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# Female Migrant Workers' Agency and Divorce in Indonesia: Reaffirming the Prophetic Hadith on Khul'

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**Abstract**

This study aims to analyze the factors motivating women to become migrant workers, the impact of migration on family relationships, and the relationship between women's agency and their decisions to file for divorce from the perspective of the Prophetic hadith on *khulu'* (divorce initiated by the wife). This study employs a qualitative method using the poststructuralist feminist agency approach developed by Kathryn Abrams and Bronwyn Davies. Data were collected through interviews with four purposively selected informants: a judge and a case supervision officer at the Bima Religious Court, a female migrant worker in Saudi Arabia, and a former female migrant worker in Taiwan. The findings indicate that women's decisions to work abroad are primarily driven by family economic constraints, husbands' limited contributions to household financial support, and the need to ensure their children's well-being. However, migration also creates vulnerabilities, including physical and emotional separation, miscommunication, infidelity, domestic violence, and the misuse of earnings. The hadith concerning the wife of Thabit ibn Qays provides a normative basis for recognizing women's voices and rights. Accordingly, divorce in this context should be understood as a decision related to women's agency, without treating divorce as a universally applicable solution.

## INTRODUCTION

Indonesian women have gained increasing access to and made significant contributions within the public sphere, which was previously largely confined to the

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domestic domain (Chan, 2014). One notable form of their participation is their contribution to the country's foreign exchange earnings through employment as female migrant workers in countries such as Saudi Arabia, Malaysia, Singapore, Hong Kong, and others (Brettell, 2016). Thus, international migration and employment are no longer predominantly associated with men, as Indonesian women have also become active participants in the migrant workforce (Robinson, 2020). In general, women's decision to become female migrant workers is driven by the need to fulfill their families' economic needs and to gain new experiences. However, they may not always fully recognize the risks associated with migrant work, both in the destination countries and in terms of its potential impact on their families in Indonesia. One such impact is the increasing incidence of divorce initiated by women (wives) (Al Faruq, 2022).

According to data from Statistics Indonesia (*Badan Pusat Statistik*), the number of divorces in Indonesia increased over the two-year period from 2024 to 2025. The total number of divorce cases rose from 394,608 in 2024 to 438,168 in 2025. Of the total cases recorded in 2024, 85,652 were *cerai talak* (divorces initiated by husbands), while 308,956 were *cerai gugat* (divorces initiated by wives). In 2025, the number of *cerai talak* cases increased to 91,652, while *cerai gugat* cases rose to 346,516. These figures indicate a substantial number of divorce cases, with *cerai gugat* accounting for the majority of cases in both years (Badan Pusat Statistik, 2025). More specifically, data from the Bima Religious Court indicate that, in 2024, 316 cases were adjudicated following petitions filed by husbands, while 1,503 cases were adjudicated following divorce claims filed by wives (Pengadilan Agama Bima, 2025).

The relatively high incidence of divorce, particularly cerai gugat, was attributed to several factors, including economic problems, moral violations, including infidelity and gambling. Other contributing factors include economic difficulties, dissatisfaction with the family's living conditions, and a lack of marital fidelity, particularly infidelity. Other studies similarly indicate that divorce may result from the absence of economic improvement, passive communication, marital infidelity, internal family problems, and mutual suspicion. Additional factors include economic conditions, the surrounding social environment, and the husband's or wife's sense of responsibility toward the family (Muawwanah, 2019).

Meanwhile, a study conducted by Janeko in Kedungsalam Village, Donomulyo District, Malang Regency, found that female migrant workers employed in Hong Kong and Taiwan filed for divorce against their husbands due to several factors. These included economic difficulties, the involvement of a third party that disrupted marital harmony, the loss of compatibility between spouses, husbands' lack of responsibility toward their families, and jealousy (Janeko, 2011). Based on data from the Class IA Religious Court of Kendal, Central Java, a study identified female migrant workers who, after returning to Indonesia following prolonged periods of overseas employment, filed for divorce from their husbands. The divorces were attributed to several factors, including inadequate communication, which contributed to husbands'

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infidelity; husbands' lack of integrity in managing the financial resources sent by their wives; failure to provide proper care and education for their children; and the misuse of remittances to finance extramarital relationships (Laililmuna, 2023).

These findings are further contextualized by Togiaratua Nainggolan's (2008) study of gender relations within the families of female migrant workers (*Tenaga Kerja Wanita*/TKW) in several major migrant-sending regions, including West Nusa Tenggara, South Sulawesi, East Java, West Java, and Lampung. Nainggolan found that locally rooted patriarchal patterns of gender relations had gradually shifted toward an androgynous model, characterized by a less gender-dichotomous division of labor, greater openness to wives' participation in the public sphere, and increasing independence in decision-making. However, this transformation in gender relations did not necessarily eliminate women's vulnerabilities within marriage. The study also documented experiences of discrimination, exploitation, and various forms of violence against female migrant workers, including husbands' misuse of their wives' earnings and infidelity. The prolonged separation from their children and husbands further intensified the difficulties experienced by these women. Thus, while migration may contribute to changes in gender roles and women's greater economic and decision-making autonomy, it may simultaneously expose marital relationships to new forms of vulnerability and conflict (Nainggolan, 2008).

In the context of this study, women's decisions to become migrant workers and subsequently file for divorce should be understood as an interconnected process in which migration may function as a survival strategy, an economic strategy, and a means of attaining autonomy. Divorce may then emerge as a subsequent decision when marriage no longer provides security, respect, responsibility, and well-being. This phenomenon raises an important question from an Islamic perspective, particularly in relation to the Prophetic hadith. While traditional constructions of Islamic family law tend to position divorce predominantly within the husband's right to *ṭalāq*, the hadith literature records cases in which women directly expressed their desire to end their marriages. The hadith concerning the wife of Thabit ibn Qays demonstrates that a woman may express her inability to continue a marriage and seek its dissolution through *khulu'*, even when she does not fault her husband's religion or character. In the context of female migrant workers, this hadith provides an important basis for understanding women's agency in making marital decisions when marriage no longer serves their well-being and instead becomes a source of suffering. Accordingly, this study examines why women become migrant workers and the impacts on their families.

Based on these considerations, this study addresses two main questions: first, why do women become migrant workers, and what are the impacts of migration on their families? Second, how does the agency of female migrant workers relate to their decisions to file for divorce, and how can the Prophetic hadith be reaffirmed in understanding this phenomenon?

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A number of previous studies have examined issues related to women's migration, divorce, and gender relations from various theoretical and methodological perspectives. Assad Al Faruq (2022) conducted a study entitled *"Fenomena Perceraian oleh Tenaga Kerja Wanita (TKW) dari Luar Negeri di Pengadilan Agama Ponorogo"*. The study examines the reasons why women migrate abroad and subsequently decide to file for divorce from their husbands. It identifies several factors underlying these decisions, including husbands' infidelity and their inability to manage the financial resources earned by their wives abroad. However, the study does not employ a feminist perspective or sufficiently examine women's subjective experiences in marital relationships. Consequently, its findings tend to emphasize economic factors as the primary motivation for women's migration while giving limited attention to the internal dynamics of marital relationships between wives and husbands prior to migration (Al Faruq, 2022).

A different perspective is offered by Rachel Silvey (2004), who examines Indonesian women's migration to Saudi Arabia through a feminist analysis of the gender politics of transnational migration. Silvey argues that women's migration should not be understood solely as an economic strategy, but also as a process through which women negotiate gendered power relations within the household and broader social structures. Her study shows that migration can provide women with greater economic resources and opportunities to renegotiate their position within domestic relations, although it may also expose them to new forms of exploitation and vulnerability (Silvey, 2004). However, Silvey does not specifically examine how women's agency operates within marital relationships when they decide to file for divorce.

Research that examines women's agency has actually been carried out by Saba Mahmood (2005) conducted an ethnographic study entitled *"Politics of Piety: The Islamic Revival and the Feminist Subject"*. The study examines women's active participation in the urban mosque movement in Cairo, Egypt, focusing on how Muslim women engage in Islamic practices and piety. It investigates the reasons why women adopt non-liberal religious norms, such as wearing the veil and practicing moral virtues like modesty and submission. Mahmood's findings demonstrate that these women are not passive victims of patriarchal indoctrination, nor are they seeking to subvert traditional authority. Instead, the study reveals that their engagement in religious practices represents a distinct form of agency conceptualized as "ethical agency" wherein women deliberately utilize bodily practices and religious disciplines as tools for ethical self-formation and moral transformation. The research conducted by Saba Mahmood does indeed examine women's agency, but within a different realm than the research to be undertaken (Mahmood, 2005).

In addition, there is research by Kathryn Robinson (2009) conducted a comprehensive study entitled "Gender, Islam and Democracy in Indonesia". The study examines the historical trajectory and transformation of gender relations, religious practices, and political activism in Indonesia, with a particular focus on the transition from the authoritarian New Order regime to the Reformasi era. It

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investigates how state-sponsored ideologies—such as kodrat wanita and the domestic family model—and the rise of political Islam have shaped, regulated, and constrained women's public roles, citizenship, and reproductive rights. Robinson's findings demonstrate that Indonesian women are not merely passive recipients of state control or religious conservatism. Instead, the study reveals that women actively navigate, negotiate, and challenge patriarchal structures through diverse forms of political mobilization, grassroots activism, and Islamic feminist discourses, thereby redefining their social agency, democratic rights, and status within both the family and the public sphere (Robinson, 2009). The research conducted by Robinson also differs from the research to be undertaken.

Hoang and Yeoh (2011) conducted a study entitled "*Breadwinning Wives and 'Left-Behind' Husbands: Men and Masculinities in the Vietnamese Transnational Family.*" The study explores the impacts of women's international labor migration on domestic gender dynamics, with a specific focus on how men left behind in Northern Vietnam experience shifts in the household division of labor and rework their masculine identities. Drawing on qualitative in-depth interviews, Hoang and Yeoh examine how husbands navigate the tensions between traditional patriarchal expectations which position men as primary breadwinners and moral heads of households and the practical necessity of assuming reproductive work and childcare while their wives earn money abroad. Their findings counter conventional narratives that portray left-behind men as either entirely resistant to domestic labor or suffering from a severe crisis of masculinity. Instead, the study reveals that Vietnamese men exhibit flexible gender practices, active agency, and complex coping strategies, reconfiguring their roles as fathers and providers to maintain household well-being and preserve their sense of dignity within shifting global and local structures (Hoang & Yeoh, 2011).

Research on Khul has also been carried out by M. Rosyid Irfan Alfani, Qowwim Arfi'atus Salisa, and Ahmad Sofyan Fauzi (2025) examined the phenomenon of husbands filing *khul'* counterclaims (*rekonvensi*) in female-initiated divorce cases (*cerai gugat*), focusing on rulings from the Purwokerto and Mungkid Religious Courts. Employing a qualitative case study approach, the authors analyzed the practice through Islamic jurisprudence, the Compilation of Islamic Law (KHI), John Rawls's theory of justice, and Ibn 'Āshūr's *Maqāṣid al-Sharī'ah*. The study reveals that a husband's demand for *'iwadh* (compensation) is legitimate under Islamic law if the wife is proven at fault (*nusyūz*) or lacks valid grounds for divorce. Furthermore, the practice aligns with Rawlsian justice (*equal liberty* and *difference principle*) and Shariah objectives (*al-musāwah*, *al-ḥurriyyah*, and *al-maṣlaḥah*). The findings highlight the need to reform the KHI regarding *'iwadh* provisions and husband counterclaims to achieve legal certainty and substantive fairness (Alfani et al., 2025).

There is also research that is closest to the topic to be discussed, including research conducted by Khoirul Anam, Amir Muallim, and Yusdani (2023) conducted a study examining the dynamic relationship between migration and marital dissolution. The research focuses on economic instability specifically the inability to fulfill household

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financial needs as the primary catalyst for divorce among the studied population. Utilizing an empirical approach, Khoirul Anam, Amir Muallim, and Yusdani analyze how economic strain within migrant households interacts with gender dynamics and migrant worker agency to drive marital breakdown. The findings demonstrate that financial hardship acts not only as a direct trigger for divorce but also significantly shifts traditional gender roles and power structures in migrant families (Anam et al., 2023).

Another research that shares a similar topic with the study to be discussed is a study by Faridatus Syuhadak et al. (2025) examines legal protection for female Indonesian migrant workers regarding joint marital property upon divorce using an empirical juridical method in Malang Regency. The findings reveal that the standard 50:50 equal division of joint property under Article 35 of the Marriage Law and Article 97 of the Compilation of Islamic Law structurally disadvantages female migrant workers as primary breadwinners, failing to deliver substantive justice when non-contributing husbands claim half of the earned assets (Syuhadak et al., 2025).

Similar research was also conducted by Septian, Wulandari, and Mussa (2026) examines the dynamics of gender power relations in Indonesian female migrant workers' families. The findings indicate that female labor migration enhances wives' bargaining power and involvement in household financial decision-making; however, it can also trigger marital tensions due to threats to husbands' masculine identity and an increased risk of divorce stemming from long-distance marriage (Septian et al., 2026).

The forthcoming research focuses on the relationship between the agency of female Indonesian migrant workers and their decisions to file for divorce, alongside the reaffirmation of Prophetic hadith in understanding this phenomenon, which fundamentally differs from earlier studies by Anam, Syuhadak, and Septian. Anam examines the socio-legal impacts of divorce or marital legality among migrants, Syuhadak emphasize legal protection and the reformulation of joint marital property regulations, and Septian center on gender power dynamics through a "seesaw marriage" framework. this proposed study offers novelty by integrating female agency with textual-contextual reinterpretation of Prophetic hadith, thereby providing a theological-sociological analysis left unaddressed by the normative-juridical approaches and literature syntheses of previous scholars.

These previous studies demonstrate that women's migration and divorce have been examined from economic and gender-relational perspectives. However, there remains limited research that specifically investigates the relationship between women's agency as migrant workers and their decisions to initiate divorce in Indonesia. Existing studies tend to portray female migrant workers either as economic actors who contribute to household livelihoods or as vulnerable subjects exposed to violence, exploitation, and marital problems. Such perspectives, although important, do not sufficiently explain how women themselves negotiate, exercise, and strengthen their agency in responding to marital difficulties after experiencing migration. In particular,

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limited attention has been given to the ways in which overseas employment may transform women's economic position, psychological resilience, self-perception, and capacity to make decisions within the family. This is particularly significant when migration experiences intersect with marital conflicts, as women's increased economic and psychological autonomy may reshape their responses to problematic marital relationships and influence their decisions regarding divorce.

Therefore, examining women's agency provides a more comprehensive understanding of divorce not merely as an outcome of marital conflict, but also as a decision-making process through which women negotiate their dignity, autonomy, and rights within marriage (Aisyah & Parker, 2014). From this perspective, divorce initiated by female migrant workers can be understood as an expression of agency rather than simply a consequence of marital breakdown. This study therefore seeks to fill this gap by examining how women's experiences as migrant workers contribute to the formation of economic and psychological autonomy, the reconstruction of female identity, and the exercise of agency in making decisions concerning marital relationships, including divorce.

As a logical framework for the progression of this study, a theoretical foundation and conceptual framework are necessary. Women may experience discrimination and exclusion in both domestic and public spheres, not only as victims of patriarchal and sexist systems, but also as a result of discriminatory myths and stereotypes (Fleury, 2016). These include doubts about women's competence, assumptions regarding their lack of work motivation, and perceptions among employers that women bear traditional responsibilities that make them more vulnerable and at greater risk than men (Piper, 2004). Such conditions have implications for women as migrant workers, who are often concentrated in low-skilled and relatively low-paid occupations compared with men. Their employment opportunities are frequently limited to the informal and service sectors, where employment contracts also tend to be relatively short-term (Eckenwiler, 2014). These structural inequalities may limit women's opportunities while simultaneously encouraging them to seek alternative forms of economic security and greater autonomy (O'Neil et al., 2016).

From a poststructuralist feminist perspective, agency refers to the capacity of individuals, including women, children, and other vulnerable groups, to possess a self-defined and recognizable identity (*knowable, recognizable identity*) and to be acknowledged and taken into account when expressing themselves and assuming responsibility for their actions and decisions based on moral and ethical considerations (Davies, 1991). Agency can also be understood in terms of women's autonomy and independence in exercising choices and making decisions, whether at the personal or collective level, including decisions concerning morality, social norms, integrity, and self-identity, which may be understood as unique and individually constituted (Abrams, 1999). In this context, women's migration as migrant workers should be recognized not merely as a personal and autonomous decision, but also as a potential response to psychological pressures and suffering experienced within marriage. The

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decision to revitalize and transform their living conditions may represent an effort to attain personal freedom and autonomy by distancing themselves from systems and circumstances that they perceive as having failed to provide a dignified and sustainable life (Pragholapati, 2020).

Divorce may be attributed to both internal and external factors. Internal factors are directly related to the relationship between husbands and wives, including marital disharmony resulting from unmet conjugal needs, mutual distrust, and failure to fulfill marital responsibilities and maintain mutual trust, which may contribute to infidelity (Devi, 2019). Other internal factors include a lack of mutual respect, which may manifest in cases of domestic violence, as well as disparities in income between husbands and wives. External factors include interference from extended family members, such as parents, parents-in-law, and siblings, as well as the involvement of a third party, such as another woman or man in the marital relationship (Mawaddah et al., 2019).

Parental divorce may also have significant consequences for children's social and emotional lives. These consequences may include juvenile delinquency, stress, phobias, sadness, confusion in dealing with life problems, difficulties in expressing emotions, feelings of parental loss, reduced imaginative capacity, diminished trust in future partners during adulthood, and low self-confidence both at school and within the residential environment. Furthermore, children between the ages of six and twelve have been identified as particularly vulnerable to emotional difficulties following parental divorce (Kusumawati, 2020).

Based on the foregoing discussion, women's migration, agency, and divorce are interconnected phenomena that cannot be understood solely from an economic or marital perspective. Women's decision to migrate may emerge from economic needs as well as experiences of inequality, psychological pressure, and problematic marital relationships. At the same time, migration may provide women with greater economic independence, psychological autonomy, and capacity to make decisions about their lives. Therefore, this study places women's agency at the center of analysis to examine how female migrant workers negotiate marital relationships, respond to various forms of vulnerability, and exercise their autonomy in making decisions about divorce. This conceptual framework serves as the basis for understanding divorce among female migrant workers.

From an Islamic perspective, the relationship between women's agency, marital difficulties, and divorce also requires consideration of the normative guidance of the Prophetic hadith (ʿItr, 1997). The hadith concerning the wife of Thabit ibn Qays provides an important reference for understanding women's agency in marital decision-making, particularly when a woman experiences discomfort and can no longer sustain the marriage (Al-Tamīmī, 1423 H). Her direct expression of her condition to the Prophet demonstrates that women were given space to articulate their experiences and seek a legitimate resolution to marital difficulties (al-Nawawī, n.d.). The Prophet's response through the mechanism of *khulu'* indicates that the dissolution

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of marriage may be considered when its continuation no longer serves the interests and well-being of the parties involved (al-Nawawī, 1392 H).

## RESEARCH METHODS

This study employs a qualitative research design using the post-structuralist feminist agency approach of Abrams and Davies to operationally examine how women navigate, interpret, and disrupt dominant patriarchal discourses, analyzing both explicit transformative actions and subtle forms of everyday resistance within their specific socio-legal contexts. Kathryn Abrams asserts that women's agency must be understood beyond the traditional liberal concept of autonomy; agency emerges and takes shape amidst complex group oppression, where acts of survival, negotiation, and everyday resistance continue even under constrained conditions (Abrams, 1999). In a similar vein, Bronwyn Davies argues that the subjection of the subject to patriarchal discourse is not absolute; the availability of diverse and intersecting discourses opens up space (*subject positions*) for women to resist, revise, and disrupt the dominant discourses that constrain them (Davies, 1991).

This study will be conducted in Bima, West Nusa Tenggara. The location was selected because of its strong religious traditions. The data will be analyzed through data reduction, in which the collected data are identified and examined to select information relevant to the research objectives. The selected data are then categorized and organized to facilitate an in-depth analysis. Data were collected through interviews, which involved establishing interaction and communication with selected informants at the research site. Based on the determination of the research location, four informants relevant to the research topic were selected: one judge from the Bima Religious Court, one case supervision staff member from the Bima Religious Court, one female migrant worker in Saudi Arabia, and one former female migrant worker in Taiwan. The number and characteristics of the informants were determined purposively based on their relevance to the research objectives. The informants were selected because their professional roles and personal experiences provided information directly related to the research focus, particularly female migrant workers, marital relations, and divorce claims. This selection was intended to ensure that the data collected were relevant, focused, and sufficiently informative for addressing the research questions.

To provide greater clarity regarding the informants who served as sources of data collection, the following section presents brief information about the informants in Bima, while maintaining the privacy and confidentiality of each informant:

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**Table 1.** *Research informants*

| No | Pseudonym | Gender | Position/Role | City/Village |
|---|---|---|---|---|
| 1 | Mufidah | Female | Judge of the Bima Religious Court | Bima |
| 2 | Rey | Male | Case Supervision Staff Member of the Bima Religious Court | Bima |
| 3 | Nita | Female | Female Migrant Worker | Tolouwi (the name of a village located in Bima) |
| 4 | Sri | Female | Female Migrant Worker | Tolouwi (the name of a village located in Bima) |

In analyzing the Prophetic hadith concerning *khuluʿ*, this study will employ four stages. First, *takhrīj al-ḥadīth*, namely tracing the relevant narrations related to the research topic (Setiawan et al., 2025). Second, *iʿtibār*, namely collecting and examining all available narrations related to the hadith (Setiawan et al., 2026b). Third, an analysis of the hadith's authenticity, which involves assessing its quality based on the evaluations of hadith scholars (Setiawan et al., 2026a). Fourth, hadith interpretation, which involves understanding the hadith both textually and contextually by referring to relevant hadith commentaries (*syarḥ al-ḥadīth*) (Setiawan et al., 2022). This approach seeks to understand the hadith not only through its literal wording but also by examining the circumstances and social realities surrounding its emergence and contemporary application (Ahmad, 2013). Particular attention is given to the interaction between the normative message of the hadith and the lived experiences of women.

## FINDINGS AND DISCUSSION

### *Women's Involvement in Overseas Employment*

Based on an interview with Nita (pseudonym), a former female migrant worker who had worked in Taiwan, she stated:

> *"Suami saya saat itu tidak berupaya membantu kondisi keuangan keluarga dengan mencari pekerjaan tetap, tetapi suami saya hanya melakukan pekerjaan serabutan. Sayalah yang memikul tanggung jawab finansial keluarga, hingga akhirnya saya memutuskan untuk mencari pekerjaan di luar negeri. Awalnya, saya mengira bekerja di luar negeri akan memungkinkan saya memberikan dukungan finansial yang lebih dari cukup bagi keluarga. Namun kenyataannya, penghasilan yang saya kirimkan terkadang tidak mencukupi kebutuhan kami. Kami juga memiliki banyak utang yang harus dibayar secara rutin, sementara peran dan kontribusi suami dalam keluarga terbatas. Akhirnya, saya memutuskan untuk mengakhiri pernikahan karena saya tidak ingin terus menjalani hidup dalam situasi seperti itu."* (Nita, personal communication, October 5, 2024)

The interview findings indicate that Nita's decision to work as a female migrant worker in Taiwan was primarily motivated by her desire to improve her family's

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financial situation, particularly because her husband did not have stable employment and relied mainly on temporary or odd jobs. By becoming a migrant worker, Nita initially hoped to provide sufficient financial support for her family and achieve greater economic stability. However, the actual consequences of her decision did not correspond to these expectations. Despite the income she earned and sent home, her family's financial condition often remained unstable, compounded by persistent debt and her husband's limited contribution through irregular employment. Under these circumstances, Nita's experience as a migrant worker ultimately contributed to her decision to end her marriage. Nita's experience as a female migrant worker demonstrates that women's involvement in migrant labor is partly driven by economic factors that affect the financial condition of their families. At the same time, her experience illustrates that family economic stability is also influenced by the husband's role as the head of the household in meeting the needs of the family. In Nita's case, her decision to work as a female migrant worker was closely related to her husband's limited ability and involvement in fulfilling the family's needs.

Another interview was conducted with Sri (pseudonym), a female migrant worker who had worked in Saudi Arabia. She described her experience as a migrant worker as follows:

> *"Saya dan suami memang memiliki komunikasi yang kurang baik sejak sebelum saya menjadi seorang TKW, bahkan ia seringkali melakukan kekerasan (KDRT). Keputusan saya menjadi seorang TKW karena melihat anak saya yang setiap hari terus bertambah dewasa dan pasti kebutuhannya juga akan bertambah banyak. Selama berada di Arab Saudi, harapannya nafkah yang saya beri kepada anak dan suami bisa dipakai dengan baik, akan tetapi kenyataanya saya mendapati suami saya selingkuh selama saya bekerja sebagai TKW dan Narkoba. Gaji saya selama jadi TKW tiap bulan saya berikan selama dua tahun untuk kebutuhan tiap hari dan hanya disalahgunakan tanpa ada hasilnya. Saat itu saya telah memutuskan untuk mengakhiri pernikahan dan melapor melalui jalur hukum atas segala perbuatan yang telah ia lakukan sebagai kepala rumah tangga."* (Sri, personal communication, October 6, 2024)

Sri's experience as a female migrant worker in Saudi Arabia illustrates that women's decisions to migrate for employment may emerge from a combination of economic, familial, and relational pressures within the household. Her decision to work abroad was not solely motivated by the pursuit of income but was closely connected to her concern for the increasing needs of her child and the expectation that her husband would use the income she provided to support the family. However, the circumstances she encountered during her migration reveal a significant gap between these expectations and the reality of her marital relationship. Before becoming a migrant worker, Sri had already experienced poor communication with her husband and domestic violence, indicating that the problems within the marriage preceded her decision to migrate. Her experience while working in Saudi Arabia further intensified these difficulties when she discovered that her husband was involved in an

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extramarital relationship and drug-related activities. Despite sending her monthly earnings for approximately two years to meet the family's daily needs, the financial resources she provided were allegedly misused and did not result in the improvement of the family's welfare. This situation demonstrates that the economic contribution made by Sri through migrant labor did not automatically produce greater household stability.

Based on the interviews with Nita and Sri, both of whom had worked as female migrant workers, their primary motivation for migrating was to improve and strengthen their families' economic conditions. The interview findings further indicate that their decisions to become migrant workers were also influenced by the limited role of their husbands in providing adequate financial support, as their husbands either lacked stable employment or, in some circumstances, did not work at all. However, the consequences of their decisions to work abroad tended to generate additional difficulties within their families. Rather than producing the expected economic stability, their migrant labor experiences were accompanied by persistent financial problems, including debt that continued to burden the household, as well as the misuse of income earned abroad. In Sri's case, the funds she sent home were allegedly misused by her husband in connection with drug use and an extramarital relationship. These experiences demonstrate that female migration as an economic strategy does not necessarily guarantee improved household welfare when structural problems within the marital relationship, particularly the inadequate fulfillment of the husband's economic and familial responsibilities, remain unresolved.

The interview findings from Nita and Sri are further corroborated by the account of Mufidah (pseudonym), a judge at the Bima Religious Court. Based on an interview conducted on October 7, 2024, concerning cases involving female migrant workers who filed for divorce at the Bima Religious Court, she stated:

> *"Dari kasus-kasus yang sudah pernah kami tangani, kebanyakan dari perempuan yang bekerja di luar negeri sebabnya karena dari pihak suami memang tidak membiayai atau tidak memberi nafkah kepada istrinya, ditambah dari pihak suami juga kadang ada yang tidak mempunyai pekerjaan tetap bahkan sama sekali ada yang tidak bekerja sehingga kebanyakan dari perempuan yang bekerja sebagai TKW memilih untuk cerai gugat karena dari pihak istri sudah tidak ingin melanjutkan pernikahannya. Apabila saat perkara diproses suami hadir dan istri diwakili kuasa hukum, maka dilakukan upaya mediasi, namun apabila suami tidak hadir maka tidak dilakukan mediasi. Biasanya hakim akan memerintahkan kedua belah pihak untuk hadir langsung, sehingga saat mediasi hakim dianjurkan membawa klien kepada mediator dan mediator itu yang mempunyai kompeten untuk melakukan proses mediasi."* (Mufidah, personal communication, October 7, 2024)

A similar explanation was also provided by Rey (pseudonym), a Case Supervision Staff Member of the Bima Religious Court, regarding the factors contributing to divorce among female migrant workers based on an interview conducted on October 7, 2024. He explained that physical separation between female migrant workers and

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their husbands was one of the recurring factors underlying marital breakdown, he stated:

> *"Dari kasus yang ada terdapat beberapa faktor, kebanyakan yang jadi sebab adalah perbedaan jarak karena tidak tinggal bersama sehingga seringkali terjadi miskomunikasi hingga pertengkaran. Perbedaan jarak ini juga jadi sebab adanya perselingkuhan dan ini yang paling sering terjadi karena perbedaan jarak. Sekalipun kita tidak bisa menyalahkan keputusan dari perempuan menjadi TKW untuk memenuhi kebutuhan keluarga, tetapi kenyatannya begitu yang banyak terjadi."* (Rey, personal communication, October 7, 2024)

Rey's explanation indicates that geographical separation constitutes an important factor in the marital experiences of female migrant workers. The decision of women to work abroad necessarily creates a physical distance between wives and their husbands, resulting in a change in the pattern of interaction that previously took place within the same household. The absence of direct and continuous interaction may reduce opportunities for spouses to communicate their needs, expectations, and problems in everyday family life. According to the informant, this situation frequently develops into miscommunication, which may subsequently trigger disagreements and repeated conflicts between spouses.

Based on the interviews conducted with two female migrant workers and two representatives of the Bima Religious Court, this study found that the divorces pursued by female migrant workers constitute a form of reassertion of their agency and dignity as women. The reassertion of women's agency and dignity through the divorces pursued by female migrant workers is confirmed through the interviews conducted. The explanations provided by the female migrant workers (Nita and Sri) and representatives of the Bima Religious Court (Mufidah and Rey) indicate that the divorces did not occur without reason; rather, through divorce, female migrant workers were able to obtain justice.

The case illustrates the development of women's agency through economic independence and decision-making within the marital relationship. Her experience as a migrant worker enabled her to assume greater responsibility for the household economy, while her husband's dependence on her income created an unequal distribution of marital responsibilities. In this context, her decision to seek separation was not merely a response to economic hardship but also reflected her capacity to evaluate the fairness of the marital relationship and make decisions concerning her own well-being.

The case also demonstrates that women's economic agency may become particularly significant when they assume the role of the primary breadwinner within the family. When the husband does not contribute to household income and instead depends on the wife's earnings, the conventional distribution of gender roles within the family may be disrupted. The woman is no longer positioned solely as a dependent wife but also as an economically active subject who bears substantial responsibility for the survival and welfare of the household. This shift may strengthen her bargaining

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position and provide greater confidence in making decisions concerning the future of the marriage. However, the transformation of women's economic roles may also generate new tensions when the responsibilities and expectations between spouses are not balanced. In such circumstances, divorce may emerge as a legal and personal decision following a prolonged process of negotiating unequal responsibilities within the marriage. This finding is in line with Syuhadak research who highlight the position of migrant women as primary breadwinners and the legal issues that may arise when marital relationships end in divorce (Syuhadak et al., 2025).

From an economic perspective, employment abroad provides women migrant workers with opportunities to earn relatively higher incomes. However, these economic benefits are accompanied by significant risks, particularly within family and marital relationships (Pratikto et al., 2020). While migration may help fulfill household economic needs and improve family welfare, prolonged separation may also generate negative consequences, including reduced emotional interaction between mothers and children and feelings of loss experienced by husbands due to the absence of their wives. These conditions may create tensions within the household and, in some cases, contribute to marital breakdown and divorce (Mareta et al., 2026).

For married women, family-related economic conditions constitute one of the major factors motivating their decision to work abroad. Insufficient household income, particularly when husbands have unstable employment or are unemployed, often makes it difficult to meet basic family needs. In such circumstances, becoming a migrant worker is perceived as an alternative strategy for strengthening household economic security. However, this decision may also increase the vulnerability of marital relationships (Anam et al., 2023). Physical distance can limit communication between spouses, potentially leading to misunderstandings, conflict, and repeated disputes. Prolonged separation may also create opportunities for infidelity and weaken emotional bonds between husbands and wives. In addition, interference from external parties, including parents, relatives, and members of the surrounding community, may further intensify marital tensions. Thus, women's migration should be understood as a complex phenomenon (Septian et al., 2026).

International migration among female migrant workers contributes to a shift in gender power relations within the family. Women's control over economic resources strengthens their bargaining position and may reduce the husband's traditional authority in household decision-making. At the same time, prolonged separation between spouses may intensify marital tensions and contribute to divorce. Wirawan and Mas'udah findings suggest that divorce among female migrant workers cannot be understood solely as a consequence of economic difficulties, but also as a consequence of changing gender relations and women's increasing control over economic resources (Wirawan & Mas'udah, 2020).

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### *Women's Requests for Divorce (***Khulʿ***)*

In this regard, the Prophetic hadith concerning the wife of Thabit ibn Qays provides an important point of reference, as it records a woman's expression of marital dissatisfaction and her request for separation through *khulu'*. Examining this hadith contextually allows the present study to explore how the Prophetic tradition recognizes women's capacity to articulate their concerns and participate in decisions concerning the continuation or dissolution of marriage. Thus, the hadith is not employed to justify divorce, but to provide a normative lens through which the agency of female migrant workers can be understood in situations where the continuation of marriage may no longer ensure security and dignity.

The author employs the *takhrīj* method by using one of the expressions from the *matn* of the hadith to locate the hadith under investigation. One of the well-known works used in this method is *al-Muʿjam al-Mufahras li Alfāẓ al-Ḥadīth al-Nabawī*, compiled by Arent Jan Wensinck, an Orientalist. The author searched for the hadith by using the keyword الَحِديقَة, and obtained the following search results:

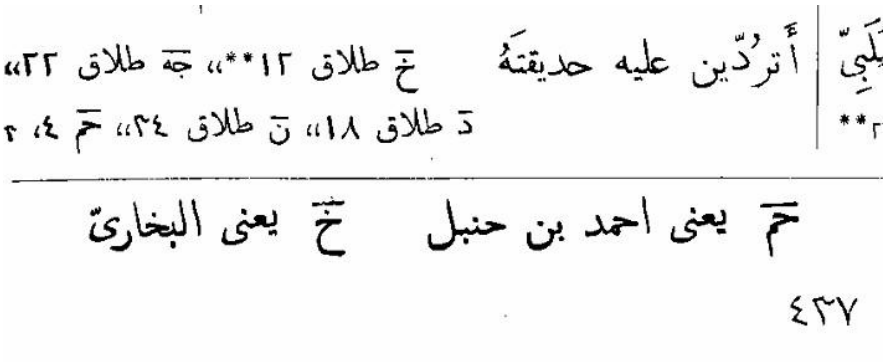



**Figure 1.** *Takhrīj search result in al-Muʿjam al-Mufahras li Alfāẓ al-Ḥadīth al-Nabawī*

The information provided in the image indicates that the hadith is found in *Ṣaḥīḥ al-Bukhārī*, chapter 12 (خ), *Sunan Abī Dāwūd*, chapter 18 (د), *Sunan al-Nasāʾī*, chapter 34 (ن), *Sunan Ibn Mājah*, chapter 22 (جه), and *Musnad Aḥmad*, volume 4, page 3 (حم). The code طلاق indicates that all versions of the hadith text are found in discussions concerning divorce (*ṭalāq*) (Wensinck, 1936, Vol. 1, p. 437). Based on the search conducted using a *takhrīj* work by referring to one of the expressions from the *matn* of the hadith and consulting the codes identified, the text of the hadith is found in the following sources:

*Ṣaḥīḥ al-Bukhārī* no. 5273 (*Kitāb al-Talāq, bāb al-Khul' wa kaifa al-Talāq fīhi*) (al-Bukhārī, 1991, Vol. 7, p. 46)

حَدَّثَنَا أَزْهَرُ بْنُ جَمِيلٍ، حَدَّثَنَا عَبْدُ الوَهَّابِ الثَّقَفِيُّ، حَدَّثَنَا خَالِدٌ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ ، أَنَّ امْرَأَةَ ثَابِتِ بْنِ قَيْسٍ أَتَتِ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ : يَا رَسُولَ اللَّهِ، ثَابِتُ بْنُ قَيْسٍ ، مَا أَعْتِبُ عَلَيْهِ فِي خُلُقٍ وَلاَ دِينٍ، وَلَكِنِّ

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أَكْرَهُ الْكُفْرَ فِي الإِسْلاَمِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: أَتَرُدِّينَ عَلَيْهِ حَدِيقَتَهُ؟ قَالَتْ: نَعَمْ، قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: اقْبَلِ الْحَدِيقَةَ وَطَلِّقْهَا تَطْلِيقَةً.

*Meaning:*

From Ibn Abbas, that the wife of Thabit ibn Qays came to the Prophet, peace and blessings be upon him, and said, "O Messenger of Allah, I do not find fault with Thabit bin Qays regarding his character or his religion, but I dislike falling into disbelief in Islam." The Messenger of Allah, peace and blessings be upon him, said, "Will you return his garden to him?" She said, "Yes." The Messenger of Allah, peace and blessings be upon him, said, "Accept the garden and divorce her once."

*Sunan Abū Dāud* no. 2227 (*Kitāb al-Talāq, bāb fī al-Khul'*) (Abū Dāud, 1997, Vol. 2, p. 268)

حَدَّثَنَا الْقَعْنَبِيُّ، عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ بْنِ سَعْدِ بْنِ زُرَارَةَ، أَنَّ أُخْتَهُ، عَنْ حَبِيبَةَ بِنْتِ سَهْلٍ الْأَنْصَارِيَّةِ، أَنَّهَا كَانَتْ تَحْتَ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ، وَأَنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ خَرَجَ إِلَى الصُّبْحِ فَوَجَدَ حَبِيبَةَ بِنْتَ سَهْلٍ عِنْدَ بَابِهِ فِي الْغَلَسِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: مَنْ هَذِهِ؟، فَقَالَتْ: أَنَا حَبِيبَةُ بِنْتُ سَهْلٍ، قَالَ: مَا شَأْنُكِ؟، قَالَتْ: لَا أَنَا وَلَا ثَابِتُ بْنُ قَيْسٍ لِزَوْجِهَا، فَلَمَّا جَاءَ ثَابِتُ بْنُ قَيْسٍ، قَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: هَذِهِ حَبِيبَةُ بِنْتُ سَهْلٍ، وَذَكَرَتْ مَا شَاءَ اللَّهُ أَنْ تَذْكُرَ، وَقَالَتْ حَبِيبَةُ: يَا رَسُولَ اللَّهِ، كُلُّ مَا أَعْطَانِي عِنْدِي، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لِثَابِتِ بْنِ قَيْسٍ: خُذْ مِنْهَا، فَأَخَذَ مِنْهَا، وَجَلَسَتْ هِيَ فِي أَهْلِهَا.

*Meaning:*

From Ḥabībah bint Sahl al-Anṣāriyyah, that she was married to Thābit ibn Qays ibn Shammas, and that the Messenger of Allah (peace and blessings be upon him) went out for the morning prayer and found Ḥabībah bint Sahl at his door in the darkness before dawn. The Messenger of Allah (peace and blessings be upon him) said, "Who is this?" She replied, "I am Ḥabībah bint Sahl." He asked, "What is the matter with you?" She replied, "Neither I nor Thābit ibn Qays can continue as husband and wife." When Thābit ibn Qays came, the Messenger of Allah (peace and blessings be upon him) said to him, "This is Ḥabībah bint Sahl," and she mentioned whatever Allah had willed her to mention. Ḥabībah said, "O Messenger of Allah, everything he gave me is still with me." The Messenger of Allah (peace and blessings be upon him) then said to Thābit ibn Qays, "Take it from her." He took it from her, and she remained with her family.

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*Sunan Nasā'i* no. 3462 (*Kitāb al-Talāq, bāb mā jā'a fī al-Khul'*) (al-Nasāʾī, 1986, Vol. 6, p. 169)

أَخْبَرَنَا مُحَمَّدُ بْنُ سَلَمَةَ، قَالَ: أَنْبَأَنَا ابْنُ الْقَاسِمِ، عَنْ مَالِكٍ ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، أَنَّهَا أَخْبَرَتْهُ عَنْ حَبِيبَةَ بِنْتِ سَهْلٍ: أَنَّهَا كَانَتْ تَحْتَ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ ، وَأَنَّ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ خَرَجَ إِلَى الصُّبْحِ، فَوَجَدَ حَبِيبَةَ بِنْتَ سَهْلٍ عِنْدَ بَابِهِ فِي الْغَلَسِ ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: مَنْ هَذِهِ؟ قَالَتْ : أَنَا حَبِيبَةُ بِنْتُ سَهْلٍ يَا رَسُولَ اللَّهِ، قَالَ: مَا شَأْنُكِ ؟ قَالَتْ : لَا، أَنَا وَلَا ثَابِتُ بْنُ قَيْسٍ لِزَوْجِهَا، فَلَمَّا جَاءَ ثَابِتُ بْنُ قَيْسٍ ، قَالَ لَهُ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: هَذِهِ حَبِيبَةُ بِنْتُ سَهْلٍ قَدْ ذَكَرَتْ مَا شَاءَ اللَّهُ أَنْ تَذْكُرَ. فَقَالَتْ حَبِيبَةُ: يَا رَسُولَ اللَّهِ، كُلُّ مَا أَعْطَانِي عِنْدِي، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لِثَابِتٍ: خُذْ مِنْهَا، فَأَخَذَ مِنْهَا وَجَلَسَتْ فِي أَهْلِهَا

*Meaning:*

From Ḥabībah bint Sahl al-Anṣāriyyah, that she was married to Thābit ibn Qays ibn Shammas, and that the Messenger of Allah (peace and blessings be upon him) went out for the morning prayer and found Ḥabībah bint Sahl at his door in the darkness before dawn. The Messenger of Allah (peace and blessings be upon him) said, "Who is this?" She replied, "I am Ḥabībah bint Sahl." He asked, "What is the matter with you?" She replied, "Neither I nor Thābit ibn Qays can continue as husband and wife." When Thābit ibn Qays came, the Messenger of Allah (peace and blessings be upon him) said to him, "This is Ḥabībah bint Sahl," and she mentioned whatever Allah had willed her to mention. Ḥabībah said, "O Messenger of Allah, everything he gave me is still with me." The Messenger of Allah (peace and blessings be upon him) then said to Thābit ibn Qays, "Take it from her." He took it from her, and she remained with her family.

*Sunan Ibnu Mājah* no. 2056 (*Kitāb al-Talāq, bāb al-Mukhtali'ah Ta'khużu mā A'ṭāhā*) (Ibn Mājah, 1996, Vol. 1, p. 663)

حَدَّثَنَا أَزْهَرُ بْنُ مَرْوَانَ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى قَالَ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي عَرُوبَةَ، عَنْ قَتَادَةَ، عَنْ عِكْرِمَةَ، عَنِ ابْنِ عَبَّاسٍ ، أَنَّ جَمِيلَةَ بِنْتَ سَلُولَ، أَتَتِ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ، فَقَالَتْ : وَاللَّهِ مَا أَعْتِبُ عَلَى ثَابِتٍ فِي دِينٍ، وَلَا خُلُقٍ، وَلَكِنِّي أَكْرَهُ الْكُفْرَ فِي الْإِسْلَامِ، لَا أُطِيقُهُ بُغْضًا، فَقَالَ لَهَا النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: أَتَرُدِّينَ عَلَيْهِ حَدِيقَتَهُ؟ قَالَتْ : نَعَمْ، فَأَمَرَهُ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَنْ يَأْخُذَ مِنْهَا حَدِيقَتَهُ، وَلَا يَزْدَادَ.

*Meaning:*

From Ibn ʿAbbās that Jamīlah bint Salūl came to the Prophet, peace and blessings be upon him, and said, "By Allah, I do not fault Thābit regarding

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his religion or his character, but I dislike disbelief in Islam, and I cannot bear it out of hatred." The Prophet (peace and blessings be upon him) said to her, "Will you return his garden to him?" She replied, "Yes." The Messenger of Allah (peace and blessings be upon him) then instructed him to take back his garden from her and not to take anything more.

*Musnad Aḥmad* no. 16095 (*Musnad al-Madaniyīna, Baqiyyah ḥadīṡ Sahl bin Abī Ḥaṡmah*) (Ibn Ḥanbal, 1995, Vol. 4, p. 3)

حَدَّثَنَا عَبْدُ الْقُدُّوسِ بْنُ بَكْرِ بْنِ خُنَيْسٍ ، قَالَ: أَخْبَرَنَ حَجَّاجٌ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، وَالْحجَّاج، عَنْ مُحَمَّدِ بْنِ سُلَيْمَانَ بْنِ أَبِ حَثْمَةَ، عَنْ عَمِهِ سَهْلِ بْنِ أَبِ حَثْمَةَ، قَالَ: كَانَتْ حَبِيبَةُ ابْنَةُ سَهْلِ بْنِ ثَبِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ الْنُصَارِي فَكَرِهَتْهُ، وَكَانَ رَجُلًا دَمِيمًا، فَجَاءَتْ إِلَ النَّبِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ : يَ رَسُولَ اللَّهِ، إِنِ لَا أَرَاهُ فَلَوْلَا مَخَافَةُ اللَّهِ عَزَّ وَجَلَّ لَبَزَقْتُ فِ وَجْهِهِ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: أَتَرُدِينَ عَلَيْهِ حَدِيقَتَهُ الَّتِ أَصْدَقَكِ ؟ قَالَتْ : نَعَمْ، فَأَرْسَلَ إِلَيْهِ فَرَدَّتْ عَلَيْهِ حَدِيقَتَهُ، وَفَرَّقَ بَيْنَهُمَا، قَالَ: فَكَانَ ذَلِكَ أَوَّلَ خُلْعٍ كَانَ فِ الْإِسْلَامِ.

*Meaning:*

From Abdullah bin Amr bin al-Ash and Sahl bin Abi Hathmah, who said: Habibah bint Sahl was married to Thabit bin Qays bin Shammās al-Ansari. She disliked him, and he was an unattractive man. She came to the Prophet (peace and blessings be upon him) and said: "O Messenger of Allah, I cannot stand looking at him. Were it not for the fear of Allah, the Almighty, I would have spat in his face." The Messenger of Allah (peace and blessings be upon him) said: "Will you return to him the garden that he gave you as a bridal gift?" She said: "Yes." He then sent for him, and she returned his garden to him. The Prophet then separated the two of them. He (Sahl bin Abi Hathmah) said: "This was the first case of khulʿ to occur in Islam."

A closer examination of the five hadith narrations clearly shows that the hadith was transmitted by several Companions. Ibn ʿAbbās was not the only Companion who narrated it, as other narrations were also found on the authority of ʿAbd Allāh ibn ʿAmr ibn al-ʿĀṣ and Sahl ibn Abī Ḥathmah, as well as Ḥabībah bint Sahl, who independently narrated the account of her own experience. The narrations transmitted by Companions other than Ibn ʿAbbās serve as supporting evidence for Ibn ʿAbbās's narration, indicating that the hadith as *masyhūr*.

The existence of hadith narrations transmitted through different chains of transmission allows each *isnād* to reinforce the others. Consequently, if one of the hadith's chains of transmission is identified as *ḍaʿīf*, its classification may be elevated to *ḥasan* through corroborating narrations, as in the case of the narration in *Musnad Aḥmad*, which contains a narrator suspected of *tadlīs*. With the existence of narrations

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transmitted by Ibn ʿAbbās and Ḥabībah bint Sahl, the narration transmitted through Aḥmad's chain, which was initially classified as *ḍaʿīf*, is elevated to *ḥasan* due to the presence of other narrations that corroborate its content.

### *Reaffirming Khulʿ Hadith through Migrant Women's Agency*

*Khulu'*, in legal terminology, refers to the dissolution of a marriage at the wife's request, on the condition that she returns the property or bridal gift previously given to her by her husband. According to Abdullah ibn 'Abd al-Rahman al-Bassam in his work, *khulu'* is permissible when a wife dislikes her husband's conduct or experiences treatment that she finds unacceptable. A wife's request to separate from her husband is also permissible when her aversion arises from his poor treatment or behavior, undesirable habits, unattractive physical appearance, or other circumstances that cause her discomfort and make it difficult for her to maintain the marital relationship. In relation to the hadith concerning the wife of Thabit bin Qays, al-Bassam cites Sayyid Qutb provides an interpretation of the narration by stating, "The collection of narrations concerning the story of Thabit bin Qays and his wife depicts the psychological condition that she experienced. The Messenger of Allah responded to this situation as someone who understood the circumstances faced by the woman." (Al-Tamīmī, 1423 H, Vol. 5, p. 278)

In the contemporary context, this dimension can be understood as a form of women's *agency*, referring to their capacity to articulate their interests, negotiate marital relationships, and exercise choices when faced with circumstances in which the continuation of marriage is no longer sustainable. From this perspective, a woman's request for *khulu'* may represent an active process of decision-making rather than merely a reaction to marital conflict. Recent scholarship on *khulu'* further demonstrates that women who initiate divorce should not necessarily be positioned as passive subjects. Instead, they may actively navigate religious norms, social expectations, unequal power relations, and legal mechanisms to negotiate an exit from marriages that they perceive as no longer fulfilling their needs or safeguarding their well-being. Such an understanding highlights women as active subjects who are capable of evaluating their marital circumstances (Ikhwan et al., 2025).

This reading becomes particularly relevant when examined in relation to the experiences of Indonesian female migrant workers, whose migration may bring significant changes to their social, economic, and familial positions. Within this context, a woman's decision to terminate her marriage should not be understood merely as an act of divorce, but also as an expression of agency through which she asserts her interests, exercises autonomy, and determines the direction of her own life and future. The experience of migration may provide women with greater economic resources, self-confidence, and decision-making capacity, enabling them to reassess marital relationships and respond to conditions that they perceive as incompatible with their well-being and dignity (Nurfatia & Fithriyyah, 2026).

In relation to this matter, Imam al-Nawawi also explains that if a woman's request

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to terminate her marriage is caused by her husband's conduct or character that violates religious principles, such a request is permissible, and there is no disagreement among scholars regarding its permissibility. Imam al-Nawawi's view is also based on the case of the wife of Thabit ibn Qays, stating, "Because Thabit ibn Qays struck his wife, she consequently requested *khulʿ*, and the Prophet was aware of Thabit ibn Qays's conduct and did not at all reject his wife's decision to end the marriage." (al-Nawawī, n.d., Vol. 17, p. 4)

Imam al-Nawawi's explanation demonstrates that women in marital situations that are detrimental to their well-being have the opportunity to express their wishes and actively participate in decisions concerning the continuation of their marriages. Thus, *khulʿ* can be understood not merely as a legal mechanism for terminating a marriage, but also as a form of recognition of women's capacity to express disagreement, make choices, and seek appropriate solutions to marital relationships that no longer serve their well-being and interests. In this sense, *khulʿ* provides a religiously recognized space for women to exercise their agency in determining the course of their marital lives. The case of the wife of Thabit ibn Qays further illustrates that a woman's decision to seek the dissolution of her marriage can be articulated as a legitimate response to circumstances.

Regarding the content of the hadith explained by Imam al-Nawawi, Ibn Hajar also explains the content of the hadith narration concerning the wife of Thabit ibn Qays, stating, "A dispute arising from the woman's side is sufficient to permit *khulʿ*, without requiring that the cause of the dispute originate from both parties. *Khulʿ* is prescribed when the wife no longer accepts living and residing with her husband due to a particular reason, even when the husband still wishes to live with and remain with his wife, as expressed by the wife of Thabit ibn Qays through the words وَلٰكِنِّي أَكْرَهُ الْكُفْرَ فِي الْإِسْلَامِ, which indicate that discomfort and profound disappointment with her husband's treatment could at some point lead her to commit an act of disbelief. In other words, the intended meaning of "disbelief (kufur)" in the statement of the wife of Thabit ibn Qays is the denial of her husband's kindness and the failure to fulfill his rights." (al-ʿAsqalānī, 1379 H, Vol. 9, p. 398)

Ibn Hajar's explanation demonstrates that the consideration underlying *khuluʿ* is not solely based on whether or not the husband has committed a violation, but also on the conditions experienced and perceived by the wife. This shows that women's experiences and assessments of their marital relationships play an important role in determining the continuity of the household. Within this framework, *khuluʿ* can be understood as a form of recognition of women's right to respond to marital conditions that are no longer considered compatible with their needs, tranquility, and well-being. Recognition of women's experiences simultaneously creates space for women to negotiate unequal marital relationships without having to wait for a unilateral decision from their husbands. This perspective is relevant to the concept of women's agency, as women's actions in expressing their concerns and determining the direction of their marital lives constitute an active process of responding to the social structures and

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power relations they encounter. This reading can subsequently be used to understand the experiences of migrant women workers who face changing roles, economic independence, and family relationship dynamics as new contexts in which they exercise their agency regarding the continuation of their marriages (Nisa & Rhajilah, 2026).

Reaffirming the hadith through the experiences of migrant women workers demonstrates that agency is not manifested solely through the act of ending a marriage, but also through women's ability to articulate their experiences, assess their marital circumstances, negotiate power relations, utilize their economic independence, and make choices concerning the continuation of their household life (Guspita et al., 2025). This perspective is consistent with recent scholarship that views Muslim women's agency as a multidimensional process shaped through the interaction of personal choices, social relations, and structures that both constrain and enable women's actions (Husain, 2025). By positioning the experiences of migrant women workers as a context for contextual interpretation, this study not only connects the *khulu'* hadith with the contemporary realities of divorce, but also offers a methodological contribution through a dialogical reading of the hadith that brings normative texts into conversation with women's social experiences.

## CONCLUSION

This study concludes that women's decisions to engage in labor migration and subsequently initiate divorce (*khulu'*) represent a progressive exercise of female agency. Female migration is primarily driven by household economic pressures and domestic violence. Although overseas employment enhances women's financial autonomy, prolonged separation exacerbates marital conflict, predominantly triggered by husbands' infidelity, financial irresponsibility, and the misuse of remittances. Consequently, divorce initiated by female migrant workers is not merely a passive outcome of marital breakdown, but an active decision to reclaim dignity, autonomy, and safety.

Reaffirming the hadith through the experiences of migrant women workers demonstrates that agency is not manifested solely through the act of ending a marriage, but also through women's ability to articulate their experiences, assess their marital circumstances, negotiate power relations, utilize their economic independence, and make choices concerning the continuation of their household life.

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## Authors' Contribution

Siti Aisyah Kara and Shaolee Mahboob contributed to conceptualization, research design, and the development of the manuscript. Kasjim Salenda contributed to the theoretical framework, literature review, and critical revision of the manuscript. Ahmad Siddiq Setiawan contributed to data collection, data analysis, and interpretation of the findings. Siti Fatimah contributed to the literature review, manuscript editing, and final revision. All authors read and approved the final manuscript.

## AI Generative Statement

The authors declare that Elicit, an AI-powered research tool, was used to identify and explore relevant previous studies and scholarly literature in support of the literature review. The academic sources identified through Elicit were independently reviewed and verified by the authors. The research conceptualization, data collection, analysis, interpretation of findings, and final academic decisions remained the responsibility of the authors. The authors take full responsibility for the originality, accuracy, and integrity of the content of this manuscript.

## Statement of Conflict of Interest

The authors declare that there is no conflict of interest that could have influenced the research, authorship, or publication of this article.

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