



Interpretation of Arabic Legal Terminology in Indonesia's Religious Justice System: A Hermeneutic Perspective

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ABSTRACT

This study investigates the interpretation of Arabic legal terminology within Indonesia's religious court system, where many court personnel lack formal Arabic proficiency. The research focuses on six key terms: *ṭalāq* [divorce], *ḥaḍānah* [custody], *zinā* [fornication], *nusyūz* [disobedience], *fasakh* [annulment], and *waris* [inheritance], which hold both linguistic and jurisprudential significance in Islamic law. Using a hermeneutic phenomenological approach, the study integrates two methods: a linguistic analysis of classical Arabic texts and fiqh references, and an experiential analysis based on an interview with a legal practitioner from the Class 1A Religious Court of Garut City. The findings reveal a transformation in meaning from classical Arabic roots to context-specific interpretations shaped by Indonesian legal culture, ethical values, and judicial procedures. Each term is not only translated but reinterpreted to reflect local norms, institutional requirements, and social responsibilities. This dual perspective demonstrates how legal language evolves through interaction between scriptural authority and lived judicial experience. The study contributes to Arabic linguistics, Islamic jurisprudence, and legal hermeneutics by offering a contextualized model of meaning construction within a pluralistic legal environment. It underscores the importance of linguistic competence, ethical sensitivity, and cultural awareness in the interpretation of Arabic legal terminology, particularly in multilingual Muslim societies.

1. INTRODUCTION

The Arabic language has long served as a medium of religious, legal, and scholarly expression in the Muslim world. In Indonesia, Arabic holds a dual position: as the language of the Qur'ān and Hadith, and as the source of many technical terms embedded within Islamic jurisprudence [fiqh]. Its influence extends into the domain of legal practice, particularly within Indonesia's religious court system [peradilan agama], where Arabic-derived terminology forms a key part of family law proceedings. However, a growing concern arises: many legal practitioners, especially those in administrative or clerical positions, lack formal training in Arabic. This creates a gap between the original meanings of Arabic legal terms and their practical interpretation within Indonesian judicial procedures.

While previous research has explored Arabic for Specific Purposes (ASP), especially in academic and religious education (Abdul Ghani et al., 2019; Umbar et al., 2024), fewer studies have examined how Arabic legal terminology is operationalized in judicial environments. Works such as Van Dam (2010) discuss Arabic loanwords in Indonesian legal discourse, but do not delve into how legal practitioners contextually reinterpret these terms. Similarly, studies in Islamic law (Al-Syafi'i, 1940; Rofiq, 1998) tend to focus on doctrinal content rather than how legal actors apply language in practice. This reveals a significant research gap: the lack of studies examining the interpretive process of Arabic legal terms by Indonesian religious court practitioners.

Arabic legal terms such as *ṭalāq* [divorce], *ḥaḍānah* [custody], *zinā* [fornication], *nusyūz* [disobedience], *fasakh* [annulment], and *waris* [inheritance] are not merely technical vocabulary; they represent embedded moral, legal, and spiritual concepts. The interpretation of these terms requires not only linguistic competence but also awareness of the socio-legal context. In Indonesia, where national law [hukum positif], Islamic law [hukum Islam], and customary law [hukum adat] intersect, the understanding of Arabic terms becomes layered and dynamic. As such, the meanings of these terms may shift depending on cultural norms, institutional mandates, and individual experience.

To address this gap, this study adopts a hermeneutic phenomenological approach. Hermeneutics offers a framework for analyzing how legal terms acquire meaning through interpretation, while phenomenology captures the lived experiences of legal practitioners who apply these terms in real court settings (Gadamer, 1975; Ricoeur, 2016). By combining both, the study aims to reveal how Arabic legal terminology is recontextualized within the Indonesian religious court system. Accordingly, this research seeks to answer the following questions: (1) What are the meanings of selected Arabic legal terms from a linguistic perspective? (2) How are these terms understood and applied by legal practitioners in Indonesian religious courts? (3) How do the linguistic and phenomenological interpretations converge or diverge in judicial practice?. Through this lens, the study contributes to Arabic linguistics, Islamic legal hermeneutics, and interdisciplinary legal studies by offering a contextualized model of meaning construction within plural legal systems.

2. METHODS

This study employed a hermeneutic phenomenological approach, which is appropriate for exploring the interpretive meanings of Arabic legal terminology within Indonesia's religious court system [*peradilan agama*]. This methodological design was chosen because the research aims not only to describe the usage of Arabic legal terms but to understand how these terms are interpreted, recontextualized, and internalized by legal practitioners in the lived reality of courtroom decision-making. Hermeneutic phenomenology merges two traditions: hermeneutics, or the theory of interpretation, and phenomenology, the study of lived experience. Following Hans-Georg Gadamer's (1975) concept of the "fusion of horizons", this study treats legal meaning as arising from the interaction between classical Arabic legal texts and the interpreter's sociocultural context. Additionally, the study draws from Paul Ricoeur's "hermeneutic arc", where interpretation moves from naïve understanding to critical explanation, then toward integrated comprehension.

Participant and site selection

The research was conducted at the Class 1A Religious Court of Garut City. A purposive sampling technique was used to select one legal practitioner, a court clerk [*panitera*], who had direct and ongoing engagement with cases involving Arabic legal terminology. This individual was selected based on their (a) extensive procedural experience, (b) involvement in drafting legal documents, and (c) ability to reflect on the interpretive challenges of applying Islamic legal terms in court. While the number of participants was limited to one due to the depth-oriented nature of hermeneutic research, the selected participant provided rich experiential data. Ethical approval was granted through informed consent procedures, and the participant's identity was anonymized to protect confidentiality.

Data collection technique

Three complementary data sources were used to ensure triangulation: (1) Document Analysis: Classical Arabic legal texts, the Qur'ān, fiqh sources, Indonesian legal documents, e.g., Compilation of Islamic Law, and internal court documents were analyzed linguistically and contextually. (2) Written Interview Responses: Open-ended interview questions were sent in writing to the participant to comply with institutional protocol. These responses explored how the selected Arabic legal terms were interpreted and applied in judicial practice. (3) Researcher Field Notes and Observations: Informal observations were made during visits to the court, focusing on procedural routines, practitioner language use, and environmental cues. These notes helped contextualize and interpret interview responses.

Data analysis procedure

Data were analyzed using hermeneutic interpretation in line with Gadamer's hermeneutic circle, which involves an iterative process of moving between parts and whole to derive meaning. The analysis unfolded in four stages: (1) Interpretive Reading of Interview Data: Understanding legal meaning as narrated by the practitioner. (2) Textual Interpretation: Each Arabic legal term will be analyzed through Arabic dictionaries, linguistic works, tafsīr works, and Islamic law references. (3) Hermeneutic Synthesis: Using Ricoeur's (2016) model, interpretations were synthesized to present an integrated account of how Arabic legal

meanings are transformed within the Indonesian religious legal system. (4) Comparative Thematic Analysis: Identifying themes by comparing the practitioner's experiential meaning with the textual interpretation from classical Arabic sources.

Researcher position and reflexivity

In hermeneutic research, the researcher is not a neutral observer but a co-interpreter. To manage researcher bias, continuous reflexive journaling was employed throughout the study. This included tracking interpretive assumptions, documenting interpretive decisions, and remaining critically aware of the researcher's own cultural, linguistic, and legal preunderstandings.

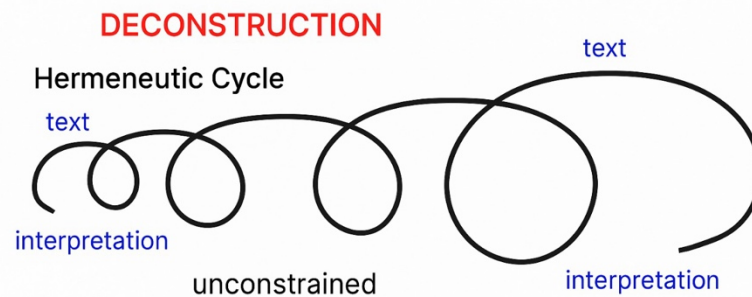


Figure 1. *Stages of hermeneutic phenomenological analysis*

3. RESULTS AND DISCUSSION

3.1 Results

This section presents the experiential findings from a legal practitioner at the Class 1A Religious Court of Garut City, who engages daily with cases involving Arabic legal terminology. The data reflect how six key Arabic terms are interpreted, applied, and recontextualized by the practitioner in real courtroom settings. The insights were drawn from written interview responses and informal observations, and reflect practical meanings shaped by procedural demands, client behavior, and local legal culture, rather than by direct reference to classical Arabic or scriptural interpretation.

***Ṭalāq* [Divorce]**

According to the practitioner, *ṭalāq* is commonly used by male litigants who believe that simply declaring the word is sufficient to enact a divorce. However, within the court system, *ṭalāq* refers specifically to the submission of a formal divorce request and its validation by a judge. Many clients are surprised to learn that verbal statements, even those delivered in front of witnesses, have no legal effect until they are processed judicially. The practitioner observed that in daily practice, *ṭalāq* functions more as a bureaucratic status change than a spiritual or moral declaration. It is tied to filing

procedures, verification hearings, and official registration, often stripping the term of its religious depth and transforming it into a judicial milestone in the divorce process.

***Ḥaḍānah* [Custody]**

The term *ḥaḍānah* arises most frequently in post-divorce disputes involving childcare rights. The practitioner noted that most parties understand *ḥaḍānah* as a synonym for “who gets the child”, with little awareness of the term’s original connotation of nurturing and moral development. In court, decisions regarding *ḥaḍānah* are based not on theological arguments, but on practical indicators such as financial stability, living arrangements, and emotional bonds. The practitioner also shared that gender assumptions, such as the belief that mothers automatically receive *ḥaḍānah*, often come into play, though they can be challenged with evidence. Here, *ḥaḍānah* becomes less about religious responsibility and more about legal guardianship and welfare assessment.

***Zinā* [Fornication]**

Although *zinā* is rarely the formal basis for prosecution in religious courts, it frequently appears in complaints, allegations, or background narratives in divorce filings. The practitioner emphasized that many clients use *zinā* to describe a wide range of moral misconduct, not necessarily tied to physical acts. In several cases, the term was applied to suspicious behavior, inappropriate communication, or even emotional infidelity, none of which meet legal thresholds for *zinā*. However, these allegations often influence the judge’s perception of marital breakdown. Thus, *zinā* in practice serves as a moral accusation that enhances the perceived legitimacy of a divorce case, rather than as a specific legal charge.

***Nusyūz* [Disobedience]**

Nusyūz appears primarily in divorce proceedings filed by husbands who claim that their wives have refused to obey or fulfill household roles. The practitioner explained that most claimants equate *nusyūz* with physical separation or refusal to communicate, without necessarily proving intentional rebellion or violation of marriage obligations. Interestingly, the term is rarely contested or interpreted deeply in hearings. Judges typically request evidence such as absence from the marital home or refusal to reconcile, and rule based on procedural criteria rather than theological nuance. As a result, *nusyūz* is treated as a factual condition to justify divorce, rather than a complex relational breach requiring detailed interpretation.

***Fasakh* [Annulment]**

The practitioner described *fasakh* as a legal pathway to dissolve a marriage in cases involving abuse, fraud, illness, or failure to fulfill fundamental marital rights. While the term has a specific legal history, in court it is applied broadly, and often initiated by female litigants seeking escape from harm or injustice. In practice, the use of *fasakh* allows judges considerable discretion. The practitioner observed that instead of rigid legal criteria, judges often respond to humanitarian concerns and social context, including emotional trauma, economic dependency, and family pressure. Thus, *fasakh* has evolved from a precise legal remedy into a judicial tool for equity, tailored to individual circumstances.

Waris [Inheritance]

In inheritance cases, the term *waris* typically appears when families seek to formalize pre-existing informal agreements. The practitioner reported that many families negotiate the division of property privately and only come to court for legal validation. Interestingly, the classical meaning of *waris*, a fixed-share distribution based on scriptural injunctions, is often replaced by customary norms or negotiated compromises. Judges usually accommodate these realities, provided there is mutual consent and procedural compliance. As such, *waris* functions as a legal mechanism to endorse consensus, rather than a process to enforce fixed religious formulas.

3.2 Discussion

This section interprets the results of the study through the lens of Arabic dictionary, tafsīr works, Islamic law references, and hermeneutic philosophy. The interpretation follows the hermeneutic circle described by Gadamer (1975) and the hermeneutic arc developed by Ricoeur (2016), where meaning is constructed through a dialectic between textual tradition and experiential context.

The six Arabic legal terms studied: *ṭalāq*, *ḥaḍānah*, *zinā*, *nusyūz*, *fasakh*, and *waris* were analyzed not only based on their classical definitions, but also their transformation within Indonesia's religious legal system. This transformation reflects what Ricoeur describes as the shift from "naïve understanding" to "critical interpretation," mediated by institutional and cultural structures.

Ṭalāq [Divorce]

The term *ṭalāq* (طلاق) derives from the triliteral Arabic root ṭ-l-q (ط ل ق), meaning to release or to set free (Al-Ma'any, n.d.). Linguistically, it refers to the act of dissolving a bond, both physically and metaphorically, and is classified as a verbal noun (*maṣḍar*) from the form *ṭallaqa-yuṭalliqu-ṭalāqan*, which conveys separation or dissolution (Salim, 2017). It is not merely a linguistic utterance but a performative act that triggers legal consequences (*al-ṭalāq li al-idā'*). In Islamic jurisprudence, *ṭalāq* signifies a unilateral dissolution of marriage by the husband, often spoken and later recorded (Al-Syafi'i, 1940). Qur'anic verses (e.g., Al-Baqarah 2:229) treat divorce as a process governed by both legal boundaries and moral restraint, and exegetes like Al-Qurṭubī (1993) emphasize its gravity and procedural rules. It is considered *mubāḥ maḥbūb ghayr maḥmūd* [permissible yet disliked] because it terminates a sacred contract while alleviating hardship (*raf' al-ḥaraj*) (Jannah & Hamidah, 2022; Rofiq, 1998; Sarpani & Soeradji, 2022). In Indonesia's religious courts, however, *ṭalāq* must pass through institutional validation and formal registration (Rofiq, 1998). This procedural reframing aligns with semantic shift theory (Lyons, 2008), where lexical meaning evolves under new pragmatic demands. According to Ricoeur (1981, 2016), this illustrates the "distanciation" of the text, where meaning is recontextualized through legal structures and cultural mediation. The performative function of *ṭalāq* is thus subordinated to bureaucratic process, echoing Gadamer's (1975) notion of the "historical horizon" in which language acquires new legal form.

Ḥaḍānah [Custody]

The term *ḥaḍānah* (حضانة) derives from the root ḥ-d-n, which connotes nurturing, embracing, and moral care. In Arabic lexicons, such as Al-Maʿany and Yunus (1989), it refers to physical closeness and guardianship, often associated with maternal care. Grammatically, it is a verbal noun that emphasizes emotional and ethical responsibility toward children. In classical tafsīr, such as Al-Qurṭubī (1993), *ḥaḍānah* is described as the default right of the mother, unless she is legally disqualified, reflecting both emotive proximity and legal duty.

From a linguistic standpoint, *ḥaḍānah* differs from *wilāyah* [legal authority]; the former concerns day-to-day caregiving, while the latter involves legal decision-making power (Al-Zuhayli, 1985). Contemporary fiqh literature, including Zein (2004) and Mahmudah et al. (2019), expands *ḥaḍānah* into a comprehensive duty that safeguards a child's physical, spiritual, and psychological welfare. However, in Indonesian religious courts, *ḥaḍānah* is interpreted pragmatically as the right to cohabit with the child granted based on welfare, capability, and local norms rather than strict legal criteria (Djubaedah, 2010). This interpretive shift aligns with contextual semantics (Cruse, 1986), where meaning adapts to sociocultural conditions. It also reflects Indonesia's legal pluralism, where Islamic law, national statutes, and customary values intersect (Mahmodin, 2012). Drawing on Gadamer's (1975) notion of prejudice (Vorurteil), judicial decisions are shaped by prior understanding and cultural expectations, rather than scriptural literalism. In Ricoeur's (2016) hermeneutic arc, this development represents distancing where the classical meaning of *ḥaḍānah* is reinterpreted through evolving institutional and ethical contexts, completing the dynamic movement from text to application.

Zinā [Fornication]

Classically, *zinā* (زنا) refers to sexual intercourse outside lawful marriage, derived from the trilateral Arabic root z-n-y (ز ن ي). Arabic lexicons such as *Lisān al-ʿArab* (Manzūr, 1990) and Wehr's Dictionary (1976) link it with terms like *ḥarām* [forbidden] and *fāḥishah* [immorality], signifying both moral corruption and social threat. In the Qur'anic context, *zinā* is categorized as a *kabīrah* [major sin], addressed in Surah Al-Isrā' (17:32): "Do not approach *zinā*; indeed, it is an immorality and an evil way", and in Surah An-Nūr (24:2-3), where it invokes *ḥudūd* [prescribed punishments]. In fiqh, *zinā* denotes a deliberate extramarital act requiring four eyewitnesses for prosecution, underscoring its dual ethical and legal gravity (Al-Mawardi, 1995).

In Indonesia's religious courts, however, *zinā* has undergone semantic broadening (Saeed, 2016). Though still listed as a valid divorce ground (Government Regulation No. 9/1975; KHI Article 116), prosecutions are rare. Instead, *zinā* is often invoked based on moral suspicion, emotional betrayal, or behavioral deviation (Rohmatillah, 2017), functioning more as a symbolic accusation than a legally substantiated crime. It becomes a narrative tool to justify marital dissolution, regardless of evidentiary standards. This

evolution exemplifies what Ricoeur (2016) calls *distanciation*, the process by which a term's original textual and legal meaning becomes detached and reconfigured within new socio-ethical frameworks. In this context, *zinā* no longer functions as a fixed legal violation, but as a semantic construct, shaped by courtroom discourse and cultural expectations.

***Nusyūz* [Disobedience]**

Nusyūz (نشوز) in classical Islamic jurisprudence refers to a wife's deliberate refusal to fulfill marital obligations, often interpreted as rebellion or disobedience that threatens the marital contract (Al-Marghīnānī, n.d.). The Qur'ān (4:34) introduces the term within a framework of *qiwāmah* (male responsibility), portraying *nusyūz* as a serious, yet complex behavioral breach. Classical exegetes like Al-Qurṭubī (1993) explain *nusyūz* in Surah An-Nisā' (4:34) as both a behavioral disruption and a breach of divine marital hierarchy, often contextualized within the framework of *qiwāmah* and household balance. Traditionally, scholars interpreted *nusyūz al-mar'ah* as a spiritual and legal violation, justifying corrective measures or loss of financial rights (Salam, 2015). Over time, gender-sensitive interpretations such as those by Husna & Sholehah (2021) expanded the term to include *nusyūz al-rajul*, a husband's emotional or material abandonment, thereby restoring textual balance and reciprocity in marital obligations.

Linguistically, the term *nusyūz* stems from the triliteral root n-sh-z (ن ش ز), which means to rise, elevate oneself, or stand apart. In this sense, it conveys a metaphor of rupture or imbalance, where one spouse distances themselves from the relational harmony symbolized by *sukūn* [tranquility]. Semantically, this reflects a metaphor of spatial elevation, evoking both emotional estrangement and moral defiance (Al-Ma'any, n.d.; Erman, 2010; KBBI, n.d.). The term's figurative range underscores a tension between duty and autonomy, a point central to its legal and cultural negotiation.

However, in the Indonesian religious court system, *nusyūz* is commonly reduced to a procedural justification for divorce or financial claims, particularly when raised by husbands. As observed in courtroom practice, it is often applied to physical separation, silence, or refusal to reconcile, regardless of whether intentional rebellion is proven. This shift reflects what Ricoeur (1981) terms "understanding as institution", wherein interpretation becomes regulated by legal categorization rather than the parties' internal motives. Semantically, this flattening of nuance reflects a reduction of meaning complexity, where simplified legal triggers replace rich ethical connotations. What was once a morally charged concept becomes metonymic, a single behavioral sign used to represent a full-scale marital breakdown.

***Fasakh* [Annulment]**

The term *fasakh* (فسخ) derives from the triliteral Arabic root f-s-kh, meaning to annul, dissolve, or undo. Linguistically, it denotes ḥall al-'uqad [untying a knot], symbolizing the reversal of a bond due to violation or imbalance (Al-Ma'any, n.d.; Munawwir, n.d.). In classical fiqh, *fasakh* refers to a judicial annulment triggered by

specific conditions such as fraud, abuse, or failure to meet marital obligations (Al-Zuhayli, 1985). The concept is grounded in the legal principles of *raf' al-ḥaraj* [removal of hardship] and *dar' al-mafāsīd* [prevention of harm], affirming its role as a corrective rather than punitive mechanism (Djawas et al., 2019). Though the term *fasakh* does not appear explicitly in the Qur'ān, classical jurists base the concept on verses that emphasize *ma'rūf* (just treatment) and *raf' al-ḥaraj* (removal of hardship), such as Surah al-Baqarah (2:229), interpreted by scholars like Al-Qurṭubī as a basis for equitable dissolution of marriage.

In the Indonesian religious court context, however, *fasakh* functions as a more flexible legal tool, often applied in cases involving psychological harm, abandonment, or emotional oppression. While not always based on strict textual triggers, judicial annulments still align with broader Islamic ethical aims. The practitioner's experience shows that judges consider contextual justice and lived experience, particularly when the petitioner is a vulnerable spouse. This shift exemplifies what Gadamer (1975) describes as the fusion of horizons, where classical norms meet evolving legal realities. As Quraishi (2000) explains, such reasoning embodies practical jurisprudence, allowing *sharī'ah* values to operate dynamically within local needs. In this way, *fasakh* preserves its moral and legal essence, while adapting to contemporary family law challenges. In this way, *fasakh* retains its ethical and legal essence, while evolving as a contextual remedy for marital injustice in contemporary Islamic family law.

Waris [Inheritance]

The term *waris* (وارث) originates from the Arabic verb *waritha-yarithu-mīrāthan* (ورث-يرث-ميراث), meaning to inherit. The root w-r-th signifies continuity and transfer, not only of property, but also of values, responsibility, and spiritual legacy (Al-Ma'any, n.d.; KBBI, n.d.). Arabic derivatives such as *mīrāth* [inheritance], *wāriṭh* [heir], and *mawrūth* [legacy] underscore the semantic depth of transmission across material and moral dimensions. In the Qur'ān, inheritance is presented as both a divine injunction and a social safeguard (Qur'ān 4:11), while Islamic jurisprudence (*'ilm al-farā'id*) formalizes it through divinely mandated shares (*farīdah*) to maintain justice and kinship bonds (Datumula, 2022; Sarong & Melayu, 2004). Classical exegetes such as Al-Qurṭubī (2006) interpret Qur'ān 4:11 as part of a larger system of divine justice, where inheritance is not only distributive but preservative, reinforcing kinship ties and minimizing disputes.

However, in Indonesian religious courts, *waris* often reflect a contextual compromise. Families may distribute assets based on perceived fairness, sometimes deviating from classical shares, and later formalize the agreement in court. The judiciary tends to act as a facilitator, prioritizing familial harmony and mutual consent over rigid enforcement (Muhibbin & Wahid, 2022; Prodjodikoro, 1961). From a linguistic and hermeneutic lens, this is an example of contextual narrowing, where legal meaning is reshaped by social practice. As Ricoeur (1981) suggests, legal terms like *waris* are not fixed texts, but part of a living interpretive process, where meaning emerges through the dynamic interplay between text, law, and local ethics.

Hermeneutic Comparison Between the Linguistic and Phenomenological Meanings of Legal Practitioners in Religious Courts Results

The comparative findings reveal that Arabic legal terminology used in Indonesia's religious courts undergoes a process of semantic transformation. While the original linguistic meanings of the six key terms: *ṭalāq*, *ḥaḍānah*, *zinā*, *nusyūz*, *fasakh*, and *waris* remain rooted in classical Arabic and Islamic jurisprudence, their phenomenological meanings among legal practitioners reflect contextual reinterpretation shaped by Indonesian culture, law, and ethics.

The table below summarizes the key comparative relationships between the Arabic-linguistic meanings and their Indonesian phenomenological interpretations.

Table 1. Comparative Analysis of the Six Terms between Arabic-linguistic Meanings and Indonesian Phenomenological Interpretation.

Term	Arabic Meaning	Phenomenological Meaning	Key Transformation
<i>Ṭalāq</i> (طلاق) [Divorce]	"To release, to set free" denotes lawful dissolution of marriage	Judicial act under supervision, ensuring fairness and moral responsibility	Shift from unilateral act to regulated judicial process
<i>Ḥaḍānah</i> (حضانة) [Custody]	"To embrace, to protect"; continuous nurturing	Legal and ethical duty prioritizing child welfare and family harmony	Expansion from parental right to moral-legal obligation
<i>Zinā</i> (زنا) [Fornication]	"Illicit sexual relations": moral and legal transgression	Moral and procedural grounds for divorce symbolize betrayal and social harm	Transition from punitive sin to moral evidence in judicial reasoning
<i>Nusyūz</i> (نشوز) [Disobedience]	"To rise, to withdraw"; disruption of marital balance	Gender-neutral moral disharmony requiring mediation	Transformation from gendered disobedience to relational imbalance
<i>Fasakh</i> (فسخ) [Annulment]	To annul, to undo a knot"; dissolution for a valid cause	Judicial annulment protects justice and human dignity	Redefinition as a restorative rather than a punitive mechanism
<i>Waris</i> (ميراث) [Inheritance]	"To inherit, to receive"; continuity of rights and values	Contextual inheritance balancing divine command and family consensus	Adaptation from rigid formula to dialogic distribution promoting harmony

From a hermeneutic perspective, these transformations illustrate what Hans-Georg Gadamer (1975) terms the "fusion of horizons." The horizon of classical Arabic legal

discourse, rooted in Qur'anic and fiqh-based definitions, interacts dynamically with the lived horizon of Indonesian legal practitioners, who interpret these terms through their own cultural and judicial experiences. This interpretive encounter produces new layers of meaning that neither replace nor reject the original Arabic sense but extend and contextualize it.

Cultural and Social Influence

Arabic legal terms, though originating in the sacred linguistic and jurisprudential tradition of Islam, are reinterpreted through Indonesian cultural ethics emphasizing family harmony, communal consensus, and social balance. For instance, the term *ḥaḍānah* initially focused on custodial rights, but it acquires a broader ethical dimension as practitioners integrate psychological and social considerations into child custody rulings. Similarly, waris cases often merge Islamic inheritance formulas with adat (customary law) to maintain kinship cohesion, as seen in regions such as Minangkabau and Bali (Prodjodikoro, 1986; Datumula, 2022).

This cultural adaptation exemplifies Ricoeur's concept of "refiguration," where meaning expands through practical application. The hermeneutic process does not distort the Arabic terms but reanimates them, enabling alignment between textual sanctity and sociocultural reality.

Legal Pluralism and Positive Law

Indonesia's legal framework represents a pluralistic system where *shar'ī* (Islamic), adat (customary), and national laws coexist. This pluralism necessitates interpretive flexibility. The linguistic meaning of Arabic legal terms such as *fasakh* or *ṭalāq* is redefined through procedural requirements, such as judicial authorization and gender equality mandates. This process mirrors Gadamer's hermeneutic dialogue: meaning is not extracted from the text but negotiated through historical consciousness and institutional context.

Moreover, *nusyūz* demonstrates how Islamic concepts evolve through legal domestication. Gendered initially, the term now applies reciprocally to both spouses, embodying Indonesia's ethical orientation toward justice and empathy (Husna & Sholehah, 2021). Thus, the hermeneutic bridge between text and law enables the modernization of Islamic terminology without severing its theological roots.

Theoretical Implications for Arabic Legal Linguistics

At the theoretical level, this study reveals that Arabic legal language operates as a living semiotic system, capable of cross-cultural evolution. The interaction between linguistic meaning (*ma'nā lughawī*) and phenomenological understanding (*ma'nā tajribī*) demonstrates that law, language, and culture exist in a hermeneutic spiral, each continuously informing the other. By interpreting Arabic legal terms within the Indonesian judicial setting, practitioners engage in what Gadamer calls "effective history" (*Wirkungsgeschichte*), the ongoing process through which tradition shapes and is reshaped by understanding. This approach advances Arabic legal linguistics from static

textual study toward a dynamic model of meaning-making that acknowledges diversity in application.

Integrative Hermeneutic Framework

The following diagram summarizes the interpretive relationship between text (linguistic meaning), context (Indonesian judicial culture), and experience (phenomenological understanding):

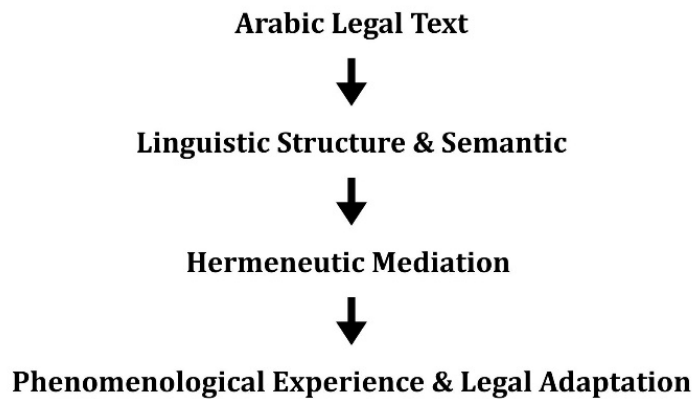


Figure 2. Interpretive Relation between Text, Context, and Experience.

Through this multi-layered process, Arabic legal terminology achieves both continuity (preserving scriptural meaning) and adaptation (responding to sociocultural change). The result is an interpretive equilibrium that Islamic hermeneutics identifies as *ta'wīl al-ma'nā*, where understanding aligns divine principles with human context.

4. CONCLUSION

This study aimed to investigate how key Arabic legal terms: *zinā*, *nusyūz*, *ḥaḍānah*, *fasakh*, and *waris* are semantically and institutionally reinterpreted within Indonesia's religious court system. Using a hermeneutic phenomenological approach, the research explored the dynamic interaction between classical meanings, legal practice, and cultural context. The findings confirm that these terms are not applied based on fixed textual doctrine but evolve through interpretive negotiation between religious texts and judicial realities.

A key contribution of this study lies in its integration of Paul Ricoeur's hermeneutic theory to explain how legal terms move from their prefigured meanings in *fiqh* and Arabic lexicons to refigured meanings in courtrooms. Terms like *zinā* and *nusyūz* are increasingly interpreted symbolically, while *fasakh* and *waris* reflect pragmatic flexibility shaped by ethical concerns. This highlights a broader transformation: Islamic legal language in Indonesia functions not merely as normative instruction, but as a living semantic and moral discourse. However, the study has certain limitations. The analysis was context-specific, focusing only on selected terms within Indonesian religious courts. Broader comparative studies involving other legal systems, languages, or case law could yield richer insights. Furthermore, the data were primarily textual and interpretive, without quantitative validation. Future research could expand this inquiry by examining how judges themselves articulate meaning during trials or by conducting cross-cultural comparisons in other Muslim-majority jurisdictions.

There is also scope for exploring how gender, education, or local customs influence legal term adaptation. Ultimately, this research encourages scholars and practitioners to approach Islamic legal language as interpretive and evolving, deeply tied to social meaning, ethics, and cultural particularities.

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