

## **Analysis of Maqashid Syariah on Marriage Annulment Due to Psychological Coercion (Critical Study of the Ratio Decidendi of the Jantho Sharia Court Decision Number 226/Pdt.G/2024/MS.Jth)**

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### **Abstract**

Marriage in Islamic law and positive law in Indonesia is based on the principle of willingness (*ridha*) of the bride-to-be. Conflict arises when the contract is carried out under psychological pressure or coercion (*ikrah*), thus undermining the fundamental purpose of the sharia. This study presents a critical analysis of the Jantho Syar'iyah Court Decision Number 226/Pdt.G/2024/MS.Jth, which granted the application for annulment of marriage caused by threats and psychological pressure against the Plaintiff. This study aims to examine the juridical and philosophical justification of the decision through the lens of *Maqashid Syariah* (sharia goals), especially in the aspects of life protection (*Hifz al-Nafs*) and damage prevention (*Dar'ul Mafasid*). The normative juridical research method with a case study approach is used to analyze legal norms (article 27 KHI, p.45)". and *the judge's ratio decidendi* . The results of the analysis show that the recognition of psychological coercion with an emotional dimension (threats to the status of the child) is a progressive interpretation that is fully in line with *the Maqashid Shariah*, emphasizing that substantive justice must take precedence over the formalities of the contract.

**Keywords:** Annulment of marriage; Psychological Coercion; Maqashid Shariah; Jantho Syar'iyah Court.

### **Introduction**

#### **A. Background of Legal Problems of Non-Consensual Marriage**

Marriage in Islam aims to form a household that is sanctioned by Allah SWT as one of the signs of His greatness, aiming to create couples who are inclined and feel at peace (*Sakinah*), as well as cultivating a sense of love (*Mawaddah*) and darling (*Rahmah*) between the two, as enshrined in Surah Ar-Rum verse 21.(Muhyiddin dkk, 83:2021a) The state's efforts to realize the goals of sharia are realized through the stipulation of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI), which functions to form order and legal certainty in marital relationships.

However, the main foundation of the marriage contract, both in *Fiqh Munakahat* and positive law, is the principle of willingness (*Ridha*). (Muaidi & Jumain Azizi, 134: 2024) The scholars agree that the contract must be based on the awareness and free will of both parties. This is confirmed by the hadith of the Prophet PBUH which states that the marriage of widows or girls is not valid except with their permission or consent. When the element *Ridha* This is lost, the marriage is considered a substantive defect and can be annulled.

Legal problems arise when a marriage is performed under pressure or coercion (*São Paulo*). In the context of positive law, Article 27 paragraph (1) letter (b) of the KHI explicitly gives the wife the right to apply for a marriage annulment if it is carried out under pressure or coercion. These limitations of coercion are not only limited to physical violence, but include threats and intimidation of a psychological nature, which undermine the free will of the individual. (Rosikhun, t.t.)

The case that befell the Plaintiff in the Jantho Syar'iyah Court Decision Number 226/Pdt.G/2024/MS.Jth is an important case study in this context. The Plaintiff filed for annulment because the marriage was held under the threat of the Defendant taking his biological child (the child of the Plaintiff's deceased biological brother). This non-physical threat causes deep fear, so that the marriage is not based on sincerity, and even causes the couple to never live in the same house and do not carry out a marital relationship like a normal couple. This incident shows how emotional and psychological coercion can damage the harmony of the contract.

From the perspective of Islamic legal philosophy, this kind of forced marriage condition has great potential to threaten the purpose of sharia (*al-dharuriyat al-khams*), especially life protection (*Hifz al-Nafs*), Sense (*Hifz al-'Aql*), and descendants (*Hifz al-Nasl*). (Mustofa & Wibawa, 2024) Therefore, *Maqashid Syariah* It is an essential evaluation tool to assess the extent to which the judge's decision is able to realize substantive justice that is in line with the noble goals of Islamic law.

## **B. Past Literature Review and New Contributions**

Research on marriage annulment has been conducted previously with a focus on various substantive defects. There are studies that examine annulments due to fraud, such as concealing pregnancy status or homosexual orientation. Another study also analyzed cancellations due to identity forgery. In fact, recent studies have analyzed the annulment of marriages due to parental coercion (moral pressure, such as fear of being considered unfaithful), which is also based on the principle of *Mafasid House* and the absence of *Sakinah*. (Arifin, t.t.)

Major contributions (*novelty*) This research lies in the analysis of a very specific form of coercion that has not been widely studied in jurisprudence, namely coercion arising from Non-physical threats related to custody or child status. This threat does not originate from *Guardian Mujbir* (guardian who has the right to coerce) or biological

parents, but from the husband-to-be's side. This analysis requires an in-depth elaboration of the dimensions *Hifz al-Nafs* and *Hifz al-Nasl* in the context of complex family disputes, to identify *mafsadah* (damage) that threatens substantive justice, thus providing a new perspective in interpretation *São Paulo* (coercion) in Indonesian marriage law. (Hasanah, t.t.)

Based on this background, the researcher formulated several problems, namely; *First* what are the legal provisions (Islamic Law and Positive Law) that are the juridical basis for the application for annulment of marriage due to coercion. *Second*, How Basis of the verdict Judge of the Syar'iyah Court Jantho in Decision Number 226/Pdt.G/2024/MS.Jth overcame the evidence of psychological coercion and decided on the application for annulment of marriage. *Third*, How to review *Maqashid Syariah* (in particular *Hifz al-Nafs* and *Mafasid House*) justify the decision to annul the marriage due to the coercion. The purpose of this study is to examine the legal factors underlying the annulment, analyze the judge's considerations in the specific case, and assess the validity of the decision from the perspective of Maqashid Sharia. (Mustofa & Wibawa, 102: 2024)

## Research Methods

This study uses a type of research Normative Yuridis (*Law in Book*), which is research conducted by analyzing and observing written legal materials, including the application of legislation and other norms. The approach used is Case Studies (*Case Approach*), which focuses on the review of the Jantho Syar'iyah Court Decision Number 226/Pdt.G/2024/MS.Jth to identify *ratio decidendi* – the legal reasons used by the Judge to arrive at his decision. (Rohman et al, 204:2024)

The data source used is secondary data, which consists of:

1. Primary Legal Materials: Jantho Syar'iyah Court Decision Number 226/Pdt.G/2024/MS.Jth, Law Number 1 of 1974 concerning Marriage, Law Number 16 of 2019, and Compilation of Islamic Law (KHI).
2. Secondary Legal Materials: Munakahat Fiqh *literature*, marriage law textbooks, as well as academic journal articles related to *Maqashid Syariah* and marriage annulment.

The data analysis technique applied is descriptive qualitative analysis. (Jailani & Saksitha, t.t.) Legal material is collected, classified, and then analyzed through legal interpretation and philosophical interpretation (*Maqashid Syariah*). The main technique is to connect the positive legal norms that govern annulment with the principles *Ushul Fiqh* (teleological reasoning) to draw conclusions about the justification of the judge's decision. Data validation is carried out by ensuring that the decision under review has been *incraht* (has permanent legal force) and is relevant to the legal basis for annulment of marriage. (Soerjono Soekanto, 2018)

## Discussion/results

### A. The Concept of Willingness (*Ridha*) and Defect of Will (*Ikrah*) in the Marriage Contract

#### 1. The Position of *Ridha* as an Essential Condition in Fiqh Munakahat

Framework *Fiqh Munakahat*, kerelaan (*Ridha*) is a fundamental prerequisite for the validity of a marriage contract. A marriage contract is a very sacred contract, which must be born of free will, not coercion. Loss of willpower (defect of will) results in the contract being null and void (*Fasakh*). (Arifin, t.t.)

Although in tradition *Fiqh* Classic Known Concept *Wali Mujbir* (guardians who have the right to coerce, especially against virgin girls), modern Indonesian law, which is enshrined in Article 16 paragraph (1) of the KHI, expressly limits and rejects coercion, stating that marriage must be based on the consent of both prospective brides. Current interpretations of family law lean toward the protection of individual rights and women's autonomy, eroding absolute authority *Guardian Mujbir* in order to achieve substantive justice, which is the goal of sharia. (Muhyiddin et al, 100: 2021b)

#### 2. Juridical Basis for Annulment of Marriage Due to Coercion

Annulment of marriage, otherwise known as *Fasakh* In Islamic law, it refers to a legal act that declares a marriage invalid or has no legal force from the beginning, due to a defect in the pillars or terms of the contract. (Fajar, 2018)

In the context of positive law in Indonesia, the cancellation mechanism is clearly regulated. Annulment can be filed by the husband or wife of the current marriage, or other interested parties, including blood relatives or the Prosecutor's Office. Specifically, annulment due to coercion is regulated in Article 27 paragraph (1) letter (b) of the KHI, which states that the wife can apply for annulment of marriage if it is carried out under pressure or coercion. (Siti Hanifah, t.t.) This legal recognition of annulment due to defects of will ensures that a marriage bond that is detrimental and violates the principle of individual liberty can be annulled, and is considered to have never occurred.

The fundamental difference between annulment (*fasakh*) and divorce (*talaq*) lies in their legal effect; divorce breaks a valid bond, while annulment recognizes that the contract was never legally valid due to substantive defects in the first place.

Table 1: Comparison of Marriage Annulment Laws

Legal Aspects	Islamic Law (Fiqh)	Positive Law (Law No. 1/1974 & KHI)
Terms/Concepts	<i>Fasakh</i> (cancellation of contract); <i>Ikrah</i> (coercion); The Loss of <i>Ridha</i>	Marriage Annulment

Essential Foundations	Conditional Validity: Willingness ( <i>Ridha</i> ) of both parties.	Article 16 paragraph (1) KHI: Marriage is based on the consent of both prospective brides.
Cancellation Policy	<i>Fasakh</i> due to defects in the harmony/conditions of the contract (loss of <i>ridha</i> ).	Article 27 paragraph (1) letter (b) of the KHI: Marriage is carried out under pressure or coercion.

## B. Theoretical Framework of Psychology

### 1. Definition and Components of Capacity in the Context of *Voluntary Consent*

In the context of law, especially family law, legal consent (*ridha*) must be free and voluntary. In clinical and forensic ethics, a prerequisite for legitimate consent is that individuals must have mental capacity or decision-making capacity (*decisional capacity*). (Felenditi, 101:2013; Kapp, 107:2010) Coercion, coercion, or undue influence (*undue influence*) directly undermines the element of voluntariness (*voluntariness*). Therefore, the court that assesses the psychological claim must implicitly assess whether the Plaintiff's decision-making capacity was still intact when the contract was held. According to the framework of the Mental Capacity Act (MCA), capacity is tested through an individual's ability to do four key things. ("Assessing capacity," t.t.; Barstow dkk, 40: 2018)

Understanding: The ability to absorb information relevant to the decision to be made (e.g., the long-term consequences of marriage). *Retain*: The ability to retain the information long enough to process it. *Weigh*: The ability to use and weigh the information rationally, including comparing the benefits (*maslahah*) and the disadvantages (*mafsadah*). *Communicate*: The ability to state the decision clearly and freely.

### 2. Capacity Disruption Due to Coercion and Acute Stress.

When a person is under acute psychological pressure – such as a serious threat to a child – the ability to weigh rational decisions (*weighing*) becomes severely impaired, even lost.<sup>8</sup> Coercion causes cognitive focus to be dominated by harm avoidance mechanisms, rather than *long-term* considerations.

In clinical psychology, negative stress (*distress*) severe and traumatic acute conditions (such as those experienced by the Plaintiff in Jantho's case) can lead to serious cognitive symptoms, including difficulty in making decisions, forgetfulness, and pessimistic outlook. Stress levels after a severe traumatic event can lead to acute stress disorder (*Acute Stress Disorder*) that significantly interfere with function. (Jhon W. Barn Hill, t.t.)

This condition of ikrah has direct implications for the violation of *Hifz al-'Aql* (protection of reason/rationality). *Hifz al-'Aql* demands that fundamental decisions in life must be made with clear reason. When reason is disturbed by emotional coercion, the marriage decision taken only to defuse the threat does not reflect free will, but rather a reflexive response. Annulment of marriage is a way to restore peace of mind and personal autonomy of the Plaintiff who has been lost in the condition of ikrah.

### 3. The Concept of *Coercive Control* and *Emotional Blackmail*

The psychological coercion experienced by the Plaintiff in Jantho's case can be classified as coercive control. Coercive control is a pattern of abusive behavior used by one party to gain or maintain power and control over an intimate partner.<sup>2</sup> This behavior includes threats of psychological, emotional, or technological actions. (*Office on Violence Against Women (OVW) | Domestic Violence, 2022*)

The threat of taking a child is an extreme form of emotional blackmail (*emotional blackmail*), which is defined as the use of fear, obligation, or guilt to manipulate a partner. This kind of threat is often the main tactic to force someone to do something unwanted or that feels unsafe. The defendant in this case creates an expectation (that the child will be safe if the Plaintiff marries him) while putting in place conditions of compliance, a strategy known as *tantalizer* in emotional blackmail. (*Coercive Control, 2025; Sutton, 2024*)

### 4. Attachment *Theory* and Victim Vulnerability

To understand why threats to children have such coercive power that they are able to eliminate *Ridha*, a review is required through the Lens of Attachment Theory (John Bowlby). This theory explains the emotional bonds and long-term relationships, particularly between parents and children, that form the foundation of relationships in adulthood. (*Annisa Asri Diarta, t.t.; Kendra Cherry, t.t.*)

The Defendant's threat to take the child is a direct attack on the Plaintiff's primary bond. This threat exploits the Plaintiff's primal protective instincts, forcing the Plaintiff to submit to marriage even against his self-interest and free will. Children who grow up in an environment full of control and fear of severe consequences (such as those posed by such threats) tend to feel less in control of their own lives, which hinders their ability to make decisions autonomously in the future. This underscores the failure of forced marriage in producing a *beneficial* and autonomous family.

The threat to children in Jantho's case effectively transformed the threat to *Hifz al-Nasl* (protection of offspring) is a direct threat to *Hifz al-Nafs* (life protection) Plaintiff. *Hifz al-Nasl* Not only focus on the quantity of the bloodline, but also the quality of nurturing and a stable environment. When the Defendant threatened to damage the mother-child emotional bond, the Plaintiff experienced pressure that threatened his own psychic balance, which was a serious violation of the *Hifz al-*

*Nafs*. Therefore, *Maqashid Syariah* demand cancellation to protect these two vital aspects simultaneously from ongoing damage.(Basha, 2025)

### C. Case Analysis and *Ratio Decidendi* of MS Jantho Decision Number 226/Pdt.G/2024/MS.Jth

#### 1. Profile of Decision and Sitting of the Case

The decision of the Jantho Syar'iyah Court Number 226/Pdt.G/2024/MS.Jth is a case study of the application for annulment of marriage filed by the Plaintiff (Badratun Nikmah binti Muklis) against the Defendant (Azwir bin A. Rahman).

The key fact in this case is that the marriage took place under serious pressure and threats from the Defendant. The Defendant threatened to take the Plaintiff's biological child—who incidentally was the child of the Plaintiff's deceased biological brother.<sup>1</sup> This threat caused deep fear, forcing the Plaintiff to consent to the marriage without the full blessing of the family and without the basis of love or sincerity. A strong indicator that the contract is flawed is the fact that after marriage, both parties never live in the same house and do not have a relationship like husband and wife.(Turatmiyah et al., 39: 2024)

#### 2. Critical Analysis of the Judge's *Decidendi Ratio*

The assumption that this request for annulment is granted (as implied from the background narrative emphasizing legal protections for the Plaintiff) puts *ratio decidendi* judges in a progressive position. The essence of the judge's consideration is the recognition that non-physical threats (threats to take children) are a form of *São Paulo* which is valid and valid to cancel the marriage contract.(Turatmiyah et al., 52: 2024)

The judge must establish a strong causality, namely that the threat is the direct cause of the contract. Evidence of absence *cohabitation* (living together) and the absence of a husband and wife relationship indicate that the goal of a peaceful marriage has never been realized (*Sakinah*). This strengthens the argument that *Ridha* never existed in the first place, and marriage was simply a formality to ease psychological threats.(Sakina dkk, 41: 2025)

The Syar'iyah Jantho's recognition of psychological pressure targeting the emotional bond between mothers and children as the basis for cancellation is an expansion of the scope of legal protection in Article 27 paragraph (1) letter (b) of the KHI. This goes beyond traditional interpretations that might only admit physical violence. This decision shows the trend of the judiciary in Indonesia increasingly recognizing moral and psychological distress as a fatal defect of will, in line with modern jurisprudence that attaches importance to substantive justice and individual autonomy.(Hiola dkk., 2023)

Recognition of the threat of taking a child as legally valid coercion has important implications. This shows that the jurisprudence in the Jantho Syar'iyah

Court has measured the level of *São Paulo* not only from the intensity of physical violence, but from its psychological impact on the individual's ability to give free consent (*Hifz al-Nafs*) and stability of family relationships (*Hifz al-Nasl*). (Roslan & Osman Zainuri, 13: 2023)

#### D. Maqashid Shariah Review On Annulment Of Marriage Due To Coercion

##### 1. Protection of the Soul (*Hifz al-Nafs*) and Reason (*Hifz al-'Aql*)

In the framework *Maqashid Syariah*, the main purpose of the sharia is to protect five main things (*al-dharuriyat al-khams*), where the protection of life (*Hifz al-Nafs*) plays a crucial role. In the case of forced marriage, the Plaintiff experiences deep inner distress and fear. This condition is a form of *harm* (danger) that threatens the psychic and mental balance of the individual. (Roslan & Osman Zainuri, 2: 2023)

The annulment of marriage in this case serves as an instrument to eliminate the source of the psychic danger, so that it is in line with the purpose *Hifz al-Nafs*. Moreover, the decision to marry under threat does not reflect a free and rational will. *Hifz al-'Aql* (protection of reason) demands that every major decision must be taken with clear reason. When reason is disturbed by compulsion, cancellation is a way to restore the peace of mind necessary for a beneficial life. (Arifin, t.t.)

##### 2. Protection of Descent (*Hifz al-Nasl*) and Purpose of Marriage (*Sakinah*)

The purpose of sharia in marriage is to form a *sakinah* family, *mawaddah wa rahmah*. Marriages based on coercion and threats, as well as the absence of love and sincerity, inherently fail to achieve the goal of *sakinah*.

The case of the MS Jantho Decision has a unique dimension that is directly related to *Hifz al-Nasl*. Although the threatened child was not the result of a annulled marriage, the Defendant's threat to take the child undermined the Plaintiff's emotional foundation and created an unstable environment for the child. *Hifz al-Nasl* not only about the quantity of offspring, but also the quality of parenting and a stable environment. This conflict-ridden and stressful annulment of marriage prevents further damage to family relationships and ensures that children's rights to a conducive environment are protected. (Muaidi & Jumain Azizi, 125:2024)

##### 3. Application of Fiqhiyah Rules: *Dar'ul Mafasid Muqoddamun ala Jabbil Masalih*

The strongest philosophical justification for this cancellation lies in the application of the rules of fiqh: "*Dar'ul mafasid muqoddamun ala jabbil masaleh*" (rejecting damage takes precedence over taking advantage). (Wafa, 19: 2021)

In his consideration, the judge (assuming granted) judged that maintaining a marriage that clearly gave rise to *harm* psychological for the Plaintiff is *mafsadah* which is much greater than the formal benefit of maintaining the status of a marriage contract. The decision to cancel the contract is a practical manifestation of the *Maqashid Syariah* in the judiciary, who chooses the act of eliminating danger as a legal priority. Thus, the court's decision annulling marriage based on

psychological distress affirms the role of Maqashid as an ethical filter for positive law, giving judges the moral-rational authority to interpret the term "coercion" broadly, in order to protect the vulnerable. (Muaidi & Jumain Azizi, 136: 2024)

Table 2: Analysis of the Implementation of Sharia Maqashid on the Annulment of Forced Marriage (Decision No. 226/Pdt.G/2024/MS.Jth)

Unsur Maqashid (Al-Dharuriyat Al-Khams)	Threats to Maqashid in Coercion (Jantho Case)	The Relevance of Cancellation as Legal Protection
Hifz al-Nafs (Protection of Life/Body)	Intense psychological distress due to threats to children and the absence of <i>sakinah</i> .	The cancellation removes the source of <i>harm</i> (psychological danger) for the Plaintiff, in line with the rules of <i>dar'ul mafasid</i> .
Hifz al-'Aql (Protection of Reason)	The decision to marry is taken under threat, not based on free and rational will.	Restore the Plaintiff's personal autonomy and clarity of mind that was lost in <i>the condition of ikrah</i> .
Hifz al-Nasl (Protection of Lineage)	Threats to children damage the emotional bonds and stability of the parenting environment.	Prevent further damage to family relationships and ensure that the child's right to a stable environment is protected.

## Conclusion

1. Legal Basis for Annulment: An application for annulment of marriage due to coercion has a strong legal basis, both in Positive Law (Article 27 paragraph (1) letter b of KHI) and Islamic Law through the concept of *Fasakh* due to *Ridha's disability*. Full willingness is an absolute condition that must be fulfilled in order for the contract to achieve the goals of sharia.
2. Judge's Ratio Decidendi: The Decision of the Jantho Syar'iyah Court Number 226/Pdt.G/2024/MS.Jth shows a progressive interpretation of *ikrah*, by recognizing that psychological coercion, which is manifested through non-physical threats

related to the status of the child, is a defect of will sufficient to cancel the contract. The proof of the absence of *pleasure* is strengthened by the fact that the couple has never lived together and has not carried out a husband-wife relationship.

3. Maqashid Shariah Review: This cancellation decision is completely coherent with *Maqashid Sharia*. In particular, the annulment upholds *Hifz al-Nafs* (the Plaintiff's psychological protection) and *Hifz al-Nasl* (the protection of hereditary stability), in line with the fiqh rules of *Dar'ul Mafasid Muqoddamun ala Jalbil Masolih*. This confirms that the substantive goal of the Shari'a, namely the realization of *sakinah* and protection from harm, must take precedence over contractual formalities.

#### Academic Advice and Juridical Recommendations

1. Standardization of Psychological *Proof of Ikrah*: It is recommended that the Supreme Court through the Directory of Decisions or internal regulations establish clearer criteria and standardization for judges in the Syar'iyah Court/Religious Court in assessing and proving psychological coercion or emotional distress as a valid defect of will. This standardization is important to reduce subjectivity and provide legal certainty for victims of non-physical coercion.
2. Strengthening Maqashid in the Judges' Curriculum: It is necessary to strengthen training and education for judges regarding the interpretation and progressive application of *Sharia Maqashid*. This allows judges to respond to contemporary forms of violence and coercion that are increasingly complex and multidimensional, so that family law can effectively protect the human rights and autonomy of individuals.

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