

# Contribution of Agama Arbitration Council as an Alternative Mode for Conflict Resolution Adopted By Shari'ah Courts in South Central Mindanao

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Originality: 100%

Grammarly: 98%

Plagiarism: 0%

## ABSTRACT

### *Article history:*

Received: 13 Aug 2022

Revised: 5 Mar 2023

Accepted: 24 May 2023

Published: 26 Jul 2023

**Keywords** — Social Science, public administration, agama arbitration, shari'ah courts, descriptive-correlation, Philippines

Issuing the Code of Muslim Personal Laws of the Philippines was a constitutional justification for the free exercise of Religion and cultural communities. This study aimed to ascertain the relationship between the contributions of the Agama Arbitration Council as an alternative mode for conflict resolution adopted by the Shari'ah Courts in South Central Mindanao. The study utilized a descriptive correlation to the 100 respondents composed of judges, clerks of courts, counselors, staff, and asatidz in the cities of Cotabato and Kidapawan, including provinces of Maguindanao, Sultan Kudarat, and North Cotabato. The researcher-made

survey questionnaire was used and validated by experts, and its reliability was tested on alpha Cronbach. The Pearson r was used to analyze the data. The results found a high positive correlation between the Agama Arbitration Council as an



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Alternative Mode for Conflict Resolution adopted by the Shari'ah Courts in terms of divorce (talaq), subsequent marriage, and offense against customary law and its attainment of objectives on the proper conduct of arbitration procedure and the speedy disposition of cases. Hence, the Agama Arbitration Council served as a viable process instead of litigation in the regular courts. It is recommended to incorporate them as essential in the legal system of Muslims in the Philippines.

## INTRODUCTION

Talaq, subsequent marriage, and offenses against customary law are complex issues in the Philippines. Problems associated with these include legal complications (Patwari & Ali, 2020), social implications (Abeling-Judge, 2018), and potential human rights violations (Beth, 2017; Roberts, 2017). Talaq, or Islamic divorce, may pose legal challenges within the Philippine legal framework, given the predominantly Christian legal system (Deinla, 2018). Meanwhile, subsequent marriages after divorce, especially in the context of talaq, can face societal scrutiny and cultural challenges, impacting individuals and families (Nasla & Ambily, 2020). Offenses against customary law may create conflicts with the formal legal system, posing challenges for individuals navigating legal processes that may not fully recognize or respect customary practices.

This is why the shari'ah law goes hand in hand with the statutory laws of the land. These laws regulate and monitor divorce (talaq) issues among Muslims in the country. In the kabinnama (the written record of the marriage contract), husbands can divorce their wives, known as Talaq-e-Tawfiz (popularly known as tawfiz). Women, on the other hand, are entirely dependent on their husbands' willingness to practice tawfiz. Although Muslim women can divorce their spouses through the procedure of khula or mubarat, this is only possible with the voluntary permission of their husbands. (Patwari & Ali, 2020). The practice of Islam originated from four sources: (a) the Qur'an (Islamic sacred book), (b) Sunnah (teachings and actions of the Prophet Mohammad, Sallaho Alaihi Wassallam), (c) Qiyas (analogical reasoning that compares Hadith teachings with the Qur'an), and (d) Al Ijma (consensus among religious scholars) (Abahussain, 2018).

In their complexity and state of flux, Muslim marriage and divorce practices in the United Kingdom and Europe illustrate that Muslim communities accommodate their marital practices due to social change, shifting assumptions in Islamic religious law, and the influence of the state legal system and politics. They also reveal how legislature, judiciary, and community leaders have asserted agency to change Muslim matrimonial practices (Jones & Shanneik, 2020).

However, the practice of divorce and other sacred institutions that Muslims have poorly managed may not improve until the ideals of Islam are given prominent space in the lives of Muslims (Oladosu-Uthman, 2020). The Shari'ah worldview is concerned with safeguarding religion, the soul, and reason and protecting offspring and property (Liana & Panjalu, 2020).

In the United States, Muslim arbitration would positively influence the development of Islamic law. The creation of arbitration would better meet the needs of American Muslims, who currently bring their religious disputes to informal forums that lack transparency (Benhalim, 2019). In Canada, Muslim families seeking to resolve their private disputes by their religious values and in compliance with Canadian law face multifaceted access to justice issues. They are burdened with duplicative responsibilities, trying to meet their obligations towards religious and secular legal systems simultaneously. While Islamic law demands a personal commitment to its rulings in Muslim and non-Muslim lands, it also obligates Muslim minorities in non-Muslim states to facilitate dispute resolution mechanisms to reconcile governing law and religious practices (Wahb, 2022).

In the Philippines, recognizing the Shari'ah legal profession in the secular state is linked to the Philippine Code of Muslim Personal Laws (Presidential Decree 1083, 1977), which mandated the creation of Shari'ah (Barodi, 2021). The Muslim law in the Philippines has sometimes been called by scholars the Agama System, based on Islam as a Religion. Agama is a Sanskrit word for religion. This is perhaps due to Muslims' general concept of law and policy. The Muslims do not distinguish law as secular or divine, canon or civil law." The legal system of the Muslims, both customary (adat) and Islamic, is quite comprehensive. It embraces all legal, social, political, and civil relations. At the same time, divorce (talaq) is allowed in Islam as a last hope if it is impossible to continue a marriage. Specific steps must be taken to ensure that all options have been exhausted and that both parties are treated with respect and justice (Huda, 2019). According to Islam, marriage should be filled with mercy, compassion, and tranquility. Marriage is a wonderful thing. Each spouse has rights and obligations that must be performed lovingly in the family's best interests. (Huda, 2020).

Thus, this study intends to show that it can be difficult for Muslims in the Philippines to resolve their family conflict in the secular judicial approaches, vis-à-vis the regular courts, and how they settle family disputes according to Islam and the perceived problems that may arise due to cultural differences. This is why the Agama Arbitration Council, as provided in Article 160 of Presidential Decree 1083, the Shari'ah District Court, or the Shari'ah Circuit Court, may, in proper cases, constitute an Agama Arbitration Council. This Council refers to divorce

by talaq or tafwid, subsequent marriages, and offenses against customary law (Articles 161-163, PD 1083). When either husband or wife pronounces divorce (talaq), a formal notification is filed with the Clerk of Court, and within seven (7) days from receipt of the notice, the Clerk of Court shall call for each party to nominate a representative. The Court shall appoint these representatives to constitute, along with the Clerk of Court, as Chairman, an Agama Arbitration Council. Information on the result of the arbitration, based on which and such other evidence may be required, the Court shall issue the corresponding order (Article 166, PD 1083).

## FRAMEWORK

This study is anchored on the Theory of Arbitration as an alternative mode of conflict resolution. It is grounded in the idea that parties can choose a private, impartial decision-maker to resolve their disputes outside the traditional court system (Faris, 1995). This theory suggests a faster, more cost-effective, and more flexible resolution process, where the disputing parties have control over the arbitration process and the final and binding nature of the arbitral award. This is rooted in party autonomy, efficiency, and flexibility, with its sources found in contractual agreements and legislative frameworks that recognize and facilitate the arbitration process (Cole, 2009).

This is supported as stipulated in the Philippines Code of Muslim Personal Laws or the Presidential Decree 1083, where the Agama Arbitration Council as an alternative mode of conflict resolution would be an inexpensive way to facilitate the conduct of arbitration procedure and the speedy resolution of the conflict. It will also give citizens who find expensive court litigation an impractical solution to a legal problem, which only involves a minimal amount, an opportunity to redress a wrong committed against them.

In the Islamic system, arbitration is part of the judicial system in that the Prophet Muhammad (SAW) used it to control the legal system and the development of the law itself (Al-Ramahi, 2008). Arbitration is no doubt an effective alternative mode of conflict resolution. As such, no less than the Almighty Allah (God) justified it as provided in the Qur'an in which Allah (God) says: 'And if you fear a breach between them (man and wife), appoint an arbitration from his family and an arbitrator from her family' (Quran 4:35). Commenting on this verse, al-Qurtubi said it proof that arbitration is established in Islam (Kamali, 2016).

Similarly, when Prophet Mohammad (SAW) acted as a judge in his community, he acted in the function of the arbitrator (hakam). The appointment

of Prophet Mohammad as an arbiter (hakam) in their disputes was very important to him since it revived their faith in him as a prophet and as a person. As a result, for as long as Mohammad was alive, he was seen as the best person to mediate disagreements among believers (Ramahi, 2008).

## **OBJECTIVES OF THE STUDY**

This study aimed to ascertain the correlates of the contribution of the Agama Arbitration Council as an alternative mode for conflict resolution adopted by the Shari'ah Courts in South Central Mindanao. The contribution of the Agama Arbitration Council to conflict resolution of cases in the Shari'ah courts is measured in terms of divorce (talaq), subsequent marriage, and offenses against customary law. In contrast, the attainment of the objective of the Agama Arbitration Council is measured in terms of the conduct of arbitration procedure and speedy disposition of cases.

## **METHODOLOGY**

### **Research Design**

This study utilized the descriptive-correlation design in investigating the research problem.

### **Research Site**

The study was conducted in select municipalities and cities in South Central Mindanao, where Shari'ah Courts are located, organized, and functional as of 1989. Specifically, this was undertaken in the 2<sup>nd</sup> Shari'ah Circuit Court Datu Odin Sinsuat, 3<sup>rd</sup> Shari'ah Circuit Court Parang, and 7<sup>th</sup> Shari'ah Circuit Court Upi, Province of Maguindanao del Norte; 4<sup>th</sup> Shari'ah Circuit Court Datu Piang, 5<sup>th</sup> Shari'ah Circuit Court Shariff Aguak, and 6<sup>th</sup> Shari'ah Circuit Court Buluan, Province of Maguindanao del Sur; 8<sup>th</sup> Shari'ah Circuit Court Tacurong, 9<sup>th</sup> Shari'ah Circuit Court Isulan, 12<sup>th</sup> Shari'ah Circuit Court Libak, and 10<sup>th</sup> Shari'ah Circuit Court Palembang; Province of Sultan Kudarat; 11<sup>th</sup> Shari'ah Circuit Court Midsayap, 13<sup>th</sup> Shari'ah Circuit Court, Pikit; 14<sup>th</sup> Shari'ah Circuit Court Kabacan; Province of North Cotabato; and 5<sup>th</sup> Shari'ah District Court and 1<sup>st</sup> Shari'ah Circuit Court Cotabato City; and 15<sup>th</sup> Shari'ah Circuit Court Kidapawan City.

### **Participants**

One hundred respondents were chosen as the study's sample size using

purposive sampling. They were the Seven (7) Judges, Thirteen (13) Clerk of Courts, Ten (10) Shari'ah Counselors, Fifty Five (55) selected personnel of the Shari'ah Courts in South Central Mindanao, and Fifteen (15) Ulama/Asatiz.

### **Instrumentation**

The study utilized a researcher-made survey questionnaire as its main instrument. The three experts in the field validated the survey questionnaire with a mean of 4.45, which is interpreted as a very valid instrument. The reliability evaluation using Cronbach's Alpha method was used, which revealed a result of 0.824, which was described as highly reliable. The study employed Pearson-r product moment correlation to analyze the data.

### **Research Ethics Protocol**

The study followed research ethics protocol due to the study process's in-depth nature concerning ethical issues when conducting face-to-face interviews with vulnerable participants (Arifin, 2018; Polit & Beck, 2010). They may become stressed while expressing their feelings during the interview session. The following listed below are the research ethics protocols that were observed:

*Confidentiality* requires using pseudonyms, an acceptable and expected ethical practice in qualitative research to maintain participants' privacy (Lahman et al., 2023).

*The role of the researcher* requires personal moral views and values that influence how he believes he should act in any situation (Collins & Wray-Bliss, 2005).

*Trustworthiness* refers to the degree of rigor or confidence in data, procedures, and interpretation employed to assure the quality of research (Polit & Beck, 2010), which includes criteria such as credibility, dependability, confirmability, and transferability (Guba & Lincoln, 1994). Each of these criteria will be described.

1) Credibility emerges through data saturation from participants' stories. Triangulation will help to compare multiple data sources to examine the credibility of the research study. Data triangulation will arise using interviews, literature reviews, and field notes (Janusheva, 2022).

2) Dependability refers to the stability of findings over time. It entails participants assessing the study's findings, interpretation, and suggestions to ensure they are all supported by the data received from the study informants (Bitsch, 2005).

3) Confirmability is the process in which the researcher can confirm the research study's findings. Confirmability is established by continuously reflecting

on the research data throughout the study (Baxter & Eyles, 1997).

4) Transferability is synonymous with generalizability (Clandinin & Connelly, 2004). Qualitative data involves anonymous human subjects, partly explaining the rank (Batt & Kahn, 2021).

## RESULTS AND DISCUSSION

As presented in Table 1 are the results of the data on the correlation analysis between the contributions of the Agama Arbitration Council and its attainment of objectives as an alternative mode of conflict resolution of cases in the shari'ah courts in South Central Mindanao, which revealed that divorce (*talaq*), subsequent marriage, and offense against customary law have a relationship with the attainment of objectives on the proper conduct of arbitration procedure and the speedy disposition of cases.

Divorce (*talaq*) is related to the conduct of arbitration procedures and speedy disposition of cases with a p-value of 0.000, which means a significant relationship exists with a rejected null hypothesis. Likewise, the offense against customary law has a significant relationship with the conduct of the arbitration procedure. The speedy disposition of cases with a p-value of 0.000 has a significant relationship, with the null hypothesis rejected. Although there is a significant relationship between the subsequent marriage and the conduct of the arbitration procedure with a p-value of 0.000, interpreted as significant with the null hypothesis as rejected, there was a significant relationship between the subsequent marriage and the speedy disposition of cases with a p-value of 0.026. However, still, the null hypothesis is rejected.

Table 1

*Correlation Analysis on the Contributions of Agama Arbitration Council as an Alternative Mode of Conflict Resolution of Cases in the Shari'ah Courts in South Central Mindanao*

Contribution of Agama Arbitration Council	Attainment of the Objectives of the Agama Arbitration Council					
	Conduct of Arbitration Procedure		Speedy Disposition of Cases		Overall	
	r	Sig	r	Sig	r	Sig
Divorce ( <i>talaq</i> )	.474**	.000	.645**	.000	.364**	.004
Subsequent Marriage	.875**	.000	.284*	.026	.255*	.047
Offense against Customary Law	.803**	.000	.947**	.000	.415**	.001

\*\* Correlation is significant at the 0.01 level (Very High)

\* Correlation is significant at the 0.05 level (High)

Overall results revealed that the contribution of the Agama Arbitration Council on offense against customary law and its attainment of objectives is highly significant, with a p-value of 0.001, followed by divorce (talaq) with a p-value of 0.004, described as highly significant. In contrast, subsequent marriage with a p-value of 0.047 is considered significant. Therefore, the null hypothesis is rejected.

Given these results, an offense against customary law has a significant relationship with the Agama Arbitration Council as an alternative mode for conflict resolution adopted by Shari'ah Courts in South Central Mindanao. Moreover, one of these customary laws is fixing the amount or value of dowry (mahr) before the celebration of marriage is necessary. It can be explained that dowry (mahr) is one of the essential elements of a marriage contract. Among the customs (adat) of Muslims in the Philippines is to have the pre-nuptial negotiation of the amount or value of dowry (mahr). In Islam, dowry (mahr) is the obligation, in the form of money or value of possessions, paid by the groom to the bride before or during the marriage. While dowry (mahr) is often money, it can also be jewelry, home goods, furniture, dwellings, or some land as agreed upon by the bride.

The results confirm the existence of shari'ah courts in executing decisions of the Arbitration Council and handling and deciding cases of shari'ah economics and that there is a dualism of law regarding which institution has the right to adjudicate against customary law (Maulizar, 2022). However, if there may be cases where the offense against customary law is not resolved, dispute settlement is possible through arbitration or alternative dispute resolution. This can be done through an agreement or written agreement/contract agreed by the parties, both before the dispute or after the dispute occurred (compromise deed) (Sulistiyono et al., 2018).

Divorce (talaq) is considered the second most resolved case by the Agama Arbitration Council in the shari'ah courts, as evidenced in the result. This means that divorce (talaq) reflects the effectiveness of the Agama Arbitration Council in resolving the problem of repudiation by the husband to his wife. The wife who may be aggrieved may file a case with the Shari'ah Court for redress of the wrong done by her husband. Marriage as a civil contract confers on the parties to the contract the power to dissolve their relationship under certain specified circumstances. Furthermore, one of the conflicts being discussed and resolved pertains to the failure of the husband to cohabit with his wife; repudiation shall become irrevocable (talaq bain sugra). This shows that the husband who repudiates his wife shall be given any time before the expiration of the 'idda (three months waiting period of the wife) to take her back by cohabitation. If



he fails, the repudiation shall become irrevocable (*talaq bain sugra*) (Article 46).

The husband shall have better rights to take back her wife within the prescribed *iddah*. The ‘*talaq*’ is the right of the husband to divorce (*talaq*) his wife without her consent, and intricate rules exist governing how it is to be instituted. The wife does not have the right to divorce her husband without his consent; however, limited circumstances exist where she can initiate a divorce with the assistance of an Islamic court (*ibid*). When the wife successfully initiates a divorce, she is generally required to return her dowry (*mahr*). Using the Philippine Shari’ah court system as an example, it is clear that legitimacy and capacity constraints limit their ability to provide effective justice services and respond to conflict situations (Deinla, 2019). Through the Shari’ah court, Islamic law generally has to determine the issues based on specific principles. (Kamarudin & Shukor, 2022). The act of divorce has an impact on various aspects, particularly the welfare of children in terms of livelihoods, maintenance, education, and the fulfillment of daily needs that are not entirely met, as well as the psychological aspect of children who experience introverts when they reach adolescence (Siregar, 2021). So, the divorce carried out outside the Agama Arbitration Council was not from the shari’ah court’s point of view.

A subsequent marriage, the third most conflict-resolved case by the agama arbitration council of the shari’ah courts, is a sensitive case that must be resolved intelligently. No man, during the support of an actual marriage, shall, except with the previous consent in writing of the Arbitration Council, subsequent contract marriage, nor shall any such marriage engaged without such consent be registered. Subsequent marriage is not a right or privilege a man may take during his marriage with his first wife. Polygamy in Islam has evolved, although it always appears to be significantly impacted by the cultural setting in which it occurs. Current developments are looking toward the social utility of the institution rather than its religious validity.

The Qur’an in the Surah Nisai, verse 3, provides: If you fear that you shall not be able to deal with them justly with orphans, marry women of your choice, two or three or four. However, if you fear that you shall not be able to deal with them justly, then only one, or (a captive) that your right hands possess, will be more suitable to prevent you from doing injustice (Chapter 4: 3, Qur’an). In Islam, monogamy is the basic rule, while polygamy is permitted only in emergencies. Only with the Court’s approval, and subject to certain conditions, may a Muslim have a second wife. This is because having a plurality of wives is tolerated, not encouraged, under certain circumstances (Bara-Acal & Astih, 1998).

Although the Shari'ah court's arbitration council has been tolerated, many overlapping laws have been enacted to recognize religious groups and individuals, allowing them to benefit from legal and fiscal benefits, most notably exceptions from otherwise generally applicable laws (Omoola & Nasir, 2020). The Court has a three-tiered procedure: District Court, High Court, and Constitutional Court, and so on. However, in arbitration, there are stages. Aside from that, if the rulings vary, an appeal in the Court is still available if no agreement is achieved; nonetheless, arbitration is final and binding (final and binding) (Sofiana & Utama, 2021). The legal issues would require a lengthy analysis in giving decisions that are definitive origin, one of which is using Shari'ah (Wildan, 2016).

## CONCLUSION

Based on the study's findings, the researcher concludes that the Agama Arbitration Council, as an alternative mode of conflict resolution of cases in the Shari'ah Courts, has a significant relationship to attaining its objectives on the conduct of arbitration procedure and speedy disposition of cases. There was a significant relationship among variables where offense against customary law and divorce (talaq), including subsequent marriage, are significantly correlated. That is why the Agama Arbitration Council has contributed as an alternative mode of dispute resolution in the shari'ah court, which would be an inexpensive way to facilitate the conduct of arbitration procedures and speedy resolution of the conflict. Thus, judicial arbitration, conjoined with the opportunity to effectuate resolution by private agreement, constitutes a remedial process that responds to the full dimensions of divorce disputes. It avoids parent-like juridical intrusions into the private emotional lives of divorcing spouses. It allows the principles of individual accountability and self-determination to have their necessary impact on matrimonial matters. The adapted traditional mechanism and other dispute-resolution techniques allow society to achieve its civilizing design upon individuals through rationality rather than technical court litigation. It is recommended that the Agama Arbitration Council be enhanced, strengthened, and institutionalized as an alternative mode of conflict resolution of family problems, commercial problems, land problems, and minor criminal cases and find a way to incorporate as essential in the legal system of the Muslim in the Philippines.

## TRANSLATIONAL RESEARCH

The study's findings may be best translated to various communication media for information dissemination and, if not, further awareness campaigns.

Social media and other online platforms may be used for the stakeholders in the far-flung areas in the Bangsamoro Region and those outside the region to be informed and maximize the awareness campaigns.

### **ACKNOWLEDGMENT**

The researcher acknowledges the contribution of the late Dr. Guinaid S. Paduman, who succumbed at the onset of COVID-19. This is his way to thank him for his commitment and dedication to the realization of this paper.

### **LITERATURE CITED**

- Abahussain, A. (2018). The Rising Tide Of Change: The Saudi Arabian Women In Conflict Resolution. *Dispute Resolution Journal*, 73(2), 91-107.
- Abeling-Judge, D. (2018). Temporal Consideration of the Marriage Effect. *Journal of Developmental and Life-Course Criminology*, pp. 4, 188–208.
- Al-Ramahi, A. (2008). Sulh is a crucial part of Islamic arbitration. *LSE Law. Society and Economy Working Papers*, 12, 2008.
- Arifin, S. R. M. (2018). Ethical considerations in qualitative study. *International Journal of Care Scholars*, 1(2), 30–33.
- Bara-Acal, A. M., & Astih, A. J. (1998). Muslim law on personal status in the Philippines. *Central Professional Books*.
- Barodi, N. B. S. S. (2021). The Shari’ah Legal Profession in the Philippines: The Status Quo and Cues of Its Future. *IIUMLJ*, 29, 331.
- Batt, R., & Kahn, L. (2021). Data transparency and methods in qualitative and quantitative research: Letter from the editors. *ILR Review*, 74(5), 1079–1082.
- Baxter, J., & Eyles, J. (1997). Evaluating qualitative research in social geography: establishing the rigor of interview analysis. *Institute of British Geographers*, 22(4), 505–525.

- Benhalim, R. (2019). The Case for American Muslim Arbitration. *Wis. L. Rev.*, p. 531.
- Beth, S. (2017). Translating Filartiga: A comparative and international law analysis of domestic remedies for international human rights violations. In *Challenges in International Human Rights Law* (pp. 565–622). Routledge.
- Bitsch, V. (2005). Qualitative research: A grounded theory and evaluation criteria. *Journal of Agribusiness*, 23(345–2016–15096), 75–91.
- Clandinin, D. J., & Connelly, F. M. (2004). *Narrative inquiry: Experience and stories in qualitative research*. John Wiley & Sons.
- Cole, T. (2009). Authority and contemporary international arbitration. *La. L. Rev.*, pp. 70, 801.
- Collins, H., & Wray-Bliss, E. (2005). Discriminating ethics. *Human Relations*, 58(6), 799–824.
- Deinla, I. (2019). Legal Hybridity, Trust, and the Legitimacy of the Shari’ah in the Bangsamoro. *Law & Policy*, 41(2), 198–219.
- Deinla, I. (2018). Beyond political accommodation—making Shari’ah justice work for women in the Bangsamoro1.
- Faris, J. A. (1995). *An Analysis of the Theory and Principles of Alternative Dispute Resolution* [Unpublished Doctoral]. University of South Africa.
- Guba, E. G., & Lincoln, Y. S. (1994). Competing paradigms in qualitative approach. *Qualitative Research Handbook*, 2(163–194), p. 105.
- Huda, S. (2019). Gender, personal laws and practices of the Bengali Barua Buddhists of Bangladesh. In *Revisiting Personal Laws in Bangladesh* (pp. 195–211). Brill Nijhoff.
- Huda, M. N. (2020). Activities of Islamic Shari’ah Council and Muslim Arbitration Tribunal to Apply Islamic Law in England and Wales. *Al-Milal: Journal of Religion and Thought*, 2(2), 1–16.

- Janusheva, V. (2022). A Review of the qualitative research questions relevance. *International Journal of Education-TEACHER*, pp. 24, 25–33.
- Jones, J., & Shanneik, Y. (2020). Reformulating Muslim Matrimony: Islamic Marriage and Divorce in the Contemporary United Kingdom and Europe. *Journal of Muslim Minority Affairs*, 40(1), 1-5.
- Kamali, M. H. (2016). Peace in the Islamic Tradition: One Vision, Multiple Pathways. *ICR Journal*, 7(2), 157-187.
- Kamarudin, A., & Shukor, A. (2022). Shari'ah Court's Decision and Child Custody Respondents' View After Divorce in Kuala Lumpur and Selangor.
- Lahman, M. K. E., Thomas, R., & Teman, E. D. (2023). A good name: Pseudonyms in research. *Qualitative Inquiry*, 29(6), 678–685
- Liana, P., & Panjalu, G. F. (2020). Upaya Memantapkan Pasangan Calon Pengantin Melalui Program Belajar Rahasia Nikah (Berkah) Perspektif Maqasid Shari'ah (Studi Kasus Kantor Urusan Agama Kecamatan Sawahan Surabaya). *Maqasid: Jurnal Studi Hukum Islam*, 9(1).
- Maulizar, O. (2022). Kewenangan Peradilan Agama Dalam Penyelesaian Sengketa Ekonomi Syari'ah. *Al-Ilmu*, 8(2), 72-88.
- Nasla, K., & Ambily, P. (2020). Muslim Women [protection of rights on marriage] Act, 2019: A critical analysis.
- Oladosu-Uthman, H. (2020). The Contributions of Independent Shari'ah Panel (ISP) in Curbing Incidences of Divorce (Talâq) Practices among Muslims in Ibadan, Southwestern Nigeria. *Ibadan Journal of Humanistic Studies*, 30(1), 156-173.
- Omoola, S. O., & Nasir, M. A. (2020). Shari'ah in the English Courts: Towards a New Theory of Convergence of Laws in England. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 32(3), 450-460.

- Patwari, S., & Ali, A. N. (2020). Muslim Women's Right to Divorce and Gender Equality Issues in Bangladesh: A Proposal for Review of Current Laws. *Journal of International Women's Studies*, 21(6), 50-79.
- Polit, D. F., & Beck, C. T. (2010). *Essentials of nursing research approach: Appraising evidence for nursing practice*. Lippincott Williams & Wilkins.
- Roberts, C. (2017). On the definition of crimes against humanity and other widespread or systematic human rights violations. *U. Pa. JL & Soc. Change*, pp. 20, 1.
- Siregar, A. N. (2021). *Dampak perceraian di luar Pengadilan Agama terhadap Hadhanah perspektif teori Maqashid Al-Syari'ah Jasser Auda: Studi di Desa Tanjung Medan Kec. Kampung Rakyat, Kab. Labuhanbatu Selatan, Prov. Sumatera Utara* (Doctoral dissertation, Universitas Islam Negeri Maulana Malik Ibrahim).
- Sofiana, R., & Utama, S. (2021). Effectiveness of Shari'ah Economic and Business Dispute Resolution through Arbitration and Alternative Dispute Resolution (ADR). *TERAJU: Jurnal Syariah dan Hukum*, 3(01), 41-49.
- Sulistiyono, A., Supaat, D. I., Palil, M. R., & Rosidah, Z. N. (2018). Strengthening Of Sharia Principles Among National Shari'ah Arbitration Board Arbitrators In The Settlement Of Sharia Economic Disputes.
- Wahb, Y. A. (2022). Faith-Based Divorce Proceedings: Alternative Dispute Resolutions for Canadian Muslims. *Canadian Family Law Quarterly*.
- Wildan, D. (2016). *Penetapan Talak Bid'i di Pengadilan Agama Jombang dalam perspektif Maqasid Shari'ah Tahir Bin 'A shur* (Doctoral dissertation, Universitas Islam Negeri Maulana Malik Ibrahim).