



## Ratio Decidendi Judge's Decision in Case Cancellation Marriage : Antinomy between Justice and Legal Certainty at the Cibinong Religious Court

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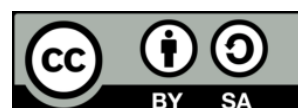
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### ABSTRACT

Marriage annulment cases in Indonesia often reveal a fundamental tension between the principles of legal certainty and substantive justice, particularly in religious courts where statutory norms intersect with moral and cultural values. This study focuses on the annulment case Number 7584/Pdt.G/2021/PA.Cbn at the Cibinong Religious Court, where the judge's decision prioritized a strict textual interpretation of the law, emphasizing legal certainty while potentially overlooking the moral and social harm experienced by the plaintiff. The purpose of this research is to analyze the ratio decidendi underlying the decision, examining how the balance between justice and legal certainty is operationalized in judicial practice. Using a juridical-normative approach, this study draws on statutory, conceptual, and case-based analyses supported by primary and secondary legal materials, including court decisions and relevant literature. The findings indicate that the court's reasoning reflects a firm adherence to positive law, defining fraud narrowly in line with the Marriage Law and the Compilation of Islamic Law, and excluding failure to fulfill a dowry promise as a ground for annulment. While this ensures consistency, it limits judicial flexibility to address substantive justice. The implications of this study are twofold: first, it underscores the need for progressive interpretive methods, such as hermeneutic and teleological reasoning, to harmonize legal certainty with justice; second, it provides practical recommendations for judicial training, legislative reform, and scholarly frameworks that integrate maqasid al-shariah with positive law to guide future decisions.

**Keywords:** Ratio decidendi; cancellation of marriage; justice; certainty of law; Cibinong Religious Court; judge's considerations

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## 1. Introduction

Marriage annulment is a legal remedy recognized in many jurisdictions to address defects in the formation or consent of marriage. Globally, annulment cases

often reveal the tension between the principles of justice and legal certainty, especially in religious courts where legal norms intersect with moral and cultural values (Bryson & Dauchy, 2013; Ehrlich, 2009; Kelsen, 1945). Comparative studies in Malaysia, Pakistan, and Egypt show that annulment disputes also involve similar conflicts between statutory interpretation and equitable outcomes (Auda, 2008; Dworkin, 1997; Friedman, 2008). Despite this, empirical data from a cross-jurisdictional perspective remain scarce, limiting the ability to formulate universal standards for resolving such antinomy.

In Indonesia, marriage annulment is regulated under Law Number 1 of 1974 and the Compilation of Islamic Law, which specify grounds such as fraud, coercion, or non-compliance with religious requirements (State Secretariat, 1974; State Secretariat, 1975; Supreme Court, 2025). While these provisions ensure legal certainty, their strict application may conflict with substantive justice, particularly in cases where social and moral harm is evident (Soekanto, 2006; Radbruch, 1946; Auda, 2008). The Cibinong Religious Court case No. 7584/Pdt.G/2021/PA.Cbn illustrates this dilemma, where the judge's decision to reject annulment prioritized textual interpretation over equitable considerations.

The urgency of this research stems from the growing public expectation that judicial decisions should not only adhere to statutory provisions but also reflect the moral and humanitarian values embedded in societal norms. In the age of digital transparency, judicial reasoning is more closely scrutinized, and decisions perceived as unjust can undermine public trust in the judiciary. This context makes it essential to analyze how *ratio decidendi* is applied in annulment cases, particularly in striking a balance between justice and legal certainty.

Several studies have examined annulment cases in Indonesian religious courts, providing insights into judicial reasoning but often without a critical comparative approach. Fatharani (2024) explored annulments due to forged divorce certificates, Pamungkas (2024) analyzed annulments for failure to fulfill marriage requirements, and Romadhan (2024) studied annulments of forced marriages. While informative, these works primarily describe specific cases rather than evaluating the normative implications of harmonizing justice and legal certainty (Fatharani, 2024; Pamungkas, 2024; Romadhan, 2024).

Similarly, Hanna et al. (2024) reviewed the same Cibinong case, Iqbal and Adriaman (2025) examined annulments due to legal defects, and Kahfi and Hidayatullah (2020) compared judicial considerations in different cases. Although these studies identify interpretive differences, they do not systematically address policy implications or propose frameworks for resolving the justice-certainty antinomy (Hanna et al., 2024; Iqbal & Adriaman, 2025; Kahfi & Hidayatullah, 2020). This leaves a gap in synthesizing existing findings into actionable legal and judicial reforms.

The novelty of this research lies in its explicit addressing of the antinomy between justice and legal certainty in the context of marriage annulment, using the Cibinong Religious Court case as a focal point and enriching the analysis with comparative perspectives from other jurisdictions. This study proposes a structured analytical model for assessing *ratio decidendi* that integrates normative legal theory,

judicial interpretation, and socio-cultural context (Radbruch, 1946; Dworkin, 1997; Friedman, 2008). Unlike previous works, it clearly articulates a methodological approach to bridge doctrinal rigidity with progressive interpretation aligned with *maqasid al-shariah*.

The main objective of this study is to analyze the *ratio decidendi* in annulment cases at the Cibinong Religious Court, with particular emphasis on the interplay between justice and legal certainty. This will involve evaluating the interpretive methods adopted by judges and identifying opportunities to align statutory consistency with equitable outcomes. Practically, the findings of this research are expected to benefit judges, legal practitioners, and policymakers. For judges, it provides a decision-making framework that balances legal certainty with justice; for legal practitioners, it offers interpretive strategies for annulment litigation; and for policymakers, it highlights potential legislative reforms to mitigate interpretive conflicts.

From a theoretical perspective, this study contributes to legal hermeneutics in the realm of family law, expanding discourse on the operationalization of justice and legal certainty in religious court practice. By situating the discussion within both national and comparative contexts, it underscores the relevance of cross-jurisdictional learning in informing national law reform. Finally, the policy implications are explicit: the research calls for integrating progressive interpretive guidelines into judicial training, revising annulment provisions to allow for broader justice-based considerations, and establishing monitoring mechanisms to ensure consistent application across courts. Such measures would strengthen both the legitimacy and responsiveness of Indonesia's judicial system, including its religious courts.

## 2. Method

This study employs a juridical-normative method, a legal research approach that examines applicable legal norms, both written and unwritten. This method aims to explore the internal aspects of positive law, including statutory regulations, doctrines, and court decisions. Thus, this study focuses on analyzing legal norms relevant to marriage annulment in the Cibinong Religious Court. This approach allows researchers to understand how the law should be applied in cases of marriage annulment. As explained by Soerjono Soekanto, normative legal research is a type of library legal research that involves examining library materials or secondary data alone.

In juridical-normative research, the approaches used include the statute approach, the conceptual approach, and the case approach. The statutory approach is used to examine laws and regulations relevant to marriage annulment, such as Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law. The conceptual approach is employed to understand legal concepts related to marriage annulment, including justice and legal certainty. Meanwhile, the case approach is used to analyze court decisions about marriage annulment at the Cibinong Religious Court. These approaches enable researchers to gain a comprehensive understanding of marriage annulment from various legal perspectives.

The data sources used in this study consist of primary and secondary legal materials. Primary legal materials include relevant laws and regulations, such as Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law. Secondary legal materials include legal literature, journals, and scholarly articles discussing marriage annulment and related legal principles. Furthermore, this study utilizes court decisions as secondary legal materials to analyze how judges apply the law in marriage annulment cases. The use of these various data sources allows researchers to gain a deeper understanding of marriage annulment from a legal perspective.

The data collection technique employed in this study involved a literature review, which involved examining various relevant legal sources. Literature review allows researchers to gather the necessary data without having to conduct field research. The collected data are then analyzed qualitatively to gain an understanding of how the law is applied in marriage annulment cases. Qualitative analysis allows researchers to identify patterns in the application of the law and understand the reasons behind judges' decisions. Thus, the data collection and analysis techniques used in this study align with the objectives of juridical-normative research.

In analyzing the data, this study employed a descriptive and analytical approach. This method aims to describe and analyze laws and regulations, doctrines, and court decisions related to marriage annulment. Descriptive analysis is used to describe the content of laws and court decisions, while analytical analysis is used to understand the meaning and implications of these regulations and decisions. By using this method, researchers can determine how the law is applied in practice and how legal principles, such as justice and legal certainty, are considered in judges' decisions. This method aligns with the juridical-normative approach employed in this study.

This study also considers applicable legal principles, including the principles of justice, legal certainty, and expediency. These principles provide an analytical framework for understanding how judges consider various factors when deciding cases involving the annulment of marriage. By considering these principles, researchers can gain insight into how judges balance legal certainty and justice in their decisions. As explained by Gustav Radbruch, good law is characterized by its adherence to the values of justice, legal certainty, and expediency. Therefore, this study employs legal principles as a tool to analyze judges' decisions in cases involving the annulment of marriage.

In this study, the researcher also considered relevant legal theories, such as legal positivism and natural law theory. Legal positivism emphasizes the application of law as written in statutory regulations, while natural law emphasizes the moral values and justice underlying the law. By considering these two theories, the researcher can gain insight into how judges balance the application of positive law and the values of justice in their decisions. As explained by Hans Kelsen, law is a hierarchical system of norms, where higher norms provide the basis for lower norms. Therefore, this study employs legal theories as an analytical framework to understand judges' decisions in cases involving the annulment of marriage.

This research also considers the social and cultural context in which the law is applied. In cases of annulment, social and cultural factors can influence how the law

is used and understood by the parties involved. Therefore, the researcher considered the social and cultural context in analyzing the judge's decision. As explained by Lawrence Friedman, law is a social system influenced by social, political, and economic factors. By considering the social and cultural context, this research can provide a more comprehensive understanding of the application of the law in annulment cases.

In this study, the researcher also considers the role of judges as legal interpreters. Judges play a crucial role in interpreting and applying the law in concrete cases. Therefore, the researcher examines how judges interpret statutes and regulations, and apply them in cases of annulment. As explained by Ronald Dworkin, judges must interpret the law by considering the moral and justice principles underlying the law. By considering the role of judges as legal interpreters, this study can offer a deeper understanding of the decision-making process in annulment cases.

Ultimately, this research aims to contribute to the development of legal science, particularly in the areas of family law and religious justice. By analyzing judicial decisions in marriage annulment cases, this research can offer insight into how the law is applied in practice and how legal principles, such as justice and legal certainty, are considered in judicial decisions. Furthermore, this research can provide policymakers and legal practitioners with recommendations on how to enhance the quality of court decisions in marriage annulment cases. Therefore, this research is expected to make a significant contribution to the development of a more just and effective legal system. As explained by Soerjono Soekanto, legal research must provide solutions to the legal problems that society faces.

### **3. Results & Discussion**

#### **Position Case**

In the case of annulment of marriage, which is the focus of this research, the Decision of the Cibinong Religious Court Number 7584/Pdt.G/2021/PA.Cbn. In this case, the Plaintiff filed a request for annulment of marriage because the Defendant did not fulfill his promise to provide a dowry in the form of a 2.5-gram gold ring and shares worth IDR 121,000,000. After the marriage contract was signed, the Defendant disappeared and could not be contacted, leaving the Plaintiff feeling deceived and harmed. The Plaintiff argued that the Defendant's actions constituted fraud, which became the basis for annulment of marriage by Article 27 paragraph (2) of Law Number 1 of 1974 and Article 72 paragraph (2) of the Compilation of Islamic Law. However, the judge rejected the request because failure to fulfill the dowry was not included in the category of fraud or misconception as referred to in the provisions.

In his legal considerations, the judge stated that the fraud referred to in Article 27 paragraph (2) of Law Number 1 of 1974 and Article 72 paragraph (2) of the Compilation of Islamic Law refers to fraud regarding personal identity or previous marital status, not regarding the dowry. The judge thought that the dowry is an obligation that the husband must fulfil, but failure to satisfy the dowry does not necessarily invalidate the marriage. In addition, the judge also considered that there



was no evidence to show that the Plaintiff suffered significant losses due to the failure to fulfill the dowry. Therefore, the judge rejected the Plaintiff's application for annulment of the marriage. This decision sparked debate regarding the legal interpretation of annulment of a marriage due to failure to fulfill the dowry.

This case demonstrates the tension between the principles of justice and legal certainty in religious court practice. In one situation, the plaintiff felt aggrieved and sought justice through annulment of the marriage. On the other hand, the judge adhered to the applicable legal provisions and rejected the request to maintain legal certainty. This raises questions about how judges balance justice and legal certainty when deciding on annulment cases. This case serves as a concrete example of the antinomy between justice and legal certainty in religious court practice (Iqbal, 2025).

In the context of Islamic law, the dowry is one of the requirements for a valid marriage. However, failure to pay the dowry does not automatically invalidate the marriage; instead, it creates an obligation for the husband to fulfill the dowry payment. Therefore, in this case, the judge held that failure to pay the dowry could not be used as a basis for annulling the marriage. This approach suggests that the judge placed more emphasis on legal certainty than on substantive justice. This has given rise to debate over whether this approach reflects the values of justice in Islamic law.

This case also illustrates the crucial role of judges in interpreting and applying the law in specific cases. Judges have the freedom to interpret the law, but this freedom must be used wisely and responsibly. In this case, the judge chose to interpret the legal provisions strictly and rejected the petition for annulment. This approach demonstrates that the judge prioritized legal certainty over substantive justice. This raises questions about how judges can balance legal certainty and justice in religious court practice.

This case also demonstrates the importance of a thorough understanding of Islamic law and positive law in deciding cases of annulment. Judges must understand the principles of both Islamic and positive law and be able to interpret and apply them in concrete cases. In this case, the judge interpreted the legal provisions strictly and rejected the annulment petition. This approach suggests that the judge prioritized legal certainty over substantive justice. This raises questions about how judges can balance legal certainty and justice in religious court practice.

In religious court practice, judges often face the dilemma of whether to apply the law strictly according to its literal text or to interpret it in a manner that achieves substantive justice in a flexible way. In this case, the judge applied the law strictly and rejected the petition for annulment. This approach demonstrates that the judge prioritizes legal certainty over substantive justice. This raises questions about how judges can balance legal certainty and justice in religious court practice. This case serves as a concrete example of the antinomy between justice and legal certainty in religious court practice.

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### **Judge's Ratio Decidendi**

In the Cibinong Religious Court Decision Number 7584/Pdt.G/2021/PA.Cbn, the judge decided to reject the petition for annulment of marriage filed by the Plaintiff. The main reason for the rejection was that the failure to fulfill the dowry did not fall into the category of fraud or misrepresentation as regulated in Article 27 paragraph (2) of Law Number 1 of 1974 and Article 72 paragraph (2) of the Compilation of Islamic Law. The judge thought that the dowry is an obligation that the husband must fulfil, but its failure to meet it does not necessarily annul the marriage. This research suggests that judges place more emphasis on legal certainty than on substantive justice when using this approach. This raises debate about whether this approach reflects the values of justice in Islamic law.

In his considerations, the judge referred to Article 27, paragraph (2) of Law Number 1 of 1974, which states that a marriage can be annulled if fraud occurs during the marriage. However, the judge interpreted that the scam in question pertained to personal identity or previous marital status, rather than the dowry. In addition, Article 72, paragraph (2) of the Compilation of Islamic Law also states that a marriage can be annulled if there is fraud or misunderstanding regarding the husband or wife. The judge thought that failure to pay the dowry was not included in this category. This approach shows that the judge prioritizes legal certainty over substantive justice (Kahfi & Hidayatullah, 2020).

The judge also considered that there was no evidence to suggest that the plaintiff suffered significant harm as a result of the failure to pay the dowry. Furthermore, the judge argued that the dowry is an obligation that the husband must fulfil, but its failure to do so does not necessarily invalidate the marriage. This approach suggests that the judge placed greater emphasis on legal certainty than on

substantive justice. This has sparked debate about whether this approach reflects the values of justice in Islamic law. This case serves as a concrete example of the antinomy between justice and legal certainty in religious court practice.

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In religious court practice, judges often face the dilemma of whether to apply the law strictly according to its literal text or to interpret it in a manner that achieves substantive justice in a flexible and just manner. In this case, the judge applied the law strictly and rejected the petition for annulment. This approach demonstrates that the judge prioritizes legal certainty over substantive justice. This raises questions about how judges can balance legal certainty and justice in religious court practice. This case serves as a concrete example of the antinomy between justice and legal certainty in religious court practice.

### **Analysis of the Antinomy between Justice and Legal Certainty**

The antinomy between justice and legal certainty is a classic dilemma in judicial practice. Justice is subjective and contextual, whereas legal certainty requires the consistent and objective application of the law. In cases of marriage annulment due to non-payment of the dowry, judges choose to emphasize legal certainty by rejecting the annulment request. This approach demonstrates that judges prioritize legal certainty over substantive justice. This has sparked debate about how judges can balance justice and legal certainty in religious court practice.

In the context of Islamic law, justice is a fundamental principle that must be upheld. However, in judicial practice, a tension often arises between the pursuit of justice and the need for legal certainty. In this case, the judge chose to emphasize legal certainty by rejecting the petition for annulment. This approach demonstrates that the judge prioritizes legal certainty over substantive justice. This has sparked debate about whether this approach reflects the values of justice in Islamic law.

Furthermore, an approach that emphasizes legal certainty can also create dissatisfaction among the public. The public may feel that judges' decisions do not reflect the values of justice they expect. This can undermine public trust in the judicial system. Therefore, judges must consider the values of justice when deciding



cases. This way, judges' decisions can reflect a balance between justice and legal certainty. In judicial practice, judges have the freedom to interpret and apply the law. However, this freedom must be used wisely and responsibly. Judges must consider the values of justice and legal certainty when deciding cases. Thus, judicial decisions must reflect a balance between justice and legal certainty. This is crucial for maintaining public trust in the judicial system.

In cases of marriage annulment due to non-payment of the dowry, judges choose to emphasize legal certainty by rejecting the annulment request. This approach demonstrates that judges prioritize legal certainty over substantive justice. This has given rise to debate over whether this approach reflects the values of justice in Islamic law. Therefore, judges must consider these values when deciding cases. This way, judges' decisions can reflect a balance between justice and legal certainty. In judicial practice, judges must strike a balance between justice and legal certainty. This balance can be achieved by considering the social and cultural context when deciding cases. Furthermore, judges must also consider the values of justice.

### **Analysis of the Antinomy between Justice and Legal Certainty**

- a. In classical legal theory, justice and legal certainty are often considered two fundamental, complementary principles, but in practice, they can be at odds. Legal certainty demands the consistent and predictable application of norms, while justice emphasizes moral, ethical, and humanitarian values in the application of the law. In the case of annulment of marriage at the Cibinong Religious Court, the tension between these two principles became apparent when the judge rejected the petition based on a rigid interpretation of the norms. However, from a social perspective, the plaintiff felt deceived and sought restoration of dignity. This view aligns with Radbruch's assertion that the law should not be enforced solely without regard for the value of justice (Kelsen, 1945).
- b. The judge in this case prioritized legal certainty by adhering to the text of Article 27 paragraph (2) of the Marriage Law, which regulates annulment only for fraud regarding the partner. This textual interpretation overlooks the social reality that the promise of a dowry is part of the contract, reflecting the sincerity of the man. If the promise turns out to be fictitious, it should be morally and socially qualified as fraud. However, because it is not explicitly regulated in the norm, the judge rejected the request for annulment. This antinomy highlights the limitations of positive law in addressing the complexity of the case (Satjipto, 2006).
- c. On the other hand, judges do have a responsibility to maintain legal order and not create precedents that could undermine legal certainty. If a marriage can be annulled simply because a dowry promise is not fulfilled without strong evidentiary procedures, the continuity of the marriage institution will be threatened. However, this approach sacrifices the substantive dimension of justice, especially for women who experience not only material but also social and psychological losses. In Islamic law, the *maqasid al-Shariah* prioritizes the protection of honor (*hifz al-'ird*) as one of the primary objectives of law (Auda, 2008).

- d. In a responsive judicial system, judges should be able to interpret rigid norms progressively. Using teleological reasoning, judges can see that the essence of the annulment norm is to prevent harm resulting from a contract that is flawed. If a contract is based on a promise that will not be kept, then the principles of consensus and good faith have been violated. Therefore, annulment should still be considered even if the norm does not explicitly mention it. This view is supported by Ronald Dworkin (1986) in *Law's Empire*, who stated that judges' decisions should reflect the best moral principles that can be justified within the legal system (Dworkin, 1997).
- e. The consequence of prioritizing absolute legal certainty is the emergence of dissatisfaction with the justice system. Individuals who do not find justice through the legal process will often seek alternative avenues, including through social media or public pressure. This creates a legitimacy crisis for the law as a means of conflict resolution. Therefore, the harmony between justice and legal certainty is not an optional choice, but rather a prerequisite for the legitimacy of a legal system. As explained by Lawrence Friedman (1975), effective law is law that is not only normatively logical but also socially relevant (Friedman, 2008).
- f. Therefore, the solution to the antinomy between justice and legal certainty cannot be left solely to legal texts. Judges need courage to methodologically construct law using the principles of justice that exist in society. The concept of *living law*, as proposed by Eugen Ehrlich, states that applicable law is law that lives in social reality. In this context, judges are not merely the "mouths of the law," but rather key actors in bridging the gap between text and reality (Montesquieu, in *L'esprit des Lois*, 1748). Thus, a solution to the legal antinomy can be achieved through ethical and reflective juridical reasoning (Ehrlich, 2009).

#### 4. Conclusion

This study demonstrates that the ratio decidendi applied by the Cibinong Religious Court in Decision Number 7584/Pdt.G/2021/PA.Cbn prioritizes legal certainty through a strict textual interpretation of Article 27 paragraph (2) of the Marriage Law and Article 72 of the Compilation of Islamic Law. While this approach ensures consistency and predictability of judicial outcomes, it risks neglecting the dimension of substantive justice, particularly in cases involving moral and social harm to the aggrieved party. The contribution of this research lies in emphasizing the necessity of balancing legal certainty with justice in marriage annulment cases, while illustrating the practical implications of applying rigid norms. Therefore, there is a need for judicial interpretation that is progressive, adaptive, and responsive to social realities by integrating hermeneutic and teleological approaches into judicial practice. In practical terms, it is recommended that judges in religious courts receive advanced training in interpretive methods that can reconcile normative rigidity with equitable outcomes. Policymakers should consider revising annulment provisions to accommodate justice-based considerations explicitly. Academics should develop theoretical frameworks that integrate maqasid al-shariah with positive law as guidance for judicial reasoning. These efforts are expected not only to strengthen the

legitimacy of judicial decisions but also to ensure that the law functions as both a guarantor of certainty and a vehicle for substantive justice.

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