Khuluqiyya
Jurnal Kajian Hukum dan Studi Islam
Vol 08. No 1. 2026
Sekolah Tinggi Agama Islam Al-Hikmah 2
p-ISSN 2655-8882
e-ISSN 2723-195X

CREATIVE COMMONS ATTRIBUTION-SHAREALIKE 4.0 INTERNATIONAL LICENSE.
Published by Sekolah Tinggi Agama Islam Al-Hikmah 2

Judicial Construction of Tadlis in Marriage Annulment Litigation: Comparative Ushul Fiqh Examination of Decision No. 2309/Pdt.G/2025/PA.Krs

Article

Author
Syafariah Karomah[1*], Vita Firdausiyah[2], Ramdan Wagianto[3]

[1*23]Universitas Islam Zainul Hasan Genggong Probolinggo

Corresponding Author:
syafariyah1@gmail.com

Data:
Submitted: 28-02-2026;
Revision: 18-05-2026;
Accepted : 31-05-2026;
Published: 06-06-2026

DOI:
DOI: https://doi.org/10.56593/khuluqiyya.v8i1.210

Keywords:
Tadlis; Marriage Annulment; Judicial Discretion; Maqasid al-Shari'ah

Abstract

This study examines how judges assess the validity of tadlis claims in marriage annulment cases and evaluates whether their judicial reasoning aligns with comparative ushul fiqh principles. The issue has become increasingly significant in contemporary Islamic family law due to the growing number of cases involving identity fraud, concealment of material facts, and misrepresentation that potentially affect the validity of marriage contracts. Employing a normative-analytical legal research approach, this study integrates judicial reasoning analysis with comparative ushul fiqh perspectives through the bayani (textual), ta'lili (causal), and maqasidi (objectives-oriented) methods. The primary sources consist of judicial decisions, statutory regulations, and classical as well as contemporary fiqh literature relevant to the doctrine of tadlis and marriage annulment. The findings indicate that judges do not rely solely on formal evidentiary standards but also consider substantive facts, contextual legal interpretation, and principles of material justice in determining the validity of tadlis claims. From a comparative ushul fiqh perspective, judicial reasoning demonstrates a balanced integration of textual evidence, legal causation ('illat), and the objectives of Islamic law (maqasid al-shari'ah), particularly in protecting honesty, legal certainty, and family welfare. This study contributes to Islamic family law scholarship by illustrating how judicial discretion functions as a bridge between positive law and Islamic legal principles in achieving both legal certainty and substantive justice in marriage annulment disputes.

Introduction

In Islamic law, marriage is a sacred bond that unites a man and a woman both physically and spiritually to form a family characterized by harmony, love, and compassion. Marriage serves as a foundation for building a family that always feels comfortable, safe, and protected, and is able to

live in tranquility and peace, free from coercion or fear.[1] According to Islamic jurisprudence, the marriage contract is not merely a formalization of a biological relationship, but a moral contract based on honesty, openness, and mutual agreement between the parties. These principles serve as the primary foundation for realizing the objectives of marriage in accordance with the maqasid al-shari'ah, particularly the preservation of the lineage (*hifz al-nasl*) and human dignity. Therefore, any form of concealment of information or obfuscation of crucial facts during the marriage process is considered a violation of the essence of the Islamic marriage contract.[2]

In Islamic law, *tadlis* can serve as grounds for fasakh (annulment) of a marriage, particularly if it is proven that there was an element of fraud that affected the sincerity of the aggrieved party at the time of the marriage contract. According to Islamic law, a marriage may be annulled if a defect is found in the conditions or essential elements of the marriage, or if there is a defect that causes harm to one of the parties after the marriage has taken place.[3]

The phenomenon of *tadlis* in religious court practice indicates that the principle of honesty in marriage contracts has not been fully realized. This is evident from the increasing number of marriage annulment cases filed due to identity fraud or the concealment of crucial facts by one of the parties prior to the marriage ceremony. From the perspective of Islamic law, a marriage can be annulled if there are legal defects related to the conditions and pillars of marriage, including discrepancies in essential information regarding the status or condition of the spouse that affect the validity of the contract.[4]

One such case is Case No. 2309/Pdt.G/2025/PA.Krs, which involves a dispute over the annulment of a marriage due to alleged *tadlis* (fraud). The judge must carefully assess whether the claim of fraud in the marriage contract is valid and meets the legal requirements for annulling the marriage.[5] This research is of great importance because it is directly related to the validity of contracts and the protection of the rights of the parties involved. Therefore, an in-depth analysis of the methods judges use to verify claims of fraud is necessary, particularly from the perspective of comparative ushul al-fiqh, to ensure that legal reasoning aligns with the principles of Islamic legal deduction.

The significance of this study lies in understanding how judges evaluate the validity of claims of *tadlis* in divorce cases in Religious Courts. In legal practice, claims of *tadlis* are not only related to formal evidence but also involve the protection of the parties' rights, the validity of the marriage contract, and legal certainty regarding the status of family relationships.[6] Although many previous studies have examined *tadlis* as a basis for annulment or divorce from the perspective of

1 "KONSEP KAFA ' AH DAN KELUARGA SAKINAH (Studi Analisis Tentang Korelasi Hak Kafa ' Ah Terhadap Pembentukan Keluarga Sakinah) Imam Syafi ' i Institut Ilmu Keislaman Zainul Hasan Genggong Probolinggo," n.d.

2 Usman Betawi, "Nikah Tahlil Dalam Hukum Islam," *Jurnal Hukum Responsif FH UNPAB* 7, no. 7 (2019): 66–75.

3 Muhammad Thoif and Al Ghotsi, "Analisis Fasakh Nikah Menurut UU Perkawinan Dan Relevansinya Dengan Hukum Islam" 1, no. 1 (2023): 61–70.

4 Rabiatul Adawiah Asni and Hadi Daeng, "PEMBATALAN PERKAWINAN AKIBAT PEMALSUAN IDENTITAS DALAM PUTUSAN NOMOR 1454 / PDT . G / 2018 PA MKS (PERSPEKTIF HUKUM ISLAM)," no. 1454 (2018): 129–42.

5 Ema Damayanti, Musyaffa Amin Ash Shabah, and Agus Supriyanto, "Maqasid Al-Shariah Analysis of Marriage Annulment at the Cikarang Religious Court: A Case Study of Decision Number 1380/Pdt. G/2019/PA. Ckr," 2025.

6 Sri Atmadianti, "Marriage Annulment Application Due to Lies and Fraud : A Case Study of Decree Number 3572 / Pdt . G / 2023 / PA . Ckr" 27, no. 2 (2024): 374–90.

positive law and compilations of Islamic law,[7] Studies that specifically examine judges' reasoning methods using a comparative ushul al-fiqh approach remain very rare. The ushul al-fiqh approach, employing the *bayani*, *ta'lili*, and *maqasidi* methods, is crucial for explaining the rationale behind judges' reasoning in linking trial facts to sharia norms.[8] Therefore, this study is essential to address this research gap and make an academic contribution to the development of Islamic family law studies, particularly regarding the legitimacy of a judge's discretion in evaluating claims of *tadlis* as grounds for divorce.

Although many studies have addressed the annulment of marriage due to fraud from the perspectives of positive law and Islamic law, few have specifically examined judicial reasoning through the framework of comparative ushul al-fiqh. This study fills that gap by analyzing how judges employ the *bayani*, *ta'lili*, and *maqasidi* approaches in evaluating claims of *tadlis*. The primary research question is how do judges formulate legal reasoning when evaluating claims of *tadlis*, and to what extent does such reasoning align with the principles of comparative ushul fiqh.

Method

This study employs a normative-analytical legal research method that focuses on judicial reasoning in cases of marriage annulment involving fraud.[9] The primary source of analysis is Decision No. 2309/Pdt.G/2025/PA.Krs, supported by relevant legislation, including Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law, as well as classical and contemporary literature on ushul al-fiqh. The analytical framework is based on three comparative approaches in ushul al-fiqh. First, the *bayani* approach is used to examine how judges interpret legal texts, including statutory provisions and Islamic normative sources. Second, the *ta'lili* approach is applied to identify the legal rationale ('illat) underlying judicial assessments of tadlis claims, particularly regarding fraud and damages. Third, the *maqasidi* approach is used to evaluate whether judicial reasoning aligns with the objectives of Sharia (maqasid al-shari'ah), particularly the protection of dignity, lineage, and justice. The data was analyzed qualitatively through legal interpretation, doctrinal comparison, and critical evaluation of judicial arguments. This method allows for a more comprehensive understanding of how judges integrate positive law and Islamic legal principles in resolving marriage annulment disputes.

Results and Discussion

Judgment in Case No. 2309/Pdt.G/2025/Pa.Krs

This case was filed by the Head of the Office of Religious Affairs (KUA), as the official responsible for overseeing marriage registration, on November 20, 2025. The petition was based on the discovery of legal facts indicating a discrepancy between the administrative records and the actual legal circumstances. In this situation, a man who married a woman at the KUA was found to still be legally married to another woman. During the marriage registration process, the man was

[7] Research conducted by Iswandi (2021), Hidayatullah (2023), and Kirana et al. (2025) emphasizes that admissible evidence plays a role in determining whether a lawsuit is accepted or not, using a normative-positivist approach without further examining the theological-legal basis underlying the assessment of the validity of *tadlis* claims.

[8] Taw A S Mohammed, "A Scientometric Study of Maqasid Al-Shariah Research : Trending Issues , Hotspot Research, and Co-Citation Analysis," n.d.

[9] Soerjono Soekanto, "Penelitian Hukum Normatif: Suatu Tinjauan Singkat," 2007.

registered as a bachelor, while the woman was listed as a divorced widow; thus, administratively, there were no obstacles to proceeding with the marriage. Based on the completeness of these documents, the marriage was conducted and officially recorded by the KUA. However, after the marriage took place, it was revealed that the man was still bound by a previous valid marriage that had never been dissolved by divorce. This situation indicates a legal error in the marriage registration procedure, which ultimately became the basis for filing a petition for annulment of the marriage with the Religious Court.

Based on the findings of the trial, the panel of judges concluded that the evidence presented by the petitioner, both in the form of official documents and witness testimony, met the formal and substantive criteria for proof. From all of this evidence, it was established as a legal fact that a marriage had taken place between the parties, which was officially registered at the Office of Religious Affairs (KUA). However, in the marriage registration process, the husband was recorded as single, even though, based on the facts revealed in court, he was still legally married to his first wife. Furthermore, there was no permission from the religious court, which is an absolute requirement for a husband to enter into a second marriage (polygamy). Witness statements, particularly from the first wife, further reinforce this fact by stating that their marital bond is still in effect and has never been dissolved by divorce. Thus, this information indicates a discrepancy between the administrative data and the actual legal situation, which results in the lack of valid requirements for marriage under the provisions of the law.

Based on the evidence presented during the trial, the panel of judges hearing the case concluded that the facts of the incident were as follows:

1. That Respondent I and Respondent II were married on December 9, 2024, at the Office of Religious Affairs (KUA);
2. That at the time of the marriage, according to the documents, Respondent I was single:
3. It subsequently transpired that Respondent I is married to another woman, while Respondent II has been a divorced widow since July 5, 2023;
4. That, as of this date, Respondent I is still married to that other woman and has never divorced her;

Whereas, a marriage may be annulled under the law as provided for in Article 22(1) of Law No. 1 of 1974 on Marriage, which states that "A marriage may be annulled if the parties do not meet the requirements for entering into marriage."

Whereas, Article 9 of Law No. 1 of 1974 on Marriage states that a person who is still legally married to another person may not remarry, except in the cases specified in Article 3(2) and Article 4 of this Law. This means that in order to remarry, a man must obtain permission from the Religious Court after the requirements have been met.

Whereas, Article 71 of the Compilation of Islamic Law states that a marriage may be annulled if "a. a husband practices polygamy without the permission of the Religious Court." This provision is consistent with Article 56, which states that (1) A husband who wishes to have more than one wife must obtain permission from the Religious Court. (3) A marriage to a second, third, or fourth wife without the permission of the Religious Court has no legal force.

Whereas, the marriage between Respondent I and Respondent II took place while Respondent I was still married to another woman, without the knowledge of his first wife and without

obtaining court approval. Therefore, the marriage of Respondent I falls under the category of prohibited marriages pursuant to Article 9 of the Marriage Law.

Whereas, based on the foregoing considerations, the court concludes that the petitioner's grounds for seeking annulment of the marriage are legally valid. Accordingly, the court grants the petitioner's request to annul the marriage between Respondent I and Respondent II, which was solemnized by the Religious Affairs Office on December 9, 2024, and declares that the marriage certificate is null and void.

Judicial Methods for Examining and Assessing the Validity of Fraud Claims

In religious court proceedings, a judge's assessment of the validity of a *tadlis* claim does not depend solely on formal evidence, but also involves the judge's conviction regarding the material facts presented in court.[10] Normatively, formal proof in Indonesian civil procedure law refers to admissible evidence as defined in Article 164 of the HIR, namely documentary evidence, witness testimony, presumptions, admissions, and oaths.[11] This evidence serves as the primary basis for the judge in establishing the facts of the case before reaching a conclusion on the parties' arguments. In this regard, the judge actively and objectively evaluates the weight of each piece of evidence to ensure compliance with the principles of evidence in civil cases.[12]

In addition to formal evidence, judges also apply a substantive approach to evidence, as reflected in their assessment of the totality of the facts presented in court.[13] Although civil procedure law is, in principle, focused on formal truth, in practice judges have the discretion to form their own conclusions based on the logical connections between the evidence and the facts that have come to light.[14] Thus, judges do not merely apply the law rigidly, but act as seekers of truth who take into account the values of justice and fairness when evaluating the disputed legal facts.[15]

In addition, in the decision-making process, judges apply methods of legal interpretation, including grammatical, systematic, and teleological approaches.[16] Grammatical interpretation focuses on understanding the normative meaning of the text of a legal regulation; systematic interpretation situates the norm within the broader legal system; while teleological interpretation explores the purpose for which the norm was established.[17] By combining these three methods,

---

10 Triantono dan Muhammad Marizal, "Parameter Keyakinan Hakim Dalam Memutus Perkara Pidana," no. 39 (n.d.): 267–86.

11 Reza Kautsar Kusumahpraja, "The Power of Digital Signature Evidence in Indonesian Civil Procedural Law" 1, no. 1 (2022): 1–5.

12 Guruh Marda et al., "Pembuktian Hukum Acara Perdata Melalui Pengetahuan Hakim" 08, no. 1 (2023).

13 Ijud Tajudin and Rully Herdita Ramadhani, "Pembentukan Keyakinan Hakim Dalam Perkara Pidana Di Lingkungan Peradilan Jawa Barat," 2020, 348–68.

14 Henni Rahayu Handayani, "Proof Approach to Civil Procedures through Judge ' s Knowledge of Literature Review Study" 5, no. 2 (2025): 857–67.

15 Ismaya Rahailia Nasution and Sidi Ahyar Wiraguna, "Kedudukan Hakim Dalam Proses Pembuktian Perkara Perdata : Tinjauan Kepustakaan Atas Doktrin Dan Yurisprudensi," no. November (2025).

16 Helitha Novianty Muchtar dan Hetty Hassanah Muhammad Amirulloh, Eman Suparman, "Legal Basis And Readiness Of The Banking Sector In Implementing Privacy Reliability Certification Jurnal IUS Kajian Hukum Dan Keadilan" 13, no. 3 (2025).

17 Michele Moreno and Fauzie Yusuf Hasibuan, "Reconfiguration of the Authority of State Prosecutors After the Reform of the Prosecutor ' s Office : Legal Certainty and Public Authority Governance in Indonesia" 4, no. 2 (2026): 145–52.

judges are able to issue rulings that are not merely textual, but also responsive to the intent of the law and the demands of substantive justice.

The primary evidence in cases involving claims of fraud typically consists of documents related to personal identity, pre-marital history, and other relevant administrative documents. In addition, witness testimony from relevant parties plays a crucial role in substantiating the legal facts presented by the parties. Under Indonesian civil procedure law, witness testimony is considered valid evidence; however, its weight must be supported by other corroborating evidence, as the evidentiary system does not recognize the principle that a single witness constitutes proof on its own (*unus testis nullus testis*).[18]

In specific situations, a judge may rely on circumstantial evidence (*qarinah*) as a legal consideration if there is a series of facts that are logically interconnected and lead to a conclusion. Such circumstantial evidence is recognized as a form of evidence under civil procedure law pursuant to Article 164 of the HIR, and thus its application has a normative basis in the evidentiary process in court.[19]

In resolving cases involving claims of fraud, judges do not rely solely on positive law, such as Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law, but also take into account the principles of justice and public interest as core values in religious courts, since the application of the law and decision-making are grounded in public interest as the fundamental basis of law.[20] Judges play a central role in the adjudication of civil cases, not merely evaluating evidence in a formal manner, but also ensuring that the resulting decisions uphold substantive justice for the parties involved.[21]

In addition, social realities in the parties' domestic life are also a crucial factor in assessing the relevance of the claim of fraud to the continuation of the marriage. This consideration of social realities reflects the fact that the judge's decision emphasizes not only legal certainty but also utility and justice as the primary objectives of the law.[22]

Analysis of the Judges Consideration Method Regarding Marriage Annulment in Case No. 2309/Pdt.G/2025/PA.Krs from a Comparative Ushul Fiqh Perspective

The drafting of laws often involves a tension between preserving the integrity of the normative text and adapting it to social realities.[23] An analysis of the judge's reasoning in the case of a *tadlis* claim in Case No. 2309/Pdt.G/2025/PA.Krs reveals that the judge did not rely solely on normative aspects but also adopted a comprehensive Ushul Fiqh approach, namely through the *bayani*, *ta'lili*, and *maqasidi* approaches. The *bayani* approach emphasizes the use of textual evidence from the Qur'an, hadith, and legislation as the foundation of legal legitimacy.[24] In the context of

[18] Sardiansyah Haerul et al., "Iblam Law Review," 2025.
[19] Marda et al., "Pembuktian Hukum Acara Perdata Melalui Pengetahuan Hakim."
[20] M Sulthon, Imam Syafi'i, and Auliya Ghazna Nizami, "Contemporary Fiqh in Indonesia: The Dynamics of Istinbat Al-Aḥkām at Ma'had Aly Salafiyah Shafi'iyah Sukorejo Situbondo," *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024): 119–34.
[21] Nasution and Wiraguna, "Kedudukan Hakim Dalam Proses Pembuktian Perkara Perdata : Tinjauan Kepustakaan Atas Doktrin Dan Yurisprudensi."
[22] Tasya Putri Latifah, "Justice and Legal Certainty in the Annulment of Divorce Decisions : The Perspective of Principles Complicating Divorce" 6, no. 5 (2025): 558–72.
[23] Ramdan Wagianto and Yuliardy Nugroho, "Harmonization of Islamic Law and Local Wisdom: A Methodological Reconstruction of Ijtihad in Family Law Based on Yusuf Al-Qaradawi's Istinbāṭ Approach" 5, no. 1 (2026): 25–43.
[24] Dayan Fithoroini et al., "Epistemologi Bayani Dalam Kajian Ushul Fiqh" 2, no. 2 (2022): 1–17.

this case, the prohibition against fraud is considered a violation of the principles of honesty (*sidq*) and transparency in contracts, as emphasized in the Qur'an, Surah Al-Baqarah, verse 42, which reads "*wa la talbisul-haqqa bil-bathili wa taktumul-haqqa wa antum ta'lamun,"*[25] which explains the prohibition against mixing truth with falsehood, as well as the concealment of known facts. Furthermore, this is reinforced by the principle that states *la ijtihada ma'a an-nash* (There is no room for ijtihad when there is a clear text from the Qur'an or the Hadits.)[26] This indicates that the interpretation of the text must serve as the primary basis for the formulation of laws.[27]

Furthermore, the judge applied the *ta'lili* approach to identify the 'illat (*ratio legis*) of the act of *tadlis*, namely the elements of misleading information and harm to the other party. In this case of marriage annulment due to *tadlis* committed by Respondent I (the husband) regarding identity fraud, this constitutes a strong 'illat of misleading information that has automatically caused harm to the other party, namely his first wife. According to the theory of ushul fiqh, a law may be applied if its 'illat is concretely realized in a real case (*al-hukm yaduru ma'a 'illatihi wujudan wa 'adaman*), meaning that the law depends on the 'illat; thus, the existence or absence of the law follows the existence or absence of the 'illat.[28] Therefore, judges do not merely apply the law literally, but also conduct an in-depth analysis of legal causation.

Furthermore, the *maqasidi* approach frames judicial discretion within the objectives of Islamic law (maqasid al-shari'ah), which include the protection of honor (*hifz al-'ird*), the protection of lineage (*hifz al-nasl*), and the principle of eliminating harm (*raf' al-darar*), as reflected in the practice of judicial deliberation in Religious Court rulings.[29]

In this marriage annulment case, the judge ruled that Respondent I (the husband) had been proven to have committed identity fraud, which fundamentally violated the principles of maqasid al-shari'ah, including the protection of honor (*hifz al-'ird*), protection of lineage (*hifz al-nasl*), and prevention of harm (*raf' al-darar*). The judge's ruling in this marriage annulment case also aimed to realize public interest and prevent harm (*dar' al-mafasid muqaddamun 'ala jalb al-mashalih*).[30] Thus, the judge's ruling is not merely legalistic but also substantive, taking into account the social and moral implications for the parties involved; for a person competent in resolving legal issues must understand the objectives of Sharia law in order to provide a definitive solution to the case at hand.[31]

From the perspective of comparative jurisprudence, the judge's approach is eclectic.[32] The Hanafi school limits the annulment of a marriage to specific physical defects or explicit defects, so the scope of *tadlis* is limited.[33] In contrast, the Maliki and Hanbali schools of thought allow for

---

25 Al-Qur'an, 2: 42.

26 Wael B Hallaq, "Was the Gate of Ijtihad Closed?," *International Journal of Middle East Studies* 16, no. 1 (1984): 3–41, https://doi.org/DOI: 10.1017/S0020743800027598.

27 Wahbah Al-Zuhayli, *Ushul Al-Fiqh Al-Islami*, vol. 1 (Damascus: Dar al-Fikr, 2009).104-106.

28 Ali ibn Muhammad Al-Amidi, *Al-Ihkam Fi Ushul Al-Ahkam*, vol. 3 (Beirut: Dar al-Kutub al-'Ilmiyyah, 2003).

29 M Yasin Arif, "Internalization of Maqasid Al-Syari ' Ah in Judge ' s Decision" 492, no. RIICMuSSS 2019 (2020): 206–10.

30 Ibrahim ibn Musa Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Shari'ah*, vol. 2 (Beirut: Dar al-Ma'rifah, 1997).

31 Irzak Yuliardy Nugroho and Tutik Hamidah Hamidah, "Konsep Maslahah Perspektif Izzudin Ibn Abd. Salam (Telaah Dalam Kitab Qawa'id Al-Ahkam Fi Masalih Al-Anam)" 7, no. 2 (n.d.).

32 Moh Najib Syaf, "Eklektik Hukum Islam Dalam Wilayah Hukum Keluarga" 4 (2024): 29–36.

33 Ala al-Din Abu Bakr ibn Mas'ud Al-Kasani, *Bada'i Al-Sana'i Fi Tartib Al-Shara'i*, vol. 2 (Beirut: Dar al-Kutub al-'Ilmiyyah, 1986).

a broader scope for annulling a marriage due to fraud, taking into account the harm it causes.[34] Meanwhile, the Shafi'i school of thought accepts *tadlis* as grounds for annulment if it is proven to undermine the essence of marriage, namely tranquility and harmony (sakinah).[35]

Thus, it can be concluded that the judges' reasoning in *tadlis* cases demonstrates a connection between textual arguments, rational analysis of the 'illat, and a focus on the objectives of Sharia. This approach aligns with the school of thought of the Maliki and Hanbali schools, which place greater emphasis on the public interest, thereby resulting in rulings that not only ensure legal certainty but also substantive justice.

The results of this study indicate that judicial practice, particularly in cases of fraud in marriage annulment proceedings, does not merely focus on the literal application of legal norms. Rather, judges may also employ a normative-positivist approach when resolving cases, taking into account the substantive values that have evolved within society. This is evident in the balanced collaboration between positive law and Islamic legal principles, so that the resulting decisions not only fulfill legal-formal elements but also reflect substantive values of justice.

Furthermore, these findings indicate that ushul fiqh serves as an implicit methodological foundation in the legal reasoning process of judges. Although not always explicitly stated in the reasoning of the decision, patterns of legal deduction such as the *bayani*, *ta'lili*, and *maqasidi* approaches appear to influence the development of the judge's arguments. Therefore, religious court decisions are essentially the result of a dialectic between legal texts, sharia values, and social realities, which indirectly underscores the need for an interdisciplinary approach in understanding the practice of Islamic jurisprudence in Indonesia.

Conclusion

Based on an analysis of the decision in Case No. 2309/Pdt.G/2025/PA.Krs, the judge's consideration in examining and assessing the validity of a claim of fraud was conducted through a comprehensive approach, namely by combining formal and material evidence. The judge is not limited to legally admissible evidence under civil procedure law, such as documents and testimony, but rather forms a legal conviction based on the holistic logical relationships among the facts presented in court. The judge also applies grammatical, systematic, and teleological interpretations of the law, ensuring that the decision not only emphasizes legal certainty but also upholds substantive justice. Therefore, the assessment of the truth of the *tadlis* claim in this case is objective, taking into account the alignment between legal facts and applicable norms. From the perspective of comparative ushul al-fiqh, the judge's reasoning reflects the application of three fundamental approaches: *bayani*, *ta'lili*, and *maqasidi*. The *bayani* approach is evident in the use of textual evidence, whether from legislation or sharia principles that emphasize honesty in contracts. The *ta'lili* approach is evident in the judge's analysis of the 'illat (legal rationale) of the act of *tadlis*, namely the element of misleading information that causes harm to the other party. Meanwhile, the *maqasidi* approach is reflected in the purpose of the ruling, which prioritizes public interest and the prevention of harm, particularly in safeguarding honor and lineage. The integration of these three methods indicates that the judge's reasoning is eclectic and adaptive,

[34] Abd Allah ibn Ahmad Ibn Qudamah, *Al-Mughni*, vol. 7 (Cairo: Dar al-Hadith, 1994).
[35] Yahya ibn Sharaf Al-Nawawi, *Raudhat Al-Talibin*, vol. 7 (Beirut: Dar al-Kutub al-'Ilmiyyah, 2005).

as it is not confined to a single approach but rather combines various methods of legal deduction to achieve comprehensive justice. Thus, it is clear that the judge's reasoning in this case is the result of a harmonious synthesis of positive law and the principles of ushul al-fiqh, which not only ensures legal certainty but also realizes substantive justice in accordance with the maqasid al-shari'ah of Islam.This study deepens the understanding that judicial reasoning in Islamic family law can be enriched by an interdisciplinary approach that combines the principles of positive law and comparative ushul al-fiqh.

References

Al-Amidi, Ali ibn Muhammad. *Al-Ihkam Fi Ushul Al-Ahkam*. Vol. 3. Beirut: Dar al-Kutub al-'Ilmiyyah, 2003.

Al-Kasani, Ala al-Din Abu Bakr ibn Mas'ud. *Bada'i Al-Sana'i Fi Tartib Al-Shara'i*. Vol. 2. Beirut: Dar al-Kutub al-'Ilmiyyah, 1986.

Al-Nawawi, Yahya ibn Sharaf. *Raudhat Al-Talibin*. Vol. 7. Beirut: Dar al-Kutub al-'Ilmiyyah, 2005.

Al-Syatibi, Ibrahim ibn Musa. *Al-Muwafaqat Fi Ushul Al-Shari'ah*. Vol. 2. Beirut: Dar al-Ma'rifah, 1997.

Al-Zuhayli, Wahbah. *Ushul Al-Fiqh Al-Islami*. Vol. 1. Damascus: Dar al-Fikr, 2009.

Arif, M Yasin. "Internalization of Maqasid Al-Syari ' Ah in Judge ' s Decision" 492, no. RIICMuSSS 2019 (2020): 206–10.

Asni, Rabiatul Adawiah, and Hadi Daeng. "PEMBATALAN PERKAWINAN AKIBAT PEMALSUAN IDENTITAS DALAM PUTUSAN NOMOR 1454 / PDT . G / 2018 PA MKS (PERSPEKTIF HUKUM ISLAM)," no. 1454 (2018): 129–42.

Atmadianti, Sri. "Marriage Annulment Application Due to Lies and Fraud : A Case Study of Decree Number 3572 / Pdt . G / 2023 / PA . Ckr" 27, no. 2 (2024): 374–90.

Betawi, Usman. "Nikah Tahlil Dalam Hukum Islam." *Jurnal Hukum Responsif FH UNPAB* 7, no. 7 (2019): 66–75.

Damayanti, Ema, Musyaffa Amin Ash Shabah, and Agus Supriyanto. "Maqasid Al-Shariah Analysis of Marriage Annulment at the Cikarang Religious Court: A Case Study of Decision Number 1380/Pdt. G/2019/PA. Ckr," 2025.

Fithoroini, Dayan, Pascasarjana Universitas, Islam Negeri, Maulana Malik, and Ibrahim Malang. "Epistemologi Bayani Dalam Kajian Ushul Fiqh" 2, no. 2 (2022): 1–17.

Haerul, Sardiansyah, Imam Sailellah, Pengadilan Negeri Bajawa, Pengadilan Negeri, and Blambangan Umpu. "Iblam Law Review," 2025.

Hallaq, Wael B. "Was the Gate of Ijtihad Closed?" *International Journal of Middle East Studies* 16, no. 1 (1984): 3–41. https://doi.org/DOI: 10.1017/S0020743800027598.

Handayani, Henni Rahayu. "Proof Approach to Civil Procedures through Judge ' s Knowledge of Literature Review Study" 5, no. 2 (2025): 857–67.

Ibn Qudamah, Abd Allah ibn Ahmad. *Al-Mughni*. Vol. 7. Cairo: Dar al-Hadith, 1994.

"KONSEP KAFA ' AH DAN KELUARGA SAKINAH (Studi Analisis Tentang Korelasi Hak Kafa ' Ah Terhadap Pembentukan Keluarga Sakinah) Imam Syafi ' i Institut Ilmu Keislaman Zainul Hasan Genggong Probolinggo," n.d.

Kusumahpraja, Reza Kautsar. "The Power of Digital Signature Evidence in Indonesian Civil Procedural Law" 1, no. 1 (2022): 1–5.

Latifah, Tasya Putri. "Justice and Legal Certainty in the Annulment of Divorce Decisions : The Perspective of Principles Complicating Divorce" 6, no. 5 (2025): 558–72.

Marda, Guruh, Vito Dewangga, Rafi Ashtari Musyaffa, and Cinta Sekar Kinanti. "Pembuktian Hukum Acara Perdata Melalui Pengetahuan Hakim" 08, no. 1 (2023).

Marizal, Triantono dan Muhammad. "Parameter Keyakinan Hakim Dalam Memutus Perkara Pidana," no. 39 (n.d.): 267–86.

Mohammed, Taw A S. "A Scientometric Study of Maqasid Al-Shariah Research : Trending Issues , Hotspot Research , and Co-Citation Analysis," n.d.

Moreno, Michele, and Fauzie Yusuf Hasibuan. "Reconfiguration of the Authority of State Prosecutors After the Reform of the Prosecutor ' s Office : Legal Certainty and Public Authority Governance in Indonesia" 4, no. 2 (2026): 145–52.

Muhammad Amirulloh, Eman Suparman, Helitha Novianty Muchtar dan Hetty Hassanah. "Legal Basis And Readiness Of The Banking Sector In Implementing Privacy Reliability Certification Jurnal IUS Kajian Hukum Dan Keadilan" 13, no. 3 (2025).

Nasution, Ismaya Rahailia, and Sidi Ahyar Wiraguna. "Kedudukan Hakim Dalam Proses Pembuktian Perkara Perdata : Tinjauan Kepustakaan Atas Doktrin Dan Yurisprudensi," no. November (2025).

Nugroho, Irzak Yuliardy, and Tutik Hamidah Hamidah. "Konsep Maslahah Perspektif Izzudin Ibn Abd. Salam (Telaah Dalam Kitab Qawa'id Al-Ahkam Fi Masalih Al-Anam)" 7, no. 2 (n.d.).

Soekanto, Soerjono. "Penelitian Hukum Normatif: Suatu Tinjauan Singkat," 2007.

Sulthon, M, Imam Syafi'i, and Auliya Ghazna Nizami. "Contemporary Fiqh in Indonesia: The Dynamics of Istinbat Al-Aḥkām at Ma'had Aly Salafiyah Shafi'iyah Sukorejo Situbondo." *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024): 119–34.

Syaf, Moh Najib. "Eklektik Hukum Islam Dalam Wilayah Hukum Keluarga" 4 (2024): 29–36.

Tajudin, Ijud, and Rully Herdita Ramadhani. "Pembentukan Keyakinan Hakim Dalam Perkara Pidana Di Lingkungan Peradilan Jawa Barat," 2020, 348–68.

Thoif, Muhammad, and Al Ghotsi. "Analisis Fasakh Nikah Menurut UU Perkawinan Dan Relevansinya Dengan Hukum Islam" 1, no. 1 (2023): 61–70.

Wagianto, Ramdan, and Yuliardy Nugroho. "Harmonization of Islamic Law and Local Wisdom: A Methodological Reconstruction of Ijtihad in Family Law Based on Yusuf Al-Qaradawi's Istinbāṭ Approach" 5, no. 1 (2026): 25–43.