

IMPLEMENTATION OF SADD AL-DZARI'AH IN MARRIAGE ANNULMENT DUE TO RELATIONAL STATUS MANIPULATION (A STUDY OF CIBINONG RELIGIOUS COURT DECISION 4188/PDT.G/2023/PA.CBN)

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Abstract

This study analyzes the ratio decidendi in Cibinong Religious Court Decision Number 4188/Pdt.G/2023/PA.Cbn on marriage annulment due to premarital relational status manipulation, using Sadd al-Dzari'ah as an interpretative framework. The case is significant because Indonesian law does not expressly recognize concealed relational status as a ground for annulment, although maintaining a marriage founded on dishonesty may generate mafsadah. This normative legal research uses case, statutory, and conceptual approaches, with legal materials collected through library research and analyzed qualitatively-normatively. The findings show that the panel annulled the marriage based on facts indicating the Respondent's bad faith and linked them to Article 27(2) of the Marriage Law in conjunction with Article 72(2) of the Compilation of Islamic Law. Analytically, relational status manipulation was the initial cause, while maintaining the dishonesty-based marriage constituted dzari'ah ghalibah. The identified mafsadah comprised a strongly presumed risk of adultery and damage to the marriage contract's integrity caused by ghurūr. Annulment before consummation (qabla dukhul) therefore served corrective and preventive functions, confirming the complementarity of positive law and Sadd al-Dzari'ah. Practically, the findings offer Religious Court judges a preventive assessment framework for assessing concealed facts, intent, evidence, and potential mafsadah in cases without replacing formal legal grounds.

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1. INTRODUCTION

Marriage in Islam is not merely a contract that legalizes the relationship between a man and a woman, but an institution with religious, legal, and social dimensions. Within the framework of *uṣūl al-fiqh*, marriage is directed toward the realization of the *maqāṣid al-sharī'ah*, particularly the protection of lineage (*ḥifẓ al-nasl*), which is closely related to the protection of honor (*ḥifẓ al-'ird*) (Hadi, 2017). This orientation is reflected in Article 1 of Law Number 1 of 1974, which defines marriage as a means of establishing a happy and lasting family (Santoso, 2016). Article 2 of the Compilation of Islamic Law defines marriage as a *mīthāqan ghalīẓan*, while Article 3 directs it toward the formation of a household characterized by *sakīnah*, *mawaddah*, and *raḥmah*. Therefore, compliance with the pillars and requirements of marriage constitutes a prerequisite for realizing benefit and preventing harm to the parties involved (Musyafah, 2020).

The validity of marriage also requires the free, conscious, and uncoerced consent of both parties. A marriage contract is a legal act that presupposes mutual willingness and the absence of fraud (Musyafah, 2020). Accordingly, the concealment of material facts concerning a prospective spouse may affect the other party's consent and undermine the integrity of the marriage from its inception. A marriage may be annulled when defects exist in its pillars or requirements, including falsehood or deception that gives rise to a legal defect (Nurjanah et al., 2021). A marriage established on the basis of inaccurate information is at risk of failing to realize its intended objectives because the foundations of consent and trust have already been compromised.

The Indonesian legal system regulates marriage annulment under Articles 22–28 of Law Number 1 of 1974 and Articles 70–76 of the Compilation of Islamic Law. In Islamic law, annulment based on circumstances that undermine the continuation of marriage is associated with *fasakh* and is distinct from *ṭalāq* (Djawas et al., 2020). Article 27 paragraph (2) of the Marriage Law grants a husband or wife the right to seek annulment on the ground of a mistaken belief concerning the identity or condition of the spouse, while Article 72 paragraph (2) of the Compilation of Islamic Law includes fraud or mistaken belief as grounds for annulment. However, these provisions do not provide an exhaustive definition of mistaken belief or specify the forms of fraud in a detailed manner. Such general formulations create interpretive space when the manipulation does not take the form of falsified identity or official documents, thereby complicating legal assessment and the protection of the injured party (Kirana et al., 2025).

The circumstances underlying marriage annulment are not limited to administrative defects but may also concern the personal and relational conditions of the parties. Iswandi (2021) identifies several grounds that are relatively easy to establish through documents, physical conditions, or legal status, including falsification of marital status, polygamy without authorization, conversion of religion, and concealment of physical defects. Beyond these circumstances, manipulation may also occur within the personal sphere, which is not officially documented but may nevertheless cause legal, financial, and emotional harm (Berutu et al., 2024). Therefore, judges must distinguish between an unintentional mistaken belief and fraud committed through the deliberate concealment of facts or the intentional provision of false information (Hakim & Ciptorukmi N, 2019).

Decision of the Cibinong Religious Court Number 4188/Pdt.G/2023/PA.Cbn presents an issue involving the manipulation of premarital relational status that differs from administrative fraud based on identity or documentation. The case originated from the Petitioner's allegation that, prior to the marriage, the Respondent claimed not to have an intimate partner. However, after the marriage contract was concluded, it was discovered that the Respondent remained involved with an intimate partner and subsequently left the Petitioner to meet that man. Based on witness testimony, the Respondent's departure had been planned before the marriage contract, while the Petitioner and Respondent had never engaged in marital relations, meaning that the marriage remained *qabla al-dukhūl* (Pengadilan Agama Cibinong, 2023). This case is significant because the concealed fact was not recorded in any official document, yet it had the potential to affect consent and the integrity of the marriage. Such characteristics require judicial law-finding that connects concrete facts with broadly formulated annulment provisions (Isnantiana, 2017).

Previous studies on marriage annulment reveal three relevant lines of inquiry. First, Andrianata et al. (2023) examined the element of fraud concerning a spouse under Article 27 paragraph (2) of the Marriage Law and Article 72 paragraph (2) of the Compilation of Islamic Law. Second, Ahmad and Arifin (2025) analyzed the concealment of a husband's sexual orientation through the perspectives of positive law and the *maqāṣid al-sharī'ah*. Third, Nurjanah et al. (2021) examined marriage annulment through a normative-library approach based on *Sadd al-Dharī'ah* as a means of preventing harm when the continuation of marriage would produce greater detriment. These studies provide important foundations concerning fraud, the protection of the *maqāṣid*, and the preventive function of annulment. However, none has specifically analyzed the *ratio decidendi* in a concrete judicial decision concerning the manipulation of premarital relational status in a *qabla al-dukhūl* marriage through a reconstruction based on *Sadd al-Dharī'ah*.

This underexplored area indicates the need for an analysis that connects positive law, *uṣūl al-fiqh*, and judicial *ratio decidendi* in a concrete case involving the manipulation of premarital relational status. In *uṣūl al-fiqh*, *Sadd al-Dharī'ah* emphasizes prevention by blocking means that may lead to *mafsadah* (Nugroho et al., 2025). Through this framework, the judicial reasoning in Decision of the Cibinong Religious Court Number 4188/Pdt.G/2023/PA.Cbn may be understood not merely as the application of marriage annulment provisions, but also as reasoning that contains a preventive dimension. The panel of judges did not explicitly refer to *Sadd al-Dharī'ah* in the decision (Pengadilan

Agama Cibinong, 2023); rather, the concept is employed in this study as an interpretive framework and not as the formal legal basis of the judgment. This study therefore aims to analyze the judges' ratio decidendi through that framework. Its novelty lies in reconstructing marriage annulment as both a corrective instrument and a preventive mechanism intended to prevent the continuation of mafsadah arising from the manipulation of premarital relational status, thereby offering a perspective of preventive legal reasoning in marriage annulment cases.

2. RESEARCH METHOD

This study employs normative legal research, which conceptualizes law as a system of norms encompassing legal principles, statutory regulations, judicial decisions, and legal doctrines. The object of the study is Decision of the Cibinong Religious Court Number 4188/Pdt.G/2023/PA.Cbn. The decision was selected purposively because it represents a marriage annulment case arising from the manipulation of a non-administrative relational status in a qabla al-dukhul marriage. The selection of a single decision was intended to obtain an in-depth understanding of the characteristics of the case and the construction of the judges' legal reasoning, rather than to generalize all marriage annulment cases adjudicated within the religious court system.

This study applies the case approach, statutory approach, and conceptual approach. The case approach is used to examine the legal facts and the ratio decidendi underlying the annulment of the marriage. The statutory approach is employed to analyze the application of marriage annulment provisions under Law Number 1 of 1974 on Marriage, including its amendments, and the Compilation of Islamic Law. The conceptual approach is used to interpret the preventive dimension of the judges' reasoning through the concept of Sadd al-Dhari'ah. Legal materials were collected through library research using tracing, inventorying, and classification techniques. Primary legal materials consist of the judicial decision under examination, the Marriage Law, and the Compilation of Islamic Law. Secondary legal materials include works on usul al-fiqh, books, and scholarly articles concerning Sadd al-Dhari'ah, marriage annulment, fraud in marriage, judicial reasoning, and Islamic family law.

The legal materials were analyzed through a qualitative-normative method in three stages. First, the legal facts, legal issues, legal grounds, and ratio decidendi were identified in order to describe the structure of the judges' reasoning. Second, the conformity between the manipulation of premarital relational status and the marriage annulment provisions under positive law was examined. Third, the preventive dimension of the ratio decidendi was interpretively reconstructed through the concept of Sadd al-Dhari'ah by assessing the relationship among the manipulation of relational status, the continuation of the marriage, and the potential emergence of mafsadah. The results of these analyses were subsequently synthesized to explain the complementary relationship between the juridical legitimacy of positive law and the preventive rationality of Sadd al-Dhari'ah.

3. RESULT AND ANALYSIS

Reconstruction of the Case Background and Legal Facts

This marriage annulment case originated from the marriage between the Petitioner and the Respondent, which was solemnized on 25 June 2023 and registered by the Marriage Registrar of the Office of Religious Affairs of Ranca Bungur District, Bogor Regency, as recorded in Marriage Certificate Extract Number 3201341062023009. One day after the marriage contract, the Respondent left the Petitioner on the pretext of ordering food but did not return and could no longer be contacted. Subsequent inquiries by the family revealed that the Respondent had gone to meet a man who remained her intimate partner at the time the marriage contract was concluded. The Respondent returned only on the thirteenth day after the marriage. Since the marriage contract had been concluded, the Petitioner and the Respondent had never engaged in marital relations, meaning that the marriage remained qabla al-dukhul (Pengadilan Agama Cibinong, 2023).

On 24 July 2023, the Petitioner submitted an application for marriage annulment to the Cibinong Religious Court, which was registered as Case Number 4188/Pdt.G/2023/PA.Cbn. The application was based on an allegation of fraud because, prior to the marriage, the Respondent had claimed that she did not have an intimate partner, whereas the relationship was still ongoing when the marriage contract was concluded. The Petitioner's allegation was supported by the sworn testimony of

two witnesses, whose statements were mutually consistent and indicated that the Respondent's departure to meet her partner had been planned before the marriage contract. On the basis of these arguments and evidence, the Petitioner requested that the marriage be annulled pursuant to Article 72 paragraph (2) of the Compilation of Islamic Law (Pengadilan Agama Cibinong, 2023).

On 16 August 2023, the Panel of Judges of the Cibinong Religious Court granted the Petitioner's application in its entirety, annulled the marriage between the Petitioner and the Respondent, and declared Marriage Certificate Extract Number 3201341062023009 legally void. The Panel also ordered the Head of the Office of Religious Affairs of Ranca Bungur District to remove the marriage from the marriage register. The decision was pronounced in the absence of both the Respondent and the Co-Respondent. During the proceedings, the Respondent attended only one hearing and failed to appear at subsequent hearings despite having been officially and properly summoned (Pengadilan Agama Cibinong, 2023).

The Panel of Judges established four legal facts as the basis for annulling the marriage. First, the Petitioner and the Respondent had officially entered into marriage on 25 June 2023, as recorded in Marriage Certificate Extract Number 3201341062023009. Second, at the time the marriage was concluded, the Respondent still had an intimate partner and subsequently left the Petitioner without permission and could not be contacted. Third, the Petitioner and the Respondent had never engaged in marital relations, meaning that the marriage remained *qabla al-dukhūl*. Fourth, this sequence of circumstances caused the Petitioner to feel deceived and to seek annulment of the marriage. The formal facts concerning the parties' identities and marriage were supported by a photocopy of the Petitioner's identity card (Exhibit P.1) and the Marriage Certificate Extract (Exhibit P.2), both of which had been verified against the original documents. Meanwhile, the facts concerning the Respondent's relationship with another man, her departure after the marriage contract, and the *qabla al-dukhūl* status were corroborated by the mutually consistent sworn testimony of two witnesses (Pengadilan Agama Cibinong, 2023).

Normative Construction of Marriage Annulment

One of the normative grounds relied upon by the Panel of Judges in granting the application for marriage annulment was Article 27 paragraph (2) of Law Number 1 of 1974 on Marriage. This provision grants a husband or wife the right to seek annulment when, at the time the marriage was concluded, there was a mistaken belief concerning the identity or condition of the spouse. A mistaken belief arising from deliberate falsehood may be legally qualified as fraud, particularly when information provided before the marriage is subsequently proven to be inconsistent with the actual circumstances (Hakim & Ciptorukmi N, 2019). The concealment of material facts may also indicate that the concealing party was aware that disclosure of the true circumstances could have prevented the marriage from taking place (Iswandi, 2021). In the present case, the Respondent's representation that she did not have an intimate partner, despite the continuation of that relationship and the fact that her departure had been planned before the marriage contract, may be understood as creating a mistaken belief through deception concerning her condition at the time of marriage (Pengadilan Agama Cibinong, 2023).

In addition to Article 27 paragraph (2) of the Marriage Law, the Panel of Judges also relied on Article 72 paragraph (2) of the Compilation of Islamic Law. Whereas Article 27 paragraph (2) refers only to a mistaken belief concerning the spouse, Article 72 paragraph (2) expressly recognizes fraud or mistaken belief as grounds for marriage annulment (Hakim & Ciptorukmi N, 2019). The simultaneous application of these provisions indicates that they were treated as interrelated legal norms, as has also been identified in another marriage annulment case adjudicated by a Religious Court (Husna & Muhtadin, 2023). The evidence disclosed during the proceedings—that the Respondent still had an intimate partner, left the Petitioner without permission, could not be contacted, and had planned her departure before the marriage contract—may be interpreted as deliberate deception concerning her personal circumstances at the time the marriage was concluded (Pengadilan Agama Cibinong, 2023).

The normative difficulty in applying Article 27 paragraph (2) of the Marriage Law and Article 72 paragraph (2) of the Compilation of Islamic Law lies in the general nature of their formulations, which do not specify in detail the forms of fraud that may justify marriage annulment. Mistaken belief and fraud are primarily distinguished by the element of intent: a mistaken belief may arise without deliberate conduct, whereas a mistaken belief caused by intentional falsehood may be categorized as fraud (Hakim & Ciptorukmi N, 2019). Although neither provision explicitly mentions the concealment of an ongoing relationship with a third party, the Panel connected the facts that the Respondent still maintained an intimate relationship and had planned her departure before the marriage contract with the legal provisions concerning fraud or mistaken belief (Pengadilan Agama Cibinong, 2023). This application

demonstrates that the broadly formulated provisions were interpreted contextually to encompass forms of deception not expressly enumerated in the legislation.

The need for interpretation becomes more apparent when this case is compared with formal forms of fraud involving falsified identity, such as claiming to be unmarried despite already having a wife and children (Novitasari et al., 2021). Unlike such cases, the present dispute involved the concealment of a premarital relational status without the falsification of official documents. When a legal norm is unclear or does not regulate a particular event in sufficient detail, judges do not merely function as the mouthpiece of the law but engage in judicial law-finding guided by truth and justice (Taqiuddin, 2017). The Panel therefore connected the legal provisions on fraud or mistaken belief with the factual concealment of the Respondent's relational status (Pengadilan Agama Cibinong, 2023). This application may be interpreted through *Sadd al-Dharī'ah* as an analytical framework for explaining the preventive dimension of the judgment.

The Judges' Ratio Decidendi in the Marriage Annulment Decision

The starting point of the Panel of Judges' ratio decidendi lay in its assessment that the Respondent had acted in bad faith. This assessment was based on the fact that the Respondent left the Petitioner without permission after the marriage contract and could not be contacted, together with the finding that, at the time the marriage was concluded, the Respondent still maintained an intimate relationship with another man (Pengadilan Agama Cibinong, 2023). Analytically, this sequence of circumstances indicates that the Respondent's departure was not merely a breach of post-marital commitment, but was also connected to dishonesty concerning her relational status at the time the marriage was entered into. Such dishonesty undermined the integrity of the marriage from the very beginning of its formation.

From a juridical perspective, the Panel of Judges treated the series of facts demonstrating the Respondent's bad faith as grounds for annulment under Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law (Pengadilan Agama Cibinong, 2023). The concealment of a spouse's personal circumstances may affect the other party's willingness to enter into marriage because disclosure of the actual situation could have prevented the marriage from taking place (Iswandi, 2021). In a different typology, the concealment of marital status has likewise been qualified as fraud or mistaken belief and used as a basis for annulment under the same legal provisions (Falah & Rizal, 2022). Accordingly, these provisions may be applied substantively to encompass the manipulation of relational status even though such conduct is not expressly specified in the legislation.

Analytically, the *qabla al-dukhūl* condition established in the decision positioned annulment as a legal measure taken at the earliest stage of the marriage (Pengadilan Agama Cibinong, 2023). The central issue in this case did not concern the consequences of a consummated marital relationship, but rather the moral and relational damage arising from the Respondent's dishonesty from the inception of the marriage. Doctrinally, maintaining a marriage under certain circumstances may generate harm and continuing damage, whereas *fasakh* is intended to remove such harm and prevent it from becoming prolonged (Djawas et al., 2020). Within this framework, the early annulment of the marriage may be understood as a proportionate legal response aimed at preventing further harm.

To clarify the position of the Cibinong Religious Court case within the broader development of judicial applications of fraud or mistaken belief concerning a spouse, the following section presents a comparison with several marriage annulment cases involving different forms of manipulation.

Table 1. Typologies of Manipulation and Legal Grounds for Marriage Annulment
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Case and Source	Concealed Fact	Typology of Manipulation	Legal Basis
Jombang Religious Court Decision No. 0408/Pdt.G/2016/PA.Jbg (Falah & Rizal, 2022)	The husband claimed to be unmarried, although he was still legally bound by a previous marriage	Falsification of marital status	Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law

Case and Source	Concealed Fact	Typology of Manipulation	Legal Basis
Bogor Religious Court Decision No. 312/Pdt.G/2022/PA.Bgr (Husna & Muhtadin, 2023)	The husband's mental health condition	Concealment of a personal condition	Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law
Gunung Sugih Religious Court Decision No. 1845/Pdt.G/2020/PA.Gsg (Andrianata et al., 2023)	An unregistered marriage and the husband's cohabitation with another woman	Concealment of an unregistered marriage with a third party	Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law
Siak Sri Indrapura Religious Court Decision No. 25/Pdt.G/2020/PA.Sak (Andrianata et al., 2023)	The wife's premarital pregnancy by another man	Concealment of a reproductive condition	Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law
Cibinong Religious Court Decision No. 4188/Pdt.G/2023/PA.Cbn	The existence of an intimate partner at the time the marriage contract was concluded	Manipulation of relational status	Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law

The comparison demonstrates that the same legal provisions have been applied to different objects of manipulation. The distinctive feature of the Cibinong Religious Court case lies in the concealment of an ongoing intimate relationship with a third party, rather than the falsification of marital status, concealment of a health condition, an unregistered marriage, or a premarital pregnancy. This indicates that the provisions concerning fraud or mistaken belief regarding a spouse may be applied contextually on the basis of facts proven during the proceedings.

Based on the entirety of these considerations, Decision of the Cibinong Religious Court Number 4188/Pdt.G/2023/PA.Cbn demonstrates juridical conformity with positive law. The Panel of Judges annulled the marriage pursuant to Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law after considering the series of facts indicating the Respondent's bad faith (Pengadilan Agama Cibinong, 2023). The legal consequences of annulment follow Article 28 paragraph (1) of the Marriage Law, under which the decision becomes effective after acquiring permanent legal force, while its legal effects apply retroactively from the date on which the marriage was concluded, subject to the exceptions stipulated in Article 28 paragraph (2). Accordingly, the decision was not merely corrective in relation to a marriage formed through dishonesty, but may also be understood as preventive because it terminated the marital relationship before further harm could arise. This preventive character is subsequently reconstructed through the principle of *Sadd al-Dharī'ah* as an interpretive framework for examining the judges' reasoning.

A *Sadd al-Dharī'ah* Reading of the Judges' Reasoning

Etymologically, *al-sadd* (السَّدُّ) means "to close" or "to block" (Ibn Manẓūr, 1414 AH, p. 207), while *al-dharī'ah* (الذَّرِيعَةُ) means a means or intermediary (*al-wasīlah*) (Ibn Manẓūr, 1414 AH, p. 96). Terminologically, Ibn Qayyim al-Jawziyyah defines *Sadd al-Dharī'ah* as the act of blocking every means that is outwardly permissible but has the potential to lead to harm (*mafsadah*), not because the act itself is inherently reprehensible, but because it functions as an intermediary (*wasīlah*) to something prohibited or harmful (al-Jawziyyah, 2019, p. 3). Within the Mālikī and Ḥanbalī traditions, *Sadd al-Dharī'ah* is recognized as a principle of legal determination used to prevent means that lead to prohibited outcomes (al-Ṭūfī, 1987, p. 214; Ibn Rushd, 1988, p. 39). As an instrument for preventing *mafsadah*, this principle operates by closing pathways that may lead to harm and is consistent with the orientation of the *maqāṣid al-sharī'ah*, particularly the prevention of harm before it materializes in concrete form (Kawakib et al., 2020; Nugroho et al., 2025).

Within the analytical construction of this study, the structure of the *dharī'ah* begins with the manipulation of premarital relational status. The Panel of Judges established that, at the time the marriage contract was concluded, the Respondent still had an intimate partner, while witness testimony

indicated that her departure after the marriage had been planned beforehand (Pengadilan Agama Cibinong, 2023). This sequence of circumstances suggests that the concealment of relational status was not merely an act of negligence, but a manipulative act that enabled the formation of a marriage founded upon dishonesty. Within this structure, relational manipulation constitutes the initial cause, while the continuation of the marriage is positioned as the *dharī'ah* or intermediary (*wasīlah*) leading toward *mafsadah*. This interpretation is consistent with the finding that a marriage constructed on the falsification of identity does not produce benefit and may generate harm if it is maintained (Falah & Rizal, 2022). Accordingly, the object of prevention is not the institution of marriage itself, but the continuation of a marriage established through relational manipulation.

The *dharī'ah* leads to two mutually reinforcing layers of *mafsadah*. The primary *mafsadah* consists of the potential occurrence of *zinā* due to the possibility that the prohibited relationship between the Respondent and her intimate partner could continue behind the existence of a legally valid marriage. Such circumstances may threaten several dimensions of the *maqāsid al-sharī'ah*, particularly the protection of religion (*ḥifẓ al-dīn*), lineage (*ḥifẓ al-nasl*), and honor (*ḥifẓ al-'ird*) (Hadi, 2017; Harun et al., 2025). The secondary *mafsadah* consists of the impairment of the marriage contract's integrity as a result of *ghurūr*, namely the discrepancy between the circumstances represented by one party and the actual situation, which may constitute a ground for annulling the marriage contract (Djawas et al., 2020). Analytically, the Petitioner's consent was formed on the basis of information concerning the Respondent's relational status that was subsequently proven to be inconsistent with reality. Therefore, the continuation of the marriage could preserve a pathway toward *mafsadah*, while its annulment may be understood as consistent with the legal maxim *dar'u al-mafāsid muqaddam 'alā jalb al-maṣāliḥ*, according to which preventing harm takes precedence over securing benefit (Suud, 2022).

The crucial element in applying *Sadd al-Dharī'ah* lies in the degree of connection between the *dharī'ah* and the anticipated *mafsadah*, because the probability of harm determines whether a particular means should be prohibited or remain permissible. Based on the degree of harm that may result, al-Shāṭibī classifies *dharā'ī* into four categories: means that certainly lead to *mafsadah*; means that only rarely produce *mafsadah*; means that, on the basis of a strong presumption (*ghalabat al-ẓann*), are likely to lead to *mafsadah*; and means that essentially contain benefit but may nevertheless result in harm (Suud, 2022). In this study, the third category is positioned as a *dharī'ah ghālibah*. This classification is based on the accumulation of facts that the Respondent's departure had been planned before the marriage contract, that she still maintained an intimate relationship at the time of the marriage, and that she left the Petitioner and became unreachable immediately after the marriage was concluded (Pengadilan Agama Cibinong, 2023). Analytically, this sequence of circumstances indicates that the impairment of the marriage's integrity caused by dishonesty had already become actual, whereas the possibility of subsequent *mafsadah* was based on a strong presumption rather than absolute certainty. Accordingly, the annulment decision may be understood as consistent with the preventive logic of *Sadd al-Dharī'ah*, namely the blocking of a means that is strongly presumed to lead to harm (Misranetti, 2017).

Within the interpretive framework of this study, the legal reasoning of the Cibinong Religious Court may be reconstructed through three stages that are substantively consistent with *Sadd al-Dharī'ah*. First, the series of facts concerning the Respondent's relational status and the Panel's finding of bad faith constitute the initial stage of identifying the *dharī'ah* (Pengadilan Agama Cibinong, 2023). Second, the continuation of a marriage founded upon dishonesty was assessed as opening the possibility of future harm. This interpretation is consistent with the view that annulment based on deception constitutes an effort to prevent harm that may arise if the marriage is maintained (Nurjanah et al., 2021). Third, annulment pursuant to Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law may be understood as an act of closing the pathway toward *mafsadah* (Pengadilan Agama Cibinong, 2023). Within this construction, the annulment of a *qabla al-dukhūl* marriage is not positioned as a punishment (*'uqūbah*) for fraud, but as a preventive legal measure intended to terminate the continuation of a marriage established through dishonesty, in accordance with the function of *Sadd al-Dharī'ah* as the blocking of means that lead to harm (Suud, 2022).

This reconstruction demonstrates that the role of the Panel of Judges of the Cibinong Religious Court extended beyond the mechanical application of formal legal norms, as the decision may also be interpreted as performing a preventive function. By connecting the facts concerning the Respondent's bad faith with Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law, the Panel annulled a marriage that had been founded upon dishonesty

from its inception (Pengadilan Agama Cibinong, 2023). Although the judgment did not explicitly elaborate on the potential future mafsadah, the annulment may analytically be understood as an effort to prevent the continuation of a legal relationship that could intensify or broaden the resulting harm. This interpretation is consistent with the concept of legal reasoning, according to which judicial considerations may rest upon juridical, philosophical, sociological, and theological dimensions and may employ anticipatory or future-oriented interpretation (Isnantiana, 2017).

Integration of Positive Law and Sadd al-Dhari'ah in Marriage Annulment

Based on the overall analysis, positive law provides the juridical basis for marriage annulment through Article 27 paragraph (2) of Law Number 1 of 1974 and Article 72 paragraph (2) of the Compilation of Islamic Law. These provisions allow fraud or mistaken belief concerning a spouse to serve as grounds for annulment through a judicial decision (Andrianata et al., 2023). Annulment is pursued through a judicial process comprising case registration, examination, evidentiary proceedings, deliberation by the panel of judges, and the pronouncement of the judgment (Novitta, 2022). In the Cibinong Religious Court case, the Panel of Judges applied these provisions by linking the Respondent's concealment of her relational status and her bad faith to the elements of fraud or mistaken belief concerning a spouse (Pengadilan Agama Cibinong, 2023). However, positive law does not specifically identify the concealment of a premarital intimate relationship as a form of fraud. This condition does not constitute a legal vacuum, but rather reflects the limited degree of normative specification available to accommodate diverse relational facts. Positive law therefore provides juridical legitimacy for annulment while leaving interpretive space for explaining the substantive and preventive rationality of the judgment.

This interpretive space may be elucidated through Sadd al-Dhari'ah, which considers not only an act in itself but also its connection with the mafsadah that may arise from it. When a particular means leads to harm, that pathway should be blocked as a preventive measure (Kawakib et al., 2020). In this case, Sadd al-Dhari'ah is not positioned as an independent legal basis but as an interpretive framework for explaining why the application of Article 27 paragraph (2) of the Marriage Law and Article 72 paragraph (2) of the Compilation of Islamic Law to the manipulation of relational status has a preventive orientation. This analysis reinforces previous findings that conceptualize marriage annulment arising from deception as an effort to prevent harm when the marriage would otherwise be maintained (Nurjanah et al., 2021). Accordingly, Sadd al-Dhari'ah complements the limited specificity of positive law by clarifying the relationship among manipulative conduct, potentially harmful consequences, and marriage annulment as a preventive legal measure, without replacing the formal juridical grounds of the judgment.

The relationship between positive law and Sadd al-Dhari'ah in this case is complementary within the analytical framework of this study. Positive law provides the juridical and procedural legitimacy for marriage annulment, whereas Sadd al-Dhari'ah deepens its preventive orientation by explaining the necessity of blocking means that may lead to mafsadah (Kawakib et al., 2020). This interpretation is consistent with Nurjanah et al. (2021), who regard marriage annulment arising from deception as an effort to prevent harm if the marriage is maintained. A similar analytical pattern appears in the study by Husna and Muhtadin (2023), in which a judgment based on Article 27 paragraph (2) of the Marriage Law and Article 72 paragraph (2) of the Compilation of Islamic Law was subsequently assessed through the framework of the maqāṣid al-sharī'ah to identify its dimension of public benefit. An integrative reading of the Cibinong Religious Court decision may therefore enrich the understanding of the judges' ratio decidendi without displacing the formal legal basis of the judgment.

The findings of this study offer theoretical and practical contributions to the development of Islamic family law in Indonesia. Theoretically, the study extends the application of Sadd al-Dhari'ah from normative discussions of marriage annulment arising from deception to the reconstruction of the ratio decidendi in a concrete case involving the manipulation of premarital relational status. Nurjanah et al. (2021) conceptualized marriage annulment arising from deception as an effort to prevent harm, whereas the present study focuses specifically on the relationship among the facts of the case, the applicable annulment provisions, and the preventive dimension of judicial reasoning. This position also differs from that of Tifani et al. (2025), who applied Sadd al-Dhari'ah to divorce resulting from bisexuality. The novelty of the present study lies in its reconstruction of preventive legal reasoning, which positions marriage annulment as both a corrective and preventive response to the manipulation of relational status. Practically, Sadd al-Dhari'ah may be considered a complementary interpretive perspective when positive law does not specifically regulate the variety of facts confronting the court. Its application must nevertheless be formulated carefully, systematically, and explicitly so that the

relationship among the facts of the case, the applicable legal norms, and the preventive objective can be adequately justified within judicial reasoning (Isnantiana, 2017).

4. CONCLUSION

This study demonstrates that the ratio decidendi in Decision of the Cibinong Religious Court Number 4188/Pdt.G/2023/PA.Cbn may substantively be interpreted as consistent with the preventive logic of Sadd al-Dhari'ah, even though the principle was not explicitly invoked by the judges. The Panel annulled the marriage on the basis of a series of facts indicating the Respondent's bad faith and connected those facts with the provisions concerning fraud or mistaken belief under Article 27 paragraph (2) of the Marriage Law in conjunction with Article 72 paragraph (2) of the Compilation of Islamic Law. Within the analytical framework of this study, the manipulation of relational status constitutes the initial cause, while the continuation of a marriage founded upon dishonesty is positioned as a dhari'ah ghālibah. The identified mafsadah includes the potential occurrence of zinā as the primary mafsadah, based on a strong presumption, and the impairment of the integrity of the marriage contract arising from ghurūr as the secondary mafsadah, which had already emerged when consent was given on the basis of false information. Accordingly, annulment in a qabla al-dukhūl marriage is not merely corrective in response to deception, but also preventive because it blocks the pathway toward further harm.

Theoretically, this study confirms the complementary relationship between positive law and Sadd al-Dhari'ah. Positive law provides the juridical legitimacy for marriage annulment, whereas Sadd al-Dhari'ah enriches the substantive and preventive interpretation of the ratio decidendi without replacing the formal legal grounds of the judgment. The limitation of this study lies in its reliance on a single judicial decision, which does not yet represent broader patterns in judicial reasoning. Future research should therefore compare marriage annulment decisions involving similar forms of manipulation across different Religious Courts in order to assess the consistency of such preventive legal reasoning. As a practical recommendation, the Supreme Court may consider incorporating a preventive assessment framework based on Sadd al-Dhari'ah into the technical guidelines for the Religious Courts, particularly for evaluating the materiality of concealed facts, the existence of intent or bad faith, the strength of the evidence, and the potential mafsadah that may arise if the marriage is maintained.

References

- Ahmad, & Arifin, M. (2025). TINJAUAN HUKUM POSITIF DAN MAQOSID SYARIAH TERHADAP PEMBATALAN PERNIKAHAN KARENA SUAMI HOMOSEKSUAL DALAM PUTUSAN PENGADILAN AGAMA NOMOR 2395/Pdt.G/2024/PA.JT. USRAH: Jurnal Hukum Keluarga Islam, 6(4), 316–338. <https://doi.org/10.46773/usrah.v6i4.2420>
- al-Dīn al-Ṭūfī, N. (1987). Sharḥ Mukhtaṣar al-Rawḍa (1st ed.; A. bin A. M. Al-Turki, Ed.). Mu'assasat al-Risalah.
- al-Jauziyyah, I. Q. (2019). I'lām al-muwaqqi'īn 'an rabb al-'ālamīn. Dār Ibn Ḥazm/Dār 'Aṭā'āt al-'Ilm.
- Andrianata, A. F. H., Nurlaili, E., & Kasmawati. (2023). Pembatalan Perkawinan: Analisa Unsur Penipuan Mengenai Diri Pasangan dalam Perspektif Hukum Positif di Indonesia. MOMENTUM: Jurnal Sosial Dan Keagamaan, 12(1), 1–16.
- Berutu, S. P., Nadeak, U. M. A., Sidebang, C. E., Tinambunan, E., & Nainggolan, S. D. P. (2024). Tinjauan Yuridis Terhadap Pemalsuan Identitas dalam Perkawinan. UNES Law Review, 6(3).
- Djawas, M., Amrullah, A., & Adenan, F. B. (2020). Fasakh Nikah dalam Teori Maṣlaḥah Imām Al-Ghazālī. El-Usrah Jurnal Hukum Keluarga, 2(1), 97–97. <https://doi.org/10.22373/ujhk.v2i1.7645>
- Falah, F. F., & Rizal, F. (2022). PEMBATALAN PERKAWINAN KARENA PEMALSUAN IDENTITAS. Minhaj Jurnal Ilmu Syariah, 3(1), 90–105. <https://doi.org/10.52431/minhaj.v3i1.858>
- Hadi, N. (2017). MAQASHID SYARI'AH HUKUM PERKAWINAN DALAM KOMPILASI HUKUM ISLAM (KHI). Al-Fikra Jurnal Ilmiah Keislaman, 16(2), 203–203. <https://doi.org/10.24014/af.v16i2.3831>
- Hakim, M. H. R., & Ciptorukmi N, A. S. (2019). SALAH SANGKA DAN PENIPUAN PADA PASAL 27 AYAT (2) UNDANG-UNDANG NOMOR 1 TAHUN 1974 JO. PASAL 72 AYAT (2) KOMPILASI HUKUM ISLAM TENTANG PERKAWINAN. Jurnal Privat Law, 7(1), 13–13. <https://doi.org/10.20961/privat.v7i1.29962>

- Harun, M. S., Marjohan, A., & Syarif, Z. (2025). PRINSIP HIFZ AL-NASL DAN HIFZ AL-IRD DALAM PEMBENTUKAN KELUARGA SEJAHTERA. *Jurnal Syariah*, 33(3), 329–360. <https://doi.org/10.22452/syariah.vol33no3.2>
- Husna, M. S., & Muhtadin, S. (2023). Pembatalan Pernikahan Karena Suami Memiliki Penyakit Gangguan Mental Perspektif Maqashid Syari'ah: Analisis Putusan Pengadilan Agama Bogor Nomor 312/Pdt.G/2022/PA.Bgr. *Rio Law Jurnal*, 4(1), 173–186.
- Ibn Manzhūr. (1414). *Lisān al-‘Arab* (3rd ed.). Beirut: Dar Sader.
- Isnantiana, N. I. (2017). Legal reasoning Hakim dalam Pengambilan Putusan Perkara di Pengadilan. *Islamadina Jurnal Pemikiran Islam*, 18(2), 41–41. <https://doi.org/10.30595/islamadina.v18i2.1920>
- Iswandi, A. (2021). REVIEW PEMBATALAN PERKAWINAN YANG DISEBABKAN PENIPUAN PADA PENGADILAN AGAMA. *Qonuni Jurnal Hukum Dan Pengkajian Islam*, 1(2), 76–88. <https://doi.org/10.59833/qonuni.v1i02.303>
- Kawakib, K., Syuhud, H., & Yusuf, Y. (2020). Sadd al-Dzari'ah Sebagai Hukum Islam. *Al-Bayan Jurnal Ilmu al-Qur'an Dan Hadist*, 4(1), 78–104. <https://doi.org/10.35132/albayan.v4i1.103>
- Kirana, R. F., Hidayat, M. Y., & AlFarisi, S. (2025). Analisis Yuridis Pembatalan Perkawinan Akibat Pemalsuan Identitas: Studi Kasus Putusan Pengadilan Agama Sukoharjo Nomor 479/Pdt.G/2023. *Jurnal Tana Mana*, 6(1).
- Misranetti. (2017). SADD AL-DZARI'AH SEBAGAI SUATU HUKUM METODE ISTINBAT HUKUM ISLAM. *An-Nahl*, 9(5), 51–75. <https://doi.org/10.54576/annahl.v7i1.5>
- Musyafah, A. A. (2020). PERKAWINAN DALAM PERSPEKTIF FILOSOFIS HUKUM ISLAM. *CREPIDO*, 2(2), 111–122. <https://doi.org/10.14710/crepido.2.2.111-122>
- Novitasari, Y., Apriliyana, D. D., Huda, Moh. F. R., & Solikin, A. (2021). HUKUM PEMBATALAN PERKAWINAN KARENA PEMALSUAN IDENTITAS. *MA'MAL: JURNAL LABORATORIUM SYARIAH DAN HUKUM*, 2(6), 553–571.
- Novitta, F. D. (2022). Tinjauan Yuridis Tentang Pembatalan Perkawinan Karena Penipuan Pihak Laki-Laki. *Jurnal Justice*, 4(1), 62–76.
- Nugroho, I. Y., Cholil, M., Suwandi, S., & Rouf, A. (2025). Pendekatan Sadd al-Dzari'ah Dalam Pencegahan Perkawinan Anak: Studi Kasus di Kabupaten Probolinggo. *LITIGASI*, 26(1), 67–101. <https://doi.org/10.23969/litigasi.v26i1.19478>
- Nurjanah, S., Hermanto, A., & Bunyamin, M. (2021). Pembatalan Perkawinan dalam Tinjauan Sadd Al-Zari'ah. *Muslim Heritage*, 6(1), 1–22. <https://doi.org/10.21154/muslimheritage.v6i1.2787>
- Putusan Pengadilan Agama Cibirong Nomor 4188/Pdt.G/2023/PA.Cbn tentang Pembatalan Perkawinan. , Direktori Putusan Mahkamah Agung RI (Pengadilan Agama Cibirong 2023).
- Ritonga, A. R., Education, I. R., Zein, A., Syam, A. M., & Ohorella, N. R. (2023). Misconceptions of Jihad: A Constructivist Review of the Meaning of Struggle in Islam in the Modern Era: Analysis of the verses al-Amwaal wa al-Nafs.
- Rusdi, M., Sebayang, V.A., Kholil, S., & Syam, A.M. (2024). Islam and the Ethics of War: Deconstructing Jihad through the Principle of Humanism in Theological Discourses
- Saraan, M. I. K., Rambe, R. F. A. K., Syam, A. M., Suhendar, A., Dalimunthe, M. A., & Sinaga, R. P. K. (2024, May). The application of fertilizer subsidies in the context of coffee plantations in Pollung Sub-District, Humbang Hasundutan District, North Sumatra Province. In *IOP Conference Series: Earth and Environmental Science* (Vol. 1352, No. 1, p. 012012). IOP Publishing.
- Rusyd, I. al-Jadd. (1988). *Al-muqaddimāt al-mumahhidāt. Dār al-Gharb al-Islāmī*.
- Santoso, S. (2016). Hakekat Perkawinan Menurut Undang-Undang Perkawinan, Hukum Islam dan Hukum Adat. *Yudisia: Jurnal Pemikiran Dan Penelitian Sosial Keagamaan*, 7(2), 412–434. <http://dx.doi.org/10.21043/yudisia.v7i2.2162>
- Suud, M. (2022). Saddu Zarai' sebagai Sumber Hukum Islam dan Penerapannya terhadap Problematika Kontemporer. *AN-NAWAZIL / AN-NAWATIR*, 2(2), 33–43. <https://doi.org/10.69784/annawazil.v2i02.20>
- Taqiuddin, H. U. (2017). Penalaran Hukum (Legal reasoning) Dalam Putusan Hakim. *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)*, 1(2). <https://doi.org/10.36312/jisip.v1i2.343>
- Tifani, M. A., Fawzi, R., & Yunus, M. (2025). Biseksual Sebagai Alasan Peceraian Perspektif Sadd Adz-Dzari'ah. *Jurnal Riset Hukum Keluarga Islam (JRHKI)*, 5(2), 137–144. <https://doi.org/10.29313/jrhki.v5i2.8349>