litigants; analysis of court decisions; and field observations across Religious Courts in Jambi Province. The findings reveal three key gaps. First, although ex officio authority possesses strong juridical, philosophical, and sociological foundations, its application varies significantly across judicial panels due to divergent interpretations of judicial passivity versus substantive protection. Second, while the principles of Maqāṣid al-Sharī'ah particularly ḥifẓ al-nafs (protection of life), ḥifẓ al-māl (protection of property), and ḥifẓ al-nasl (protection of lineage) provide normative legitimacy for ex officio action, their translation into consistent judicial practice remains limited. Third, institutional weaknesses in enforcement mechanisms and low compliance by former husbands undermine the effectiveness of rights determination even when judges exercise ex officio authority. This study offers a novel conceptual framework integrating positive law, theories of justice, and Maqāṣid al-Sharī'ah to reconstruct ex officio authority as a mechanism for achieving substantive gender justice. The proposed framework provides judges with operational guidelines that balance procedural requirements with the protection of vulnerable parties. These findings have implications for judicial training, policy reform, and the strengthening of women's legal protection in Islamic family law systems across Southeast Asia.

Keywords: Judicial Ex Officio Authority, Maqāṣid Al-Sharī'ah, Religious Courts, Wives' Post-Divorce Rights

A. Introduction

Divorce is a complex and dynamic social and legal phenomenon in Indonesian society (Rofiq, 2015). In the context of family life, divorce often becomes a last resort

for resolving marital conflicts that can no longer be reconciled (Tarigan, 2016). However, the consequences of divorce extend beyond the personal sphere to the broader social domain, as they affect children's psychological well-being, women's economic stability, and the social structure of society (Syaifuddin & Turatmiyah, 2013). Over the past few decades, the divorce rate in Indonesia has increased significantly (Supreme Court RI, 2023). A similar trend has also been observed in Jambi Province, which is characterized by its distinctive religious and cultural landscape (BPS, 2023). The rising divorce rate indicates that the dynamics of family life within society are continuously evolving and require greater attention from both legal and social perspectives.

According to data from the Directorate General of Religious Courts of the Supreme Court of the Republic of Indonesia, the majority of divorce cases filed with the Religious Courts are wife-initiated divorce proceedings, in which the wife files the divorce petition (Aziz & Abadi, 2025; Badilag, 2023). This phenomenon reflects shifting dynamics in gender relations and women's bargaining position within the household whereas divorce proceedings were previously dominated by husband-initiated divorce petitions, women are now increasingly willing to exercise their legal rights to end marriages that they perceive as no longer healthy or equitable (Syaifuddin & Turatmiyah, 2013; Ricker et al., 2023).

From a normative legal perspective, marriage and divorce in the Indonesian legal system are governed by Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019 concerning the Amendment to Law No. 1 of 1974 on Marriage. The legislation stipulates that a marriage may be dissolved by death, divorce, or a court decision (Permenag, 1974). This provision demonstrates that divorce constitutes a legal event that gives rise to juridical consequences for the relationship between the husband, wife, and children. Furthermore, the legal consequences of divorce are regulated under Article 41, which affirms parents' obligations toward their children and provides for the possibility that a former husband may be required to provide maintenance for his former wife (Permenag, 1974).

In the context of the judicial system for Muslims, jurisdiction to examine, adjudicate, and decide divorce cases is governed by Law No. 7 of 1989 on the Religious Courts, as amended by Law No. 3 of 2006 concerning the Amendment to Law No. 7 of 1989 on the Religious Courts and Law No. 50 of 2009 concerning the Second Amendment to Law No. 7 of 1989 on the Religious Courts. These statutory provisions affirm that the Religious Courts have absolute jurisdiction to examine and adjudicate marriage-related cases involving Muslims, including divorce proceedings and the legal consequences arising therefrom (Permenag, 1989). More specific provisions concerning divorce and wives' post-divorce rights are set forth in the Compilation of Islamic Law. Article 113 stipulates that divorce may occur through talak or a divorce petition, while Article 149 regulates a husband's obligations following the pronouncement of talak, including the provision of *mut'ah*, *iddah* maintenance,

housing (*maskan*), clothing (*kiswah*), and the payment of any outstanding mahr (Compilation of Islamic Law, 1991). These provisions demonstrate that Islamic law places significant emphasis on the protection of women's rights following divorce.

In the practice of the Religious Courts, divorce may be initiated through two principal mechanisms: husband-initiated divorce and wife-initiated divorce. Although these mechanisms involve different legal procedures, both are fundamentally intended to provide legal certainty regarding the marital status of the parties and to ensure the fulfillment of the rights and obligations arising from the dissolution of the marriage (Damayanti, 2024). Nevertheless, in judicial practice, not all litigants fully understand the rights to which they may be entitled following divorce. Many women who initiate divorce proceedings focus solely on seeking the dissolution of the marriage and often do not explicitly claim post-divorce rights, such as *iddah* maintenance, *mut'ah*, child support, or housing (Saputra et al., 2024). This situation is generally attributable to limited legal literacy, restricted access to legal assistance, and the psychological pressures experienced by wives when initiating divorce proceedings. This phenomenon indicates a potential failure to realize the objectives of *Maqāṣid Al-Sharī'ah*, particularly *hifz al-nasl* (protection of lineage and the family) and *hifz al-mal* (protection of economic rights), as the rights of women and children are not always fulfilled automatically (Fajriyati & Ilyas, 2026; Syandika et al., 2025).

In such circumstances, an important question arises as to the extent of judges' authority to protect women's post-divorce rights, particularly when such rights are not explicitly claimed in the divorce petition. It is in this context that the concept of judges' ex officio authority becomes particularly relevant for examination. Ex officio authority enables judges to determine certain matters in the interests of law and justice, even when such relief has not been specifically requested by the parties (Latassaqia et al., 2026). The exercise of this authority is fundamentally consistent with the principles of *Maqāṣid Al-Sharī'ah*, as it seeks to ensure the realization of '*adl* (justice) and *maslahah* (public interest and welfare), particularly for vulnerable parties (Imron, 2018).

Judges' ex officio authority is particularly crucial in divorce proceedings, as it can ensure that women and children, who are often in more vulnerable positions, receive adequate legal protection. Accordingly, the exercise of judges' ex officio authority concerns not merely the technical aspects of procedural law but also serves as a mechanism for achieving substantive justice, protecting the economic and social rights of vulnerable parties, and ensuring the realization of the objectives of *Maqāṣid Al-Sharī'ah* within the Islamic family justice system (Anam & Susantin, 2026; Nastangin & Huda, 2019; Quraishi, 2001). Within the Indonesian legal system, particularly in the Religious Courts, judges are vested with ex officio authority, namely the power to determine certain legal matters by virtue of their judicial office even when such matters are not explicitly requested by the parties in a claim or

petition. This authority reflects the principle of protecting the civil rights of vulnerable parties, particularly women and children in divorce proceedings (Salma et al., 2025). In practice, such authority is especially important because not all litigants possess an adequate understanding of substantive law or have access to legal assistance to formulate comprehensive claims, particularly in regions with low levels of legal literacy (Putusan Nomor 137 K/AG/2007, 2007).

Judges' ex officio authority is grounded in the principle of substantive justice, which allows judges to act not merely as the "mouthpiece of the law" but also as guarantors of justice for those seeking judicial redress (*justiciabelen*). This principle is consistent with Article 58 of Law No. 7 of 1989 on the Religious Courts, as amended by Law No. 3 of 2006, which requires judges to explore, follow, and understand the legal values and sense of justice prevailing within society (Imron, 2018). This provision explicitly provides a legal basis for judges to award *iddah* maintenance, *mut'ah*, and child support as part of the protection of women's post-divorce rights (Fachrunisa et al., 2023). The exercise of judges' ex officio authority was further reinforced by the Supreme Court of the Republic of Indonesia in Decision No. 137 K/AG/2007, in which the Court emphasized that judges should not be confined solely to the *petitum*. In divorce proceedings, particularly those involving the rights of women and children, judges are expected to take an active role in ensuring that fundamental rights remain protected, even when such relief has not been expressly requested (Permenag, 2006).

From the perspective of *Maqāṣid Al-Sharī'ah*, the protection of women's post-divorce rights constitutes an integral part of the objectives of *Shariah* in promoting *maslahah* (welfare) and *'adl* (justice). Each dimension of *Maqāṣid Al-Sharī'ah* is directly relevant to post-divorce protection (Wahda et al., 2025). *Hifz al-nafs* (protection of life) requires that women be protected from physical and psychological harm resulting from divorce; *hifz al-nasl* (protection of lineage and the family) requires that children's rights, including maintenance and housing, remain guaranteed; and *hifz al-mal* (protection of wealth and economic rights) requires that women's economic entitlements, such as *iddah* maintenance and *mut'ah*, be fairly fulfilled without infringing upon the rights of other parties (Nastangin & Huda, 2019; Quraishi, 2001). In this context, judges' ex officio authority serves as an important instrument for achieving these objectives. Rather than merely awaiting claims submitted by the litigating parties, judges may actively identify and determine rights that have not been explicitly claimed, particularly when vulnerable parties, namely women and children, are at risk of losing their legal entitlements (Imron, 2018). In this way, judicial intervention is not only grounded in positive law but is also consistent with the fundamental principles of Islamic *Shariah*, which emphasize substantive justice, the protection of vulnerable parties, and the promotion of broader societal welfare (Permenag, 1989). This approach demonstrates that the exercise of ex officio authority is not merely a procedural mechanism but also a legal strategy for advancing the objectives of *Maqāṣid Al-Sharī'ah*. It ensures that divorce does not

perpetuate structural injustice against women and children while simultaneously strengthening the role of the Religious Courts as guardians of social justice.

Although various statutory provisions provide a legal basis for the exercise of judges' ex officio authority, judicial practice demonstrates that its application remains inconsistent. A review of several decisions issued by Religious Courts in Jambi Province reveals variations in judges' approaches to determining wives' post-divorce rights (Researcher, 2024). Some judges actively determine and award these rights even when they are not expressly claimed in the divorce petition, emphasizing the judicial role as a guardian of substantive justice and an agent in realizing the objectives of *Maqāṣid Al-Sharī'ah*. This approach is particularly associated with the principles of *hifz al-nasl* (protection of lineage and the family) and *hifz al-mal* (protection of economic rights), which require adequate protection of the rights and interests of women and children (Nastangin & Huda, 2019; Quraishi, 2001). These variations in judicial practice arise from several considerations. First, judges differ in their understanding of the scope of ex officio authority and its relevance to *Maqāṣid Al-Sharī'ah*. Judges with a stronger understanding of the objectives of *Shariah* tend to take a more active approach in determining post-divorce rights, whereas those who place greater emphasis on procedural formalism are more likely to require an explicit *petitum* from the litigating parties. Second, procedural constraints and institutional court culture may influence judicial decision-making, as judges may perceive the determination of unclaimed rights as exceeding the scope of their authority or potentially giving rise to new disputes. Third, the limited legal literacy of litigants increases the likelihood that women's rights will not be expressly claimed, thereby necessitating more active judicial intervention (Imron, 2018; Syandika et al., 2025). This inconsistency has significant legal and social implications. From a legal perspective, variations in judicial practice may create legal uncertainty and undermine the predictability and protection of the rights of women and children. From the perspective of *Maqāṣid Al-Sharī'ah*, such inconsistency may hinder the realization of the objectives of *Shariah*, particularly *hifz al-nafs* (protection of life), *hifz al-nasl* (protection of lineage and the family), and *hifz al-mal* (protection of wealth and economic rights), as the rights of vulnerable parties are not always automatically secured. In this context, judges' ex officio authority serves as a strategic instrument for balancing procedural formalism with the principles of substantive justice and the welfare of vulnerable parties, thereby ensuring adequate legal protection for women and children following divorce (Permenag, 1989).

Empirical evidence reveals a gap between legal norms that provide judges with the discretion to exercise ex officio authority and actual judicial practice. To date, ex officio authority has largely been understood as a merely procedural judicial power, while normative studies examining it within the framework of *Maqāṣid Al-Sharī'ah* remain limited. From a *Maqāṣid Al-Sharī'ah* perspective, however, this authority has significant strategic potential to protect individual and family welfare (*maslahah*), particularly the rights of wives who are vulnerable in divorce proceedings.

This study examines the implementation of judges' ex officio authority in determining wives' rights in the Religious Courts of Jambi Province through the framework of *Maqāṣid Al-Sharī'ah*. It focuses on assessing the extent to which judicial practices align with the objectives of *Shariah*, particularly *hifz al-nasl* (protection of lineage and the family), *hifz al-mal* (protection of wealth and economic rights), and *hifz al-'ird* (protection of dignity and honor). The study further explores how ex officio judicial authority can be reconstructed as a normative instrument that promotes justice and advances the protection of women's rights. The novelty of this study lies in its attempt to integrate positive law with the *Maqāṣid Al-Sharī'ah* framework, thereby conceptualizing judges' ex officio authority not merely as a judicial procedure but also as a normative mechanism for protecting wives' rights, ensuring justice within the family, and substantively advancing the objectives of *Shariah* in the Islamic family justice system. Based on the foregoing background, the research questions of this study are formulated as follows:

- a. How is judges' ex officio authority constructed and applied in determining wives' post-divorce rights in the Religious Courts of Jambi Province?
- b. To what extent is judges' ex officio authority effective in divorce proceedings from the perspective of *Maqāṣid Al-Sharī'ah*?
- c. How relevant is the exercise of judges' ex officio authority to the protection of wives' rights in divorce proceedings from the perspective of *Maqāṣid Al-Sharī'ah*?

In line with the background and research questions outlined above, this study aims to:

- a. To analyze the construction and application of judges' ex officio authority in determining wives' post-divorce rights in the Religious Courts of Jambi Province
- b. To analyze the effectiveness of judges' ex officio authority in divorce proceedings from the perspective of *Maqāṣid Al-Sharī'ah*
- c. To analyze wives' rights in divorce proceedings before the Religious Courts of Jambi Province from the perspective of *Maqāṣid Al-Sharī'ah*

B. Methods

This study was conducted at Religious Courts within Jambi Province and the Jambi High Religious Court. These research sites were selected based on the jurisdiction of the Religious Courts to examine, adjudicate, and decide divorce cases involving Muslim litigants, including matters concerning the determination of wives' post-divorce rights. This study employs a normative-empirical legal research design with a qualitative approach (Popa Tache et al., 2025). It examines the judicial practice of exercising ex officio authority in determining wives' post-divorce rights within the Religious Courts of Jambi Province from the perspective of *Maqāṣid Al-Sharī'ah* as a philosophical and normative foundation of Islamic law (Wibisono & Roeslan, 2025). From a normative perspective, this study analyzes various provisions of positive law, including national statutory and regulatory frameworks such as the

Compilation of Islamic Law, the Law on Religious Courts, and Supreme Court decisions that provide a legal basis for judges in exercising ex officio authority (Sukirman et al., 2025).

From an empirical perspective, this study investigates the implementation of judges' ex officio authority in judicial practice through field research conducted at several Religious Courts in Jambi Province. Data were collected through in-depth interviews with judges, analysis of relevant court decisions, and observations of divorce proceedings. Through a qualitative approach, this study not only describes legal phenomena as they occur in practice but also interprets the meanings underlying such legal practices. This approach enables a more in-depth analysis of the relationship between legal norms, principles of justice, and the social realities that shape the exercise of judicial authority in protecting women's rights in a just and dignified manner within the framework of *Maqāṣid Al-Sharī'ah* (Al-Turabi & Auda, 2025).

C. Results and Discussion

1. Results

a. The Construction And Application Of Judges' Ex Officio Authority In Determining Wives' Post-Divorce Rights In The Religious Courts Of Jambi Province

The construction of judges' ex officio authority in determining wives' post-divorce rights within the Religious Courts of Jambi Province is founded upon philosophical, juridical, and sociological principles oriented toward the protection of women's rights following divorce. From a juridical perspective, this authority derives from the Law on Judicial Power, the Law on the Religious Courts, the Compilation of Islamic Law, Supreme Court Regulation (PERMA) No. 3 of 2017, Supreme Court Circular Letter (SEMA) No. 3 of 2018, and SEMA No. 2 of 2019, all of which provide judges with the normative legitimacy to act proactively in safeguarding wives' rights even when such rights are not expressly claimed in the petitum. From a philosophical perspective, ex officio authority is understood as an exercise of judicial ijtihad aimed at realizing substantive justice and protecting vulnerable parties (Syam et al., 2025). Nevertheless, judicial practice within the Religious Courts of Jambi Province continues to reveal divergent judicial paradigms regarding the exercise of this authority. While some judges regard ex officio authority as both a legal and a moral obligation to protect the rights of wives and children, others continue to restrict its application based on the principle of judicial passivity and concerns that such decisions may constitute ultra petita (Yanti et al., 2026). Accordingly, the ideal construction of judges' ex officio authority in divorce proceedings should be developed through a model grounded in *Maqāṣid Al-Sharī'ah*, substantive justice,

and the protection of women and children, while remaining fully consistent with the requirements of civil procedural law and the principle of judicial prudence.

b. The Effectiveness Of Judges' Ex Officio Authority In Divorce Proceedings From The Perspective Of *Maqāṣid Al-Sharī'ah*

The effectiveness of judges' ex officio authority in divorce proceedings, when assessed from the perspective of *Maqāṣid Al-Sharī'ah*, has not yet been fully realized. From a normative standpoint, the exercise of ex officio authority has contributed to the protection of wives' rights through the judicial award of *iddah* maintenance, *mut'ah*, accrued maintenance (*naḥkah madhiyah*), and child support in divorce judgments. However, judicial practice continues to reveal inconsistencies among different judicial panels in the exercise of this authority (Öztürk, 2024). While some judges proactively determine and award wives' rights even in the absence of an explicit claim (Fahmi et al., 2025; Hussain & Akhtar, 2025), others remain strictly confined to the petitum advanced by the parties. Moreover, the effective protection of wives' rights has not been fully achieved due to inadequate enforcement of judicial decisions, low levels of compliance by former husbands with post-divorce maintenance obligations, the parties' financial constraints, and weaknesses in the mechanisms for monitoring and enforcing court judgments. From the perspective of *Maqāṣid Al-Sharī'ah*, the exercise of ex officio authority is fundamentally intended to realize *maslahah* (public welfare) through the protection of life (*hifz al-naḥs*), lineage and the family (*hifz al-naṣl*), and wealth (*hifz al-māl*). Nevertheless, these objectives have not yet been fully realized in practice, as the protection of wives' rights remains stronger at the normative level than in its practical implementation.

c. Wives' Rights In Divorce Proceedings Before The Religious Courts Of Jambi Province From The Perspective Of *Maqāṣid Al-Sharī'ah*

The relevance of judges' ex officio authority to the protection of wives' rights in divorce proceedings, viewed from the perspective of *Maqāṣid Al-Sharī'ah*, demonstrates that such authority occupies a pivotal role as a legal instrument for safeguarding women's rights following divorce. Within the framework of *Maqāṣid Al-Sharī'ah*, the exercise of ex officio authority constitutes a means of protecting the *maslahah* (public welfare) of women and children by preventing injustice, economic neglect, and the loss of fundamental rights after the dissolution of marriage (Harun et al., 2026). This authority is likewise consistent with the principles of substantive justice and gender justice, as it enables judges to take a proactive role in protecting vulnerable parties affected by social, economic, and legal inequalities. Accordingly, the exercise of ex officio authority possesses not only juridical relevance but also profound philosophical and sociological significance in advancing the objectives of Islamic law, namely justice, legal benefit, and *maslahah*. Therefore, strengthening the exercise of ex officio authority through clearer regulatory frameworks, comprehensive judicial guidelines, and enhanced judicial sensitivity to the

protection of women is essential to ensure that the objectives of *Maqāṣid Al-Sharī'ah* in the Islamic family justice system are realized more effectively and equitably (Fadhilah et al., 2025; Wahidullah & Wahid, 2026).

2. Discussions

The findings of this study answer the research questions by demonstrating that judges' ex officio authority constitutes an important legal mechanism for protecting wives' post-divorce rights within Indonesia's Religious Courts. The study reveals that this authority is supported by strong juridical, philosophical, and sociological foundations and is therefore not merely a discretionary judicial power but an instrument for achieving substantive justice (Ikhsan et al., 2025). Nevertheless, the findings also indicate that the implementation of ex officio authority remains inconsistent because judges exercise this authority differently in similar divorce cases. Such inconsistency is influenced by differences in judicial interpretation, the absence of standardized implementation guidelines, difficulties in enforcing court judgments, and the low level of compliance among former husbands in fulfilling court-ordered obligations. Consequently, the protection of wives' post-divorce rights largely depends on the individual interpretation of judges rather than on a uniform legal standard (Bukido & Aminah, 2024). From the perspective of *Maqāṣid al-Sharī'ah*, these findings demonstrate that ex officio authority serves not only procedural justice but also the higher objectives of Islamic law by protecting life (*ḥifẓ al-naḥs*), property (*ḥifẓ al-māl*), and family continuity (*ḥifẓ al-naṣl*), thereby promoting public welfare (*maṣlaḥah*) and substantive justice (Majid, 2025).

a. Comparison with International Research Findings

The findings generally support international scholarship emphasizing that judicial discretion should function as an instrument for protecting vulnerable parties rather than merely enforcing procedural rules. Similar to studies on family justice and gender-responsive adjudication (Anisa, 2025; Arrasyid & Pradikta, 2025; Fitriyati et al., 2025; Solikin & Wasik, 2023), this research demonstrates that substantive justice requires judges to actively safeguard the rights of disadvantaged litigants when strict procedural formalism may lead to inequitable outcomes. However, this study extends previous discussions by demonstrating that the legitimacy of judicial ex officio authority can be explained through the integrated perspective of positive law and *Maqāṣid al-Sharī'ah*. While much of the existing literature examines judicial discretion primarily through constitutional, procedural, or human rights frameworks (Kinchin, 2024; Mustafa et al., 2026; Timothy, 2026; Yong, 2024), the present study shows that Islamic legal objectives provide an additional normative foundation for judicial intervention in divorce cases. Furthermore, unlike studies that primarily evaluate judicial discretion as an individual exercise of judicial independence (Awawda, 2024; Huchhanavar, 2023; Molbæk-Steensig & Quemy, 2023; Widiartana & Hussain, 2025), this research identifies institutional factors –

including inconsistent judicial interpretation, the absence of operational guidelines, and weak enforcement mechanisms—as the principal causes of unequal legal protection. These findings therefore broaden the existing understanding of judicial discretion by demonstrating that effective protection of women’s rights depends not only on judicial authority itself but also on coherent institutional governance.

b. Theoretical Implications

This study contributes to the development of Islamic family law by reconceptualizing judges’ ex officio authority as a mechanism of substantive justice rather than a limited procedural discretion (Nawawi et al., 2025). The findings suggest that judicial authority should be interpreted within the broader objectives of *Maqāṣid al-Sharī’ah*, where legal decision-making is directed toward protecting vulnerable individuals and realizing justice in its substantive rather than merely formal dimension. The proposed conceptual integration of positive law, theories of justice, and *Maqāṣid al-Sharī’ah* provides a broader analytical framework for understanding judicial intervention in family disputes (Sarmadi et al., 2025). Consequently, this study extends contemporary discussions of Islamic family law by demonstrating that judges’ ex officio authority represents a normative instrument for balancing procedural certainty with social justice, particularly in cases involving unequal bargaining positions between former spouses.

c. Limitations of the Study

Several limitations should be acknowledged. First, the study focuses exclusively on the Religious Courts of Jambi Province; therefore, the findings may not fully represent judicial practices in other regions of Indonesia with different institutional and socio-cultural contexts. Second, the qualitative normative-empirical design emphasizes an in-depth understanding of judicial reasoning and implementation rather than statistical generalization. Third, the analysis concentrates on judges’ ex officio authority in divorce cases and does not evaluate the long-term effectiveness of judicial decisions in improving the socioeconomic welfare of divorced women and their children. Future studies should therefore employ comparative research across multiple jurisdictions, incorporate quantitative approaches to examine implementation patterns, and investigate the long-term impact of ex officio decisions on access to justice and post-divorce welfare. Such research would strengthen the empirical basis for developing more consistent and gender-responsive judicial policies within Indonesia’s Religious Court system.

D. Conclusions

This study demonstrates that judges’ ex officio authority constitutes a legitimate and essential judicial mechanism for protecting wives’ post-divorce rights in Indonesia’s Religious Courts. The findings reveal that this authority is supported by strong

juridical, philosophical, and sociological foundations and is consistent with the objectives of *Maqāṣid al-Sharī'ah*, particularly the protection of life (*ḥifẓ al-nafs*), property (*ḥifẓ al-māl*), and family (*ḥifẓ al-nasl*). However, its implementation remains inconsistent due to divergent judicial interpretations, the absence of standardized implementation guidelines, limited enforcement of court decisions, and low compliance with post-divorce maintenance obligations, resulting in unequal protection of wives' rights across similar divorce cases. These findings indicate that the principal challenge lies not in the legal legitimacy of ex officio authority but in the lack of a coherent judicial framework that balances procedural law with substantive justice. Accordingly, this study proposes that judges' ex officio authority should be understood as a gender-responsive legal instrument that integrates positive law with the normative principles of *Maqāṣid al-Sharī'ah* to ensure more equitable protection of vulnerable parties. Practically, the findings highlight the need for the Supreme Court and Religious Courts to develop standardized judicial guidelines, strengthen judges' capacity through continuous training on women's rights and *Maqāṣid al-Sharī'ah*, and improve mechanisms for enforcing post-divorce judgments to enhance legal certainty and substantive justice. Future research should extend this study by examining the implementation of ex officio authority in different jurisdictions across Indonesia, comparing judicial practices among various Religious Courts, and investigating the long-term impact of judicial decisions on the social and economic well-being of divorced women and their children. Such studies would provide broader empirical evidence for strengthening judicial policies and advancing gender-responsive Islamic family justice.

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