

Ridhaa in Islamic Marriage Law: Reconstructing Consent under Psychological Coercion

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Abstract

This article reconstructs the concept of *ridhaa* (marital consent) in Islamic marriage law by incorporating psychological coercion as a form of defective consent that remains under-theorized in contemporary *fiqh* discourse. While classical doctrines of *ikrah* primarily focus on physical coercion and explicit threats, recent interdisciplinary studies in psychology have demonstrated that coercive control operates through non-physical mechanisms such as emotional manipulation, dependency, and behavioral domination, significantly impairing autonomous decision-making. This study employs a qualitative-normative approach grounded in *ushūl al-fiqh* and *maqashid al-sharī'ah*, supported by a systematic engagement with multi-madhab *fiqh* sources and contemporary psychological literature on coercive control. By adopting a functional interpretation of *ikrah*, the analysis examines whether psychological coercion fulfills the same legal rationale (*'illah*) as classical coercion in invalidating consent. The findings argue that *ridhaa* should be conceptualized not merely as formal agreement but as substantively free will, protected from structural domination. Psychological coercion can therefore be framed as *dhaarar nafsī* that undermines legal agency and qualifies as a defect of consent within an *ushūlī* framework. This study contributes by offering a more precise *maqashid*-based reconstruction of consent that bridges classical

fiqh doctrine and contemporary empirical insights, while also identifying doctrinal limits to prevent over-expansion of ikrah.

Keywords: Ridhaa; marital consent; psychological coercion; ikrah; ushūl al-fiqh; maqāshid al-sharī'ah; Islamic Family Law.

Introduction

In Islamic marriage law, ridhaa (consent) constitutes a foundational requirement for the validity of the marital contract, reflecting the broader objective of Sharī'ah in safeguarding human dignity, preventing injustice, and ensuring that marriage is established upon mutual willingness rather than coercion. Classical juristic discourse consistently affirms that a valid marriage must be grounded in the free will (ikhtiyar) of both parties, thereby linking the notion of consent to the doctrinal treatment of ikrah (coercion) as a defect that invalidates legal acts.

Across the major madhahib, jurists developed nuanced frameworks for identifying coercion, although these frameworks largely operated within contexts where coercion was understood in terms of physical force or explicit threats. In the Ḥanafī tradition, Al-Sarakhsi emphasizes in *al-Mabsūt* that coercion negates meaningful choice when fear dominates decision-making, even if the act appears outwardly voluntary.¹ Similarly, Al-Nawawi in *al-Majmū'* maintains that consent must reflect an uncoerced will, and that acts performed under duress cannot be treated as expressions of genuine intention.² Within the Maliki school, Ibn Rushd in *Bidayat al-Mujtahid* highlights that coercion invalidates consent when it undermines the agent's capacity for voluntary action, while Ibn Qudamah in *al-Mughnī* distinguishes degrees of coercion but affirms that legal validity ultimately depends on the preservation of free will.³

Despite these doctrinal differences, a shared underlying principle can be identified: the legal effect of coercion is tied not merely to its external form, but to its functional impact on volition. However, classical formulations of ikrah predominantly privilege forms of coercion that are immediate, observable, and verifiable, such as physical threats or direct compulsion. As a result, forms of domination that operate gradually, relationally, and psychologically remain

¹ Shams al-Din. al-Mabsut Al-Sarakhsi, "المكتبة الوقفية للكتب المصورة," accessed April 4, 2026, https://waqfeya.net/books/حجة-الله-البالغة-ت-سابق-a2eedc73d14b4db4b9c332a93be9fbf5#google_vignette.

² Mohd Nasran Mohamad, "PRECEPTS OF ISLAMIC LAW REGULATING CONDUCT IN WARFARE BASED ON AN EXAMINATION OF AL-NAWAWI'S MINHAJ," *The University of Manchester (United Kingdom) ProQuest Dissertations & Theses*, 2000.

³ فاسم إدريسي, "Ibn Rushd's Method of Presenting Jurisprudential Views through His Book Bidāyat Al-Mujtahid Wa-Nihāyat Al-Muqtaṣid," *International Journal of Fiqh and Usul Al-Fiqh Studies* 469, no. 6082 (December 2017): 1–17, <https://doi.org/10.12816/0050829>.

insufficiently theorized within , and the regulation of everyday behavior.⁴ Empirical studies further demonstrate that such patterns can severely impair autonomy, decision-making capacity, and risk perception, often producing long-term psychological harm comparable to physical abuse. These findings challenge formalistic notions of consent by showing that individuals may outwardly express agreement while operating under conditions of constrained agency.

While this body of research has been widely discussed in international journals within psychology and socio-legal studies, its integration into Islamic legal theory remains limited. Existing scholarship in Islamic family law tends to address forced marriage primarily in its explicit and physical forms, or to invoke *maqashid al-shari'ah* at a general normative level without developing a precise *ushūlī* mechanism for incorporating psychological insights into doctrinal reasoning. Consequently, there is a significant gap between contemporary empirical knowledge about coercion and the classical legal categories used to assess the validity of consent.

Existing scholarship on consent and coercion in intimate relationships has developed along two largely separate trajectories. In socio-legal and psychological literature, coercive control has been extensively theorized as a pattern of domination that undermines autonomy, with studies demonstrating its significant impact on decision-making capacity and psychological well-being.⁵ Parallel to this, legal scholarship has critically examined the limitations of formalistic notions of consent, arguing for a more substantive understanding that accounts for power asymmetries and relational contexts. However, within Islamic legal studies, discussions of consent in marriage remain predominantly focused on explicit or physical coercion, or are framed at the level of general *maqashid*-based advocacy without developing a precise *ushūlī* mechanism for integrating empirical insights into doctrinal analysis. Existing works tend either to remain descriptive or to propose normative reform without engaging in detailed reconstruction of the concept of *ikrah* across *madhhab* traditions. This gap highlights the absence of a systematic attempt to bridge classical *fiqh* doctrine with contemporary psychological understandings of coercion. The present study departs from these approaches by offering a functionally grounded reinterpretation of *ikrah* that integrates empirical evidence on psychological coercion into a disciplined *ushūl al-fiqh* framework, thereby contributing a more precise and operational model of substantive consent in Islamic marriage law.

This article addresses that gap by developing a structured reconstruction of *ridhaa* through a functional reinterpretation of *ikrah* within the framework of

⁴ Evan. Stark, "Coercive Control: How Men Entrap Women in Personal Life," *Oxford University*, 2023, 611, <https://global.oup.com/academic/product/coercive-control-9780197639986>.

⁵ Lionel Smith, "Massively Discretionary Trusts," *Current Legal Problems* 70, no. 1 (December 1, 2017): 17–54, <https://doi.org/10.1093/CLP/CUW014>.

ushūl al-fiqh and maqashid al-sharī'ah. Rather than treating maqashid as a general justificatory principle, this study operationalizes maqashid at the level of legal reasoning by identifying the protection of volition, mental integrity, and human dignity as the underlying objectives ('illah) that inform the doctrine of consent. Through this approach, psychological coercion is examined not as an external addition to fiqh, but as a phenomenon that may fulfill the same legal function as classical coercion in undermining free will.

Methodologically, this study adopts a qualitative-normative design based on a structured and transparent literature analysis. Primary sources consist of authoritative multi-madhab fiqh works and foundational texts in ushul al-fiqh and maqashid al-sharī'ah, selected to represent doctrinal diversity across the Ḥanafī, Malikī, Shafī'ī, and Ḥanbalī traditions.⁶ Secondary sources were identified through a targeted search of peer-reviewed international journals indexed in Scopus and Web of Science, covering the period 2000–2024, using keywords such as "coercive control," "psychological coercion," "intimate partner violence," and "decision-making autonomy." Inclusion criteria required direct relevance to non-physical coercion and its impact on agency, while non-peer-reviewed or contextually unrelated studies were excluded.

The analytical process proceeds in three stages. First, doctrinal mapping is conducted to identify how *ridhaa* and *ikrah* are conceptualized across madhab traditions. Second, psychological literature is synthesized to establish the mechanisms through which coercive control operates. Third, a functional *ushūlī* analysis is applied to assess whether psychological coercion satisfies the operative cause ('illah) underlying the invalidation of consent in classical jurisprudence. This interdisciplinary integration is guided by the principle that psychology functions as 'ilm mu'in, assisting in the identification of factual conditions without displacing the normative authority of fiqh.

At the same time, this study critically addresses a potential counterargument: that expanding the concept of *ikrah* to include psychological coercion may risk overgeneralization, where ordinary emotional pressure or social influence could be misclassified as a defect of consent. To prevent this, the analysis adopts a restrictive threshold, limiting psychological coercion to patterns of systematic, sustained, and demonstrable domination that significantly impair autonomy and decision-making capacity, as established in empirical psychological research. This distinction ensures that the proposed reconstruction remains methodologically disciplined, preserving the doctrinal integrity of *ikrah* while allowing it to respond to contemporary forms of harm.

⁶ Wardatun Nabilah et al., "Between Protection and Permissiveness: A Fiqh Siyasaḥ Reexamination of Marriage Dispensation in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 29, 2025): 137–51, <https://doi.org/10.31958/JURIS.V24I1.11882>.

The selection of qualitative design is based on the conceptual and normative character of the problem: psychological coercion is a complex relational phenomenon, often not physically visible, and cannot be adequately explained only through formal indicators of consent. On the other hand, classical fiqh develops the concept of ikrah mainly in the framework of coercion that can be proven externally. Therefore, this research requires an interpretive approach to bridge the epistemic differences between the language of law (*ridhaa-ikrah*) and the language of psychology (control, manipulation, emotional dependence), while ensuring that such integration does not obscure the principles of *ushūl al-fiqh* and *maqashid al-shari'ah*.

The data source of this research consists of primary data and secondary data. Primary data includes cross-sectarian fiqh works regarding marriage contracts, terms of consent, the concept of ikrah, and fiqhiyyah rules related to will, dhaarak, and protection of the weak; in addition, literature *ushūl al-fiqh* and *maqashid al-shari'ah* are also used as a methodological framework for reconstruction. Secondary data include Scopus journal articles in the field of psychology and the study of violence in intimate relationships that discuss coercive control and its impacts, as well as contemporary Islamic family law articles that discuss marriage consent reform, victim protection, and family fiqh reform.⁷ This combination of sources is necessary to build an argument that is based on turath authority while also being responsive to modern scientific evidence.

The data collection method was carried out through a systematic literature study with a targeted literature search and selection strategy. In the first stage, the identification of key themes in fiqh was carried out: *ridhaa*, *ikrah*, *fasad/but lhanakad*, *dhaarak*, and *sadd al-dhara'i*; in the second stage, a search of psychological literature related to coercive control, psychological manipulation, and trauma bonding was carried out; in the third stage, concept mapping was carried out to find conceptual meeting points that could be used in the reading of *ushūl al-fiqh*. All sources were selected based on their direct relevance to the issues of consent, coercion, and will, as well as academic credibility (especially reputable journal articles and authoritative fiqh works).

Data analysis was carried out through stages: (1) conceptual classification between the fiqh category (*ridhaa-ikrah-dhaarak*) and the psychological category (coercive control manipulation dependency); (2) textual and comparative analysis of the opinions of madhhab and the arguments of *ushūl al-fiqh* regarding the limits of ikrah and its implications on the validity of the contract; (3) systematic

⁷ Farida Nurun Nazah, Restia Gustiana, and Tobibatus Saadah, "Gender Justice in Child Custody Disputes: The Maqāshid Al-Shari'ah Approach in Contemporary Judicial Practice," *MILRev: Metro Islamic Law Review* 4, no. 2 (November 10, 2025): 1328–58, <https://doi.org/10.32332/MILREV.V4I2.10790>.

and teleological interpretation based on maqashid to assess whether psychological coercion can be positioned as a legally relevant form of defect of will; and (4) normative reconstruction in the form of formulation of the concept of substantive ridhaa and indicators of defect of consent that can be used in the development of contemporary family fiqh. Through this stage, the research produces a model of ushūlī argumentation that explains how psychological pressure can serve as the basis for legal assessment of the validity of consent in a marriage contract.

This article argues that ridhaa in the marriage contract is not sufficiently understood as an expression of verbal or administrative consent, but rather should be understood as a condition of the will that is free from systematic psychological control, threats, and manipulation. Therefore, psychological coercion can be understood as a form of dhaarar nafsī that damages the will, so it can be treated as a form of non-physical ikrah that is relevant in a way that is ushūlī. This reconstruction allows Islamic family fiqh to expand the standard of protection for the victim, clarify the indicators of defects in consent in marriage, and at the same time strengthen the orientation of maqashidin safeguarding the soul, intellect, and dignity of the human being in the institution of marriage.

Discussion

Literature Review and Conceptual Framework: Ridhaa, Ikrah, and Psychological Coercion

To address concerns of methodological opacity and to avoid merely declarative claims, this study implements a transparent and replicable literature protocol. The doctrinal corpus is constructed from primary multi-madhhab sources representing the Ḥanafī, Malikī, Shafī'ī, and Ḥanbalī traditions through direct engagement with classical texts (e.g., *al-Mabsūṭ*, *al-Majmū'*, *Bidayat al-Mujtabid*, and *al-Mughni*), which are examined via close reading to extract how ridhaa, ikrah, and the impairment of volition (ikhtiyar) are defined, qualified, and disputed across juristic schools. This approach enables a textually grounded comparison of intra-madhhab nuances rather than reliance on secondary summaries. In parallel, the psychological corpus is selected through a targeted search of peer-reviewed journals indexed in Scopus and Web of Science for the period 2000–2024, using controlled keywords ("coercive control," "psychological coercion," "intimate partner violence," and "decision-making autonomy"). Inclusion criteria are limited to empirically grounded or theoretically robust studies that directly analyze non-physical coercion and its impact on agency; exclusion criteria remove non-peer-reviewed, contextually irrelevant, or methodologically weak publications. The term "systematic" is thus operationalized through explicit search parameters, database selection, temporal bounds, and screening criteria.

Analytically, the study proceeds in three stages: first, doctrinal mapping across madhahib to identify convergences and divergences in the legal construction of coercion; second, synthesis of psychological mechanisms (e.g., coercive control, trauma bonding, and cognitive constraint) that affect decision-making capacity; and third, a functional ushūlī test to determine whether these mechanisms satisfy the operative cause ('illah) underlying ikrah namely, the negation or substantial impairment of free will.⁸ Within this design, psychology is treated as *'ilm mu'in*: it clarifies the factual conditions under which volition is compromised, while normative qualification and legal consequences remain anchored in ushūl al-fiqh and maqashid al-sharī'ah. This prevents epistemic substitution while enabling disciplined interdisciplinarity.

Finally, the study anticipates a core counterargument from textual-conservative positions: that extending ikrah to psychological forms risks overgeneralization, whereby ordinary emotional pressure or social expectations could be misclassified as defects of consent. To mitigate this, the analysis adopts a restrictive threshold: only patterns of systematic, sustained, and demonstrable domination that significantly constrain autonomy and decision-making capacity qualify as psychological coercion (dhaarar nafsi) with legal relevance. Episodic conflict, customary persuasion, or non-coercive social influence are excluded.⁹ By specifying this threshold and grounding it in both doctrinal reasoning and high-quality empirical literature, the proposed reconstruction preserves the integrity of classical categories while enabling them to address contemporary forms of harm without doctrinal inflation.

In Islamic marriage law, the concept of ridhaa (willingness/consent) is a fundamental condition for the validity of a marriage contract.¹⁰ Ridha is not simply interpreted as "the absence of rejection", but as a condition of the will that accepts the contract consciously, without pressure, and without any factors that undermine the freedom of choice. Therefore, the discussion of ridhaa in fiqh is always related to the principle of justice in the contract, the protection of vulnerable parties, and the purpose of sharia to maintain human dignity.¹¹ In this context, ridhaa is not only a procedural issue, but also a substantive issue that touches on aspects of the autonomy and psychological safety of the legal subject.

⁸ Tarek Ghanem and Tarek Ghanem, "Texts, Language, and History in the Madhab-Law Tradition: A Study of the Shāfi'ī School," *Theses and Dissertations*, May 15, 2020, <https://fount.aucegypt.edu/etds/1605>.

⁹ Nico Vorster, "Distorted Motivational Dispositions," *Addressing South Africa's Moral Crisis*, 2025, 87–105, https://doi.org/10.1007/978-3-031-97560-8_5.

¹⁰ Muzemmil Aditya and Fathullah Fathullah, "The Concept of Marriage Guardians in the Marriage Law Number 1 of 1974 According to the Views of Hanafiyah and Shafi'iyah Scholars," *Al-Muqaranah* 1, no. 1 (2023): 1–15, <https://doi.org/10.55210/jpmh.v1i1.283>.

¹¹ Tuba Erkoç Baydar and Tuba Erkoç Baydar, "Human Dignity from an Islamic Perspective: Concepts and Theoretical Base," *Mission Studies* 41, no. 3 (December 12, 2024): 348–60, <https://doi.org/10.1163/15733831-12341987>.

Classical fiqh literature across schools discusses ridhaa through themes such as the legal requirements of the contract, the role of guardians, and outwardly recognizable indicators of approval. Some of the discussions emphasized the importance of explicit consent, while others considered that consent can be understood through certain signs according to social conditions.¹² However, in general, classical fiqh works within the framework of a society that assesses the will primarily through formal expression, family relations, and social order. As a result, these frameworks tend to prioritize aspects of "formal validity" over in-depth readings of the psychological conditions that may accompany consent.

It is at this point that the concept of ikrah (coercion) becomes an important entrance. In *ushūl al-fiqh* and *fiqh mu'amalat*, ikrah is understood as a factor that damages the will (*ikhtiyar*) so that a legal action is no longer born from free choice.¹³ Classical literature generally distinguishes between severe ikrah (*ikrah mulji'*) and mild ikrah (*ikrah ghayr mulji'*), with indicators such as serious threats, the perpetrator's ability to carry out threats, and the victim's inability to evade.¹⁴ By this standard, ikrah is understood as a visible, direct, and ascertainable coercion through a real threat.

The fiqh tradition also recognizes the idea that the will can be corrupted not only by physical violence, but also by fear, social threats, and harmful pressures (*dharar*). Some of the rules of *fihiyyah* such as *al-dharar yuzal* (danger should be eliminated) and *al-mashaqqah tajlib al-taysir* (difficulty brings convenience) open up space for compulsive reading more widely.¹⁵ However, the conceptual development of how non-physical pressures work against the will of the individual did not become the main focus of classical fiqh, due to the limitations of the framework of psychological knowledge at the time and because of the practical need for easier legal proofs of physical coercion.

¹² Charlene L. Muehlenhard et al., "The Complexities of Sexual Consent Among College Students: A Conceptual and Empirical Review," *The Journal of Sex Research* 53, no. 4–5 (May 3, 2016): 457–87, <https://doi.org/10.1080/00224499.2016.1146651>.

¹³ Ismail Jalili Jalili, Fadillah Ulfa Ulfa, and Abdul Kabir Hussain Solihu, "The Implementation of Tanqih Al-Manath Theory in Ushul Al-Fiqh: An Analysis of Marriage Law Issues in Indonesia," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 11, no. 2 (October 30, 2024): 401–20, <https://ejournal.uinfasbengkulu.ac.id/index.php/mizani/article/view/4828>.

¹⁴ Carolina V.N. Coll et al., "Intimate Partner Violence Victimization and Its Association with Maternal Parenting (the 2015 Pelotas [Brazil] Birth Cohort): A Prospective Cohort Study," *The Lancet Global Health* 11, no. 9 (September 1, 2023): e1393–1401, [https://doi.org/10.1016/S2214-109X\(23\)00282-6](https://doi.org/10.1016/S2214-109X(23)00282-6).

¹⁵ Usman Al Farisi et al., "Negotiation Between Customary Law and Islamic Law: The Practice of Palang Pintu in The Traditional Marriage in The Betawi Muslim Community," *De Jure: Jurnal Hukum Dan Syar'iah* 15, no. 2 (December 31, 2023): 268–85, <https://doi.org/10.18860/j-fsh.v15i2.21241>.

In the development of modern psychology, research on violence in intimate relationships shows that coercion is not always present in the form of physical punches or threats. The concept of psychological coercion evolved to explain the mechanisms of domination that work through manipulation, social isolation, financial control, monitoring, humiliation, reputational threats, and the creation of emotional dependence. In the psychological literature and the study of domestic violence, this phenomenon is often formulated as coercive control, which is a systematic, repetitive pattern of power aimed at controlling the freedom of the victim in the long term. This framework asserts that a person can "express consent" but is psychologically not in a state of free will.

One of the important contributions of psychology is an explanation of how non-physical coercion changes the way individuals process risk, make decisions, and interpret personal safety. Phenomena such as gaslighting can make the victim doubt his or her own judgment; Meanwhile, trauma bonding describes the emotional attachment formed in a relationship accompanied by a cycle of threats and "reconciliation", so that victims tend to obey to avoid escalation. In this context, consent can no longer be understood only as a rational choice that stands alone, but as a decision born of psychological conditions constructed by power relations. This becomes an important basis for re-testing whether *ridhaa* can be understood only through verbal and procedural indicators.

The modern legal literature, particularly in the study of gender-based violence, confirms that coercive control has a far-reaching impact: it limits autonomy, cuts off social support, inhibits economic freedom, and creates persistent fear.¹⁶ These impacts suggest that psychological coercion is "structural" in relationships, not momentary incidents. From the point of view of legal theory, this raises an important question about the consent standard: whether consent is considered valid if it is born out of a situation of systematic domination, even in the absence of an explicit physical threat. This question is relevant to Islamic marriage law because the marriage contract is not only a contract, but also an institution of moral and social protection.

In the contemporary study of Islamic family law, a number of authors have emphasized the importance of strengthening the principle of *rida* and the protection of women in marriage through the *maqashid al-shari'ah* approach. This approach places the protection of the soul (*hifz al-nafs*), reason (*hifz al-'aql*), and dignity (*hifz al-'irdha/karamah*) as goals that should be the foundation of the reading of norms. However, many of these studies are still at the level of general normative recommendations such as the need to prevent forced marriage or strengthen victim protection without offering a detailed *u shūlī* reconstruction to

¹⁶ Ainul Mardhiah and Dhiauddin Tanjung, "Deviant Qiwāmah: Psychic and Economic Violence as a Distortion of Husband's Leadership in *Ahwal Syakhsiiyah*," 2026, 7277–88.

link the concept of classical ikrah to the psychological coercion mechanisms mapped out by modern psychology.

The conceptual framework of this research is built through the integration of three layers of analysis. The first layer is the concept of fiqh about ridhaa as a valid condition for the marriage contract and ikrah as a factor that damages the will. The second layer is the psychological concept of psychological coercion as a control pattern that reduces decision autonomy.¹⁷ The third layer is maqashid al-shar'ah and the rules of fihiyyah as a tool of reconstruction to assess whether non-physical coercion can be categorized as a legally relevant form of dhaarar nafsi. This integration is intended to produce a more substantive reading of ridhaa, without relinquishing the discipline of ushul al-fiqh as a framework of methodological legitimacy.

With this framework, this study positions psychological coercion as a form of consent defect that can expand the interpretation of ikrah in a contemporary context. Conceptually, ridhaa is understood not only as "the pronounced consent", but as consent born of free, safe, and non-dominated will.¹⁸ This reconstruction is expected to contribute to the development of Islamic family fiqh that is more responsive to the reality of non-physical violence, as well as enriching the ushul al-fiqh discourse on the will, coercion, and protection of the weak in the marriage contract. Thus, this study confirms that the reform of Islamic marriage law can be carried out in a disciplined and responsible manner through dialogue between turath fiqh and modern scientific findings.

Psychological Coercion as a Defect in Marriage Fiqh

Cross-sectarian fiqh literature places ridhaa as the core element in the validity of the marriage contract. Approval is not understood as an administrative complement, but as a prerequisite that affirms that the contract is born from a legitimate will and does not contain elements of coercion. Therefore, the discussion of ridhaa is always related to the protection of the vulnerable and the principle of justice in the relationship between husband and wife. This position shows that free will is the normative foundation for marriage in Islam.

In the realm of ushul al-fiqh, the conceptual device that is most often used to explain the corruption of the will is ikrah. Ikrah is formulated as coercion that makes a person do an action that he does not want because he is afraid of a serious

¹⁷ Romansyah Fitra Lebie, Nur Mohamad Kasim, and Dolot Alhasni Bakung, "From Love to Domestic Violence and the Loss of Parental Rights," *Legal Bridge: Study of Law, Social and State Administration* 2, no. 3 (2025): 160–78, <https://doi.org/10.62383/jembatan.v2i3.2364>.

¹⁸ Abdul Azis and Soni Samsu Rizal, "The Concept of Ridhâ Allah in Islamic Education Discourse," *Tajdid* 26, no. 1 (2019): 13, <https://doi.org/10.36667/tajdid.v26i1.322>.

threat.¹⁹ In the classical formulation, the threat in question is usually real, close, and believed to be carried out by the perpetrator. As a result, the standard of ikrah tends to rest on measures that are easily recognizable outwardly.

In the fiqh tradition, ikrah is also divided into severe (*mulji'*) and light (*ghayr mulji'*) categories, which have implications for the legal consequences of actions carried out under duress.²⁰ This category shows that fiqh recognizes the spectrum of coercion, but the spectrum is mainly arranged based on the intensity of physical threats or direct threats to safety. With such a structure, coercion that takes place gradually, hidden, and relational in nature does not get adequate space for explanation. This explains why many forms of non-physical stress are not easily mapped in the classical ikrah language.

Classical juristic discourse across the major madhahib provides a nuanced treatment of coercion (ikrah) as a defect of legal will (ikhtiyar). In the Ḥanafī tradition, Al-Sarakhsi emphasizes in *al-Mabsūṭ* that the validity of legal acts depends on the presence of genuine volition, and that coercion operates by eliminating meaningful choice through fear of harm, even when the act is outwardly performed.²¹ Similarly, in the Shafī'i school, Al-Nawawi in *al-Majmū'* articulates that consent must reflect an uncoerced will, and that acts performed under duress cannot be equated with those arising from free intention.

Within the Malikī tradition, Ibn Rushd in *Bidayat al-Mujtabid* highlights that coercion invalidates consent when it undermines the agent's capacity to act voluntarily, particularly when fear dominates decision-making. Likewise, the Ḥanbalī jurist Ibn Qudamah in *al-Mughnī* distinguishes between degrees of coercion but maintains that legal validity is contingent upon the preservation of meaningful choice. These formulations demonstrate that classical jurists did not merely focus on the external form of coercion, but rather on its functional effect, namely the impairment of autonomous will. This functional orientation provides an important doctrinal basis for reconsidering whether non-physical forms of coercion that similarly impair volition may fall within the scope of ikrah.

¹⁹ Eka Triana, "Legal Sanctions for Perpetrators of Murder Due to Ikrah (A Comparative Study of Islamic Criminal Law and Positive Criminal Law)," *Al-Qanun: Journal of Social Studies and Islamic Law* 1, no. 3 (2020): 303–23.

²⁰ Abdul Hamid et al., "Living Islamic Law in Indigenous Communities in Indonesia: Integration of Fiqh in the Tradition of Mu'amalah of the Muslim Community of Banjar," *Al-Manabij: Jurnal Kajian Hukum Islam* 19, no. 2 (November 26, 2025): 289–312, <https://doi.org/10.24090/MNH.V19I2.14792>.

²¹ SAMIR ALI, "Waqf (Endowments) in the Ḥanafī School of Law: Being a Translation of the Chapter on Waqf in Al-Sarakhsi's Al-Mabsūṭ," *Department of Religious Studies and Arabic University of South Africa* (2024).

From an *ushūlī* perspective, the operative cause (*'illah*) of *ikrah* is not the physicality of the threat itself, but the resulting negation of free choice (*ikhtiyar*).²² If the legal consequence of coercion is tied to the impairment of volition, then any condition that produces a comparable level of constraint may be considered functionally equivalent. This opens the possibility of extending *ikrah* beyond its classical manifestations, provided that such an extension remains anchored in the preservation of *maqashid* and does not lead to doctrinal overgeneralization.

Contemporary psychological research has developed a robust framework for understanding coercive control as a pattern of domination that extends beyond physical violence. Evan Stark conceptualizes coercive control as a strategic course of conduct aimed at subordinating the victim through isolation, surveillance, and micro-regulation of everyday life.²³ Empirical studies in trauma psychology further demonstrate that such patterns produce significant impairments in autonomy, decision-making, and risk perception, often comparable to or exceeding the impact of physical abuse.

Meta-analytic evidence indicates that exposure to coercive control is strongly associated with symptoms of post-traumatic stress disorder (PTSD), depression, and learned helplessness.²⁴ All of which undermine an individual's capacity to make independent decisions. These findings are further supported by research on trauma bonding and emotional dependency, which explains how victims may remain compliant or express apparent consent as a survival strategy rather than a reflection of genuine volition. From a decision-making perspective, psychological coercion reshapes cognitive evaluation processes by narrowing perceived alternatives, amplifying fear-based reasoning, and weakening resistance capacity.²⁵ As a result, outward expressions of agreement may not reliably indicate authentic consent, but instead reflect constrained agency within a coercive relational structure.

The framework of *fiqhīyah* and *maqashid al-sharī'ah* provides a normative foundation for expanding protection against evolving forms of harm.²⁶

²² Ahmad Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 19–34, <https://doi.org/10.30984/jis.v21i1.2260>.

²³ Cassia L. McIntyre, "Conceptualizing Coercive Control in the Context of Intimate Partner Violence: Scoping the Empirical Landscape," August 7, 2025.

²⁴ Bourne Paul Andrew and McLymont Enid, "The Social Psychology of Violence on Children in an Urban School in Jamaica," *Insights of Anthropology* 4, no. 1 (2020): 239–67, <https://doi.org/10.36959/763/508>.

²⁵ Latha Poonamallee, "Countering Climate Fear with Mindfulness: A Framework for Sustainable Behavioral Change," *Sustainability (Switzerland)* 17, no. 14 (2025), <https://doi.org/10.3390/su17146472>.

²⁶ Agus Hermanto, "Al-Qawa'id Al-Fiqhiyyah Evidence and Methods for Solving Contemporary Problems," accessed February 6, 2025, <https://penerbitlitnus.co.id/product/al-qawaid-al-fiqhiyyah-dalil-dan-metode-penyelesaian-masalah-masalah-kekinian-dr-agus-hermanto-m-h-i/>.

The rule of *al-dha arar yuzal* emphasizes the obligation to eliminate harm, while *maqashid* places the protection of soul, intellect, and dignity as legal goals.²⁷ Within this horizon, psychological distress can be understood as *dhaarar nafsī* that impairs mental safety and lowers the capacity of the will. Thus, non-physical coercion has a basis for being treated as a destructive factor *ridhaa*.

The analytical findings also show that *ridhaa* can be read in two layers: the formal-procedural layer and the substantive layer. At the formal level, *ridhaa* is often represented by a statement of agreement in the contract or an indicator understood as a sign of acceptance. At the substantive layer, *ridhaa* refers to the internal condition of the will that is free from domination. Psychological coercion works primarily at the substantive layer: it can produce formal approval while negating inner freedom through control, fear, or emotional dependence.

To move beyond a merely normative thesis and toward textually grounded demonstration, this study anchors its argument in close readings of primary juristic authorities across the *madhahib*, showing not only doctrinal convergence but also points of contestation.²⁸ Classical formulations do not reduce *ikrah* to its physical form; rather, they hinge on its functional effect namely, the impairment of meaningful choice (*ikhtiyar*) under fear or constraint. Read against this baseline, contemporary accounts of coercive control well-established in international psychological and socio-legal literature provide empirically verifiable mechanisms (e.g., sustained isolation, surveillance, and dependency formation) through which volition can be comparably constrained.²⁹ The analysis therefore proceeds by testing functional equivalence rather than asserting categorical expansion: psychological coercion is considered legally relevant only insofar as it produces a level of constraint analogous to that recognized in classical doctrine.³⁰

At the same time, the study engages directly with a foreseeable objection from textual-conservative positions: that extending *ikrah* risks collapsing the distinction between legally cognizable coercion and ordinary emotional pressure. This objection is addressed through a calibrated threshold that is both doctrinally

²⁷ Dwi Novita et al., “Family Conflict Disclosure on Social Media in Islamic Law: *Islah* as a Reconciliation Mechanism,” *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 443–58, <https://doi.org/10.29240/jhi.v10i1.12658>.

²⁸ Alexander Thurston, “The *Mālikiyya* in the Twenty-First Century: A Traditionalist Islamic Legal School Navigating State Co-Optation, Reformist Pressures, and Neotraditionalist Impulses*,” <https://doi.org/10.1086/732494> 105, no. 1 (January 1, 2025): 68–99, <https://doi.org/10.1086/732494>.

²⁹ Anne van Aaken and Tomer Broude, “The Psychology of International Law: An Introduction,” *European Journal of International Law* 30, no. 4 (2019): 1225–36, <https://doi.org/10.1093/ejil/cha008>.

³⁰ Walter D. Goldberger, Jingping Li, and Siddharth G. Prabhu, “Spinning Particles, Axion Radiation, and the Classical Double Copy,” *Physical Review D* 97, no. 10 (May 29, 2018): 105018, <https://doi.org/10.1103/PhysRevD.97.105018>.

and empirically grounded.³¹ Not all emotional influence qualifies as ikrah; only patterns of systematic, sustained, and demonstrable domination that materially impair decision-making capacity meet the standard of dhaarar nafsī. Episodic conflict, customary persuasion, or culturally embedded expectations are explicitly excluded. By articulating this boundary and substantiating it with high-quality international research on coercive control, the study preserves the integrity of classical categories while avoiding doctrinal inflation.³² In this way, the reconstruction is not a broad normative claim but a disciplined ushūlī argument that integrates primary fiqh authorities with empirically robust insights, yielding a more precise and defensible standard of consent in Islamic marriage law.

Overall, the findings lead to the conclusion that psychological coercion has a function commensurate with ikrah, as it both undermines the will and reduces freedom of choice, although it does not always constitute a physical threat. Therefore, the reconstruction of ridhaa as substantive consent can be done by making maqashid and the rules of fiqhīyah as a conceptual bridge, so that the validity of the marriage consent is not judged solely from the existence of the word, but also from the condition of the will that is safe from systematic psychological pressure.

Reinterpretation of Ikrah and the Strengthening of Ridhaa Substantive in Contemporary Fiqh of Marriage

From an ushūlī standpoint, the reinterpretation of ikrah in this study proceeds through a functional identification of its operative cause ('illah), namely the substantial impairment of free will (ikhtiyar) under conditions of coercion. Rather than treating maqashid al-sharī'ah as a general normative justification, the analysis specifies how the protection of intellect (ḥifẓ al-'aql), personal integrity, and dignity operates at the level of legal reasoning by defining thresholds for when consent is deemed legally defective.³³ In this sense, psychological coercion is not introduced as an external category, but examined as a condition that may fulfill the same legal rationale that classical jurists attributed to ikrah, provided that it demonstrably undermines meaningful choice.

The main findings of this study confirm that the issue of ridhaa in the marriage contract is no longer adequate if it is limited to formal proof alone. Psychological coercion shows that a person can express "consent" in a condition

³¹ Stefan Theil, "Carefully Tailored: Doctrinal Methods and Empirical Contributions," *Oxford Journal of Legal Studies* 45, no. 4 (2025): 1047–75.

³² Cassandra Wiener, "It's Not Enough to Plug the Gap: Coercive Control and the Criminal Law," July 21, 2021, [/articles/thesis/It_s_not_enough_to_plug_the_gap_coercive_control_and_the_criminal_law/23483069/1](https://articles/thesis/It_s_not_enough_to_plug_the_gap_coercive_control_and_the_criminal_law/23483069/1).

³³ Rosita Tandos, "Women and Sufism: Perspectives on History, Gender, and the Contemporary Application of Maqāshid Al-Sharī'ah," *Samarah* 10, no. 1 (2026): 650–81, <https://doi.org/10.22373/sjhc.v10.i1.33819>.

that the will has actually been weakened through control, manipulation, and emotional dependence. Consequently, *ridhaa* needs to be understood as substantive consent: a decision born of freedom of choice, security, and the ability to refuse without threat. This implication is important because the essence of the marriage contract in sharia is not only procedural legality, but also moral legitimacy and protection of dignity.

From the point of view of *ushūl al-fiqh*, this finding means that *ikrah* needs to be reinterpreted by paying attention to the function, not just the form. In classical literature, *ikrah* is measured by explicit threats and apparent dangers, but the real function of *ikrah* is to identify conditions that undermine the will (*ikhtiyar*).³⁴ Psychological coercion fulfills this function, although it works differently: it negates freedom through gradually constructed fear and relational domination. With a functional approach, *ikrah* can be extended to a concept that includes non-physical coercion without having to violate the methodological discipline of *ushūl*.

It may be argued, particularly from a textual-conservative perspective, that such criteria risk introducing excessive subjectivity into the assessment of consent, potentially destabilizing established legal standards. This concern underscores the need for caution in expanding the scope of *ikrah*.³⁵ However, the proposed framework does not rely on subjective perception alone; rather, it emphasizes verifiable patterns of conduct and their measurable impact on autonomy, as supported by interdisciplinary evidence. By anchoring the analysis in both doctrinal reasoning and empirically identifiable conditions, the study maintains a balance between legal certainty and contextual sensitivity.

To translate this reconstruction into a legally workable standard, this study proposes a set of indicative criteria for identifying psychologically coercive conditions that may invalidate *ridha*. These include: (i) the presence of sustained and patterned control rather than isolated incidents; (ii) demonstrable restriction of autonomy, such as social isolation, economic dependency, or surveillance; (iii) the existence of fear, pressure, or psychological distress that significantly constrains decision-making capacity; and (iv) the absence of a reasonable opportunity to refuse without adverse consequences. These indicators are not exhaustive, but they provide a structured basis for distinguishing between ordinary emotional influence and legally relevant coercion, thereby enhancing the doctrinal applicability of the proposed reinterpretation.

³⁴ Sajjad Rizvi, "Freedom, Compulsion, and 'Esoteric Religion': Mullā Ṣadrā's Exegesis on the Phrase *Lā Ikrāha Fī Al-Dīn*," *The Maghreb Review* 43, no. 2 (2018): 154–74, <https://doi.org/10.1353/TMR.2018.0013>.

³⁵ Royan Ahila Firdaus et al., "Insult To The Government: Legal And Maqāsid Al-Syarī'ah Analysis Of Freedom Of Expression," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 7, no. 1 (December 20, 2025): 151–70, <https://doi.org/10.37680/ALMANHAJ.V7I1.7684>.

The findings reinforce the literature on Islamic family law reform that has emphasized maqashid al-shari'ah as the basis for the protection of women and the weak, but often lacks an operational conceptual tool to assess consent defects beyond the physical ikrah. By placing psychological coercion as dhaarak nafsi, this article fills a methodological gap: it provides a bridge between the general principles of maqashid (protection of soul, intellect, and dignity) and fiqh standards that can be used to assess the validity of ridhaa. Thus, maqashid does not stop at normative slogans, but becomes a tool of reconstruction that produces clearer legal parameters.

To prevent doctrinal overexpansion, the reinterpretation advanced here adopts a restrictive threshold. Not all forms of emotional pressure, familial expectation, or social persuasion qualify as ikrah. Only those conditions that reach a level of systematic domination and significantly impair the capacity for independent decision-making can be considered legally relevant. This distinction is essential to preserving the coherence of Islamic legal doctrine while allowing it to address contemporary forms of harm that are not captured by classical categories of physical coercion.³⁶

Another important contribution is the consequence of the rereading of the concept of consent in marriage fiqh. So far, fiqh debates have often been stuck at two extremes: first, considering consent to be sufficient with formal expression; Second, consider all social pressures as coercion that automatically nullifies the will. The results of this study offer a middle position: not all social pressures are ikrah, but systematic coercive control patterns can be substantively damaging to ridhaa. This position is important so that fiqh does not fall into procedural legalism, while not losing methodological rigor in determining the limits of coercion.

In the context of the development of contemporary fiqh, these findings are relevant for the preparation of guidelines for victim protection, the assessment of the validity of consent, and the preparation of ethical and evidentiary standards in family cases.³⁷ Practically, family fiqh can develop indicators such as: the existence of systematic isolation, persistent reputational or safety threats, economic control, communication restrictions, and manipulation patterns that cause victims to be unable to resist. The psychological literature provides language and indicators for recognizing such patterns, while fiqh provides a normative

³⁶ Asst. Prof. Dr. Siham Ali Hussein Al-Nasiri, "The Rulings of Coercion and Its Impact on Financial Exchange Contracts: A Comparative Jurisprudential Study with the Law," *Journal of Human Security* 21, no. 2 (December 24, 2025): 26–30, <https://doi.org/10.12924/johs2025.210205>.

³⁷ Laras Shesa et al., "Reformulating Progressive Fiqh of Talak (Divorce): A Contemporary Study of the Principle of Making Divorce More Difficult in SEMA No. 1 of 2022 for Women's Protection," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 13, 2024): 236–62, <https://doi.org/10.32332/MILREV.V3I2.9950>.

structure for assessing its legal implications. Thus, this disciplinary dialogue produces an applicative contribution while remaining within the corridor of *istinbat*.

At the academic level, this article distinguishes itself from previous studies by integrating three layers of literature simultaneously: (a) cross-sectarian *fiqh nikah* on *ridhaa* and *ikrah*, (b) *ushūl al-fiqh* on will and coercion, and (c) psychological literature on coercive control as a form of non-physical coercion. Many previous studies have reviewed only one side: normative *fiqh* without psychological instruments, or psychology without reconstruction *ushūlī*. By bringing the two together within the framework of *maqashid*, this article offers a more complete conceptual reconstruction and has a clear novelty for contemporary Islamic legal discourse.

The implications of this reconstruction extend beyond theoretical refinement. In contemporary legal practice, particularly in Islamic family law adjudication, the recognition of psychological coercion as a potential defect of consent necessitates the development of evidentiary guidelines and judicial sensitivity to relational dynamics. While further empirical research is required to operationalize these standards in specific legal contexts, the present framework provides a conceptual foundation for integrating doctrinal rigor with contemporary understandings of harm and autonomy.

Conclusion

The study's most important finding suggests that the most problematic aspect of the validity of marital consent is not always physical coercion or explicit threats, but rather systematic psychological coercion capable of producing "formal consent" while negating free will at the substantive level. What is relatively unexpected is that the pattern of *coercive control* can work so subtly that the marriage contract appears procedurally valid, but in fact it stands on a condition of a will that is fragile, afraid, and locked in a relationship of domination. Thus, the question of *ridhaa* is no longer sufficiently assessed through the expression of consent, but must be read as a condition of free will that is protected from manipulation, isolation, and emotional dependence.

The scholarly contribution of this article lies in the effort to reconstruct the concept of *ridhaa* through the functional expansion of the doctrine of *ikrah* within the framework of *ushūl al-fiqh* and *maqashid al-shar'ah*. This study not only confirms the common notion that *sharia* rejects coercion in marriage, but challenges the adequacy of overly procedural reading of *fiqh* and suggests that the dominant classical *ikrah* standards risk inadequate response to contemporary forms of non-physical coercion. The novelty of this study lies in the submission of psychological coercion as *dhaarar nafsi* and as a relevant conceptual variable for assessing consent defects, while offering an interdisciplinary approach that

links psychological findings on the mechanism of coercion with the normative construction of fiqh nikah.

However, this study has limitations because it is qualitative-normative based on literature, so it does not present empirical evidence in the field regarding case variations, evidentiary patterns, and responses of judicial institutions in marriage cases involving psychological coercion. Therefore, the results of this research cannot be used as a direct basis for the formulation of policies or guidelines for formal legal proof. Further research that accommodates a larger sample through field studies, analysis of court decisions, and interviews of victims and law enforcement officials is needed, in order to gain a more comprehensive understanding of the most legally relevant coercive control indicators, so that it can be the basis for more operational protection policies in contemporary Islamic family law.

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