



## THREE TALAQ AT ONCE IN DIVORCE ACCORDING TO THE UNDERSTANDING OF HADITH

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### ***Abstract***

*Marriage life is a goal that is highly prioritized in Islam. However, at a time in human life when it is impossible to continue a close relationship with one's partner, then what is the goal of marriage ends in the middle of the road and divorce occurs. This research is a type of library research. Data sources are fiqh books, books, and studies in various media that discuss triple talaq at once. The data analysis technique in this research is qualitative with deductive reasoning, namely a thinking method that applies general things first to be connected in specific parts. Triple talaq is a type of talaq that cannot be referred to and cannot be remarried unless the marriage takes place after the ex-wife marries someone else and then a ba'daldukhul divorce occurs and the iddah period ends. In Jurisprudence, if the husband has uttered the word talaq even outside the court against the wife then it is said that talaq has occurred. Triple talaq at once, when viewed in the current context, tends to be less relevant, because the current talaq must go through a judicial process and procedure.*

***Keywords: Divorce, Hadith, Triple Talaq***

### ***Abstrak***

Kehidupan dalam perkawinan merupakan suatu tujuan yang sangat diutamakan dalam Islam. Namun saat kehidupan manusia ketika tak mungkin baginya melanjutkan hubungan yang akrab dengan pasangannya, maka apa yang menjadi tujuan perkawinan kandas di tengah jalan dan jatuhlah talak baginya. Penelitian ini merupakan jenis *library research*. Sumber data yaitu kitab-kitab fiqih, buku-buku dan kajian-kajian diberbagai media yang membahas talak tiga sekaligus. Teknik analisis data dalam penelitian ini bersifat kualitatif dengan penalaran deduktif, yaitu metode berpikir yang menerapkan hal-hal yang umum terlebih dahulu untuk seterusnya dihubungkan dalam bagian-bagian yang khusus. Talak tiga merupakan jenis talak yang tidak dapat dirujuk dan tidak dapat dinikahkan kembali kecuali apabila pernikahan itu dilakukan setelah bekas isteri menikah dengan orang lain dan kemudian terjadi perceraian ba'daldukhul dan habis masa iddahnya. Dalam Fikih, jika suami sudah mengucapkan kata talak walaupun

di luar pengadilan terhadap istri maka sudah dikatakan jatuh talak. Talak tiga sekaligus, bila dilihat dalam konteks kekinian, maka cenderung kurang relevan, karena talak yang berlaku dewasa ini harus melalui proses serta prosedur peradilan

**Kata kunci : Hadis, Perceraian, Talak tiga**

## **Introduction**

Marriage is a sunatullah whose laws are regulated in the Shari'a. It is a very strong bond (mitssaqaan ghalizan) between husband and wife. The main goal of marriage is to build a household life that is sakinah, mawaddah, and rahmah. The longevity of life in marriage is a goal that is highly prioritized in Islam<sup>1</sup>. The marriage contract is held forever and forever so that the husband and wife can make the household a place of refuge, and enjoy the outpouring of love and care for their children so that they grow well<sup>2</sup>.

Allah has created everything in pairs, there are men and women. One of the characteristics of living creatures is to reproduce for generations or continuing offspring. By God, humans are given the gift of marriage to enter a new level of life which aims to continue and preserve their generations. To foster this good relationship, Allah SWT has fenced a strong fortress and can prevent it from weakness and destruction<sup>3</sup>. One way is to order an influential person, if they are worried about shiqaq between husband and wife, to reconcile the two and give instructions so that they are not influenced by anger and hatred and avoid divorce. Thus, husbands are advised to treat their wives well and avoid divorcing their wives and hating divorce<sup>4</sup>.

But there are times in a human's life when he can't continue a close relationship with his partner, so the goal of marriage ends halfway. Satan is a real enemy of humans, playing his role at the height of human civilization's pride so that often good advice and wise negotiations do not work. Household conditions experience disputes, and quarrels and husband and wife can no longer be

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<sup>1</sup> Supriyadi, "Perkawinan Sirri Dalam Perspektif Hukum Di Indonesia."

<sup>2</sup> Saputra and Busyro, "Kawin Maupah: An Obligation to Get Married after Talak Tiga in the Tradition of Binjai Village in Pasaman District a Maqâsid Al- Shari'ah Review."

<sup>3</sup> Nayasari, "Pelaksanaan Rujuk Pada Kantor Urusan Agama Kecamatan Lamongan."

<sup>4</sup> Iskandar and Zaeni, "Ikrar Talak Di Pengadilan Perspektif Ma'anil Hadis."

reconciled, so Islam provides a solution with divorce or divorce<sup>5</sup>. Divorce or divorce is the final way to end the conflict between husband and wife and is a suitable solution for both of them. Divorce is letting go of the marriage bond with the word divorce or something similar, or letting go of the marriage bond immediately or in the future with a specific word. Regarding the number of divorces as stipulated in Islamic law, namely up to three. An independent person has the right to divorce his wife from one to three divorces<sup>6</sup>. One or two divorcees may reconcile (return) before the end of the 'iddah and they may remarry after the 'iddah<sup>7</sup>.

Based on the explanation above, in this case, the author will discuss "Triple Talaq at Once in Divorce According to Hadith Understanding", with the problem of how to understand the hadith about triple talaq at once. This research aims to narrate the understanding of the hadith regarding triple talaq at once.

## Literature Review

Divorce in Islamic law is the final solution taken by husband and wife to end marital turmoil<sup>8</sup>. The concept of talaq has existed since the Jahiliyah era, but its practice is very detrimental to women. The habits of ignorant people in treating their wives are often abusive<sup>9</sup>. If a husband divorces his wife, then at the end of the 'iddah period the husband reconciles with his wife and then divorces her again. Another thing that is known is that the compilation of Islamic law<sup>10</sup> clearly states

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<sup>5</sup> Gitleman and Kleberger, "Divorce Oaths Reflected in Fatwās from Ottoman Social Life, Oathbreakings and Legal Remedies Muftīs."

<sup>6</sup> Imamul Muttaqin, "Jumlah Talak Akibat Jatuhnya Bain Sughra Menurut Fikih Dan Kompilasi Hukum Islam."

<sup>7</sup> Muchtar, "Perbedaan Talak Satu, Dua Dan Tiga Dalam Hukum Islam."

<sup>8</sup> Jayanti, "Talak Tiga Di Luar Pengadilan Perspektif Hukum Islam Dan Hukum Positif Bagi Pegawai Negeri Sipil (Studi Analisis Putusan Pengadilan Agama Argamakmur Nomor 0207/Pdt. G/2015/PA. AGM)."

<sup>9</sup> Ropei and Sururie, "Dinamika Penjatuhan Talak Melalui Whatsapp Dalam Paradigma Pembaharuan Hukum Keluarga Islam."

<sup>10</sup> Masykurotus Syarifah and Suadi, "Talak Tiga Sekaligus Perspektif Syekh Wahbah Al Zuhayli Dan Kompilasi Hukum Islam."

that divorce can only be carried out in front of a Religious Court after the Religious Court has tried and failed to reconcile the two parties<sup>11</sup>.

In the Marriage Law<sup>12</sup>, Article 39 paragraph (1) states that divorce can only be carried out in front of a court session after the relevant court session has attempted to reconcile the two parties<sup>13</sup>. This article has different rules from fiqh books which generally state that divorce can occur with a unilateral statement from the husband<sup>14</sup>, either verbally or in writing. Because the aim of Article 39 paragraph (1) is to make it difficult and reduce the occurrence of divorce<sup>15</sup>.

The division of talaq consists of two parts<sup>16</sup>: 1) First, Talaq Raj'i, namely talaq which does not revoke all marriage laws the marital relationship is still considered to exist as long as the iddah has not ended, so the husband has the right to return the wife he divorced to the relationship. husband and wife without entering into a new contract to the extent that it is based on the wife's willingness<sup>17</sup>; 2) Second, Talak Ba'in, talaq raj'i will turn into talaq ba'in when the iddah period is over, as for talaq there are two; thalaq ba'in sughra and thalaq ba'in qubra. Talak bain sughra is a divorce that occurs from the first talaq, or the second talaq, which is not carried out by reconciliation, so that the husband after the talaq cannot return the wife he has divorced except with a new contract and dowry<sup>18</sup>.

This is the talaq that occurs before sexual intercourse, or divorce based on wealth<sup>19</sup>, or divorce with insinuation according to the Hanafi school of thought. Or divorce imposed by a qadhi, not because the husband does not provide maintenance, or because of iilaa reasons. Meanwhile, Talaq ba'in qubra is the divorce that occurs after the third divorce. In this divorce<sup>20</sup>, the husband cannot

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<sup>11</sup> Nayasari, "Pelaksanaan Rujuk Pada Kantor Urusan Agama Kecamatan Lamongan."

<sup>12</sup> Masykurotus Syarifah and Suadi, "Talak Tiga Sekaligus Perspektif Syekh Wahbah Al Zuhayli Dan Kompilasi Hukum Islam."

<sup>13</sup> Zainuddin, "Tinjauan Hukum Islam Terhadap Perubahan Talak Tiga Menjadi Talak Satu (Analisis Terhadap Putusan Mahkamah Syar'iyah Banda Aceh.)"

<sup>14</sup> Imamul Muttaqin, "Jumlah Talak Akibat Jatuhnya Bain Sughra Menurut Fikih Dan Kompilasi Hukum Islam."

<sup>15</sup> Malikhah, Septiandani, and Junaidi, "Keabsahan Talak Diluar Pengadilan Berdasarkan Hukum Islam Dan Hukum Positif Di Indonesia."

<sup>16</sup> Muhammad and Rikki, "TALAK PERSPEKTIF SYEKH QUTBHI DAN SYEKH QURAIISH SHIHAB."

<sup>17</sup> Muhsin and Wahid, "Talak Di Luar Pengadilan Perspektif Fikih Dan Hukum Positif."

<sup>18</sup> Jones, "Towards a Muslim Family Law Act? Debating Muslim Women's Rights and the Codification of Personal Laws in India."

<sup>19</sup> Ika Lestari, "Fenomena Rujuk Talak Ba'in Kubra Di Desa Medelan Kecamatan Lenteng Kabupaten Sumenep."

<sup>20</sup> Ropei and Sururie, "Dinamika Penjatuhan Talak Melalui Whatsapp Dalam Paradigma Pembaharuan Hukum Keluarga Islam."

reconcile with his wife and cannot remarry, except after the wife marries another man (muhallil) which is a valid marriage<sup>21</sup>.

Regarding the limits of talaq raj'i and talaq ba'in, the fuqaha have different opinions<sup>22</sup>, for example, the Hanafi school of thought thinks that every talaq is talaq raj'i except for talaq carried out before sexual intercourse and talaq with iwadhi' wealth, as well as talaq with insinuations coupled with lafad which shows severity, strength, or ba'inunah, and prohibition, as well as talaq which completes triple talaq. The laws regarding divorce include<sup>23</sup>: (1) It is haram if a husband when he divorces his wife, falls into adultery because he is dependent on his wife. And talaq bid'i, namely talaq carried out during menstruation, and similar things, such as the postpartum period, and the sacred period after intercourse; (2) It is makruh if he has the desire to marry or he hopes for offspring from marriage; (3) It is obligatory when he finds out that his wife's presence causes him to fall into prohibited acts consisting of maintenance and other matters; (4) It is sunnah when a wife has a spicy mouth which is feared will cause her to fall into haram acts if she continues to be with him. Divorce becomes sunnah when the wife is negligent in fulfilling Allah's obligatory rights, such as prayer and other similar matters.

## **Research Method**

This research is a type of library research. Primary data sources, namely hadith books which contain hadiths about triple talaq. The data sources in this research consist of secondary data sources, namely library literature that is related to the primary data, and can help analyze and understand the primary data. In this case, the sources of secondary data are fiqh books, books and studies in various media which discuss triple talaq at once. The data analysis technique in this research is qualitative with deductive reasoning, namely a thinking method that applies general things first and then connects them in specific parts.

## **Results and Discussion**

### **a. Understanding of hadith**

Simply put, triple talaq is a talaq that is carried out by a husband all at once or said once at a time, or a talaq which is said without being interrupted by reconciliation and marriage. According to Rahmawati, triple talaq applies at one time and place<sup>24</sup>. In general, under the law of triple talaq (not triple talaq at once), the husband can no longer be with his wife and the wife is haram for him before she

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<sup>21</sup> Khoirus, "KONSEP TALAK TIGA SEKALI UCAP IBN TAIMIYYAH DAN RELEVANSINYA DENGAN KEMASLAHATAN RUMAH TANGGA."

<sup>22</sup> Jayanti, "Talak Tiga Di Luar Pengadilan Perspektif Hukum Islam Dan Hukum Positif Bagi Pegawai Negeri Sipil (Studi Analisis Putusan Pengadilan Agama Argamakmur Nomor 0207/Pdt. G/2015/PA. AGM)."

<sup>23</sup> Zahro, Supriyanto, and Shabah, "Analisis Fatwa Majelis Ulama Indonesia Tentang Hukum Menjatuhkan Talak Tiga Sekaligus."

<sup>24</sup> Muhammad and Rikki, "TALAK PERSPEKTIF SYEKH QUTBHI DAN SYEKH QURAIISH SHIHAB."

remarries another man. The legal basis for triple talaq refers to QS. Al-Baqarah verse 230:

*“Then if he divorces her (after the second divorce), then the woman is no longer halal for him until she marries another husband. Then, if the other husband divorces her, there is no sin for both of them (first husband and ex-wife) to remarry if both of them think they will be able to carry out God's laws. These are the provisions of Allah which He explains to those who know.”*

This verse is a continuation of the previous verse 229, that the triple talaq referred to in verse 230 is the triple talaq after the second talaq imposed by the husband, not three talaqs at once. The legal basis for triple talaq also refers to the hadith, namely the hadith history from Abdullah bin Ali bin Sa'ib as follows

عَنْ عَبْدِ اللَّهِ بْنِ عَلِيٍّ بْنِ السَّائِبِ عَنْ نَافِعِ بْنِ عَجْرَةَ بْنِ عَبْدِ يَزِيدَ بْنِ زَكَاةَ أَنَّ زَكَاةَ بْنَ عَبْدِ يَزِيدَ طَلَّقَ امْرَأَتَهُ سُهَيْمَةَ ابْنَةَ فَأَخْبَرَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِذَلِكَ وَقَالَ وَاللَّهِ مَا أَرَدْتُ إِلَّا وَاحِدَةً فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَاللَّهِ مَا أَرَدْتُ إِلَّا وَاحِدَةً فَقَالَ زَكَاةُ وَاللَّهِ مَا أَرَدْتُ إِلَّا وَاحِدَةً فَرَدَّهَا إِلَيْهِ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَطَلَّقَهَا الثَّالِثَةَ فِي زَمَانِ عُمَرَ وَالثَّالِثَةَ فِي زَمَانِ عُثْمَانَ.

*“From Abdullah bin Ali bin As Saib from Nafi' bin 'Ujair bin Abdu Yazid? bin Rukanah, that Rukanah bin Abdu Yazid had divorced his wife Suhaimah altogether, then he informed the Prophet Muhammad SAW about this. And he said; by Allah, I didn't mean it except once. Then the Messenger of Allah said: By Allah, you do not mean it except once.” Then Rukanah said; By Allah, I didn't mean it except once. Then Rasulullah SAW returned his wife to him. Then he divorced her a second time in the time of Umar and a third time in the time of Uthman.” (HR. Abi Dawud).*

The meaning of the word “ثلاثا” in the above hadith is completely or all at once. There are also those who mention triple talaq at once. Some mention triple talaq at once<sup>25</sup>. The legal basis for talaq is more firmly stated in the hadith narrated by Mahmud bin Labib, namely:

عَنْ أَبِيهِ قَالَ سَمِعْتُ مُحَمَّدَ بْنَ لَبِيبٍ قَالَ أَخْبَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثَ تَطْلِيقَاتٍ حَمِيْعًا فَمَامَ عَضْبَانًا ثُمَّ قَالَ أَيْلَعْتُ بِكِتَابِ اللَّهِ وَأَنَا بَدْرٌ أَظْهَرِكُمْ حَتَّى قَامَ رَجُلٌ وَقَالَ يَا رَسُولَ اللَّهِ أَلَا أُقْتَلُ.

<sup>25</sup> Khoirus, “KONSEP TALAK TIGA SEKALI UCAP IBN TAIMIYYAH DAN RELEVANSINYA DENGAN KEMASLAHATAN RUMAH TANGGA.”

*“From his father (Makhromah's father), he said; I heard Mahmud bin Labid say; Rasulullah SAW was given news about someone who divorced his wife three times at once. So he stood up in a state of anger, then said: Is he playing with the Book of Allah while I am among you until someone stands up and says; Yes, Rasulullah SAW, may I kill him.” (HR. Baihaqi)*

These two hadiths are the legal basis for triple talaq at once. This means that triple talaq at once occurred during the time of the Prophet Muhammad. The procedure for triple divorce is done with one word, such as a husband giving divorce by saying: I will triple divorce you. Speeches like this are made by husbands who have never divorced their wives. However, if you have already divorced your wife twice, then the words are triple talaq ba'in qubra as mentioned in the QS. Previous Al-Baqarah verse 230 Another method is for the husband to give divorce by saying: I will divorce you, I will divorce you, I will divorce you. These words are said at the same time and within a certain time. Regarding the law, scholars still have different opinions.

Law Number 1 of 1974 does not mention triple talaq at once. This is because the law has several principles<sup>26</sup>, namely to guarantee the noble ideals of marriage and the principle of making divorce difficult for the sake of realizing benefits. The principle of making divorce difficult was created in connection with the purpose of marriage according to Article 1 of Law Number 1 of 1974 and its explanation, namely to form a happy and eternal family (household) through an inner and outer bond between a man and a woman based on the belief in the Almighty God<sup>27</sup>.

To realize the goal of marriage, husband and wife need to help and complement each other so that each can develop their personality to help and achieve spiritual and material prosperity<sup>28</sup>. The happy and eternal family (household) that will be created through marriage is based on belief in the Almighty God, in the sense that it is based on the religious teachings adhered to by Indonesian society<sup>29</sup>.

So Law Number 1 of 1974 provides equal rights and positions between husband and wife in this matter<sup>30</sup>. A husband who wants to divorce his wife must first submit an application to the court and only after being permitted by the court can the husband vow to divorce and the marriage is declared dissolved from the

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<sup>26</sup> Khoirus.

<sup>27</sup> Safrizal and Karimuddin, “Penetapan Jatuh Talak Dalam Perspektif Hukum Positif Dan Fiqh Syafi’iyah.”

<sup>28</sup> Wakil, “Representation and Legitimacy in the Supreme Court: Adjudicating Law and Religion in India.”

<sup>29</sup> Saputra and Busyro, “Kawin Maupah: An Obligation to Get Married after Talak Tiga in the Tradition of Binjai Village in Pasaman District a Maqâsîd Al- Shari’ah Review.”

<sup>30</sup> Zainuddin, “Tinjauan Hukum Islam Terhadap Perubahan Talak Tiga Menjadi Talak Satu (Analisis Terhadap Putusan Mahkamah Syar’iyah Banda Aceh.”

moment the vow of divorce is pronounced in front of the court<sup>31</sup>. From the perspective of Law Number 1 of 1974, however, the word talaq uttered by the husband, even if it is triple talaq at once, as long as it is said without the permission of the court, is considered an illegal talaq and cannot break the marriage relationship at all<sup>32</sup>.

#### **b. Contained Laws**

Based on the meaning above, it can be understood that talaq is the husband's action against his wife in the form of releasing the relationship and ties or household ties that were built since the marriage contract was held, where talaq is only carried out by using certain pronunciations, such as talaq, sirah, firaq, or other similar words that have the same meaning.<sup>33</sup>

In Islam, a divorce is a legal event that is permitted, but is hated by Allah SWT, as mentioned in one of the following hadith reports from Abu Dawud:

عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَبْغَضُ الْحَلَالِ إِلَى اللَّهِ تَعَالَى الطَّلَاقَ.

*"From Ibn Abbas, from the Prophet sallallaahu 'alaihi wasallam, he said: The halal matter that Allah hates most is divorce." (HR. Abi Daud)*

In the study of jurisprudence, triple talaq at once is still a controversial issue<sup>34</sup>. This means that the ulama is not unified in providing conclusions about the law of triple talaq at once. There are at least four opinions of scholars regarding this issue<sup>35</sup>, namely as follows

1. The first opinion states that triple talaq in one sentence does not fall. The reason was that he entered into talaq bid'i and Rasulullah SAW was very angry with the person who imposed triple talaq at once with his expression: Are you playing with the Book of Allah, while I am still among you?" A man stood up and said: "O Allah's Apostle, why don't I just kill that person?"
2. The second opinion is held by the majority of ulama who say that triple talaq at once means the end of triple talaq. Such divorce is included in talak ba'in. The reason is Al-Qur'an surah Al-Baqarah verse 230. Most ulama do not seem to differentiate between triple talaq which is pronounced at once and

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<sup>31</sup> Jayanti, "Talak Tiga Di Luar Pengadilan Perspektif Hukum Islam Dan Hukum Positif Bagi Pegawai Negeri Sipil (Studi Analisis Putusan Pengadilan Agama Argamakmur Nomor 0207/Pdt. G/2015/PA. AGM)."

<sup>32</sup> Muhsin and Wahid, "Talak Di Luar Pengadilan Perspektif Fikih Dan Hukum Positif."

<sup>33</sup> Muhazir, "Dualisme Peraturan Perceraian Di Aceh: Kontestasi Fatwa Dan Hukum Negara."

<sup>34</sup> Mangurkar and Rangaswamy, "Controlled Empowerment of Women: Intersections of Feminism, HCI and Political Communication in India."

<sup>35</sup> Gitleman and Kleberger, "Divorce Oaths Reflected in Fatwās from Ottoman Social Life, Oathbreakings and Legal Remedies Muftīs."

- triple talaq which is carried out by starting with the first talaq then reconciling and another (second) talaq, reconciling again, and triple talaq<sup>36</sup>.
3. The third opinion held by the Zhahiriyah ulama, the Shiite Imamiyah, says that triple talaq in one utterance means one talaq falls and falls into the category of Sunni talaq<sup>37</sup>. Based on several hadiths, including the hadith of Ibn Abbas which reads: "Rukanah gave his wife three divorces in one assembly, then she was very regretful and sad and the Prophet SAW asked: how did you give up on her. So he answered: "I think of three in one assembly. The Prophet said: "That is only one divorce, therefore reconcile with your wife."
  4. The fourth opinion is the opinion of Ibn Abbas' friend which was later followed by Ishaq bin Rahawaih. This opinion states that if triple talaq in one sentence is carried out after sexual intercourse between the husband and wife, then what results is triple talaq and is included in ba'in qubra talaq. However, if the divorce is pronounced before sexual intercourse occurs between the two, only one divorce will occur. It is based on a hadith of the Prophet narrated by Abu Daud which said: "According to my knowledge, if a man gave his wife three divorces before he married her, what happened was one divorce during the time of the Prophet."<sup>38</sup>

Thus, the fourth view above is because there is no firm argument in the hadith of Rasulullah SAW which prohibits triple talaq at once, nor is there a firm proposition regarding the validity of triple talaq at once<sup>39</sup>. On this basis, the ulama only concluded from the hadith arguments as previously mentioned<sup>40</sup>, where the hadith still gave rise to different interpretations.

Hadith narrated by al-Nasa'i:

عَنْ مُحَمَّدِ بْنِ لُبَيْدٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: أَخْبَرَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ ثَلَاثَ  
 تَطْلِيقَاتٍ جَمِيعًا فَقَامَ غَضَبَانَا ثُمَّ قَالَ: أَلَيْعَبُ بِكِتَابِ اللَّهِ وَأَنَا بَيْنَ أَظْهُرِكُمْ حَتَّى قَامَ رَجُلٌ وَقَالَ يَا رَسُولَ اللَّهِ  
 أَلَا أَقْتُلُهُ؟ رَوَاهُ النَّسَائِيُّ.

*“From Mahmud bin Lubed, he said: it was reported to the Messenger of Allah. About a man who divorced his wife three times at once. So the Prophet was angry when he heard this, and he said: Do you want to play with the Book of Allah while I am in front of you? A man stood up and said: Can I kill him?” (H.R. al-Nasa’i)*

<sup>36</sup> Sur, “Triple Talaq Bill in India: Muslim Women as Political Subjects or Victims?”

<sup>37</sup> Munir, “Three or One Talaq? An Analysis of Some Fresh Fatwas on the Legal Effect of Three Talaqs in One Session in Pakistan and India.”

<sup>38</sup> Iskandar and Zaeni, “Ikhar Talak Di Pengadilan Perspektif Ma’anil Hadis.”

<sup>39</sup> Ika Lestari, “Fenomena Rujuk Talak Ba’in Kubra Di Desa Medelan Kecamatan Lenteng Kabupaten Sumenep.”

<sup>40</sup> Annas, “REKONTEKSTUALISASI PENJATUHAN TALAK TIGA DALAM BINGKAI NEGARA INDONESIA.”

Based on the hadith above, it explains that a man divorced his wife with three divorces at once and the Messenger of Allah heard such a divorce because a good divorce is carried out in stages, one by one<sup>41</sup>. The Prophet was angry, he felt sorry for the man because he could not come back and was considered too careless.

Ibn Qayyim thinks that a form of playing with Allah's book is ignoring the actual provisions of divorce<sup>42</sup>. Allah SWT. wills that someone gives divorce once, Allah SWT<sup>43</sup>. also allowed him to refer back to his wife. However, what he did was the opposite, he gave divorce to his wife to prevent her from referring to him<sup>44</sup>

The Prophet's anger at the man was proof that the three divorces that came to him at once were three<sup>45</sup>. If the man's words were useless, it would be impossible for the prophet to be angry. It is the same as the words of the prophet which say that halal actions that are hated by Allah are divorce. Divorce is essentially rebuked by Allah but remains valid and valid<sup>46</sup>.

### c. Sanad Hadith

To find out whether a hadith is authentic or not, you need to know the Sanad, who are the people who narrated the hadith from the level of friends until the hadith reached us<sup>47</sup>. Sanad means support or handle (al-Mu'tamad)<sup>48</sup>. Sanad is a study of the narration procedures (sanad) of several narrators which sequentially convey us to the matan up to the last narrator<sup>49</sup>.

The following is the Sanad Hadith Scheme for triple talaq at once in the Sahih Muslim book as follows<sup>50</sup>

Aisyah binti Abi Bakar Ash  
Shidiq



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<sup>41</sup> Supriyadi, "Perkawinan Sirri Dalam Perspektif Hukum Di Indonesia."

<sup>42</sup> Munir, "Three or One Talaq? An Analysis of Some Fresh Fatwas on the Legal Effect of Three Talaqs in One Session in Pakistan and India."

<sup>43</sup> Syaifuddin, "Keabsahan Talak Melalui Media Sosial Perspektif Hukum Islam."

<sup>44</sup> Ode and Ahmad, "HADIS TENTANG HAK NAFKAH BAGI WANITA YANG DITALAK TIGA (Kasus Fatimah Binti Qais)."

<sup>45</sup> Muhammad and Rikki, "TALAK PERSPEKTIF SYEKH QUTBHI DAN SYEKH QURAIISH SHIHAB."

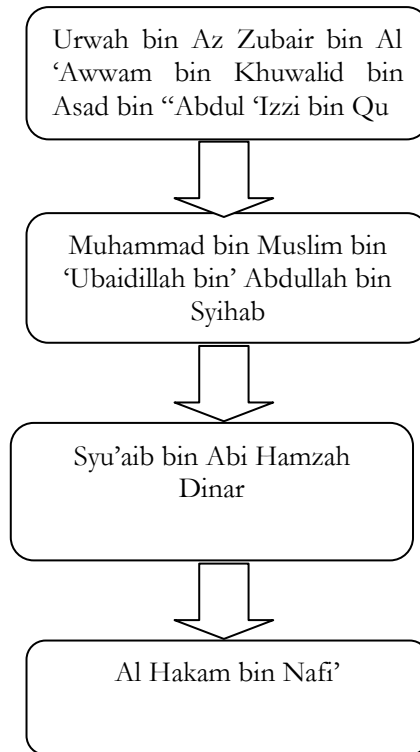
<sup>46</sup> Gitleman and Kleberger, "Divorce Oaths Reflected in Fatwās from Ottoman Social Life, Oathbreakings and Legal Remedies Muftis."

<sup>47</sup> Ode and Ahmad, "HADIS TENTANG HAK NAFKAH BAGI WANITA YANG DITALAK TIGA (Kasus Fatimah Binti Qais)."

<sup>48</sup> Muhazir, "Dualisme Peraturan Perceraian Di Aceh: Kontestasi Fatwa Dan Hukum Negara."

<sup>49</sup> Chalidin, "Talak Tiga Sekaligus (Analisis Hadis Dalam Kitab Shahih Muslim)."

<sup>50</sup> Chalidin.



**Figure.1** Scheme of Sanad Hadith

The data/pathways of the hadiths are as follows:

1. Sahih Bukhari 7 hadith
2. Sahih Muslim 24 hadith
3. Sunan Tirmidhi 5 hadith
4. Sunan Abu Dawud 2 hadith
5. Sunan Nasa'i 6 hadith
6. Sunan Ibn Majah 4 hadith
7. Sunan Darimi 2 hadith
8. Musnad Ahmad 18 hadith
9. Muwatha' Malik 9 hadith
10. Sunan Daruquthni 32 hadith
11. Sahih Ibn Khuzaimah 1 hadith
12. Musnad Syafi'i 1 hadith

All the hadiths which discuss general talaq in general and specifically triple talaq simultaneously indicate that triple talaq simultaneously remains three as the reason for the hadith in the sahih Muslim<sup>51</sup> book that the Prophet Muhammad, Abu Bakar Siddiq and the two years of leadership of Umar Ibn Khatab<sup>52</sup> stated that triple

<sup>51</sup> Iskandar and Zaeni, "Ikrar Talak Di Pengadilan Perspektif Ma'anil Hadis."

<sup>52</sup> Trigiyatno, "Persaksian Talak: Perspektif Ulama Sunni Dan Syi'ah Imamiyah."

talaq at once considered to fall one<sup>53</sup>, this has been answered by Imam An-nasa'I in his book Sunan an-Nasa'I that what Ibn Abbas said happened when the triple talaq was pronounced, two and three were as tauqit (strengthening) the first did not add to the number of talaqs<sup>54</sup>. Then, if the hadiths in the Sahih Muslim book are not guaranteed as stated by Imam an-Nasa'I, then what a mess Islamic law will be because it is very contradictory to the propositions, texts, and other strong reasons.

## Conclusion

Triple talaq is a type of talaq that cannot be referred to and cannot be remarried unless the marriage takes place after the ex-wife marries someone else and then a ba'daldukhul divorce occurs and the iddah period ends. In Jurisprudence, if the husband has uttered the word talaq even outside the court against the wife then it is said that talaq has occurred. Triple talaq at once, when viewed in the current context, tends to be less relevant, because the talaq currently in effect must go through a judicial process and procedure. This means that the divorce process carried out before the court only recognizes one divorce for couples who have never divorced. The panel of judges does not have the authority to ratify the triple talaq at once pronounced by the husband in his house or wherever he is against his wife, even the husband's wish to divorce the wife with triple talaq at once in the conference room still cannot be granted by the court.

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<sup>53</sup> Tanjung et al., "Pengucapan Talak Tiga Sekaligus Persepsi Ulama Muhammadiyah Kota Palangka Raya."

<sup>54</sup> Imamul Muttaqin, "Jumlah Talak Akibat Jatuhnya Bain Sughra Menurut Fikih Dan Kompilasi Hukum Islam."

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