



Mental Health, Marital Breakdown, and Islamic Judicial Ethics: A *Maqāṣid*-Based Assessment of an Indonesian Religious Court Decision

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Abstract: This study examines the Decision of the Ternate Religious Court Number 0062/Pdt.G/2017/PA. TTE regarding divorce lawsuits due to psychiatric disorders experienced by husbands, by placing the analysis from the perspective of *maqāṣid al-syarī'ah*. The research was conducted with a qualitative method through a normative juridical approach and *maqāṣid al-syarī'ah* analysis, and reinforced with field data from interviews to ensure the relevance between norms and practices. The findings of the study show that the judge granted the divorce lawsuit not solely because of the husband's psychiatric condition, but because it was proven that there were quarrels, disharmony, and domestic dysfunction that lasted continuously for more than six months. The judge's consideration was then analyzed based on the five principles of *maqāṣid al-syarī'ah* —*hifdḥ al-dīn*, *hifdḥ al-aql*, *hifdḥ al-nafs*, *hifdḥ al-māl*, and *hifdḥ al-nasl*—which, as a whole, affirmed that a divorce decision is the most beneficial option to maintain the safety, dignity, and rights of the wife.

Keywords: *maqāṣid al-syarī'ah*; Divorce Lawsuit, Psychiatric Disorders.

Introduction

Marriage in Islam is a sacred bond that aims to create a family of *sakinah*, *mawaddah*, and *rahmah*. (Yusuf, Lontoh, and Tadore, n.d.) This is in line with the words of Allah SWT. in QS. *Ar-Rum* (30): 21, which explains that Allah created a pair so that man could have peace (*Sakinah*) and be overwhelmed with love and affection (*The Grace of Grace*) (Roziqi & Ghozali, 2025). The verse emphasizes that the primary purpose of the household is to create peace and prosperity together. However, in social reality, this goal is not always achieved, especially when conditions arise that disrupt family stability, one of which is a psychiatric disorder experienced by the husband as the head of the household (Kalam et al., 2021).

It is at this point that the need arises to connect the general context with the concrete issues faced in the practice of religious justice. Psychiatric disorders in husbands not only have an impact on medical conditions, but also affect the ability to carry out family functions, including leadership, protection, and providing support (Abdulloh et al., 2023). Under certain conditions, such disturbances can cause prolonged conflicts and result in the inability to realize the goals of marriage as outlined in the sharia. (M. B. Yusuf & Habibi, 2025) When the conflict gets heavier, the Qur'an provides guidelines that if there is a continuous dispute, then both parties are advised to make efforts to resolve it through *tahkim* (family mediation), as stated in the Qur'an. *An-Nisa'* (4):35.

وَأِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

If you (the guardians) are worried about a dispute between the two, send a peacemaker from the male family and a peacemaker from the female family. If both of them intend to make islah (peace), surely Allah will give taufik to both. Indeed, Allah is All-Knowing, All-Knowing.

This verse emphasizes that efforts to improve relationships are a priority, but if they do not yield results, the sharia provides room for other, more beneficial solutions.

Symptoms of problems appear when the husband's psychiatric disorder causes quarrels, disharmony, and even failure to carry out household functions continuously (Jamal, 2010). This condition can endanger the safety and psychological health of the wife, so a divorce lawsuit is chosen as an effort to protect her. Sharia also

emphasizes that there should be no actions that endanger oneself or others, as the rules of fiqh are derived from the Qur'an. *Al-Baqarah* (2):195,

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

Walk in the way of Allah, do not plunge yourself into destruction, and do good. Indeed, Allah loves those who do good.

This rule is an important basis for maintaining the safety of life (*Hijz al-nafs*), which is preferred over maintaining the marriage bond, which no longer brings benefits (Ahsan & Nurkholil Yasin, 2023). *Maqāṣid al-shari'ah* is a fundamental principle in Islamic law that affirms that all the provisions of the Shari'ah are revealed to realize the benefits and prevent harm to humans, which includes five main aspects: the protection of religion, soul, intellect, descent, and property (Munthe & Firmansyah, 2022). This principle is very relevant in divorce cases against husbands who suffer from severe psychiatric disorders. The husband's severe psychological condition can threaten the fulfillment of the wife's benefits, especially related to life protection (*hijz al-nafs*), care of the mind (*hijz al-'aql*), and family stability as part of caring for offspring (*hijz al-nasl*) (Al-Qardhawi, 1998; Sar'an et al., 2024). Because psychiatric disorders that eliminate the husband's ability to carry out his roles and responsibilities can endanger the wife, a divorce lawsuit can be a sharia-justified way to ensure the safety, security, and dignity of the wife (Rasyid & Azis, 2023).

The cause of the problem in this case is not only related to the psychiatric disorder itself, but also the husband's inability to carry out his obligations, the loss of harmony, and the disruption of family functions (Munandar & Husaini, 2023). These factors show that the problem is multidimensional: medical, social, and legal. For this reason, it is important to assess whether the judge's decision has taken into account the principles of *Maqashid Syariah*, which include religious protection (*Hijz al-Din*), Sense (*Hijz al-aql*), soul (*hijz al-nafs*), descendants (*hijz al-nasl*), and treasures (*hijz al-Mal*) (Ahsan & Nurkholil Yasin, 2023; Rasyid & Azis, 2023).

The urgency of this research is even stronger considering that divorce decisions not only determine the legal status of couples, but also reflect how Religious Courts apply Sharia values in resolving contemporary cases related to mental health. Analysis of the Decision of the Ternate Religious Court Number 0062/Pdt.G/2017/PA. TTE is important both practically and theoretically: practically to ensure the protection of the rights of the wife, and theoretically to enrich the study of Islamic family law from the perspective of the *Maqashid Syariah*. Thus, this study is presented to assess the extent to which the judge's decision is in line with the value of benefits, which is the primary goal of Sharia.

Method

This study employs a normative legal research design that conceptualizes law as a system of norms and legal principles analyzed through doctrinal examination. The research focuses on the Decision of the Ternate Religious Court Number 0062/Pdt.G/2017/PA.TTE concerning a divorce lawsuit filed due to the husband's psychiatric disorder. A normative juridical approach is applied by examining statutory regulations, the Compilation of Islamic Law (KHI), relevant Supreme Court jurisprudence, and authoritative doctrines of Islamic family law related to divorce and mental health within marital relationships (Saebani, 2021).

In addition, this study adopts a *maqāṣid al-shari'ah* approach as the primary analytical framework to assess whether the judicial reasoning aligns with the fundamental objectives of Islamic law. The analysis centers on the five essential principles of *maqāṣid al-shari'ah*: protection of religion (*hijz al-din*), life (*hijz al-nafs*), intellect (*hijz al-'aql*), lineage (*hijz al-nasl*), and property (*hijz al-māl*). This approach allows the research to move beyond formal legal reasoning and critically evaluate the ethical and philosophical dimensions of the court's decision in safeguarding the wife's rights and well-being.

Data collection is conducted through library research by examining both primary and secondary legal materials. Primary data consist of the official court decision, while secondary data include scholarly books, peer-reviewed journal articles, and classical as well as contemporary Islamic legal literature relevant to the subject matter. The data are analyzed using qualitative descriptive methods with content analysis techniques, focusing on judicial considerations and their conformity with *maqāṣid al-shari'ah* principles. This method aims to provide a comprehensive understanding of how the court decision reflects the pursuit of justice and public interest (*maṣlahah*) within Islamic family law (Huda, 2022).

Results and Discussion

Divorce Due to *Khulu'*

Khulu' is a form of divorce that the wife requests by giving a ransom to the husband in exchange for the release of the marriage bond (S.S. 2024). In the context of research that examines the Decision of the Ternate Religious Court Number 0062/Pdt.G/2017/PA. TTE, *khulu'* becomes relevant as a comparative concept as well as a framework to understand the reasons for divorce lawsuits filed by wives when the condition of the household no longer realizes the purpose of marriage that is *sakinah, mawaddah, wa rahmah* as affirmed in QS. Ar-Rum (30):21.

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

Among the signs of His greatness is that He created for you pairs of your own so that you may feel at peace with Him. He has made among you a sense of love and affection. Indeed, in such things there are signs (of Allah's greatness) for those who think.

Although the case studied is a divorce and not *khulu'*, the essence of both departs from a condition in which the wife no longer feels able to continue domestic life due to the loss of harmony and the appearance of harm, including in this case due to a psychiatric disorder experienced by the husband (Hamzah et al., 2024). In *khulu'*, the wife's reason for ending the marriage can even be based on the fear of falling into sin or loss of inner peace, which parallels research conditions in which prolonged conflict and domestic dysfunction have threatened the safety and physical and mental health of the wife.

Normatively, the *khulu'* policy is found in QS. Al-Baqarah (2):229, which affirms that if a married couple is worried that they are not able to uphold the limits of Allah, then the wife can redeem herself. This verse is in line with the principles of sharia explained in the introduction, namely the obligation to protect oneself from destruction, as well as the recommendation to resolve conflicts in QS. An-Nisa' (4):35 before the divorce is decided. Thus, *khulu'* basically contains a value of benefits that is very close to *maqāṣid al-syarī'ah*, especially in the aspect of life protection (*Hifz al-nafs*), protection of reason (*Hifz al-'aql*), and protection of offspring (*Hifz Al-Nasl*). These principles are also the main foothold in the analysis of judges' decisions in divorce cases due to the husband's psychiatric disorder (Afifah, 2023).

By linking *khulu'* in the framework of this study, it appears that both divorce and *khulu'* are sharia mechanisms opened by Islam to provide a way out when marriage fails to achieve its purpose and actually causes harm (Nur Fadhillah & Alamsyah, 2025; Nurul Hakim, 2025). In the case of a husband with a psychiatric disorder that causes quarrels, disharmony, and loss of domestic function, the divorce lawsuit granted by the judge can be understood as in line with the spirit of *khulu'*, which is to provide protection for the wife and ensure the achievement of benefits as stipulated in the five principles *Maqāshid Syariah*. Thus, the discussion in Stuttgart reinforces the argument that divorce in such cases is not only legal according to the law but also in line with the purpose of Sharia to maintain the safety, dignity, and welfare of women (Wianda et al., 2025).

The Judge's consideration in the decision of the Religious Court Number 0062/Pdt. G/2017/PA. TTE

The judge's consideration in the decision of the Ternate Religious Court Number 0062/Pdt.G/2017/PA. TTE shows that divorce decisions are not only based on the psychiatric disorders experienced by the husband, but especially on the household's inability to maintain the marital goals that are *Grace, Grace, and Grace*. From the plaintiff's statement, witnesses, and written evidence, the judge concluded that the defendant's mental disorder had caused a series of events that endangered the wife's safety and comfort, such as yelling behavior, shouting uncontrollably, evicting the family, and beating. These incidents show the existence of persistent disputes and disharmony over the years, which not only deprive them of a sense of security but also hinder the fulfillment of household functions. This condition is in line with the principle of sharia, as mentioned in the introduction, that maintaining the safety of the soul and mind is more important than maintaining a marriage full of harm (Darmawan et al., 2024).

In the trial process, the judge decides after ensuring that the plaintiff fulfills the obligation to prove according to the rules *Al-Bayyinah 'alā al-mudda'ir wal-yamin 'alā man ankaru*. The plaintiff presented two family witnesses who provided consistent testimony about the defendant's condition and prolonged domestic conflicts.

Thus, the element of irreconcilable disputes - as one of the reasons for divorce in Article 19 letter (f) of Government Regulation No. 9 of 1975 and Article 116 letter (f) of the KHI - has been fulfilled. The judge also considered the jurisprudence of the Supreme Court Number 534 K/Pdt/1996, which emphasized that in divorce cases, what is considered is not only the cause of the conflict, but also whether the marriage is still worth maintaining. In this case, the judge considered that maintaining the household would only add to the plaintiff's physical and mental suffering (Ahsan & Nurkholil Yasin, 2023).

In line with the principle of *maqāṣid al-syarī'ah* explained in the introduction, the judge considered that continuing the marriage in a condition where the husband is mentally unstable is actually threatening *Ḥifẓ al-naḥs* (life protection), *Ḥifẓ al-'aql* (protection of reason), and *Ḥifẓ Al-Nasl* (healthy family survival) (Rasyid & Azis, 2023). The jurisprudence of "*dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ*" (rejecting harm is more important than gaining benefit) is an important basis for judges in making decisions. The book of Manhaj al-Thullab is also used as a reference that allows the judge to decide on talak one time when the wife's displeasure with her husband has reached its peak, and there is no way to improve the situation. These considerations are in line with the opinion of scholars such as Wahbah al-Zuhayli, who stated that talaq is a sharia solution if domestic life has been damaged and cannot be repaired.

Legally positive, the judge based the decision on Article 39 paragraph (2) of Law No. 1 of 1974 jo. PP No. 9 of 1975, as well as Article 116 letter (f) of the KHI, which gives the authority for the court to grant a divorce lawsuit when it is proven that there is a prolonged dispute that cannot be reconciled. Because the defendant was not present, the verdict was rendered in absentia based on Article 149 paragraph (1) R.Bg, and to comply with the provisions of Article 184 paragraph (1) of the Religious Justice Law, the clerk was ordered to record the decision with the Marriage Registrar. Thus, the judge's consideration comprehensively includes the normative, empirical, and shari'i aspects at the same time, and is in line with the concept of benefit in *maqāṣid al-syarī'ah* that protecting the safety, tranquillity, and dignity of the wife is more important than maintaining a marriage full of harm (Ahsan & Nurkholil Yasin, 2023).

***Maqāṣid al-Syarī'ah* Perspective in Divorce Lawsuit by Husband for Mental Disorders**

Analysis of the maintenance of reason (Ḥifẓ Al-aql) in the case of divorce suing the husband with mental disorders

Keeping of the mind (*ḥifẓ al-'aql*) in *Maqāṣid al-syarī'ah* emphasizes the importance of maintaining mental health as part of the primary purpose of sharia. (Sebayang and Tanjung 2024) In the context of the household, this means ensuring that the marital relationship does not cause psychological stress or mental damage to one of the parties. In the case of a divorce lawsuit because the husband has a mental disorder, the purpose of marriage to realize calm and tranquility is no longer achieved, because the husband's mental condition eliminates the ability to think healthily, communicate rationally, and carry out his role and responsibility as the head of the family (Roziqi & Ghozali, 2025).

Husband's psychiatric disorder in Decision Number 0062/Pdt.G/2017/PA. TTE causes disharmony, ongoing quarrels, and a heavy psychological burden on the wife, thus potentially causing damage to the mind (mafsadat 'aqliyyah). The Shari'ah prohibits all forms of danger, including psychic dangers, as affirmed in the rule of *lā ḍarar wa lā ḍirār*, which prohibits a person from allowing himself to fall into destruction. Although the Shari'ah recommends mediation through tahkim, if peace efforts are unsuccessful, divorce is justified as an effort to prevent greater mental damage.

The judge's considerations in the verdict show alignment with the principle of *ḥifẓ al-'aql*, as divorce is seen as a measure to protect the mental health and emotional safety of the wife. By judging that the continuation of the marriage actually gives rise to greater mafsadat, the judge applies the principle of *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ*—preventing harm is prioritized over maintaining benefits that can no longer be realized. Thus, a lawsuit divorce in this case is a shari'a solution that is in line with *Maqāṣid al-syarī'ah*, because it preserves the reason and dignity of the wife as part of the primary purpose of the sharia (Ilya, 2023).

سنن ابن ماجه ٢٠٣١ : حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ ح وَحَدَّثَنَا مُحَمَّدُ بْنُ خَالِدِ بْنِ خِدَاشٍ وَمُحَمَّدُ بْنُ يَحْيَى قَالَا حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ حَمَّادِ بْنِ إِبرَاهِيمَ عَنِ الْأَسْوَدِ عَنْ عَائِشَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ رَفَعَ الْقَلَمَ عَنْ ثَلَاثَةٍ عَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ وَعَنِ الصَّغِيرِ حَتَّى يَكْبُرَ وَعَنِ الْمَجْنُونِ حَتَّى يَعْقِلَ أَوْ يُفِيقَ قَالَ أَبُو بَكْرٍ فِي حَدِيثِهِ وَعَنِ الْمُبْتَلَى حَتَّى يَبْرَأَ

Sunan Ibn Majah (2031). Narrated to us Abu Bakr bin Abu Syaibah said: Narrated to us Yazid bin Harun. (in other lines mentioned) It was narrated to us that Mubammad bin Khalid bin Khidash and Mubammad bin Yahya both said: 'Abdurrahman bin Mahdi said: has narrated to us Hammad bin Salamah from Hammad from Ibrahim from Al Aswad from 'Aisha that the Messenger of Allah (peace and blessings of Allaah be upon him) said: "The pen will be lifted from three persons: the one who sleeps until he wakes up, children to adults (puberty) and crazy people until they are sensible or aware." Abu Bakr mentioned in his hadith: "A person who loses his mind until he comes to his senses."

Analysis of soul maintenance (Hifz an-nafs) in the case of divorce suing husband with mental disorders

In *Maqāṣid al-syarī'ah*, the protection of the soul (hifz al-nafs) is one of the five primary purposes of the Shari'ah (al-ḍarūriyyāt al-khams). This goal requires that every provision of the law must maintain the physical and psychological safety of human beings and prevent all forms of danger (maḍarrah). Therefore, in domestic matters, the sustainability of a marriage must always consider whether the bond still guarantees the safety of life and the emotional well-being of both parties (Kamali, 2008).

In this context, the psychiatric disorders experienced by the husband are not only medical problems, but also issues of safety, psychological protection, and the survival of the wife as a party who feels the direct impact of the husband's mental imbalance. In the decision of the Ternate Religious Court Judge Number 0062/Pdt. G/2017/PA. TTE Husband Psychiatric Disorders occur from the early days of marriage and consistently cause:

1. emotional instability in the household,
2. repeated quarrels,
3. the failure of the husband to carry out the leadership function (qiwamah),
4. potential physical and psychological danger to the wife,
5. loss of tranquility (sakinah), which is the primary purpose of marriage as

In this condition, the wife faces potential danger (taḥawwuf 'ala al-nafs), both in the form of mental distress, emotional exhaustion, and physical safety risks. Sharia emphasizes the prohibition of maintaining conditions that endanger oneself (Darmawan et al., 2024; Sahgal, 2024).

Analysis of the maintenance of offspring (hifz an-nasl) in the case of divorce, suing the husband for mental disorders

The principle of *Hifz An-nasl* (maintenance of offspring) in *Maqāṣid al-syarī'ah* emphasizes the importance of maintaining the sustainability, quality, and safety of future generations. In the context of divorce, *Hifz An-nasl* is not only seen from the aspect of procreation (having children) but also from the aspect of protecting the psychological and physical environment that will be a place for the growth and development of children, or the potential of the wife to have healthy offspring in the future (Nizar, 2021).

صحيح البخاري ٥٥٤٨ : حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ حَدَّثَنَا مَالِكٌ عَنْ ثَوْرِ بْنِ زَيْدٍ عَنْ أَبِي الْعَيْثِ عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ السَّاعِي عَلَى الْأَرْمَلَةِ وَالْمَسْكِينِ كَالْمَجَاهِدِ فِي سَبِيلِ اللَّهِ وَأَحْسِبُهُ قَالَ يَتَنَكَّبُ الْقَعْبِيُّ كَالْقَانِمِ لَا يَفْتُرُ وَكَالصَّائِمِ لَا يَفْطُرُ

Saheeb Bukhari 5548: Narrated to us that Abdullah bin Maslamah narrated to us that Malik from Tsauro bin Zaid from Abu Al Ghaitis from Abu Hurairah (may Allah be pleased with him) said: The Messenger of Allah (peace and blessings of Allaah be upon him) said: "The one who helps the widows and the poor like the one who fights in the cause of Allah – I think he also said (Al-Qa'nabi doubts) -: And like a person who prays at night and never rests, and like a person who fasts does not break the fast."

Although in this case the couple has not been blessed with a child for 6 years, the principle of Hifz An-nasl is still relevant and is the primary consideration. The primary focus in this case is to protect the wife (as a subject who has the potential to give birth to offspring) from the threat and negative impact of her husband's

psychiatric disorders. A marriage environment that is toxic, full of conflict, or has the potential to endanger the physical and psychological safety of the wife will directly threaten the potential for the survival of the wife's offspring in the future.

Divorce is a preventive measure (*sadd adz-dzari'ah*) to prevent damage to the offspring in the future, if the child is born in unstable, tense domestic conditions, or even under threat to the safety of one of the parents (Anggraeni et al., 2022).

Analysis of the maintenance of offspring (hifz an-nasl) in the case of divorce, suing the husband for mental disorders

Principle *Hifz Al-Mal* (protection of property) is one of the five main objectives (*al-Kulliyat al-Khamsah*) in *Maqāsid al-Shari'ah* (Sa'diah, 2017). In the case of divorce due to the husband's psychiatric disorder, the analysis *Hifz Al-Mal* focuses not only on the property itself, but also on the wife's financial ability and her economic sustainability after divorce. In this case, *Hifz Al-Mal* is closely related to *Hifz Al-Nafs* (life protection) and *Hifz Al-'Aql* (protection of reason) (Komarudin, 2023; Mukhlisi, 2014). Husband Psychiatric Disorder: A husband who suffers from a severe psychiatric disorder may lose legal ability (*Ahliyyat al-Adā'*) to manage property (both personal property and common property) rationally and responsibly. (Nurhidayatullah & SW, 2024) This inability has the potential:

1. Resulting in family financial losses due to improper decisions, wastefulness, or even acts of damaging property.
2. It causes the cessation of providing maintenance to the wife, which directly threatens the economic stability and welfare of the wife.

Although the primary focus of a contested divorce in this case is a threat to the wife's life/safety (*Hifz Al-Nafs*), (Wahabi, 2013), the judge's decision to implicitly grant the lawsuit has also fulfilled *Hifz Al-Mal's* wife via:

1. Separation of Property Responsibilities: Divorce separates the legal status of the spouses, thus stopping the potential for further losses to the joint property that may arise as a result of the husband's irrational actions.
2. Determination of the Wife's Financial Rights: The divorce decree must be followed by the determination of the wife's financial rights (such as iddah, alimony, mut'ah if relevant, and the division of joint property/gono-gini). This obligation is a form of protection of the wife's property to ensure her survival after divorce. Without a divorce, the wife will continue to be in the uncertainty of alimony and property management.
3. Survival Guarantee: *Hifz Al-Mal* aims to ensure the well-being and survival of individuals. When the husband is unable to fulfill his maintenance obligations due to a mental disorder, divorce provides the wife with a legal basis to seek economic protection and start a new life independently without being burdened by the burden of bearing an incompetent husband (Jannah, 2020).

Analysis of religious maintenance (hifz ad-diin) in the case of divorce suing the husband with mental disorders

Analysis *Hifz Ad-diin* (Religious Maintenance/Safeguarding) in this divorce case focuses on the extent to which the divorce decision (divorce lawsuit) is the most beneficial option to maintain religious values, obedience, and Islamic sharia practices for the wife and religious stability in the family at large (Saepudin et al., 2024).

Relationship to *Hifz An-Nafs*: Although the focus is *Hifz Ad-diin*, in this case, there is a conflict of interest that must be resolved using the *Maqāsid Syari'ah* hierarchy (Darna, 2021; Sebayang & Tanjung, 2024). Husband's psychiatric disorder threatens the wife's safety and psychological health (*Hifz An-Nafs*). Principle *Dharma-Dharmadwarf* (primary needs) stipulates that preserving the soul and intellect (*Hifz An-Nafs* and *Hifz Al-'Aql*) has the same important position as *Hifz Ad-diin*. Rules "لَا ضَرَرَ وَلَا ضِرَارَ" (*There should be no danger to oneself or others*) are relevant to QS. Al-Baqarah (2):195, is the basis for the justification that saving a wife from physical and psychological harm (which threatens to *Hifz An-Nafs*) is a religious priority (Sakina et al., 2025).

When maintaining sacred bonds (manifestations of *Hifz Ad-diin* in the form of marriage) is actually contrary to and threatening *Hifz An-Nafs* and *Hifz Al-'Aql*, divorce is the most suitable solution in accordance with the sharia

to maintain the fundamental rights of the wife. (Rasyid and Azis 2023) Divorce in this context is a way to protect the religious interests (*dīn*) of the wife from greater damage (Hamzah et al., 2024).

Conclusion

This study concludes that the Decision of the Ternate Religious Court Number 0062/Pdt.G/2017/PA.TTE, which granted a divorce lawsuit due to the husband's psychiatric disorder, is legally and normatively justified under Indonesian Islamic family law. The court did not base its ruling solely on the existence of mental illness, but rather on the proven occurrence of prolonged disputes, domestic dysfunction, and the inability of the marriage to achieve its essential objectives of *sakinah*, *mawaddah*, and *rahmah*. From a positive law perspective, the decision is consistent with Article 39 paragraph (2) of Law No. 1 of 1974, Government Regulation No. 9 of 1975, and Article 116 letter (f) of the Compilation of Islamic Law, which recognize continuous and irreconcilable conflict as a valid ground for divorce.

From the perspective of *maqāṣid al-sharī'ah*, the court's decision reflects a strong commitment to the principle of public interest (*maṣlahah*) by prioritizing the protection of fundamental human interests. Granting the divorce serves to safeguard the wife's life (*ḥifẓ al-nafs*), mental well-being (*ḥifẓ al-'aql*), future family stability (*ḥifẓ al-nasl*), economic security (*ḥifẓ al-māl*), and religious integrity (*ḥifẓ al-dīn*). The application of the maxim *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* demonstrates that preventing harm takes precedence over preserving a marital bond that no longer fulfills its ethical and social purposes. Accordingly, the ruling represents not a negation of marital sanctity, but a legitimate manifestation of Islamic judicial ethics aimed at ensuring justice, dignity, and protection for vulnerable parties within marriage.

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