

REVISITING MASLAHAH IN JUDICIAL REASONING ON *ITSBAT NIKAH* AND DIVORCE PROCEEDINGS IN INDONESIAN RELIGIOUS COURTS



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Abstract

This study examines the construction of *maslahah* in judicial reasoning concerning the cumulation of *itsbat nikah* and divorce proceedings in Indonesian Religious Courts, focusing on the Bukittinggi and Batusangkar Religious Courts. It addresses the tension between formal marriage requirements, particularly the validity and authority of the marriage guardian (*wali nikah*), and the need to ensure legal certainty and protection for parties in dysfunctional marital relationships. Employing a normative – empirical legal research design, the study uses statutory, case, conceptual, and comparative approaches. Data were obtained from Decisions No. 452/Pdt.G/2022/PA.Bkt and No. 308/Pdt.G/2023/PA.Bsk, supplemented by semi – structured interviews with judges involved in the respective cases and relevant legal literature. The findings show that both courts constructed *maslahah* around legal certainty, substantive justice, utility, and prevention of harm despite deficiencies in formal marriage requirements. The Bukittinggi Religious Court explicitly applied *istihsan bi al-mashlahah* and restricted recognition of the marriage to facilitating divorce. The Batusangkar Religious Court adopted a comparable substantive orientation, although the restriction of *itsbat nikah* was articulated more clearly in the judicial reasoning than in the operative part of the decision. The study concludes that *maslahah* functions as a contextual and remedial framework for resolving legally problematic marriages while maintaining normative constraints. It contributes to Islamic family law scholarship by shifting analytical attention from normative – procedural conformity toward judicial reasoning and demonstrating how *maslahah* mediates between formal legal requirements and the protection of affected parties in contemporary Indonesian Islamic family law adjudication and practice.

Abstrak

Penelitian ini mengkaji konstruksi *maslahah* dalam pertimbangan hukum hakim terkait kumulasi permohonan *itsbat nikah* dan perkara perceraian di Pengadilan Agama Indonesia, dengan fokus pada Pengadilan Agama Bukittinggi dan Batusangkar. Penelitian ini membahas ketegangan antara persyaratan formal perkawinan, khususnya keabsahan dan kewenangan wali nikah, dengan kebutuhan untuk menjamin kepastian hukum dan perlindungan bagi para pihak dalam hubungan perkawinan yang tidak harmonis. Penelitian ini menggunakan desain penelitian hukum normatif-empiris dengan pendekatan perundang-undangan, kasus, konseptual, dan komparatif. Data diperoleh dari Putusan Nomor 452/Pdt.G/2022/PA.Bkt dan Nomor 308/Pdt.G/2023/PA.Bsk, yang dilengkapi dengan wawancara semiterstruktur dengan hakim yang menangani perkara terkait serta literatur hukum yang relevan. Hasil penelitian menunjukkan bahwa kedua pengadilan mengonstruksikan *maslahah* berdasarkan kepastian hukum,

keadilan substantif, kemanfaatan, dan pencegahan kemudharatan, meskipun terdapat kekurangan dalam pemenuhan persyaratan formal perkawinan. Pengadilan Agama Bukittinggi secara eksplisit menerapkan *istihsan bi al-mashlahah* dan membatasi pengakuan perkawinan semata-mata untuk memfasilitasi perceraian. Pengadilan Agama Batusangkar menerapkan orientasi substantif yang serupa, meskipun pembatasan *itsbat nikah* dirumuskan lebih jelas dalam pertimbangan hukum daripada dalam amar putusan. Penelitian ini menyimpulkan bahwa *maslahah* berfungsi sebagai kerangka kontekstual dan remedial dalam menyelesaikan perkawinan yang bermasalah secara hukum dengan tetap mempertahankan batasan normatif. Penelitian ini berkontribusi pada kajian hukum keluarga Islam dengan menggeser perhatian analitis dari kesesuaian normatif-prosedural menuju konstruksi pertimbangan hukum hakim serta menunjukkan bagaimana *maslahah* menjadi perantara antara persyaratan hukum formal dan perlindungan para pihak dalam praktik peradilan hukum keluarga Islam kontemporer di Indonesia.

INTRODUCTION

Religious Courts play a crucial role in ensuring legal certainty in marriage matters, particularly in addressing divorce proceedings and the need for *itsbat nikah* for couples whose marriages have not been officially registered (Akram et al., 2023; Harun et al., 2026; Nur & Jamil, 2026; Rohman et al., 2025). The cumulative adjudication of *itsbat nikah* and divorce cases often presents a complex legal dilemma, as it concerns the parties' legal status and the protection of women's and children's rights (Alfitri et al., 2024; Horii & Wirastri, 2022; Wirastri & Van Huis, 2023). In this context, the concept of *maslahah* is particularly relevant, as judicial reasoning should not be confined to formal legality but should also consider social benefits and the prevention of potential harm arising from uncertain marital status (Abdullah & Maharani, 2025; Billah, 2024; Fajriyati et al., 2026; Zubaidi, 2021). Integrating the principle of *maslahah* into judicial reasoning enables courts to protect civil rights while providing legal certainty to parties seeking judicial resolution of their marital relationships (Asni & Muhammad Iqbal, 2026; Novendri Eka Saputra & Ilham Ramadhani, 2026). This approach is essential because the resolution of marital disputes extends beyond the relationship between spouses and encompasses legal consequences for children and civil rights arising from marriage. This is consistent with Article 7 of the Compilation of Islamic Law (KHI), which permits applications for *itsbat nikah* within divorce proceedings. Accordingly, judges are required to balance legal certainty, justice, and utility proportionately to prevent decisions from generating further legal uncertainty for justice seekers.

By integrating *itsbat nikah* into divorce proceedings, courts can address legal problems arising from unregistered marriages, particularly by protecting the rights of wives and children and ensuring legal certainty regarding the parties' marital status (Fauzi, 2023; Harun et al., 2026; Yazid & Nuroniyah, 2026). However, the issue becomes more complex when the marriage for which recognition is sought involves deficiencies in fulfilling the essential pillars and requirements of marriage. This is evident in Decision No. 452/Pdt.G/2022/PA.Bkt of the Bukittinggi Religious Court and Decision No. 308/Pdt.G/2023/PA.Bsk of the Batusangkar Religious Court. In the Bukittinggi case, the issue concerned the marriage guardian, as the person acting as guardian during the marriage contract was not the legally authorized judicial guardian (*wali hakim*) (Mahkamah Agung, n.d.–b). In the Batusangkar case, the guardian was neither a recognized blood relative guardian (*wali nasab*) nor was there evidence of delegated

authority (*taukil wali*) from the *wali nasab* (Mahkamah Agung, n.d. – a). Despite these concerns, both panels provided a legal avenue for resolving the divorces by considering legal certainty and the protection of vulnerable parties. These cases demonstrate that cumulative decisions should be assessed not only by the outcome of *itsbat nikah*, but also by the judicial reasoning underlying the resolution of divorce.

Several previous studies have examined the cumulative adjudication of *itsbat nikah* and divorce from various perspectives. Perwitiningsih's study remains oriented toward normative and procedural aspects and does not explore the construction of judicial reasoning in interpreting and applying the principle of *maslahah* (Perwitiningsih, 2024). Mulyadi et al. identified differences in decisions concerning cumulative *itsbat nikah* and divorce cases but did not examine how judges interpret *maslahah* when balancing legal certainty, formal requirements, substantive justice, and the protection of wives and children (Mulyadi et al., 2024). Similarly, Riska Hermayanti et al. focused on mechanisms for resolving cumulative *itsbat nikah* and contested divorce cases, including decisions granting and rejecting applications. However, their study did not examine differences in judicial reasoning in interpreting and applying *maslahah* (Riska Hermayanti et al., 2024). Previous studies have generally emphasized judicial authority, the permissibility of cumulative proceedings, and fulfillment of the essential pillars and requirements of marriage. Although these aspects are important, unregistered marriages may create legal uncertainty concerning spousal relationships and their legal consequences. Therefore, further research is needed to move beyond assessing conformity with positive law and examine the substantive reasoning underlying judicial choices, particularly how *maslahah* shapes judicial interpretation and decision making.

This study aims to examine the construction of *maslahah* in judicial reasoning in Decision No. 452/Pdt.G/2022/PA.Bkt of the Bukittinggi Religious Court and Decision No. 308/Pdt.G/2023/PA.Bsk of the Batusangkar Religious Court. Building on previous studies, this research offers novelty by analyzing how judges construct legal reasoning when deficiencies in the essential pillars and requirements of marriage coexist with the need to provide a legal resolution for divorce proceedings. Specifically, the study examines how judges reconcile formal marital legality with the need to provide legal protection for wives and children through the perspective of *maslahah*. It further explores the orientation of judicial reasoning in balancing legal certainty, substantive justice, utility, and the prevention of harm in cumulative *itsbat nikah* and divorce proceedings. The study also compares the operative parts of the two decisions, particularly regarding the role and limitation of *itsbat nikah* as an instrument for resolving divorce. Accordingly, this research provides a more comprehensive understanding of how *maslahah* operates in Religious Court practice when judges confront legally problematic marriages that nevertheless require judicial resolution. Its significance lies in demonstrating that deficiencies in marital validity do not necessarily preclude access to divorce proceedings; rather, judges may construct contextual legal solutions to address uncertainty concerning the parties' marital status while maintaining normative legal constraints.

METHODS

This study employs a normative – empirical legal research design to comprehensively examine the construction of *maslahah* in judicial reasoning (Maskun et al., 2025; Noor, 2023; Sutikno & Chariansyah, 2026; Wiraguna, 2024). The normative approach applies statutory, case, conceptual, and comparative approaches to analyze relevant legal norms, concepts, and judicial reasoning (A.Barlian & Arief, 2017; Hanafi, 2024; Kurniawan et al., 2022; Lubis et al., 2026). The empirical approach examines the practical application and judicial interpretation of relevant legal provisions (Azmi et al., 2024; G. Hakim et al., 2026; Widayani et al., 2025). The research was conducted at the Bukittinggi and Batusangkar Religious Courts from January to February 2025. The cases examined were Decisions No. 452/Pdt.G/2022/PA.Bkt and No. 308/Pdt.G/2023/PA.Bsk. These cases were selected purposively because both involved cumulative marriage validation and divorce proceedings and raised issues concerning marriage requirements, particularly the authority of the marriage guardian. The integration of normative and empirical approaches enabled analysis of both legal conformity and judicial reasoning in applying *maslahah* to concrete marital disputes.

The study used primary and secondary data collected through documentary, library, and interview techniques. Primary data were obtained through semi – structured interviews with two judges: Isrizal of the Bukittinggi Religious Court and Rina Eka Fatma of the Batusangkar Religious Court. The interviews were conducted by the researcher during January and February 2025 using a structured interview guide. Questions addressed the legal status of the marriages, the authority of the marriage guardian, the relationship between marriage validation and divorce, the rationale for the operative provisions, and considerations of legal certainty, justice, utility, and prevention of harm. The judges were selected purposively because of their direct involvement in examining and adjudicating the cases and their knowledge of the judicial reasoning. Secondary data were collected through documentary and library research, including the two court decisions, legislation, the Compilation of Islamic Law, regulations concerning marriage guardians, relevant jurisprudence, books, and scholarly articles. Documents were systematically examined to identify legal facts, legal issues, applicable norms, judicial considerations, and operative provisions relevant to the research questions.

Data were analyzed using descriptive and comparative qualitative methods through systematic stages of organization, classification, interpretation, and comparison (Asa'ari & Iskandar, 2026; Sulfinadia et al., 2026). First, documentary data were classified according to legal facts, legal issues, applicable norms, judicial considerations, and operative provisions. Second, interview data were organized thematically to identify the judges' explanations concerning the construction and application of *maslahah*. Third, interview findings were compared with the reasoning and operative parts of the corresponding decisions and relevant legal provisions. Finally, the integrated findings were interpreted through the *maslahah* framework, focusing on legal certainty, substantive justice, utility, and prevention of harm. No statistical software was used because the study employed qualitative legal analysis. Methodological rigor was maintained through source triangulation by comparing interview findings with court decisions, legislation, jurisprudence, and scholarly literature (Andaryuni et al., 2026; Gupta & Harvey, 2022). This triangulation strengthened data credibility, interpretive consistency, and analytical validity. The procedure also enabled systematic comparison of judicial reasoning and the legal effects attributed to marriage validation in both cases.

RESULT AND DISCUSSION

RESULT

Characteristics of *Itsbat Nikah* and Cumulative Divorce Cases

The Decision of the Bukittinggi Religious Court Number 452/Pdt.G/2022/PA.Bkt and the Decision of the Batusangkar Religious Court Number 308/Pdt.G/2023/PA.Bsk concern the joinder of *itsbat nikah* and divorce, both arising from unregistered (*siri*) marriages. Consequently, the parties' marital status had not obtained administrative recognition through registration with the competent authority. In the Bukittinggi case, the Plaintiff and Defendant married on 2 May 2010, with an *ustadz* acting as the *wali nikah*, as the Plaintiff had no *wali nasab* because she was born outside marriage (Mahkamah Agung, n.d. – b). In the Batusangkar case, the parties married on 6 February 2008, with the Plaintiff's same – clan relative acting as the *wali nikah*, while her biological father, as *wali nasab*, was absent and did not authorize a *taukil wali* (Mahkamah Agung, n.d. – a). Both cases share similar factual characteristics, particularly unregistered marriages and issues concerning the authority of the marriage guardian. The differing circumstances indicate that issues of marriage registration and validity may arise from distinct factual conditions. Therefore, *itsbat nikah* serves as an important legal instrument for establishing marital status and providing a basis for resolving the parties' legal relationship through divorce.

The two cases share a common procedural feature, namely the joinder of claims, which enables a plaintiff to consolidate two or more legal claims for examination and adjudication within a single judicial proceeding (Pasaribu et al., 2025; Yani et al., 2025). In both cases, the Plaintiff combined *itsbat nikah* with divorce. Their principal similarity concerns the legal validity of the marriages, particularly the status and authority of the *wali nikah*. The grounds for divorce likewise reflect comparable circumstances, as both marital relationships were marked by persistent disputes and conflicts that ultimately led the parties to live separately for more than five years. Despite these similarities, the decisions differ in their legal reasoning and formulation of the operative orders. The Bukittinggi Religious Court issued a limited *itsbat nikah* order alongside the divorce proceedings, whereas the Batusangkar Religious Court issued no *itsbat nikah* order because the marriage was deemed legally deficient regarding the marriage guardian requirement. Nevertheless, both courts addressed marital validity while granting divorce based on the factual existence of the marital relationship and prolonged marital breakdown. The principal distinction lies in the judicial construction of the relationship between *itsbat nikah* and divorce, particularly concerning the legal consequences of non – compliance with the *wali nikah* requirement.

In the Bukittinggi Religious Court ruling, Isrizal explained that the *itsbat nikah* ruling was included in the operative part of the judgment, but its legal effect was limited to the divorce case. It was not intended to generate legal consequences beyond the subject matter adjudicated. This indicates that *itsbat nikah* was necessary to establish legal certainty regarding the marital relationship as the basis for examining and resolving the divorce petition. Its effects were restricted to prevent the ruling from extending to other legal purposes (Isrizal, 2025). Thus, *itsbat nikah* in the Bukittinggi Religious Court ruling served an instrumental function, legitimizing the marital relationship solely to facilitate divorce rather than producing broader civil – law consequences. In contrast, the Batusangkar Religious Court adopted a different approach. Rina Eka Fatma explained that the *itsbat nikah* ruling was not stated in the operative part because this could imply that

the marriage had fulfilled all requirements under the Compilation of Islamic Law (KHI). In her view, legal reasoning was sufficient to limit its function without explicit inclusion in the operative part (Fatma, 2025). Accordingly, the key distinction lies in how the judges confined the legal effects of *itsbat nikah*.

Judicial Interpretation of *Itsbat Nikah* and Divorce

Based on the Bukittinggi Religious Court Decision, the case originated from the Plaintiff's and Defendant's unregistered (*siri*) marriage. The Panel of Judges found that the marriage was solemnized by an *ustadz* acting as *wali nikah*, whereas, because the Plaintiff was born outside marriage, the appropriate guardian should have been a *wali hakim*. Since the *ustadz* was not a *wali hakim*, the Panel held that he lacked legal authority to act as guardian, rendering the marriage normatively *fasid*. Accordingly, the *itsbat nikah* application should have been rejected. However, considering justice, legal certainty, and public interest, particularly because the parties had lived separately for approximately five years, the Panel applied *istihsan bi al-mashlahah*, namely departing from the general rule to achieve greater benefit (Firdaus et al., 2023), and granted *itsbat nikah* on a limited basis solely to facilitate divorce. This limitation was expressly stipulated to prevent other legal consequences. Prolonged disputes, domestic violence, financial difficulties, and extended separation demonstrated an irretrievably broken marriage. Divorce was therefore granted under Article 19(f) of Government Regulation No. 9 of 1975 in conjunction with Article 116(f) of the KHI.

Based on the Batusangkar Religious Court Decision, the case originated from the Plaintiff's and Defendant's unregistered (*siri*) marriage. The marriage involved an issue concerning the *wali nikah*, as the ceremony was conducted with a same-clan relative acting as guardian, while the Plaintiff's biological father was still alive and had not been proven to have delegated guardianship authority. Moreover, at the time of marriage, the Defendant remained married to another woman and had not obtained polygamy authorization from the Religious Court. Accordingly, the marriage was normatively deemed to fail to satisfy the legal requirements and was classified by the Panel as *nikah fasid*. Nevertheless, the Panel did not apply the relevant provisions mechanically but considered the parties' circumstances, including their cohabitation and subsequent marital breakdown. Persistent disputes led them to live separately for approximately six years and ten months, despite unsuccessful reconciliation efforts. In these circumstances, the Panel granted *itsbat nikah* on a limited basis solely for divorce proceedings, considering justice, utility, legal certainty, *maslahah*, and harm prevention. This limitation enabled the Plaintiff to dissolve a long-dysfunctional marriage without broader legal consequences. The divorce was ultimately granted because maintaining the fractured relationship was considered potentially more harmful to the parties.

The differences between the two decisions can be identified in three respects. First, regarding their operative effects, the Bukittinggi Religious Court expressly stated that the marriage was valid solely for divorce, making the limitation of the legal effects of *itsbat nikah* an integral part of the ruling. By contrast, the Batusangkar Religious Court decision reveals a discrepancy between its reasoning and operative part. Although its reasoning states that *itsbat nikah* was granted on a limited basis for divorce and that this limitation should appear in the operative part, the latter does not explicitly validate the marriage; instead, it partially grants the claim, pronounces divorce, and dismisses the remainder. Second, regarding legal consequences, the Bukittinggi Religious Court decision provides

functional and limited recognition of the marriage solely to facilitate divorce. The Batusangkar Religious Court decision adopts a similar approach in its reasoning, but its consequences remain less explicit because they are not formulated in the operative part. Third, concerning the relationship between *itsbat nikah* and divorce, both decisions treat *itsbat nikah* as an instrument facilitating divorce rather than comprehensive marriage validation. The distinction lies in the Bukittinggi Court's consistent articulation of this construction from reasoning to operative order, whereas the Batusangkar Court does not fully maintain such consistency.

DISCUSSION

In the *itsbat nikah* proceedings before the Bukittinggi Religious Court, the prospective bride, as a child born out of wedlock, has no nasab relationship with her biological father and therefore has no wali nasab; her marriage may consequently only be solemnized by a *wali hakim* (Juliansyahzen et al., 2026; Keperdataan et al., 2026; A. Maulana et al., 2024; Muhammad Idris Nasution et al., 2025; Sarmadi et al., 2026). Under the Regulation of the Minister of Religious Affairs of the Republic of Indonesia No. 30 of 2005, a wali hakim may act where no eligible wali nasab exists or where the guardian is *mafqud* (missing), *ghaib* (whose whereabouts are unknown), or *adhal* (unreasonably refusing to marry her off) (A. Hakim, 2019; Syahputera & Ferdiyan, 2023; Zamani, 2020). In the Bukittinggi Religious Court case, however, the Plaintiff's marriage was solemnized by an *ustadz* rather than the Head of the local KUA. The Court therefore found that the marriage failed to satisfy the legal requirements concerning the marriage guardian and characterized it as *fasid*. Nevertheless, to ensure legal certainty and release the Plaintiff from the marital bond, the Court recognized the marriage solely for the purpose of divorce. Thus, the recognition of the marriage was strictly limited to facilitating the dissolution of the marital relationship and was not intended to generate other legal consequences.

In one of its considerations, the Panel of Judges of the Bukittinggi Religious Court applied the principle of *istihsan bi al-maslahah*. Ibn Subki defines *istihsan* as a method of legal reasoning that entails setting aside an apparently stronger *qiyas* in favor of an alternative legal consideration deemed more consistent with *maslahah* (Ahmad Mafaid et al., 2026; Johari et al., 2023; D. F. Maulana & Rozak, 2021; Nabilah et al., 2021). Its application is evident in the Court's decision to grant an *itsbat nikah* application despite the applicant's failure to satisfy the legal requirements concerning the marriage guardian (*wali nikah*). The application was granted in a limited manner based on considerations of justice, utility, and legal certainty. Thus, the Court departed from the general rule and validated the marriage solely for the purpose of facilitating the divorce proceedings. The resulting divorce judgment provided legal protection against potential arbitrary conduct by the Defendant and established certainty regarding the Plaintiff's marital status, enabling her to move forward with her life, including the possibility of remarrying. Without a divorce certificate issued by the Religious Court, her marital status would remain uncertain, potentially restricting her ability to enter into a legally recognized marriage.

In the *itsbat nikah* proceedings before the Batusangkar Religious Court, the presence and legal status of the marriage guardian (*wali*) constitute a crucial element in determining the validity of the marriage contract. The transfer of guardianship authority from the *wali nasab* to another qualified guardian may occur due to the death of the *wali nasab* or because the guardian does not meet the required conditions, such as being underage, having a physical disability, or experiencing a mental disorder (Dewi et al., 2022; Mukran

H. Usman et al., 2021). *Taukil al-wali* is performed prior to the marriage contract, whereby the wali nasab delegates his guardianship authority to a Marriage Registration Officer (PPN KUA) or a religious figure present at the ceremony (Hikma et al., 2026; Mundzir et al., 2024; Oktaviani & Sugitanata, 2020; Putri et al., 2025; Zahara & Sukiati, 2024). In the case examined by the court, however, no evidence established such delegation. Therefore, the marriage did not fulfill the required legal conditions. Nevertheless, to uphold justice, legal utility, and certainty, the court granted *itsbat nikah* on a limited basis for the purpose of divorce proceedings, consistent with the divorce judgment previously issued by the Bukittinggi Religious Court.

Previous studies on the cumulation of *itsbat nikah* and divorce have predominantly focused on normative procedural aspects, examining the legal basis, requirements, judicial authority, and procedural mechanisms for resolving such cases (Rosyadi & Asep, 2025; Umar Haris Sanjaya & Putri, 2024). This approach has not specifically positioned judges' legal reasoning as the primary object of analysis, particularly in addressing tensions between legal norms, concrete facts, *maslahah*, and the objectives of law. From a normative procedural perspective, the rejection of an *itsbat nikah* petition generally entails the dismissal of a concurrently filed divorce claim, as a marriage that cannot be proven or legally validated cannot serve as the legal basis for terminating the marital relationship (Hariyanto et al., 2025; Maharani et al., 2025). In contrast, this study focuses on the construction of judicial reasoning when a marriage submitted for *itsbat nikah* does not normatively satisfy the requirements for validation, while simultaneously presenting a legal necessity to terminate the parties' factual relationship. In such circumstances, judges confront not only the issue of marital validity but also the legal and social consequences of leaving the relationship unresolved. Failure to terminate the relationship under such conditions may place the wife in a vulnerable legal position, as her marital status remains uncertain and fails to provide legal certainty regarding her status and rights.

This study has theoretical implications by expanding the understanding of *mashlahah* as a framework for legal reasoning in cases involving the cumulation of *itsbat nikah* and divorce, particularly where judges confront tensions between the formal legality of marriage, legal certainty, substantive justice, and the prevention of harm. The finding concerning the application of *istihsan bi al-mashlahah* in the Bukittinggi Religious Court Decision demonstrates that this approach can function as a contextual and responsive instrument of legal reasoning that accommodates the concrete circumstances of the parties without conferring broader legal legitimacy upon a legally problematic marriage. Practically, these findings have implications for Religious Courts in strengthening the consistency of judicial reasoning and the formulation of operative provisions, particularly by clearly limiting the legal effects of *itsbat nikah* to prevent its interpretation as a general validation of the marriage. Future research may extend this inquiry by examining a broader range of judicial decisions, conducting cross-jurisdictional comparisons, and interviewing a larger number of judges to develop a *mashlahah* and *maqasid al-shari'ah* – based model of judicial reasoning whose consistency can be empirically examined in resolving cases involving legally problematic marriages.

CONCLUSION

This study concludes that revisiting *maslahah* in judicial reasoning reveals a contextual approach to the cumulation of marriage validation and divorce proceedings in Indonesian Religious Courts. The Bukittinggi and Batusangkar decisions demonstrate that judges considered legal certainty, substantive justice, utility, and prevention of harm when addressing marriages with deficiencies in formal requirements. In Bukittinggi, the marriage involved an unauthorized marriage guardian, and recognition was restricted to facilitating divorce. The court also incorporated *istihsan bi al-mashlahah* into its reasoning. In Batusangkar, the case concerned the authority of a customary clan member who acted as guardian without evidence of delegation from the legally authorized guardian. Although the reasoning differed, the court similarly provided a legal pathway for resolving the divorce. The findings indicate that neither court simply validated the problematic marriages. Instead, judicial reasoning distinguished the practical resolution of divorce from comprehensive recognition of marital validity, thereby addressing legal uncertainty while maintaining normative constraints and providing protection for affected parties, particularly women. This approach underscores the court's effort to balance procedural legality with consequences faced by litigants seeking judicial resolution of disputes.

Conceptually, this study contributes to Islamic family law by repositioning judicial reasoning as a central analytical lens for understanding marriage validation and divorce proceedings. Rather than treating formal legal compliance as the sole measure of judicial legitimacy, the findings show how *maslahah* can operate as a contextual and remedial framework for responding to concrete legal difficulties. The study further demonstrates the relevance of legal certainty, justice, utility, and harm prevention as interconnected considerations in judicial construction. Theoretically, the findings clarify the relationship between *maslahah*, the objectives of Islamic law, and equitable legal reasoning when formal requirements create unresolved consequences for litigants. Methodologically, the comparative analysis of decisions from two Religious Courts, supported by interviews with judges and legal literature, provides an empirical basis for examining how legal principles are translated into judicial reasoning. The study therefore offers a framework for analyzing how courts reconcile normative requirements with practical legal protection without converting exceptional recognition into general validation of defective marriages. It also enriches debates on adaptive adjudication in contemporary Islamic family law and clarifies the boundaries of remedial judicial intervention.

This study is limited by its focus on two decisions from two Religious Courts, which restricts the extent to which the findings can represent judicial practice across Indonesia. The analysis also relies on a limited number of judicial interviews and therefore may not capture the full diversity of judicial interpretations concerning marriage validation and divorce. Future research should examine a broader and more diverse body of decisions from different regions and levels of Religious Courts to identify recurring patterns in the construction of *maslahah*. Comparative studies could also investigate how judges formulate limitations in the operative parts of decisions and whether those limitations correspond consistently with their legal reasoning. Further research may develop analytical indicators for assessing legal certainty, justice, utility, and harm prevention in cases involving legally problematic marriages. Such research would strengthen the methodological basis for evaluating judicial consistency and contribute to clearer guidance on the use of contextual reasoning while ensuring that judicial solutions remain

compatible with positive law and the objectives of Islamic family law. Broader evidence would enable comparisons across institutional settings and contexts.

DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

Zulkifli Firdaus: Conceptualization, Methodology, Formal Analysis, and Writing – Original Draft; Endri Yenti: Investigation, Data Curation, and Writing – Original Draft; Abdulwahab Yusuf Tahir: Investigation, Formal Analysis, and Writing – Review & Editing; Muhammad Azam: Conceptualization, Methodology, Supervision, Validation, and Writing – Review & Editing; Dahyul Daipon: Investigation, Data Curation, and Formal Analysis; Hesi Eka Puteri: Methodology, Validation, Supervision, and Writing – Review & Editing. All authors approved the final version of the manuscript and agreed to be accountable for the work.

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DATA AVAILABILITY STATEMENT

The data supporting the findings of this study are available from the corresponding author upon reasonable request. Access to any interview or participant – related data is subject to ethical considerations and participant confidentiality.

DECLARATION OF INTERESTS STATEMENT

The authors declare that they have no known competing financial or personal interests that could have influenced the work reported in this paper.

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