

Maqasid Al-Shariah Analysis of Marriage Annulment at the Cikarang Religious Court: A Case Study of Decision Number 1380/Pdt.G/2019/PA.Ckr

Ema Damayanti, Universitas Islam 45, Indonesia
Suprihatin, Universitas Islam 45, Indonesia
Musyaffa Amin Ash Shabah, Universitas Islam 45, Indonesia
Agus Supriyanto, Universitas Islam 45, Indonesia

damayantiema894@gmail.com (correspondent)

Article Info	Abstract
<p>Article history:</p> <p>Received: Month XX, 20XX Revised: Month XX, 20XX Accepted: Month XX, 20XX</p>	<p>Marriage annulment due to fraudulent misrepresentation remains a critical yet under-examined phenomenon in Indonesian Islamic family law jurisprudence. This study aims to analyze the judge's legal reasoning in Decision Number 1380/Pdt.G/2019/PA.Ckr at the Cikarang Religious Court concerning marriage annulment due to spousal fraud, and to evaluate the decision through the lens of maqasid al-shariah theory. This research employs a qualitative approach with normative-juridical legal research design. The primary data source consists of the court decision document, supplemented by statutory provisions and relevant Scopus-indexed scholarly literature. Data were analyzed through content analysis and the maqasid al-shariah framework at three hierarchical levels: daruriyyat, hajjiyyat, and tahsiniyyat. The results demonstrate that the judge's decision exhibits legal coherence with Article 27(2) of the Marriage Law and Article 72(2) of KHI regarding marriage annulment on grounds of fraud. Furthermore, the maqasid al-shariah analysis reveals that the annulment decision fulfills the five essential objectives (al-daruriyyat al-khams): protection of religion, life, intellect, lineage, and property. This study contributes to the growing body of literature on the intersection of Islamic legal philosophy and positive law application in Indonesian Religious Courts.</p>
<p>Keywords:</p> <p>Islamic family law, Maqasid al-shariah, Marriage annulment, Religious Court, Spousal fraud.</p>	
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A. Introduction

Marriage constitutes a sacred covenant (mithaqan ghalizan) between a man and a woman, established upon mutual consent, love, and compliance with prescribed legal and religious conditions (Abubakar & Abubakar, 2024; Hashim et al., 2023). In Indonesia, the institution of marriage is governed by a dual legal framework comprising state legislation, principally Law Number 1 of 1974, as amended by Law Number 16 of 2019, and Islamic jurisprudence codified in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI). Despite the sanctity accorded to the marital bond, the dissolution of marriage, including through annulment (fasakh), remains a persistent reality in judicial proceedings. Statistical data from the Supreme Court of Indonesia reveal that marriage annulment cases in Religious Courts have shown a notable increase over the past decade, with fraud and misrepresentation constituting a significant proportion of the grounds invoked (Nurlaelawati, 2024; Salim & Mulyadi, 2022). This quantitative trend underscores the urgency of examining how

*Corresponding Author:

Author, University/Affiliation, COUNTRY, Email: sahaja@darunnajah.ac.id

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courts reconcile positive law provisions with Islamic legal philosophy when adjudicating annulment petitions grounded in spousal deception.

The existing scholarly literature on marriage annulment in Indonesia has predominantly focused on doctrinal analysis of statutory provisions and procedural aspects. Several studies have examined the legal grounds for marriage annulment under the Marriage Law and KHI (Rozikin et al., 2024; Nugraheni, 2020; Arifin & Harahap, 2023), while others have explored comparative perspectives between Indonesian family law and other Muslim-majority jurisdictions (Ash-Shabah et al., 2021; Hasyim, 2022). Research on judicial reasoning in annulment cases has largely been confined to descriptive accounts of individual court decisions without systematic theoretical engagement (Brata, 2019; Fauziyah, 2020). Although the theory of maqasid al-shariah has been applied to various domains of Islamic law, including criminal law (Jafar et al., 2025), economic transactions (Kamali, 2024), and divorce proceedings (Wibowo & Hendar, 2022), its application to marriage annulment jurisprudence remains remarkably underexplored. Most existing studies that invoke maqasid al-shariah in the family law context do so superficially, without a rigorous multi-level analytical framework that systematically evaluates judicial decisions against the hierarchical structure of *daruriyyat*, *hajiyyat*, and *tahsiniyyat* (Auda, 2021; Kamali, 2024). Furthermore, there is a conspicuous absence of scholarly work that integrates legal coherence theory with maqasid al-shariah analysis in evaluating marriage annulment decisions involving fraud, particularly cases of concealed pre-marital pregnancy.

This study aims to address these scholarly gaps by conducting a comprehensive analysis of Decision Number 1380/Pdt.G/2019/PA.Ckr issued by the Cikarang Religious Court, which adjudicated a marriage annulment petition grounded in the respondent wife's fraudulent concealment of a pre-marital pregnancy. Specifically, this research pursues two interrelated objectives: first, to examine the legal coherence of the judge's considerations with applicable statutory provisions namely Article 27(2) of the Marriage Law and Article 72(2) of KHI; and second, to evaluate the decision through the multi-tiered analytical framework of maqasid al-shariah as theorized by classical and contemporary scholars including al-Shatibi, Ibn Ashur, and Jasser Auda. The unit of analysis is the court decision itself, situated within the broader normative context of Indonesian Islamic family law adjudication.

This study argues that the judicial reasoning in Decision Number 1380/Pdt.G/2019/PA.Ckr demonstrates a substantive alignment between the application of positive law and Islamic legal philosophy, wherein the annulment verdict serves the comprehensive realization of *maslahah* (public interest) across all three hierarchical levels of maqasid al-shariah. The originality of this study lies in its integrated analytical approach that bridges legal coherence theory (Marzuki, 2017) with a systematic maqasid al-shariah evaluation, thereby offering both theoretical contributions to Islamic legal scholarship and practical implications for judicial decision-making in Indonesian Religious Courts. The subsequent sections of this article are structured as follows: the method section elaborates on the research design and analytical procedures; the results section presents the court decision findings; the discussion section provides the maqasid al-shariah analysis with extensive engagement with Scopus-indexed literature; and the conclusion synthesizes the key findings with recommendations for future research.

B. Methods

This study employs a qualitative, normative-juridical legal research design, which is appropriate for examining the substance and legal reasoning embedded in judicial decisions (Soekanto & Mamudji, 2023; Marzuki, 2017). Normative legal research focuses on analyzing legal norms and principles, and their application in specific adjudicative contexts, making it particularly suitable for evaluating the coherence between a court ruling and the underlying statutory and philosophical frameworks that inform it (Ibrahim, 2021; Diantha, 2023). The object of this research is the court decision in Case Number 1380/Pdt.G/2019/PA.Ckr concerning the annulment of marriage at the Cikarang Religious Court, Bekasi Regency, West Java Province, Indonesia.

The primary data sources consist of the official court decision document obtained from the Indonesian Court Decision Directory (Direktori Putusan Mahkamah Agung), complemented by

statutory provisions, including Law Number 1 of 1974 jo. Law Number 16 of 2019 on Marriage, the Compilation of Islamic Law (KHI), and the Indonesian Criminal Code (KUHP) insofar as it pertains to fraud provisions. Secondary data sources comprise Scopus-indexed scholarly literature on marriage annulment, maqasid al-shariah theory, Islamic family law, and judicial decision-making in Religious Courts published between 2020 and 2026, supplemented by classical Islamic jurisprudential texts relevant to the maqasid framework.

Data collection was conducted through documentary study techniques, encompassing systematic identification, selection, and extraction of relevant legal provisions, judicial considerations, and scholarly arguments. The data analysis procedure followed three sequential stages. First, data reduction was performed by identifying and categorizing the judge's legal considerations in relation to the applicable statutory provisions and the Islamic legal principles invoked. Second, data display was organized through thematic mapping of the decision's components against the three-tiered maqasid al-shariah framework: daruriyyat (essential needs), hajiyyat (complementary needs), and tahsiniyyat (embellishment needs). Third, conclusion drawing and verification were conducted by triangulating the findings across multiple legal sources and scholarly perspectives to ensure analytical rigor and validity (Miles et al., 2020). The validity of the research findings was ensured through theoretical triangulation, in which the court decision was analyzed simultaneously through the lenses of legal coherence theory (Marzuki, 2017), maqasid al-shariah theory as articulated by al-Shatibi (Auda, 2021; Kamali, 2024), and contemporary Indonesian legal scholarship on marriage annulment.

C. Result

Case Description

The case under examination involves a marriage annulment petition filed by the applicant (husband) against Respondent 1 (wife) and Respondent 2 (the Office of Religious Affairs/KUA of South Tambun). The petition was registered at the Cikarang Religious Court under Case Number 1380/Pdt.G/2019/PA.Ckr on May 27, 2019. According to the petition, the applicant and Respondent 1 were married on March 31, 2019, with the marriage being officially recorded at the KUA of South Tambun, Bekasi Regency. Prior to the marriage, the applicant held bachelor (*perjaka*) status, while Respondent 1 claimed virgin (*perawan*) status. The couple had undergone a pre-marital acquaintance period (*ta'aruf*) of approximately one year and had not engaged in sexual intercourse prior to the marriage.

Following the marriage, the applicant discovered that Respondent 1 had been pregnant prior to the wedding. Based on a midwife's examination conducted on May 17, 2019, it was determined that the fetus in the Respondent's womb was four months old, as evidenced by ultrasound records. Respondent 1 subsequently admitted that she had been seven weeks pregnant before the marriage and that the fetus was conceived with a male colleague from her workplace. Upon learning of this deception, the applicant consulted with his family and decided to file for marriage annulment on the grounds of fraud (*penipuan*) or misrepresentation (*salah sangka*) concerning the Respondent's personal condition.

Judge's Considerations and Verdict

During the court proceedings, the applicant and Respondent 2 appeared before the court, while Respondent 1 was absent and did not send a legal representative. The panel of judges attempted to mediate and reconcile the parties, advising the applicant to reconsider his petition and preserve the marriage, but these efforts proved unsuccessful. Upon examination of the evidence and witness testimonies, the panel of judges found that Respondent 1 had deliberately concealed her pregnant condition at the time of the marriage, thereby establishing the element of fraud regarding Respondent's personal condition. The judges further determined that the applicant felt deceived and was unable to continue in the household, causing significant emotional distress.

The panel of judges reasoned that continuing the marriage under such circumstances would result in greater harm (*madarrah*) to both parties than dissolving it. Applying the legal basis of Article 27(2) of Law Number 1 of 1974 jo. Law Number 16 of 2019 on Marriage, which provides that a

marriage annulment may be filed when fraud or misrepresentation regarding the identity or condition of either spouse occurs during the marriage, and Article 72(2) of the Compilation of Islamic Law containing identical provisions, the judges concluded that the applicant's petition was sufficiently grounded in law and should therefore be granted. The court ordered the annulment of the marriage between the applicant and Respondent 1 and required the applicant to bear the court costs amounting to Rp491,000.00.

Legal Coherence Analysis

The research findings reveal that the judge's decision in Case Number 1380/Pdt.G/2019/PA.Ckr demonstrates legal coherence (*kesesuaian hukum*) with the applicable statutory framework. According to the legal coherence theory articulated by Marzuki (2017), a legal statement or decision is considered coherent when it corresponds with a system of other legal propositions and principles. The decision's coherence is evidenced at multiple levels. At the statutory level, the decision aligns with Article 27(2) of the Marriage Law, which permits a spouse to petition for marriage annulment when fraud or misrepresentation concerning the other spouse's identity or condition occurs during the marriage. This provision is mirrored in Article 72(2) of the KHI, providing dual legal basis from both state law and Islamic law codification. At the evidentiary level, the court established through witness testimonies and documentary evidence (midwife's examination records and ultrasound results) that the element of fraud was proven. Respondent 1 had deliberately concealed her pre-marital pregnancy and the fact that the fetus was not the applicant's child. At the procedural level, the court adhered to proper adjudication procedures, including mediation attempts, examination of the evidence, and application of the correct substantive legal provisions.

D. Discussion

This section provides a comprehensive maqasid al-shariah analysis of the marriage annulment decision, engaging extensively with contemporary Scopus-indexed scholarship to contextualize the findings within the broader discourse of Islamic legal philosophy and family law adjudication.

Maqasid al-Shariah: Theoretical Framework

Maqasid al-shariah, defined as the objectives and underlying wisdom of Islamic law, constitutes one of the most significant intellectual contributions to Islamic legal theory (*usul al-fiqh*). Al-Shatibi (d. 790 AH) systematized the theory into three hierarchical levels: *daruriyyat* (essentials), *hajiyyat* (needs), and *tahsiniyyat* (embellishments), with the *daruriyyat* further comprising five fundamental objectives: preservation of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-aql*), lineage (*hifz al-nasab*), and property (*hifz al-mal*) (Auda, 2021; Kamali, 2024). Contemporary scholars, including Jasser Auda, have proposed a systems-based approach to maqasid that emphasizes multi-dimensionality, openness, and interrelatedness of these objectives (Auda, 2021; Duderija, 2024). The application of maqasid al-shariah to judicial decision-making has gained increasing scholarly attention, particularly in Muslim-majority countries where courts navigate between codified state law and Islamic jurisprudential principles (Hallaq, 2023; Opwis, 2023; Zainuddin et al., 2022).

Daruriyyat Level Analysis

The analysis at the *daruriyyat* level examines how the annulment decision serves the five essential objectives of Islamic law. Regarding the protection of religion (*hifz al-din*), the decision upholds the prophetic tradition that permits marriage annulment in cases of spousal deception, as narrated by Ibn Kathir, who reports the Prophet Muhammad's response upon discovering a concealed physical defect in a bride (al-Qaradawi, 2020). This hadith establishes that concealment of material conditions constitutes valid grounds for dissolving a marriage bond, a principle affirmed across the major schools of Islamic jurisprudence (Hallaq, 2023; Esposito & DeLong-Bas, 2022). The decision thus revitalizes the prophetic teaching that marriage must be founded upon honesty and transparency, aligning with the broader Islamic principle that contracts vitiated by fraud are voidable (Kamali, 2024; Rahman, 2022). Contemporary scholarship further supports this position by emphasizing that the Islamic institution of marriage requires both parties to make a full and honest disclosure of material

personal conditions as a fundamental ethical obligation (Abubakar & Abubakar, 2024; Hashim et al., 2023; Ali, 2021).

Regarding the protection of the soul/life (*hifz al-nafs*), the decision safeguards the applicant's emotional and psychological well-being by releasing him from a marriage founded on deception. The principle of mutual consent (*rida*) constitutes a cornerstone of Islamic marriage law, and a marriage procured through fraud fundamentally undermines this principle (Salim & Mulyadi, 2022; Nurlaelawati, 2024). The Quranic injunction in Surah al-Nisa (4:58) commanding justice in human affairs, along with the prophetic tradition prohibiting harm among fellow Muslims, provides the normative basis for the court's intervention to protect the applicant's psychological integrity (Hashim et al., 2023; Zainuddin et al., 2022). Recent empirical studies have documented significant psychological consequences, including depression, anxiety, and trust disorder among individuals who discover spousal deception post-marriage, underscoring the tangible harm that the court's decision seeks to prevent (Kocer & Yesilcay, 2023; Ahmed & Mahmood, 2022).

The protection of intellect (*hifz al-aql*) is served by the decision insofar as it prevents the cognitive and emotional disturbance that would ensue from compelling the applicant to continue a marriage predicated on fundamental dishonesty. Rational judgment requires freedom from circumstances that cause persistent psychological turmoil, and a marriage marred by fraud inevitably generates continuous conflict and mental distress (Wibowo & Hendar, 2022; Jafar et al., 2025). The maqasidi perspective recognizes that preserving the rational faculty extends beyond the narrow prohibition of intoxicants to encompass the broader protection of mental health and cognitive well-being (Auda, 2021; Duderija, 2024). This expanded understanding of *hifz al-aql* aligns with contemporary Islamic bioethics scholarship that recognizes mental health as integral to the maqasid framework (Ghaly, 2023; Padela, 2021).

Regarding the protection of lineage (*hifz al-nasab*), the decision holds particular significance given the factual circumstances of the case. The concealed pre-marital pregnancy by another man posed a direct threat to the integrity of the applicant's lineage and paternal rights. Islamic law places exceptional emphasis on the preservation of *nasab*, as it bears direct implications for inheritance rights (*mirath*), guardianship (*wilayah*), and the prohibition of incestuous relationships (*mahram*) (Kamali, 2024; Esposito & DeLong-Bas, 2022). The prophetic warning against falsely attributing one's lineage to a non-biological father underscores the severity with which Islam treats matters of lineage (al-Qaradawi, 2020; Rahman, 2022). Contemporary DNA jurisprudence scholarship has further reinforced the importance of biological paternity verification in cases of disputed lineage, providing additional scientific support for the court's reasoning (Ghaly, 2023; Shabana, 2022).

Finally, the protection of property (*hifz al-mal*) is served by the annulment decision, which releases the applicant from the obligation to provide financial maintenance (*nafaqah*) to a spouse who entered the marriage through deception. Islamic jurisprudence conditions the wife's entitlement to *nafaqah* upon *tamkin's* genuine submission and availability in the marital relationships which is undermined when the marriage itself was procured through fraud (Kelvin et al., 2025; Arifin & Harahap, 2023). The Quranic provision in Surah al-Baqarah (2:233) establishing the husband's maintenance obligation presupposes a valid and honest marital relationship, a condition that was absent in this case. Contemporary Islamic finance scholarship further supports the principle that contractual obligations vitiated by fraud release the aggrieved party from any further financial commitments (Hassan et al., 2022; Iqbal & Mirakhor, 2023).

Hajiyat Level Analysis

At the *hajiyat* level, the annulment decision addresses three complementary needs: legal certainty (*kepastian hukum*), utility (*kemanfaatan*), and justice (*keadilan*). Legal certainty is realized through the formal judicial declaration that the marriage is annulled, thereby providing the applicant with an authoritative legal document confirming his release from marital obligations and any putative paternal responsibility for the Respondent's child (Salim & Mulyadi, 2022; Ibrahim, 2021). The principle of legal certainty in Islamic law is expressed in the Quranic verse (Surah al-Isra, 17:15), which establishes that no one shall be punished without prior legal notice, and, by analogical extension, supports the right of a defrauded party to seek a formal judicial remedy (Hallaq, 2023; Opwis, 2023).

The utility dimension of the decision is evidenced in its practical consequences: the applicant is freed from the obligation to provide financial support to a spouse who deceived him, the legal status of the child's paternity is clarified, and a precedent is established that fraud constitutes actionable grounds for annulment (Nurlaelawati, 2024; Arifin & Harahap, 2023). Justice is achieved through the court's balanced consideration of the evidence, proper application of applicable legal provisions, and recognition of the applicant's right to be released from a fraudulently induced contractual obligation (Marzuki, 2017; Zainuddin et al., 2022).

Tahsiniyyat Level Analysis

At the tahsiniyyat level, the decision demonstrates adherence to proper legal drafting standards (standar legal drafting), encompassing the formal requirements of judicial decision writing as prescribed by Indonesian procedural law. The decision document includes all requisite components: the decision header (kepala putusan), party identification (identitas para pihak), factual background (duduk perkara), legal considerations (pertimbangan hukum), verdict (amar putusan), and decision footer (kaki putusan) (Diantha, 2023; Soekanto & Mamudji, 2023). This formal compliance reflects the Quranic emphasis on proper documentation in contractual and legal matters, as articulated in Surah al-Baqarah (2:282), commanding the faithful recording of obligations. Contemporary scholarship on judicial decision-making quality emphasizes that procedural formality is not merely ornamental but constitutes a substantive guarantee of due process and the rule of law (Nurlaelawati, 2024; Opwis, 2023).

Implications for Islamic Legal Theory and Practice

The integrated analysis of Decision Number 1380/Pdt.G/2019/PA.Ckr through both legal coherence theory and maqasid al-shariah framework yields several significant implications. First, this study demonstrates that Indonesian Religious Court judges, even when not explicitly invoking maqasid al-shariah terminology, often engage in substantively maqasidi reasoning by considering the broader welfare implications of their decisions (Nurlaelawati, 2024; Zainuddin et al., 2022). Second, the case highlights the need for more explicit integration of maqasid al-shariah analysis into Religious Court decision-making processes, thereby enhancing both the theoretical sophistication and the persuasive authority of judicial rulings (Auda, 2021; Kamali, 2024). Third, the findings contribute to the growing body of comparative literature examining how Muslim-majority jurisdictions negotiate the interface between codified family law and classical Islamic jurisprudence (Esposito & DeLong-Bas, 2022; Hallaq, 2023). The Indonesian experience, characterized by a dual legal system that accommodates both state law and Islamic law, offers a valuable case study for understanding how contemporary Muslim societies can operationalize maqasid al-shariah within modern judicial institutional frameworks (Hasyim, 2022; Salim & Mulyadi, 2022).

E. Conclusion

This study has analyzed the judge's legal reasoning in Decision Number 1380/Pdt.G/2019/PA.Ckr at the Cikarang Religious Court concerning marriage annulment on the grounds of spousal fraud, and evaluated the decision through the comprehensive framework of maqasid al-shariah. The findings demonstrate that the judge's considerations exhibit strong legal coherence with Article 27(2) of Law Number 1 of 1974 jo. Law Number 16 of 2019 on Marriage and Article 72(2) of the Compilation of Islamic Law, both of which permit marriage annulment when fraud or misrepresentation concerning a spouse's condition is established during the marriage. The court properly established the element of fraud through documentary and testimonial evidence, confirming that Respondent 1 deliberately concealed her pre-marital pregnancy and the fact that the fetus was another man's child.

The maqasid al-shariah analysis reveals that the annulment decision comprehensively fulfills Islamic legal objectives across all three hierarchical levels. At the daruriyyat level, the decision protects the five essential objectives: religion (by upholding prophetic teachings on marital honesty), soul (by safeguarding the applicant's psychological integrity), intellect (by preventing cognitive disturbance from continued coerced cohabitation), lineage (by protecting the applicant's paternal rights and nasab

integrity), and property (by releasing the applicant from maintenance obligations arising from a fraudulent contract). At the hajyyat level, the decision ensures legal certainty, utility, and justice for the aggrieved party. At the tahsiniyyat level, the decision demonstrates compliance with proper legal drafting standards.

The theoretical contribution of this study lies in its demonstration that legal coherence analysis and maqasid al-shariah evaluation can be productively integrated to provide a more holistic assessment of judicial decision-making in Indonesian Religious Courts. Future research should extend this analytical framework to a broader sample of marriage annulment decisions across different Religious Courts to examine whether the pattern of maqasidi reasoning observed in this case is representative of broader judicial practice. Additionally, empirical research examining judges' explicit awareness and application of maqasid al-shariah theory in their decision-making processes would yield valuable insights for judicial training and capacity-building programs.

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