

Reform and Codification of Islamic Family Law in Turkey: From The Ottoman Law of Family Rights to the Turkish Civil Code of 1926

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Abstract

The reform of Islamic family law is a strategic issue in response to social, cultural, and legal justice changes in Muslim countries. Turkey became one of the most prominent examples of radical reforms to its family law through the transition from the fiqh system of the Hanafi school of fiqh and The Ottoman Law of Family Rights (1917) to the Turkish Civil Code (1926) which adopted the Swiss Civil Code and affirmed the separation between religion and state. This study aims to analyze the process of reform and codification of Islamic family law in Turkey and its implications for the structure and substance of family law. The research method used is qualitative descriptive with a literature review approach to books, scientific articles, and relevant laws and regulations. The results show that family law reform in Turkey has led to fundamental changes, including the prohibition of polygamy, the equality of the rights of men and women in divorce and inheritance, and the strengthening of legal protection for women and children within the framework of secular civil law. These findings show that the reform of family law in Turkey is a form of adaptation of Islamic law to the modern state system without completely negating Islamic moral values. Based on these results, this study recommends that Muslim countries that carry out family law reforms consider a contextual and gradual approach, while maintaining a balance between the principles of justice, protection of human rights, and Islamic values that live in society.

Keywords: Islamic Family Law, Law Reform, Legal Codification, Turkey.

Abstrak

Pembaharuan hukum keluarga Islam merupakan isu strategis dalam merespons perubahan sosial, budaya, dan tuntutan keadilan hukum di negara-negara Muslim. Turki menjadi salah satu contoh paling menonjol dalam melakukan reformasi radikal terhadap hukum keluarganya melalui peralihan dari sistem fiqh mazhab Hanafi dan The Ottoman Law of Family Rights (1917) menuju Turkish Civil Code (1926) yang mengadopsi Swiss Civil Code serta menegaskan pemisahan antara agama dan negara. Penelitian ini bertujuan untuk menganalisis proses pembaharuan dan kodifikasi hukum keluarga Islam di Turki serta implikasinya terhadap struktur dan substansi hukum keluarga. Metode penelitian yang digunakan adalah kualitatif deskriptif dengan pendekatan kajian pustaka terhadap buku, artikel ilmiah, dan dokumen peraturan perundang-undangan yang relevan. Hasil penelitian menunjukkan bahwa reformasi hukum keluarga di Turki melahirkan perubahan fundamental, antara lain pelarangan poligami, penyetaraan hak laki-laki dan perempuan dalam perceraian dan warisan, serta penguatan perlindungan hukum bagi perempuan dan anak dalam kerangka hukum sipil sekuler. Temuan ini memperlihatkan bahwa pembaharuan hukum keluarga di Turki merupakan bentuk adaptasi hukum Islam terhadap sistem negara modern tanpa sepenuhnya menegasikan nilai-nilai moral Islam. Berdasarkan hasil tersebut, penelitian ini merekomendasikan agar negara-negara Muslim yang melakukan



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pembaharuan hukum keluarga mempertimbangkan pendekatan kontekstual dan gradual, dengan tetap menjaga keseimbangan antara prinsip keadilan, perlindungan hak asasi, dan nilai-nilai keislaman yang hidup dalam masyarakat.

Kata Kunci: Hukum Keluarga Islam, Pembaharuan Hukum, Kodifikasi Hukum, Turki.

INTRODUCTION

The complexity of problems in Islam when it blends with the laws of society or better known as culture and the emergence of a difference with Islamic culture itself makes a diverse legal order and interpretation in a region. The development of Islam began in Arab countries, precisely Mecca and Medina which at first was still very simple because the revelations that were revealed were carried out gradually according to the conditions at that time.¹

Islamic law preached by the Prophet Muhammad (peace be upon him) is part of a gift that can be used as a guideline in shaping the legal order of society.² Therefore, Islamic law is a law that can always be used as a reference in solving problems, because Islamic law has a dynamic and elastic character with the development of the times through various kinds of multi-disciplinary approaches in solving the problems faced.³

The development of Islamic law in the 21st century has given birth to a variety of significant paradigms. An unavoidable demand for the mujtahid in responding to the new problems faced and then determining their legal status and providing answers to questions to provide comfort and avoid discomfort for the people.

Some of the legal products born from the thoughts of the mujtahid are about laws related to the civil area (family), which is then commonly referred to as Islamic family law. This is because in the realm of Islamic family law, it has its own attraction to be studied more deeply, supported by also in the texts of the verses of the Qur'an there are 70 verses that mention Islamic family law.⁴

History records that the reform of Islamic family law in various parts of Muslim countries began in the late 19th century AD. The effort is based on the awareness of Muslims to give, offer and answer fiqh problems that find new problems and need answers to them and also the unanswered new problems in the classical fiqh books that are used as the basis of law.⁵

One of the Muslim countries that has made reforms in the realm of Islamic family law is Turkey. Where the beginning of the emergence of this idea was born in 1915 AD which then in 1917 AD was officially ratified, namely The Law of Family Rights.⁶ We

¹ Abdul Wahab Khallaf, *The Development of the History of Islamic Law*, translungal, Ahyar Aminudin, (Bandung: Pustaka Setia, 2000), p, 38.

² Husnul Khatimah, *The Application of Islamic Sharia*, (Yogyakarta: Pustaka Siswa Offset, 2007), p. 35.

³ Abd. Shomad, *Islamic Law, Application of Sharia Principles in Indonesian Law*, (Jakarta: Kencana, 2010), p. 57.

⁴ Arif Sugitanata, "The Relevance of Islamic Reform in the Field of Family Law to the Egalitarianism of Men and Women", *Bilancia*, Vol. 14, No. 2, (July-December 2020), pp. 303-318.

⁵ Vita Fitria, "Family Law in Turkey as the first effort to reform Islamic law", *Humanika: A Scientific Study of General Courses*, Vol. 12, No. 1, (2012), pp.1-15.

⁶ Fauzi Dahrial, Elimartati, and Ramza Fatria Maulana, "Hukum Perkawinan Islam Di Bawah Tekanan Modernitas: Studi Historis Dan Yuridis Atas Reformasi Di Mesir, Turki, Pakistan, Dan Irak," *Jurnal Pengabdian Masyarakat Dan Riset Pendidikan* 3, no. 4 (June 6, 2025): 3524–36, <https://doi.org/10.31004/jerkin.v3i4.1093>; John Richard Bowen, "Islam and the Secular State: Islam and Authority," *The Immanent Frame*, 2008; Arif Sugitanata, Suud Sarim Karimullah, and Mohamad Sobrun

will focus our study on the historical realm in codifying family law in Turkey and what are the products of Islamic family law in Turkey, by utilizing literature studies as a surgical tool for studies whose primary data are processed qualitatively with descriptive methods of analysis which are sourced from books and journals related to the theme we study.

RESEARCH METHODS

This study uses a qualitative method with a juridical-historical and normative approach, which aims to analyze the process of reform and codification of Islamic family law in Turkey from the Ottoman period until the enactment of the Turkish Civil Code in 1926. This approach was chosen to explore the dynamics of changing Islamic family law norms in the social, political, and legal context that underlie the transition from fiqh-based legal systems to modern civil law. This research focuses on the study of legal texts and state policies as an instrument for family law reform.

Primary data sources in this study include The Ottoman Law of Family Rights (1917), Turkish Civil Code (1926), as well as official legal documents and laws and regulations related to family law reform in Turkey. The secondary data sources include academic books, scientific journal articles, previous research results, and legal literature that discusses the reform of Islamic law, legal codification, and the secularization of law in Muslim countries, especially Turkey.

The data collection technique is carried out through literature study by searching, reviewing, and classifying relevant legal and literature sources. The data collected were then analyzed using a descriptive-analytical method, describing the development of Islamic family law regulations in Turkey and critically analyzing them based on the principles of Islamic law and modern law. This analysis model is used to gain a comprehensive understanding of the character of Turkish family law reform and its implications for Islamic family law reform in contemporary Muslim countries.

RESULTS AND DISCUSSION

Turkey's Socio Political Context and the Codification of Islamic Family Law

Turkey is a transcontinental country located in the Eurasian region, stretching from the Anatolian Peninsula in Western Asia to the Balkan region of Southeast Europe. Its territory is 97% in Asia and 3% in Europe, separated by the Bosphorus Strait and the Sea of Marmara. Turkey is bordered by the Black Sea to the north, Bulgaria to the northwest, Greece and the Aegean Sea to the west, Georgia to the northeast, Armenia, Azerbaijan, and Iran to the east, Iraq and Syria to the southeast, and the Mediterranean Sea to the south. This geographical position makes Turkey a strategic country and a bridge between East and West.⁷

Jamil, "PRODUK-PRODUK PEMBAHARUAN HUKUM KELUARGA ISLAM DI TURKI," *Familia: Jurnal Hukum Keluarga* 2, no. 1 (December 29, 2021): 68–87, <https://doi.org/10.24239/v2i1.18>; Abu Yazid and Adnan Quthny, "Reformasi Hukum Keluarga Islam Turki (Status Poligami Dalam Perspektif Teori Linguistik-Semantik Muhammad Shahrur)," *Asy-Syari'ah : Jurnal Hukum Islam* 2, no. 1 (2016).

⁷ Ahmet Temel, "Between State Law and Religious Law: Islamic Family Law in Turkey," *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 8, no. 1 (2020); Kerem Schlikoğlu, Şeyma Sehlikoğlu, and Mehmet Cengil Aslan, "Evaluation of Sociodemographic, Clinical and Forensic Medical Characteristics of Juvenile Delinquents in Turkey," *Psychiatry, Psychology and Law* 32, no. 1 (January 2, 2025): 55–67, <https://doi.org/10.1080/13218719.2023.2272914>; Ahmad Rezy Meidina, "Legal System of Polygamy and Divorce in Muslim Countries: Comparative Studies among Turkey, Pakistan, and Indonesia," *Matan: Journal of Islam and Muslim Society* 5, no. 1 (May 24, 2023): 15, <https://doi.org/10.20884/1.matan.2023.5.1.8301>; Ahmad Zayyadi et al., "Understanding of Legal Reform on Sociology of Islamic Law: Its Relevance to Islamic Family Law in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (November 20, 2023): 249–62, <https://doi.org/10.24090/mnh.v17i2.7584>.

The Turks began migrating to Anatolia as early as the 11th century, accelerated by the Seljuks' victory over the Byzantines at the Battle of Manzikert. After the era of the Seljuk Sultanate and the Mongol invasion, the beylik-beylik (emirates) emerged which were finally united by the Ottoman Empire. The Ottoman empire included most of Southeast Europe, Western Asia, and North Africa. After the defeat in World War I and the collapse of the Ottomans, Mustafa Kemal Atatürk led the nationalist movement that successfully established the Republic of Turkey on October 29, 1923, with Atatürk as its first president.⁸

Turkey is a presidential constitutional republic. The head of state and government is the current president Recep Tayyip Erdoğan. The legislature is held by the Supreme National Assembly of Turkey (Büyük Millet Meclisi). Turkey is a member of the UN, NATO, OECD, OSCE, G20, and a candidate member of the European Union.

In the reform of Turkish law, one of the monumental legacies was the codification of the law in 1870 against *al-Majallât al-Ahkâm al-Adliyyâh* or *al-Majallâh*. *al-Majjalâh* became a civil code that was fully applicable to the Ottoman Empire and was the first civil law in the Islamic world. The source of material law contained in *al-Majjalâh* is mostly taken from the opinions and views of the Hanafî madhhab, but the legal material in *al-Majjalâh* is still incomplete because it does not include issues that discuss family law and inheritance law.⁹

The reform of Turkish family law began in 1915. Turkey is the only Islamic country that has reformed family law, as evidenced by the issuance of 2 (two) decrees of the Ottoman Caliph on the rights of wives. The hanafî school is a reference for the implementation of legal regulations in the Ottoman Dynasty, so amendments to the regulations must be made which discuss various rights of wives. The reason for the amendment to the regulation is because the rules of the Hanafi school are felt to be unable to provide a sense of justice to wives. In the Hanafi madhhab, if a wife is left by her husband for a long time or the husband has a dangerous disease of marriage, then the wife does not have the right to file for divorce. Therefore, the sultan made changes to the legal provisions in the Hanafi school with the issuance of two decrees of the King.¹⁰

⁸ Ahmet Temel, "İslam Aile Hukukundaki Arabulucu-Hakemlik Uygulamasının Türkiye'de Aile Arabuluculuğuna Muhtemel Katkıları," *Darulfunun İlahiyat* 30, no. 2 (December 31, 2019), <https://doi.org/10.26650/di.2019.30.2.0035>; Siska Kinasih, "Analysis Of Islamic Family Law Renewal In Türkiye," *Al-Mahkamah: Islamic Law Journal* 1, no. 1 (November 28, 2023): 1–6, <https://doi.org/10.61166/mahkamah.v1i1.1>; Yazid and Quthny, "Reformasi Hukum Keluarga Islam Turki (Status Poligami Dalam Perspektif Teori Linguistik-Semantik Muhammad Shahrur)."

⁹ Siska Kinasih, "Analysis Of Islamic Family Law Renewal In Türkiye"; Dinda Difia Madina, Ahmad Rezy Meidina, and Anwar Zein, "The Dynamics of Polygamy and Divorce in Muslim Countries," *El-Aqwal : Journal of Sharia and Comparative Law*, August 15, 2023, 135–48, <https://doi.org/10.24090/el-aqwal.v2i2.9410>; Kate Dannies and Stefan Hock, "A Prolonged Abrogation? The Capitulations, the 1917 Law of Family Rights, and the Ottoman Quest for Sovereignty during World War 1," *International Journal of Middle East Studies* 52, no. 2 (May 28, 2020): 245–60, <https://doi.org/10.1017/S002074382000001X>.

¹⁰ Maxim E. Shalak, "Information about the Nogai and the Crimean Tatars in the Work of the Ottoman Historian of the 17th Century Husein Hezarfen," *Crimean Historical Review* 12, no. 1 (May 14, 2025): 115–28, <https://doi.org/10.22378/kio.2025.1.115-128>; Aisha Hussain, "'Mine Anger Hath Beene Just': Feeling Familicide in the Early Modern Ottoman Court in Thomas Goffe's The Raging Turk and The Courageous Turk," *Renaissance and Reformation* 48, no. 1–2 (July 9, 2025): 299–324, <https://doi.org/10.33137/rr.v48i1-2.45707>; Necmettin Kızılkaya, "Debates on the Legitimacy of Family Foundations in the Shadow of Nineteenth- and Twentieth-Century Ottoman Centralization Policies," *Middle Eastern Studies* 61, no. 5 (September 3, 2025): 613–31, <https://doi.org/10.1080/00263206.2025.2471472>; Nijmi Edres, "Changing Personal Status Codes as a Discriminated Minority: Aspirations and Pitfalls Around the Possibility to Amend the 1917 Ottoman Law

The first decree stipulates the rights of a wife who is abandoned by her husband. The provisions in this matter give the right to wives who have been left by their husbands for many years to file for divorce by following the views of the Maliki and Hanbali schools, and not the Hanafi schools. Then, the second decree gives the right to wives who have a husband who is sick with leprosy or mental illness to file for divorce. In the granting of divorce rights given to wives over their husbands who have leprosy or mental illness if the wife does not know that her husband already has the disease before marrying her. The view on this issue is actually in accordance with the opinion of the imams of the madhhab except for the Hanafi madhhab so that with the issuance of the king's decree, the Hanafi madhhab which is the main reference of the Ottoman Caliphate is no longer applied to other Sunni sects that favor women as wives in the family.¹¹

After two years of enactment of the two royal decrees, in 1917 the Ottoman Empire codified the family law using the principle of *tahayyûr*. In family law, this is different from *al-Majjalâh* which only adopts the opinion of the Hanafi school because this family law in addition to adopting the opinion of the Hanafi school also adopts from various other Sunni schools and is named The Ottoman Law of Family Right or *Qanûn Qarâr al-Hûqûq al-'Ailâh al-'Usmaniyyâh*, consists of 156 Articles and what is lacking is the Article on the issue of inheritance.¹² This family law in terms of its material refers to various other Sunni schools and not only to one school, namely the Hanafi school. However, this family law did not last long because it was frozen in 1919 in the hope that it would be replaced by new, more comprehensive regulations.

Around 1923 AD, the Turkish government secularized the government. After the Lausanne Peace Conference in 1923, the Turkish government established a legal commission to refine the new civil law. The legal commission that was formed attempted to lay down the law on various family rights and codify it on the new law as a whole by bringing together the codification of *the Majjalâh*, The Ottoman Law of Family Right and the system of inheritance that had never been locally codified. However, as a result of differences of thought and opinion among modern and traditional Turks, it resulted in disputes that were later dissolved.¹³

of Family Rights for Muslim Palestinians in Israel,” *Arab Law Quarterly*, March 11, 2025, 1–21, <https://doi.org/10.1163/15730255-bja10183>.

¹¹ Daud SALMAN, “COMPARISON OF OTTOMAN FAMILY LAW DECREE (HAK) AND ISLAMIC FAMILY LAW IN NIGERIA IN THE FRAMEWORK OF DIVORCE,” *Akdeniz Havzası ve Afrika Medeniyetleri Dergisi* 5, no. 1 (June 25, 2023): 79–96, <https://doi.org/10.54132/akaf.1207735>; Dannies and Hock, “A Prolonged Abrogation? The Capitulations, the 1917 Law of Family Rights, and the Ottoman Quest for Sovereignty during World War I”; J E Tucker, “Revisiting Reform: Women and the Ottoman Law of Family Rights, 1917,” *Arab Studies Journal / Majallat Al-Dirāsāt Al-'Arabīya* 4, no. 2 (1996); Temel, “Between State Law and Religious Law: Islamic Family Law in Turkey”; Dinmuhammad Smanov et al., “The Judicial System of Kazakh Beys in Central Asia: Shari’a and Customary Law,” *Occasional Papers on Religion in Eastern Europe* 45, no. 9 (January 1, 2025), <https://doi.org/10.55221/2693-2229.2693>.

¹² Simona Nicolosi, “Miklós Zrínyi in Venice: Trading Advantages, Cultural Interests and Political Intrigue in the Mid-17th Century,” *Hungarian Studies* 38, no. S (January 17, 2025): 111–20, <https://doi.org/10.1556/044.2024.00250>; Andri Gustamar et al., “Transformation Of Family Law In Algeria Analysis Of The Pre- And Post Independence Period,” *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 1 (2025); Charalampos Stamelos, “Reflections on Legal History of Romania and a Comparison to Greek Family Law,” *Journal on European History of Law* 16, no. 1 (2025); Meidina, “Legal System of Polygamy and Divorce in Muslim Countries: Comparative Studies among Turkey, Pakistan, and Indonesia”; Madina, Meidina, and Zein, “The Dynamics of Polygamy and Divorce in Muslim Countries.”

¹³ Siska Kinasih, “Analysis Of Islamic Family Law Renewal In Türkiye”; Muharrem Midilli, “Gelmezsem İrâdetin Elinde Olsun: Osmanlı Aile Hukukunda Tefvîz-i Talâkın Fetvalara Yansıyan

After one year of Turkey becoming a Modern Turkish State (Turkish Republic), the religious justice system was abolished under the modern Turkish government led by Mustafa Kemal Atatürk. The existing Majjalâh in Turkey was completely replaced by the use of the Civil Code adopted from Western countries. Nevertheless, al-Majjalâh still survived in several other areas under the control of the Ottoman Turks so that it became a new legal reform and even al-Majjalâh Turkey became the main source of material in the new legal reforms such as Lebanon, Syria and Iraq.¹⁴

In 1927, Turkey carried out family law reform by adopting the Swiss Civil Code which became a Turkish Civil Regulation adapted to the conditions of Turkish society. With the legal reform, Turkey has carried out a total secularization and even a legal system that formally no longer refers to sharia regulations, such as the provisions of inheritance law, wills and so on. Turkey's civil law in its prominent material is the provisions regarding Khitbah (engagement), minimum age limit for marriage, divorce, marriage prohibition, marriage registration, polygamy, marriage annulment and so on.¹⁵

In the family law reform that occurred in Turkey, starting from 1915 and 1917 due to the reform of Ottoman Turkish family law and the secularization of modern Turkey, there was a significant impact on the process of development and renewal of family law in the Islamic world. Although the Ottoman Islamic family law regulations were only applied for a decade, several studies have sought to explore the application of Islamic family law in Ottoman Turkey. This had a great influence on the field of family law in other Muslim countries and became a former Ottoman Turkish state. Ottoman Turkish family law was widely adopted by Jordan, Syrian, Palestinian and Lebanese family law with adjustments and modifications.¹⁶

The radical reform of Islamic family law implemented by Turkey by replacing it with secular law from western countries. Meanwhile, in countries with a majority Muslim population, others only try to codify family law without eliminating the foundation that comes from the Qur'an and Sunnah as the spirit and foundation of the foundation. Changes after changes in the legal regulations that occurred in Turkey, starting from al-Majallâh, The Ottoman Law of Family Rights, The Turkish Civil Code of 1926 was a response to the influence and changes in unstable social, political, and economic conditions, especially at that time Turkish society was still experiencing an identity crisis.

Hükümleri ve Mezhep-İçi Çözüm Yolu Olarak İşlevi,” *İslam Tetkikleri Dergisi / Journal of Islamic Review* 12, no. 1 (March 30, 2022): 1–27, <https://doi.org/10.26650/iuitd.2022.1039770>; Yazid and Quthny, “Reformasi Hukum Keluarga Islam Turki (Status Poligami Dalam Perspektif Teori Linguistik-Semantik Muhammad Shahrur)”; Arif Sugitanata, Suud Sarim Karimullah, and Mohamad Sobrun Jamil, “Produk - Produk Pembaharuan Hukum Keluarga Islam,” *Familia: Jurnal Hukum Keluarga* 2, no. 1 (2021).

¹⁴ Shalak, “Information about the Nogai and the Crimean Tatars in the Work of the Ottoman Historian of the 17th Century Husein Hezarfen”; Hussain, ““Mine Anger Hath Beene Just’: Feeling Familicide in the Early Modern Ottoman Court in Thomas Goffe’s The Raging Turk and The Courageous Turk”; Kızılkaya, “Debates on the Legitimacy of Family Foundations in the Shadow of Nineteenth- and Twentieth-Century Ottoman Centralization Policies”; SALMAN, “COMPARISON OF OTTOMAN FAMILY LAW DECREE (HAK) AND ISLAMIC FAMILY LAW IN NIGERIA IN THE FRAMEWORK OF DIVORCE.”

¹⁵ Suardi Abbas, “Keberlanjutan Dari Konsep Konvensional Ke Dalam Perundang Undangan Hukum Keluarga Islam,” *ASAS* 8, no. 2 (2016): 27–41.

¹⁶ Dannies and Hock, “A Prolonged Abrogation? The Capitulations, the 1917 Law of Family Rights, and the Ottoman Quest for Sovereignty during World War 1”; Edres, “Changing Personal Status Codes as a Discriminated Minority: Aspirations and Pitfalls Around the Possibility to Amend the 1917 Ottoman Law of Family Rights for Muslim Palestinians in Israel”; Tucker, “Revisiting Reform: Women and the Ottoman Law of Family Rights, 1917”; Temel, “Between State Law and Religious Law: Islamic Family Law in Turkey.”

Turkey is very serious in reviewing the 1926 Turkish Civil Regulations because this regulation has been amended about 6 times starting from 1933-1956 with the aim of achieving a conformity and agreement between the Civil Regulations and various concepts in Islam. In the result of this amendment related to the marriage dispensation, married couples are given the authority to improve their household when they have separated from each other, the elimination of all forms of divorce carried out out of court and compensation and others.¹⁷

In 1988-1992 there was a process of a second amendment to the Turkish Civil Regulations of 1926. In the amendment in 1988, divorce was enforced by mutual agreement, providing temporary provisions during the divorce process and providing alimony. Meanwhile, the 1990 amendment related to the issue of khitbah (engagement), post-divorce and adoption. The amendment process ended in 1992 which was carried out by the legislature.

Some of the amendments made in 1990 related to the issue of divorce include:

- 1) One of the parties (husband and wife) can file for divorce on the grounds that there is no longer a compatibility in living a family relationship.
- 2) One of the innocent and suffering parties can file for divorce and seek appropriate compensation from the other party.
- 3) One of the innocent and poor parties can file for divorce and ask for alimony from the other party for one year.

Turkish Islamic Family Law Reform Products

Turkey is reforming Islamic family law in national civil law with the aim of unifying the law nationally regardless of the religion of the people and also no distinction on gender. Turkish Family Law is gender-sensitive in the context of the aim of improving the status of women. This problem can be seen in the enforcement of the prohibition of polygamy, a balanced distribution of inheritance between men and women. Therefore, the speaker will briefly explain the legal material related to family law, including: *First*, the dowry provisions in Turkey are flexible and there are no standard rules regarding the form or amount of the dowry. Dowry is a gift from the groom to the bride that is the wife's right and can be used as she wishes. The size of the dowry is usually adjusted to the groom's economic ability and the customs or habits of the local community.¹⁸

The value of dowry in gold in big cities such as Istanbul is usually around 80-90 grams of gold or the equivalent of 11 Reşat altını coins, which are currently worth around 7,150 to 8,640 Turkish lira (about 37-45 million rupiah). In addition to gold, dowry can also be in the form of houses, apartments, cars, or other forms of assets according to the family's agreement.

In addition, Turkish wedding traditions involve several stages such as agreement, engagement, henna night, ijab kabul, to reception, where at each stage the groom gives gifts or handovers to the bride, including the agreed dowry. Thus, the dowry provisions in Turkey are highly dependent on the agreement of both parties and local customs, with

¹⁷ Meidina, "Legal System of Polygamy and Divorce in Muslim Countries: Comparative Studies among Turkey, Pakistan, and Indonesia"; Madina, Meidina, and Zein, "The Dynamics of Polygamy and Divorce in Muslim Countries"; Siska Kinasih, "Analysis Of Islamic Family Law Renewal In Türkiye."

¹⁸ Gustamar et al., "Transformation Of Family Law In Algeria Analysis Of The Pre- And Post Independence Period"; Siska Kinasih, "Analysis Of Islamic Family Law Renewal In Türkiye"; Dannies and Hock, "A Prolonged Abrogation? The Capitulations, the 1917 Law of Family Rights, and the Ottoman Quest for Sovereignty during World War 1"; Arif Sugitanata, Suud Sarim Karimullah, and Mohamad Sobrun Jamil, "PRODUK-PRODUK PEMBAHARUAN HUKUM KELUARGA ISLAM DI TURKI."

very varied forms and values, but gold remains the most common and valued symbol of dowry.

Second, khitbah is a request from a man to a woman to be made a wife through a way known to several parties. In Turkish family law, it is not recommended to hold a certain ceremonial party before the wedding because the khitbah only aims to explore each other between the couple of the prospective groom and the bride, so there is a possibility that after this khitbah the bond of love and mind between the two will be stronger to continue to a more serious stage, namely marriage or annulment due to the lack of compatibility between the two.

Third, the Ottoman Family Law explains the minimum limit for marriage with the provision of 18 years for men and 17 years for women. However, in a particular case, the court may grant a marriage license that is performed under the specified age limit. On the issue of the minimum limit of marriage is not clearly regulated in the Qur'an and Sunnah, so that by involving the courts and the permission of the guardian, it seems that Turkish family law can be more compromised and provide a solution that involves a need and interest among the prospective bride.¹⁹

This is in accordance with the Turkish Civil Law of 1926 which is: "A man and a woman cannot marry before the age of 17 and 15. Except in certain cases, the court permits the marriage of 15 years for men and 14 years for women, after consultation/permission from the guardian or her parents."²⁰

Fourth, the provisions of alimony in Turkey are regulated in the applicable family law and civil law, with the principle that the husband is obliged to provide maintenance to his wife during the marriage. Maintenance includes basic needs such as clothing, food, shelter, and other household needs in accordance with social standards and the husband's economic ability.

Some important points about alimony in Turkey are:

- 1) The husband is obliged to provide maintenance to his wife during the marriage period, including housing and daily living needs.
- 2) In the event of divorce, the husband is obliged to provide alimony or alimony to the wife during the 'iddah period and sometimes it can be extended according to the court decision, but this spousal allowance is limited to a maximum of one year after the divorce.
- 3) Post-divorce alimony or alimony may be decided or removed by the court based on the guilty party's financial condition and the couple's situation, including child custody.
- 4) Turkish law prohibits polygamy and strictly regulates alimony through civil law, not just religious law.
- 5) The alimony also covers health expenses and other household needs that are considered feasible according to the customs and social conditions of the local community.
- 6) If the wife refuses to live with her husband without a valid reason, the husband can refuse the obligation to provide maintenance.

Fifth, Turkey's Civil Regulations stipulate rules regarding the prohibition of marriage by looking at whether the bride-to-be still has blood relations in the direct bloodline, such as brothers, sisters, uncles, aunts, nieces, cousins, and also through

¹⁹ Muhammad Lutfi Hakim, *Islamic Family Law Reform in Turkey: from traditional to modern*, Journal of Islamic Civil Law, Vol. 1., No. 1., 2022, p. 55

²⁰ Laws of Turkey, 1926: p. 88

marriage. In the rules of the Hanafi madhhab it is explained that the criteria for the cause of haram are polytheism, musaharah, same-sex marriage, marriage with two siblings at the same time, and marriage of slaves (slaves) with free people.²¹

Turkish courts also introduced adoption specifically. In court, adoption is cited as one of the barriers to marriage, although legally in Islamic law it is not mentioned. This is in accordance with article 121 of the Turkish Law affirming that adoption can be stopped by the fact of marriage or a statement that the marriage has occurred.

The rules on interfaith marriage can be traced through the Cyprus Marriage and Divorce Law of 1951, also known as The Turkish Family Law of Cyprus regulating marriage, divorce, dowry, spousal support, and child maintenance for Turks in Cyprus. By explaining that among the prohibited marriages is marriage between Muslim women and non-Muslim men.

Sixth, Turkish family law prohibits polygamous marriages or marriages over valid marriages. If there is a declaration of the dissolution of a first marital bond, either due to divorce, death or annulment of the marriage (Article 93 of the Turkish Civil Regulations, 1926), then the second marriage is declared invalid by the court on the basis that the person already has a valid marital life (Article 112 of the Turkish Civil Regulations, 1926).

Turkey was the first Muslim country to officially ban polygamy. In fact, the previous regulation, namely The Ottoman Law of Family Right of 1917 as contained in Article 74, explained the husband's ability to practice polygamy with the terms and conditions that must be fair to his wives. Although, a husband is allowed to practice polygamy, the wife is given the freedom to make taklik talaq at the time of the marriage contract that the husband will not be polygamous so that when the husband commits polygamy, it has violated the agreement and the wife has the right to file for divorce.²²

In the Turkish family law regulations based on The Turkish Civil Code 1926 in the rules polygamy is strictly prohibited and in the event of the practice of polygamy, then the marital status is declared legally invalid.

Seventh, Turkey's civil regulations make it clear that marriage receptions can be celebrated in accordance with the provisions of each religion embraced by its citizens. However, formalities such as marriage registration must first be fulfilled in accordance with applicable legal regulations. Meanwhile, the scholars agree that holding Walimatul Urs is the ruling of the sunnah muakkad and attending it is an obligation for those who are invited, except for the Hanafi school that punishes the sunnah to attend Walimâtul 'Urs.

Eighth, Article 112 of the Turkish Civil Regulations explains that a marriage must be annulled if there are the following conditions; First, one of the parties, both male and female, is still in marriage with another person. Second, there is a mental illness between one of the parties when married. Third, it is included in prohibited marriages.

Marriage is considered void according to the Hanafi madhhab if there are conditions and harmony in a marriage that are not fulfilled. When a marriage has been carried out

²¹ Arif Sugitanata, Suud Sarim Karimullah, and Mohamad Sobrun Jamil, "PRODUK-PRODUK PEMBAHARUAN HUKUM KELUARGA ISLAM DI TURKI"; Yazid and Quthny, "Reformasi Hukum Keluarga Islam Turki (Status Poligami Dalam Perspektif Teori Linguistik-Semantik Muhammad Shahrur)"; Madina, Meidina, and Zein, "The Dynamics of Polygamy and Divorce in Muslim Countries"; Meidina, "Legal System of Polygamy and Divorce in Muslim Countries: Comparative Studies among Turkey, Pakistan, and Indonesia."

²² Pasal 38 The Ottoman Law of Family Right

even though it does not meet the conditions and harmony, then the judge has the right to forcibly separate the two (husband and wife) and does not apply iddah to the woman (wife).

Ninth, the Turkish Civil Regulations give the courts the authority to declare the invalidity of a marriage bond based on the following grounds;

- 1) There is a conflict that can harm one of the parties at the time of marriage.
- 2) One party does not have a sincere desire to marry his or her partner.
- 3) There is an assumption from one of the parties that the partner is not in accordance with the expected criteria and quality.
- 4) One of the parties is harmed due to being deceived by his partner's personality and moral practices.
- 5) The existence of a dangerous disease from one of the parties or one of the parties is still a minor.
- 6) One party gets married because of a threat from another person that can endanger his life, health and those close to him.

The Dynamics of Divorce, Hadhanah, and Inheritance in Turkish Family Law Reform

There are 6 (six) reasons each party has the right to file for divorce mentioned in the Turkish Civil Regulations in Article 20. The 6 (six) reasons include: *First*, one of the parties between the husband or wife has committed infidelity or adultery. The act of adultery itself is not a problem that can be punished but can be one of the causes or reasons for filing for divorce. *Second*, one of the parties harms the other party by causing injuries.

Third, one of the parties commits a criminal act that interferes with the continuity of a marital bond. *Fourth*, one of the parties left his residence for an unclear reason for 3 months. *Fifth*, one of the parties has a psychiatric illness as evidenced by a certificate from a doctor for at least 3 years. *Sixth*, there is a dispute between a husband and wife that cannot be resolved except by divorce.²³

However, the Court can open access to mediation between the parties who wish to divorce, but if mediation fails, the divorce can still be continued. The court stipulates that the guilty party pays damages to the party who is physically harmed, financially, or has a reputational harm.

The legal rules governing divorce in Turkish law have undergone rapid development when compared to conventional fiqh:

- 1) The authority to file for divorce was previously absolute on the husband's side, while the wife did not have the slightest right to and for any reason, since the emergence of the law on family rights in 1917 the wife was allowed to file for divorce.
- 2) Divorce is carried out in court preceded by a divorce application from the husband or wife (as amended by Articles 129-135)
- 3) In the matter of divorce according to conventional fiqh, the term bed separation is not known. Turkey's civil law of 1926 regulates and allows the separation of beds.
- 4) The husband and wife have equal rights in filing for divorce based on the provisions of the law (articles 129-138 of the Turkish civil law 1926 and articles 134-144 of the 1990 amendment).

²³ Turkish Civil Law, 1920: Article 20

- 5) Mental illness in Turkish law is included in the grounds for divorce, while in conventional fiqh it is related to fasakh
- 6) Each party who feels aggrieved by the other party as a result of the divorce is allowed to file a claim for appropriate compensation (Article 143 as amended in 1990).

The court has the authority to stipulate that the at-fault party will pay damages to the physically and financially harmed party. There is an additional rule in Turkish civil law that gives the court the right to rule that the divorced party is not guilty or not, so the divorced party must provide compensation as long as the first party has not entered into a new marriage within a period of not more than one year from the date of divorce.

The provisions of khulu' in Turkey have undergone reforms in the context of Islamic family law adapted to modern civil law. Turkey as a secular country regulates family law, including divorce, through the Turkish Civil Law of 1926 which has been amended several times, so the application of khulu' does not fully follow traditional Islamic law in its entirety.

In general, khulu' is the right of the wife to file for divorce by providing compensation (ransom) to the husband as compensation for the divorce. In practice, the wife can file a khulu'a divorce lawsuit with the court if she wants to separate, and the court will process the application taking into account the reasons and evidence submitted.

Here are the important points of the khulu' provisions in Turkey:

- 1) Khulu' is a form of divorce filed by the wife by providing compensation to the husband as a ransom for the divorce, according to the principles of Islamic fiqh, but regulated in more modern civil law.
- 2) The khulu' procedure involves filing a divorce lawsuit with the court, where the judge will listen to the testimony of both parties and provide advice before deciding on the divorce application.
- 3) Turkish family law adopts elements of rationalism and secularism, so that the khulu' process follows the procedures of the state courts and is not based solely on religious law.
- 4) Khulu' is considered to be talaq ba'in (divorce that cannot be referred to) in the view of the majority fiqh, that is, after khulu' occurs, the husband cannot take back his wife except with a new marriage contract.
- 5) The compensation (iwadh) given by the wife to the husband can be in the form of property or other forms that are agreed, as compensation for the divorce filed by the wife.

The terms of reference in marriage in Turkey are governed by civil law that adopts Islamic principles but with a secular and modern approach. There are several main points regarding the terms of reference in Turkey:

- 1) Reference applies if the divorce that occurs is talaq raj'i, which is a divorce that still allows the husband to return to his wife without the need for a new marriage contract during the iddah (waiting period). During the iddah period, the husband can pronounce the reference and the marriage is considered still valid.
- 2) If the divorce has reached talaq ba'in (triple talaq or final divorce), then the husband can only refer after the wife marries another man and then divorces from the man (muhallil). After that, the old husband must remarry the wife with a new marriage contract.

- 3) Turkish family law follows this provision in accordance with majority Islamic law, but with adjustments to civil law that govern divorce proceedings and referrals through the courts.
- 4) The referral process must be officially recorded at the civil registry office (Nüfus Müdürlüğü) or Muftuluk (religious affairs office) in order to be recognized by state law.
- 5) Refer does not require a new marriage contract if it is still in the category of talak raj'i and the iddah period has not expired, so it is enough for the husband's statement in front of the authorized office.
- 6) If the reference is made after talaq ba'in, it must go through a new marriage contract that is valid under civil and religious law.

The provisions of child custody in Turkey are regulated in the Turkish Civil Code in articles 335 and 336 which regulate the custody of children after divorce with the principle of the best interests of the child. The main points of the hadhanah provisions in Turkey:

- 1) Child custody is the joint responsibility of both parents during their marriage. After divorce, custody is usually given to the mother, especially for young children.
- 2) Children are entitled to the protection, education, and good care of a parent or designated guardian. Caregivers must ensure the physical and psychological safety of children and manage the child's interests as needed.
- 3) If the child has reached the age of 15, he has the freedom to choose for himself who he wants to live with, either with a father, mother, or other legal guardian.
- 4) In the case of a custody dispute, the court will decide based on the best interests of the child, including considering the character and abilities of the caregiver as well as environmental conditions.
- 5) The father is legally considered the primary guardian of the child, unless the court rules otherwise for some reason, such as incapacity or actions that are detrimental to the child.
- 6) Parenting by the mother must not hinder the rights of the child, and the mother who is the caregiver must not marry a person who can endanger the interests of the child.

Regarding the regulations on inheritance in the provisions of Turkish civil regulations have been regulated in the third book. The third book contains the rules of inheritance without a will and the regulations are adopted from the Swiss Civil Regulations. Although the majority of Turkey's population is Muslim, the prevailing inheritance law is secular civil law that does not follow Islamic faraid rules, but rather follows a system adopted from Swiss civil law.

In the Swiss civil regulations that replaced the legal regulations of Turkey with the Hanafi school that had been in force before until 1926. In inheritance regulations in the provisions of Turkish civil regulations, there is the principle of equality between men and women so that they get an equal share of inheritance. In fact, in the provisions of Islamic law, as explained in the Quran, men get twice as much as women receive.²⁴

In Turkey, waqf is known as *Vakfiye*, which means public servant, to promote morality, policy, respect and love for the community. The function of waqf social

²⁴ Suud Sarim Karimullah, "The Products of Turkish Islamic Family Law Reform", *Familia: Journal of Family Law* VOL. 2 NO. 1 YEAR 2021, pp. 78-83.

services, in addition to being played by the existence of educational units, school dormitories and libraries and is also represented by *imarat*. The *Imarat* was a major suggestion in development and as a social institution known since the time of the Ottoman Turks around the 15th or 16th century.

The high attention of Turkish Muslims to social services also reflects their level of motivation in helping. Waqf in Turkey, some are managed by the Directorate General of Waqf appointed by the Prime Minister and are under the Prime Minister's office. The services provided such as health, education and social services.²⁵

CONCLUSION

The reform of family law in Turkey represents a fundamental transformation from the fiqh-based legal system of the Hanafi school of Islam to a modern civil law based on the principles of secularism, rationality, and legal certainty. This process took place gradually from the enactment of The Ottoman Law of Family Rights in 1917 to the ratification of the Turkish Civil Code in 1926 which adopted the Swiss Civil Code. The codification systematically abolished religious justice and replaced it with a national family law that emphasized gender equality, protection of individual rights, and the rule of law of the state. The findings of the study show that these reforms have a significant impact on the arrangement of marriage, divorce, inheritance, and child custody, especially through the prohibition of polygamy, the equalization of divorce rights between husband and wife, and the application of the principle of equality in the division of inheritance.

Further, the study confirms that although Turkish family law no longer formally refers to classical fiqh, Islamic moral values remain implicitly present in social practices and family ethics. However, the shift towards secular civil law also poses a challenge in the form of tensions between the legitimacy of state law and the normative authority of religion, especially in societies that still hold strongly to religious traditions. This condition shows that family law reform is not only a normative and institutional issue, but also closely related to the social, cultural, and religious dynamics of society.

Based on these findings, the study recommends that Muslim-majority countries that are reforming family law adopt a contextual and gradual approach, while still taking into account the religious values that live in the society. In addition, an ongoing dialogue between the state, religious authorities, and civil society is needed to strengthen the social legitimacy of modern family law. Further research is also recommended to examine the effectiveness of the implementation of family law in Turkey in daily practice and to conduct comparative studies with other Muslim countries in order to enrich the discourse of contemporary Islamic family law reform.

²⁵ Ministry of Religion of the Republic of Indonesia, *Dynamics of waqf in Indonesia and Various Parts of the World*, 2017, pp. 37-42.

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BIBLIOGRAPHY

- Arif Sugitanata, Suud Sarim Karimullah, and Mohamad Sobrun Jamil. "PRODUK-PRODUK PEMBAHARUAN HUKUM KELUARGA ISLAM DI TURKI." *Familia: Jurnal Hukum Keluarga* 2, no. 1 (December 29, 2021): 68–87. <https://doi.org/10.24239/v2i1.18>.
- Abbas, S. (2016). *Keberanjakan Dari Konsep Konvensional Ke Dalam Perundang-Undangan Hukum Keluarga Islam*. ASAS, 8(2), 27–41.
- Bowen, John Richard. "Islam and the Secular State: Islam and Authority." *The Immanent Frame*, 2008.
- Dannies, Kate, and Stefan Hock. "A Prolonged Abrogation? The Capitulations, the 1917 Law of Family Rights, and the Ottoman Quest for Sovereignty during World War 1." *International Journal of Middle East Studies* 52, no. 2 (May 28, 2020): 245–60. <https://doi.org/10.1017/S002074382000001X>.
- Edres, Nijmi. "Changing Personal Status Codes as a Discriminated Minority: Aspirations and Pitfalls Around the Possibility to Amend the 1917 Ottoman Law of Family Rights for Muslim Palestinians in Israel." *Arab Law Quarterly*, March 11, 2025, 1–21. <https://doi.org/10.1163/15730255-bja10183>.
- Fauzi Dahrial, Elimartati, and Ramza Fatria Maulana. "Hukum Perkawinan Islam Di Bawah Tekanan Modernitas: Studi Historis Dan Yuridis Atas Reformasi Di Mesir, Turki, Pakistan, Dan Irak." *Jurnal Pengabdian Masyarakat Dan Riset Pendidikan* 3, no. 4 (June 6, 2025): 3524–36. <https://doi.org/10.31004/jerkin.v3i4.1093>.
- Fitria, V. (2012). Hukum keluarga di Turki sebagai upaya perdana pembaharuan hukum Islam. *Humanika: Kajian Ilmiah Mata Kuliah Umum*, 12(1), 1–15.
- Gustamar, Andri, Efrinaldi, Rahmat Hidayat, and Benazza Amal. "Transformation Of Family Law In Algeria Analysis Of The Pre- And Post Independence Period." *Mawaddah: Jurnal Hukum Keluarga Islam* 3, no. 1 (2025).
- Hussain, Aisha. "'Mine Anger Hath Beene Just': Feeling Familicide in the Early Modern Ottoman Court in Thomas Goffe's The Raging Turk and The Courageous Turk." *Renaissance and Reformation* 48, no. 1–2 (July 9, 2025): 299–324. <https://doi.org/10.33137/rr.v48i1-2.45707>.
- Hakim, M. L. (2022). Reformasi hukum keluarga Islam di Turkey: Dari tradisional ke modern. *Journal of Islamic Civil Law*, 1(1), 55.
- Kızılkaya, Necmettin. "Debates on the Legitimacy of Family Foundations in the Shadow

- of Nineteenth- and Twentieth-Century Ottoman Centralization Policies.” *Middle Eastern Studies* 61, no. 5 (September 3, 2025): 613–31. <https://doi.org/10.1080/00263206.2025.2471472>.
- Karimullah, S. S. (2021). Produk-produk pembaharuan hukum keluarga Islam Turki. *Familia: Jurnal Hukum Keluarga*, 2(1), 78–83.
- Kemenag RI. (2017). *Dinamika perwakafan di Indonesia dan berbagai belahan dunia* (hlm. 37–42). Kementerian Agama Republik Indonesia.
- Khallaf, A. W. (2000). *Perkembangan sejarah hukum Islam* (A. Aminudin, Trans.; hlm. 38). Pustaka Setia.
- Khatimah, H. (2007). *Penerapan syari'ah Islam* (hlm. 35). Pustaka Pelajar Offset.
- Madina, Dinda Difia, Ahmad Rezy Meidina, and Anwar Zein. “The Dynamics of Polygamy and Divorce in Muslim Countries.” *El-Aqwal : Journal of Sharia and Comparative Law*, August 15, 2023, 135–48. <https://doi.org/10.24090/el-aqwal.v2i2.9410>.
- Meidina, Ahmad Rezy. “Legal System of Polygamy and Divorce in Muslim Countries: Comparative Studies among Turkey, Pakistan, and Indonesia.” *Matan : Journal of Islam and Muslim Society* 5, no. 1 (May 24, 2023): 15. <https://doi.org/10.20884/1.matan.2023.5.1.8301>.
- Midilli, Muharrem. “Gelmezsem İrâdetin Elinde Olsun: Osmanlı Aile Hukukunda Tefvîz-i Talâkın Fetvalara Yansıyan Hükümleri ve Mezhep-İçi Çözüm Yolu Olarak İşlevi.” *İslam Tetkikleri Dergisi / Journal of Islamic Review* 12, no. 1 (March 30, 2022): 1–27. <https://doi.org/10.26650/iuitd.2022.1039770>.
- Nicolosi, Simona. “Miklós Zrínyi in Venice: Trading Advantages, Cultural Interests and Political Intrigue in the Mid-17th Century.” *Hungarian Studies* 38, no. S (January 17, 2025): 111–20. <https://doi.org/10.1556/044.2024.00250>.
- SALMAN, Daud. “COMPARISON OF OTTOMAN FAMILY LAW DECREE (HAK) AND ISLAMIC FAMILY LAW IN NIGERIA IN THE FRAMEWORK OF DIVORCE.” *Akdeniz Havzası ve Afrika Medeniyetleri Dergisi* 5, no. 1 (June 25, 2023): 79–96. <https://doi.org/10.54132/akaf.1207735>.
- Sehlikoğlu, Kerem, Şeyma Sehlikoğlu, and Mehmet Cengil Aslan. “Evaluation of Sociodemographic, Clinical and Forensic Medical Characteristics of Juvenile Delinquents in Turkey.” *Psychiatry, Psychology and Law* 32, no. 1 (January 2, 2025): 55–67. <https://doi.org/10.1080/13218719.2023.2272914>.
- Shalak, Maxim E. “Information about the Nogai and the Crimean Tatars in the Work of the Ottoman Historian of the 17th Century Husein Hezarfen.” *Crimean Historical Review* 12, no. 1 (May 14, 2025): 115–28. <https://doi.org/10.22378/kio.2025.1.115-128>.
- Siska Kinasih. “Analysis Of Islamic Family Law Renewal In Türkiye.” *Al-Mahkamah: Islamic Law Journal* 1, no. 1 (November 28, 2023): 1–6. <https://doi.org/10.61166/mahkamah.v1i1.1>.
- Smanov, Dinmuhammad, Alau Adilbayev, Rakhimov Abdukhalik, and Yerzhan Kalmakhan. “The Judicial System of Kazakh Beys in Central Asia: Shari’a and Customary Law.” *Occasional Papers on Religion in Eastern Europe* 45, no. 9 (January 1, 2025). <https://doi.org/10.55221/2693-2229.2693>.
- Stamelos, Charalampos. “Reflections on Legal History of Romania and a Comparison to Greek Family Law.” *Journal on European History of Law* 16, no. 1 (2025).
- Sugitanata, Arif, Suud Sarim Karimullah, and Mohamad Sobrun Jamil. “Produk - Produk Pembaharuan Hukum Keluarga Islam.” *Familia: Jurnal Hukum Keluarga* 2, no. 1

- (2021).
- Shomad, A. (2010). *Hukum Islam: Penerapan prinsip syariah dalam hukum Indonesia* (hlm. 57). Kencana.
- Sugitanata, A. (2020). Relevansi pembaharuan Islam bidang hukum keluarga terhadap egaliter laki-laki dan perempuan. *Bilancia*, 14(2), 303–318.
- Temel, Ahmet. “Between State Law and Religious Law: Islamic Family Law in Turkey.” *Electronic Journal of Islamic and Middle Eastern Law (EJIMEL)* 8, no. 1 (2020).
- . “Islam Aile Hukukundaki Arabulucu-Hakemlik Uygulamasının Türkiye’de Aile Arabuluculuğuna Muhtemel Katkıları.” *Darulfunun Ilahiyat* 30, no. 2 (December 31, 2019). <https://doi.org/10.26650/di.2019.30.2.0035>.
- Tucker, J E. “Revisiting Reform: Women and the Ottoman Law of Family Rights, 1917.” *Arab Studies Journal / Majallat Al-Dirāsāt Al-‘Arabīya* 4, no. 2 (1996).
- The Ottoman Law of Family Rights. (1917). *Pasal* 38.
- Undang-Undang Sipil Turki. (1920). *Pasal* 20.
- Undang-Undang Turki. (1926). *Pasal* 88.
- Yazid, Abu, and Adnan Quthny. “Reformasi Hukum Keluarga Islam Turki (Status Poligami Dalam Perspektif Teori Linguistik-Semantik Muhammad Shahrur).” *Asy-Syari’ah : Jurnal Hukum Islam* 2, no. 1 (2016).
- Zayyadi, Ahmad, Ridwan, Arif Hidayat, Ubaidillah, and Mowafg Abraham Masuwd. “Understanding of Legal Reform on Sociology of Islamic Law: Its Relevance to Islamic Family Law in Indonesia.” *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (November 20, 2023): 249–62. <https://doi.org/10.24090/mnh.v17i2.7584>.