



Marriage Prevention from the Perspective of Maqāṣid al-Sharīʿah: An Analysis of Concealed Marital Status Cases in Temanggung

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ABSTRACT

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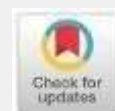
Keywords

Marriage prevention,
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This study aims to analyze a case of marriage prevention resulting from the concealment of marital status by a prospective husband in Kemiri Village, Tembarak District, Temanggung Regency, from the perspective of Maqāṣid al-Sharīʿah. The research employed a qualitative method with a juridical-empirical (field research) approach, using in-depth interviews, observation, and documentation as data collection techniques. The findings reveal that the marriage prevention occurred after it was discovered that the prospective husband was still legally married and intended to engage in polygamy without obtaining the consent of his first wife or authorization from the Religious Court. Such conduct constitutes *tadlīs* (deception) through the concealment of marital status, which may result in legal, social, and psychological harm to the prospective wife. From the perspective of Maqāṣid al-Sharīʿah, the prevention of this marriage is consistent with the objective of protection at the level of *ḍarūriyyāt*, particularly in safeguarding lineage (*ḥifẓ al-nasl*). Legally, the case is classified as marriage prevention prior to the marriage contract (*akad nikah*), thereby producing no legal consequences of marriage for either party. Sociologically, the involvement of village authorities and religious leaders played a significant role in providing social protection and minimizing stigma toward the woman involved. This study demonstrates that marriage prevention in cases involving the concealment of marital status is not only legally justified but also reflects the implementation of Maqāṣid al-Sharīʿah values in protecting the welfare of individuals and society.



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Introduction

Marriage in Islam is not merely a civil or contractual relationship; rather, it is a noble, sacred, and transcendental act of worship before Allah SWT. The Qur'an refers to this bond as *mīthāqan ghalīẓan* (Sumarjoko, 2018), meaning a solemn, sacred, and binding covenant whose honor, integrity, and consequences must be upheld by both parties in a just manner. Fundamentally, all living beings on earth have been created in pairs, and each individual strives both physically and spiritually to find a partner in order to complement one another, achieve completeness, and sustain the continuity of human civilization. The primary objective of the institution of marriage in Islamic law is to establish stability and tranquility of the soul (*sakinah*), while fostering mutual love (*mawaddah*) and deep affection (*rahmah*) between spouses. Within the framework of both positive law and Islamic law in Indonesia, marriage constitutes the only legitimate and legal means of uniting a man and a woman in a comprehensive physical and spiritual bond. Therefore, every step taken toward marriage should be grounded in sincere intentions, honesty, and full transparency to attain divine pleasure and collective welfare. Islamic law strictly prescribes the pillars and conditions required for the validity of a marriage contract so that the noble objectives of marriage can be realized in society (Maruan Fauzi & Yusof, 2022).

The institution of marriage in Islam is also closely related to the concept of *Maqāṣid al-Sharī'ah*, namely the higher objectives underlying Islamic law for the benefit of humankind (*maṣlaḥat al-ʿibād*). One of the fundamental pillars of *Maqāṣid al-Sharī'ah* formulated by Muslim legal theorists is *ḥifẓ al-nasl*, the preservation of lineage and progeny. This objective can only be achieved through a legally valid marriage recognized under Islamic law. Through a marriage that fulfills all legal requirements and pillars, children born from the union obtain a clear legal status in matters of lineage, inheritance rights, and guardianship, while society is protected from acts of adultery, which are strictly prohibited both religiously and socially. However, empirical realities often demonstrate that marriages and plans for family formation do not always proceed according to the ideal standards prescribed by religious norms and state regulations. In many cases, marriages are conducted in violation of legal provisions, either intentionally as a means of circumventing the law or unintentionally due to the parties' lack of legal awareness. Such violations may take various forms, including the falsification of civil registration documents, manipulation of marital status, and the existence of legal impediments to marriage (*manīʿ al-nikāḥ*) that are discovered only shortly before or even after the marriage contract is concluded. These irregularities underscore the importance of legal mechanisms for marriage annulment or marriage prevention as juridical instruments to rectify legal defects and uphold justice (Paizah Ismail, 2017).

This phenomenon becomes particularly significant when it occurs within rural communities, such as in Kemiri Village, Tembarak District, Temanggung Regency. Rural societies are generally characterized by strong communal and kinship-based social

relationships (*gemeinschaft*), where marriage is regarded as a sacred religious rite involving the dignity, honor, and social standing of extended families within the community. Consequently, cases involving identity manipulation that lead to the prevention or annulment of marriage generate complex psychosocial dynamics, social tensions, and potential negative stigma for the affected parties, particularly women. Therefore, this study seeks to examine the factors contributing to such cases, the juridical-administrative processes undertaken by the Office of Religious Affairs (KUA), and the resulting legal and social implications through the analytical framework of *Maqāṣid al-Sharī'ah* (Kasim Kamba, 2023).

Method

This study employed a qualitative research design using a juridical-empirical field research approach. The juridical-empirical approach was selected to examine the implementation of legal norms governing marriage prevention in the context of a case involving the concealment of marital status by a prospective husband in Kemiri Village, Tembarak District, Temanggung Regency. This approach enables an analysis of law not merely as a normative system but also as a social phenomenon operating within the realities of community life. Through a qualitative approach, the researcher was able to explore the legal, social, and psychological dimensions surrounding the prevention of marriage resulting from identity deception. Primary data were collected through in-depth interviews with key informants, including the female party affected by the concealment of marital status (pseudonym used to protect confidentiality), the Head of Kemiri Hamlet as a representative of local social authority, and officials of the Office of Religious Affairs (KUA) of Tembarak District as the institution responsible for marriage administration. Secondary data were obtained from relevant legal documents and academic literature, including Law Number 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and scholarly works on *Maqāṣid al-Sharī'ah*, marriage law, and Islamic legal theory. Data were collected through interviews, observation, and documentation. The data were then analyzed using the qualitative data analysis model developed by Miles and Huberman, which consists of three stages: data reduction, data display, and conclusion drawing and verification. To ensure the validity of the findings, source triangulation was employed by comparing information obtained from different informants and documentary evidence.

Result

The Concept of Marriage and Marriage Prevention in Islamic Law

Etymologically, the term *nikāḥ* means “to unite” or “to bring together.” In Islamic legal terminology, *nikāḥ* refers to a contract that legitimizes the relationship between a man and a woman for the purpose of establishing a family life characterized by *sakinah* (tranquility), *mawaddah* (affection), and *rahmah* (compassion). This principle is consistent with Article 1

of Indonesian Law Number 1 of 1974 on Marriage, which defines marriage as a physical and spiritual bond between a man and a woman as husband and wife, aimed at forming a happy and enduring family based on belief in the One Almighty God.

To achieve this objective, a marriage must fulfill the essential pillars (*arkān*) and conditions (*shurūṭ*) prescribed by Islamic law as well as the requirements established by applicable state regulations. In addition to regulating the validity requirements of marriage, Islamic law and Indonesian positive law also provide mechanisms to prevent marriages that may result in harm. Under Indonesian law, marriage prevention may be undertaken when a legal impediment exists that renders the proposed marriage inconsistent with applicable legal provisions. One such impediment is the concealment of identity or marital status by one of the prospective spouses. In Islamic jurisprudence, such conduct is referred to as *tadlīs* (deception), namely the concealment of material facts that may affect the informed consent of the other party to the marriage contract. Unlike the annulment of marriage (*fasakh* or annulment), which occurs after the marriage contract has been concluded, marriage prevention is a legal measure undertaken before the marriage ceremony takes place. Its primary purpose is to prevent the legal consequences of a marriage that is fundamentally flawed due to legal defects or fraudulent conduct. In cases involving the concealment of marital status, marriage prevention serves as an important legal safeguard to protect the rights of the prospective spouse and to ensure that marriage is conducted in accordance with the principles of honesty, transparency, and public welfare (*maṣlaḥah*).

From the perspective of Islamic law, marriage prevention based on *tadlīs* is consistent with the objectives of Islamic law (*Maqāṣid al-Sharī'ah*), particularly the protection of lineage (*ḥifẓ al-nasl*), the preservation of honor and dignity (*ḥifẓ al-'ird*), and the protection of the parties from potential harm. Therefore, marriage prevention constitutes a preventive administrative measure as well as a form of legal and social protection aimed at promoting public welfare and preventing harm within family life..

The Relevance of *Maqāṣid al-Sharī'ah* in the Prevention of Marriage Due to the Concealment of Marital Status

Maqāṣid al-Sharī'ah substantively refers to the objectives intended by Allah in the enactment of Islamic legal rulings, aiming to realize public welfare (*jalb al-maṣāliḥ*) and prevent harm (*dar' al-mafāsid*) in both worldly and spiritual life (Al-Shāṭibī, 2004). This concept was

systematically developed by Abu Ishaq al-Shātibī in his seminal work *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, in which he explains that all Islamic legal rulings ultimately seek to protect five essential human interests (*al-kullīyyāt al-khams*): the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) (Al-Shātibī, 2004; Auda, 2008).

Within the context of Islamic family law, marriage serves not only as a legal institution that legitimizes the relationship between a man and a woman but also as a means of achieving tranquility, preserving dignity, safeguarding lineage, and ensuring the fulfillment of the rights and obligations of both spouses. Consequently, any act involving deception (*tadlīs*) in the marriage process contradicts the objectives of the Sharī'ah because it has the potential to cause harm to one of the parties as well as to the family institution as a whole (Wahbah al-Zuhaylī, 1989). The case of concealed marital status by a prospective husband, as found in Kemiri Village, Tembarak District, Temanggung Regency, demonstrates a form of *tadlīs* that may influence the informed consent of the prospective wife to enter into marriage. In such circumstances, marriage prevention functions as a legal mechanism intended to protect the parties from the adverse consequences that may arise from a marriage founded upon incomplete or misleading information. This preventive measure is consistent with the Islamic legal maxim stating that preventing harm takes precedence over securing benefits (*dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ*) (Al-Suyūṭī, 1998).

From the perspective of *Maqāṣid al-Sharī'ah*, the prevention of marriage due to the concealment of marital status is closely related to the protection of lineage (*ḥifẓ al-nasl*). Clarity regarding the legal status of a prospective spouse constitutes an essential prerequisite for establishing a valid family and maintaining the integrity of lineage. Furthermore, such prevention is also associated with the protection of life (*ḥifẓ al-nafs*) and honor (*ḥifẓ al-'ird*), as it seeks to shield the prospective wife from potential psychological, social, and legal harm resulting from deception in the marriage process (Auda, 2008). Islamic legal theorists classify the objectives of Sharī'ah into three hierarchical levels of necessity: *ḍarūriyyāt* (essential needs), *ḥājjiyyāt* (complementary needs), and *taḥsīniyyāt* (embellishing needs). The category of *ḍarūriyyāt* represents indispensable interests whose absence would threaten human existence

and social order (Al-Shātibī, 2004). In cases involving the concealment of marital status, marriage prevention falls within the level of *ḍarūriyyāt* because it directly concerns the protection of lineage, honor, and the fundamental rights of the parties involved. Therefore, marriage prevention is not only legally justified under positive law but also reflects the practical implementation of *Maqāṣid al-Sharī'ah* in safeguarding public welfare and preventing greater harm (Deni Ratmatilah, 2019).

Factors Contributing to Marriage Prevention Due to the Concealment of Marital Status

Based on interviews, observations, and field data analysis conducted in Kemiri Village, Tembarak District, Temanggung Regency, several interrelated factors were identified as contributing to the prevention of the proposed marriage. These factors collectively revealed a legal impediment that ultimately prevented the marriage from taking place.

1. Concealment of Marital Status and the Intention to Engage in Unauthorized Polygamy

The primary factor underlying the prevention of the marriage was the prospective husband's deliberate concealment of his existing lawful marriage. The findings indicate that this action was motivated by his intention to enter into another marriage without complying with the legal procedures governing polygamy under Indonesian law. According to Articles 3, 4, and 5 of Law Number 1 of 1974 on Marriage, a husband wishing to practice polygamy must obtain authorization from the Religious Court and fulfill specific legal requirements. Instead of pursuing this legal avenue, the prospective husband concealed his marital status in order to facilitate the intended marriage. From the perspective of Islamic jurisprudence, such conduct constitutes *tadlīs* (deception), namely the concealment of material information that may influence the consent of another party in a legal transaction (Al-Zuḥaylī, 1989). Consequently, the prospective wife's consent was obtained on the basis of incomplete and misleading information.

2. The Disclosure of Facts through the Intervention of the Lawful Wife

Another significant factor was the intervention of the prospective husband's lawful wife, whose presence played a crucial role in uncovering the concealed marital

status. By presenting documentary evidence, including the marriage certificate, she provided factual proof that the prospective husband remained legally married. Her intervention functioned as an informal yet effective mechanism of legal protection, enabling the family of the prospective bride, community leaders, and local authorities to verify the information before the marriage contract (*'aqd al-nikāḥ*) could be performed. Without such disclosure, the concealment might have remained undetected, potentially leading to a marriage based upon fraudulent representations (Sayyid, 2021).

3. Limited Social Verification within the Local Community

The findings also reveal the influence of sociological factors, particularly the limited verification of personal backgrounds within the local community. As a rural society characterized by strong interpersonal trust and communal values, residents generally rely on good faith and personal representations when assessing prospective spouses. Consequently, the information provided by the prospective husband was largely accepted without comprehensive verification of his marital history or legal status. This social environment created opportunities for deception to remain undiscovered until shortly before the scheduled marriage ceremony. Similar patterns have been identified in studies of rural communities where social trust often outweighs administrative verification procedures (Ratmatilah, 2019).

4. Legal Awareness and Religious Considerations of the Prospective Bride

The decisive factor leading to the successful prevention of the marriage was the legal awareness and religious commitment demonstrated by the prospective bride. Despite experiencing considerable social pressure and embarrassment due to the advanced stage of wedding preparations, she prioritized legal validity and religious principles over social expectations. Her decision reflected an understanding that marriage should be founded upon honesty, transparency, and legal certainty. From both legal and religious perspectives, entering into a marriage based on deception would undermine the objectives of marriage and potentially expose the parties to future disputes and harm (Auda, 2008).

These findings demonstrate that the prevention of the proposed marriage resulted not merely from the discovery of the prospective husband's existing marital status but also from the interaction of several interconnected factors, including deceptive conduct, community social control, the intervention of informed parties, and the legal awareness of the prospective bride in safeguarding her rights. Together, these factors contributed to the prevention of a marriage that would have been inconsistent with both legal requirements and the broader objectives of Islamic law.

Marriage Prevention from the Perspective of *Maqāṣid al-Sharī'ah*

The decision made by Mrs. Sri and her family to withdraw all marriage registration documents from the Office of Religious Affairs (KUA) of Tembarak District and to cancel the planned marriage constituted a legally and ethically appropriate response. From the perspective of *Maqāṣid al-Sharī'ah*, this preventive action reflects the implementation of Islamic legal objectives aimed at protecting fundamental human interests and preventing greater harm (*dar' al-mafāsid*) before it occurs (Al-Shāṭibī, 2004). Rather than merely representing a personal decision, the prevention of the marriage functioned as a mechanism for safeguarding essential values protected by Islamic law. According to al-Shāṭibī's theory of *al-kulliyāt al-khams*, Islamic law seeks to preserve five fundamental interests: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) (Al-Shāṭibī, 2004; Auda, 2008). Among these objectives, the protection of lineage (*ḥifẓ al-nasl*) constitutes the most relevant principle in the present case. The concealment of an existing marital status by the prospective husband represented a form of *tadlīs* (deception) that threatened the legal and ethical foundations of marriage. If the marriage had proceeded, it would have created a family relationship based on misinformation and the violation of legal requirements governing polygamy under Indonesian law. Consequently, preventing the marriage served to protect the integrity of lineage and the legitimacy of family relations, which are central objectives of Islamic family law (Al-Zuhaylī, 1989).

The significance of *ḥifẓ al-nasl* extends beyond biological lineage to include the preservation of legal certainty, family order, and the rights of spouses and future offspring. Islamic law requires that marriage be established through transparency, mutual consent, and legal validity. The concealment of marital status undermines these requirements and may

generate disputes concerning marital rights, inheritance, guardianship, and family responsibilities. Therefore, the prevention of the proposed marriage in Kemiri Village can be understood as a proactive effort to protect the sanctity and legitimacy of the family institution, thereby fulfilling one of the most essential objectives of the Sharī'ah (Auda, 2008). In addition to protecting lineage, the preventive measure also contributed to the preservation of honor and dignity (*ḥifẓ al-ʿird*) and the protection of individuals from psychological and social harm, which are closely associated with the objective of protecting life (*ḥifẓ al-nafs*). By preventing a marriage founded upon deception, the prospective bride was safeguarded from potential emotional distress, social stigma, and legal uncertainty. This outcome is consistent with the Islamic legal maxim that preventing harm takes precedence over obtaining benefit (*dar' al-mafāsid muqaddam ʿalā jalb al-maṣāliḥ*) (Al-Suyūṭī, 1998).

From the hierarchical perspective of *Maqāṣid al-Sharī'ah*, the prevention of this marriage falls within the category of *ḍarūriyyāt* (essential necessities), because it directly concerns the preservation of lineage, family legitimacy, and fundamental legal rights. The case demonstrates that marriage prevention is not merely an administrative act but also a manifestation of the substantive objectives of Islamic law. By preventing a marriage tainted by deception, the parties involved upheld the higher purposes of the Sharī'ah and ensured that the institution of marriage remained grounded in honesty, justice, and legal certainty (Ratmatilah, 2019).

Conclusion

The prevention of the proposed marriage in Kemiri Village, Tembarak District, Temanggung Regency was primarily caused by the concealment of the prospective husband's marital status. The findings indicate that the prospective husband intentionally failed to disclose his existing lawful marriage while seeking to enter into another marriage without following the legal procedures governing polygamy. The case was facilitated by limited social and administrative verification within the local community, where interpersonal trust remained the dominant basis of social interaction. Nevertheless, the planned marriage was ultimately prevented through the intervention of the lawful wife, whose disclosure of the husband's marital status prompted further verification, as well as through the legal awareness and religious considerations demonstrated by the prospective bride and her family. From the perspective of *Maqāṣid al-Sharī'ah*, the

decision to withdraw the marriage application and prevent the marriage represents a legitimate preventive measure aimed at protecting essential interests (ḍarūriyyāt). The most prominent objective achieved in this case is the protection of lineage (ḥifẓ al-nasl), as the prevention of a marriage founded upon deception helped preserve the legitimacy, clarity, and legal certainty of family relationships. At the same time, the measure also supported the protection of honor (ḥifẓ al-ʿird), life and psychological well-being (ḥifẓ al-nafs), and property rights (ḥifẓ al-māl) by preventing potential legal disputes, emotional harm, and socioeconomic consequences that could have arisen from the marriage. Accordingly, the case reflects the application of the principle of preventing harm (dar' al-mafāsid) as an essential objective of Islamic law. Legally, the incident constitutes a form of marriage prevention (man' al-nikāḥ) that occurred before the conclusion of the marriage contract (ʿaqd al-nikāḥ). Consequently, no marital legal consequences arose between the parties, and the prospective bride retained her legal status as unmarried under Indonesian law. Sociologically, the involvement of village authorities, community leaders, and religious figures contributed significantly to clarifying the facts, preventing misinformation, and providing social support to the prospective bride. This collective response demonstrates the important role of community-based social protection in safeguarding individual rights and maintaining social harmony in cases involving deception in the marriage process.

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