

Ikrah (Marital Coercion) and Divorce Before Dukhul in Turun Ranjang Marriage: A Socio-Legal Analysis of Jantho Sharia Court Decision No. 277/Pdt.G/2024/Ms.Jth

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Abstract

Previous studies on turun ranjang marriage such as those by Ihsan (2019), Siti Rif'ah (2022), and Ridhai Saifirai (2021) primarily focus on normative Islamic law and Acehese customary perspectives, emphasizing its permissibility and social function. However, these works do not specifically examine how judicial institutions assess coercion (ikrah) in such marriages, nor do they analyze the legal consequences of divorce before dukhul through a concrete court decision. This study addresses that gap by providing a socio-legal analysis of coercion and pre-consummation divorce in turun ranjang marriage based on Jantho Sharia Court Decision No. 277/Pdt.G/2024/MS.Jth. This research employs qualitative field research using a case and statutory approach. Data were collected through document analysis of the court decision and in-depth interviews conducted between February and August 2025 with four key informants: one panel judge of the Jantho Sharia Court, one Head of KUA Indrapuri, one village imam, and one village secretary of Gampong Lampanah Tunong. The data were analyzed using an Islamic legal framework that operationalizes the concepts of ikrah (coercion), ridha (free consent), 'urf sahih (legitimate custom), and the objectives of marriage (sakinah, mawaddah, rahmah) as analytical parameters for assessing marital validity. The findings demonstrate that although turun ranjang marriage is formally valid under Islamic and Indonesian law, the presence of psychological coercion fundamentally undermines its ethical legitimacy. The couple never cohabited nor consummated the marriage, and persistent conflict arose from the outset. The court granted divorce on the basis of continuous disputes and proven emotional pressure, and ordered the return of half of the dowry in accordance with Qur'an Surah Al-Baqarah (2:237) and Article 35(1) of Law No. 1 of 1974 due to the divorce occurring before dukhul. This study contributes a novel perspective by integrating doctrinal Islamic principles with empirical judicial analysis, demonstrating that marital validity is not determined solely by compliance with formal pillars (rukun), but by the substantive presence of ridha and the absence of ikrah.

INTRODUCTION

In Islam, marriage is regarded as a sacred covenant (*miitsaaqan ghalidhan*), a solemn and weighty bond that transcends a mere civil contract and embodies a profound moral, spiritual, and social commitment between a man and a woman¹. It is designed to establish a harmonious household grounded in tranquility (*sakinah*), sustained by love (*mawaddah*) and compassion (*rahmah*),² while simultaneously safeguarding human dignity, regulating lawful intimacy, protecting lineage (*hifz al-nasl*),³ and ensuring the ethical continuity of family life⁴. As a divinely guided institution, marriage functions not only as a personal union but also as a foundational pillar of social order, intended to balance rights and obligations⁵, foster mutual support and emotional security, and cultivate a stable environment in which faith, responsibility, and collective well-being can flourish across generations⁶. However, in practice, not all marriages are founded upon mutual willingness, love, and readiness in both physical and emotional aspects⁷. One deviation that still occurs in society is the practice of *turun ranjang* marriage, namely a marriage between a man and the younger sister of his deceased wife. This phenomenon generates controversy from religious, social, and legal perspectives.⁸

The Jantho Sharia Court Decision No. 277/Pdt.G/2024/MS.Jth serves as an important precedent in this matter. In this case, the plaintiff was the younger sister of the defendant's deceased wife. Shortly after her sister's death, the defendant proposed to the plaintiff, and the marriage took place on May 7, 2024. However, the marriage was never lived out properly. From the time of the marriage contract, there was no conjugal

¹ Wafa, Zaein, dan Miftahudin Azmi, *Existence of Wali Mujbir Syafi'i Fiqh from the Perspective of Law No. 12 of 2022 on Sexual Violence Crimes*, Jurnal Penelitian Hukum De Jure, Vol. 24, No. 3, November 2024, h. 279.

² Ermi Suhasti Syafei dan Siti Djazimah, "Mediation in the Settlement of Joint Marital Property Disputes: A Study at Tanjung Karang Religious Court, Lampung," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, Vol. 5, No. 2, July-December 2021, h. 867.

³ Ivada Ilya, "Perlindungan Perempuan dari Pemaksaan Perkawinan Perspektif Maqashid Syari'ah (Studi Fatwa KUPI Ke-2 No. 06/MK-KUPI-2/XI/2022)," *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, Vol. 5, No. 2, 2023, h. 2547.

⁴ Aisha K. Gill, "Coercion, Consent and Choice: Islam and Marriage," dalam *The Politics of Gender and Rights: The Islamic Context*, (Cham: Springer Nature Switzerland, 2025), h. 45-65.

⁵ Mimin Mintarsih, Lukman Mahdami, Ahyar Ari Gayo, dan Ratna Galuh Manika Trisista, "When Consent Becomes Contested: Comparative Reconstruction of Marital Rape in Indonesian Criminal Law and Islamic Law," *Jurnal Penelitian Hukum De Jure*, Vol. 25, No. 3, November 2025, h. 201.

⁶ Bustan, R., Riyono, B., dan Setiyawati, D., *The Essence of Marriage from an Islamic Psychological Perspective*, International Journal of Islamic Psychology, Vol. 5, No. 1, 2025, h. 45.

⁷ Banoo, S., dan Ahmed, T., *Rules of Marriage in Islam: A Comprehensive Analysis*, Journal of Emerging Technologies and Innovative Research, Vol. 11, No. 3, 2024, h. 112.

⁸ Maulana, R. F., Dahrial, F., dan Suryani, I., *The Meaning of Physical and Emotional Bonds in the Definition of Marriage*, Interdisciplinary Journal of Gender and Marriage Studies, Vol. 3, No. 2, 2025, h. 78.

relationship between the two parties, nor did they ever live together as husband and wife. Their relationship was marked by conflict from the very first day of marriage.⁹

In her lawsuit, the plaintiff revealed that she was coerced into marriage due to the defendant's threat: if she refused, he would take away the child from his previous marriage (with the plaintiff's deceased sister) and forbid her from meeting the child again. The plaintiff had no real freedom of choice; emotional pressure led her to accept the marriage despite her unwillingness. This indicates the presence of psychological coercion, which is contrary to the principle of mutual consent in both Islamic and Indonesian marriage law.¹⁰

What makes Decision No. 277/Pdt.G/2024/MS.Jth unique is that the court did not merely examine the formal validity of a turun ranjang marriage, but critically assessed the existence of psychological coercion (*ikrah*) and its implications for marital legitimacy. Unlike many family law cases that focus solely on procedural compliance with the pillars (*rukun*) of marriage, this decision explicitly connected coercion to the failure of achieving the objectives of marriage (*sakinah, mawaddah, rahmah*) and applied the legal consequences of divorce before *dukhul*, including the return of half of the dowry. This ruling is significant for the development of Indonesian Islamic family law because it demonstrates how Sharia courts interpret consent (*ridha*) as a substantive requirement, not merely a formal one. Previous studies on turun ranjang marriage have largely concentrated on normative permissibility within Islamic law and customary acceptance in Aceh, without analyzing how judicial institutions evaluate coercion and pre-consummation divorce within an actual court decision. Therefore, this case provides an important empirical contribution by bridging doctrinal Islamic principles, positive law, and judicial practice in contemporary Indonesia.

This case is significant because it represents a conflict between religious, state, and customary norms. On one hand, the *Compilation of Islamic Law (KHI)* does not explicitly prohibit marriage with the sister of a deceased wife. On the other hand, from moral and sociological perspectives, the practice of *turun ranjang* marriage presents serious problems for family relations and social harmony.

Based on this background, this study analyzes the impact of *turun ranjang* marriage through an examination of the Jantho Sharia Court Decision No. 277/Pdt.G/2024/MS.Jth, aiming to uncover the legal, sociological, and customary dimensions inherent in this practice.

⁹ Mahkamah Syar'iyah Jantho, Putusan Nomor 277/Pdt.G/2024/MS.Jth, Tahun 2024, h. 1

¹⁰ Mahkamah Syar'iyah Jantho, Putusan Nomor 277/Pdt.G/2024/MS.Jth, Tahun 2024, h. 2-3

Classical Islamic legal scholarship establishes that marriage has specific conditions and pillars (*rukun*), including the prohibition of marrying women who are *mahram* due to lineage, breastfeeding, or marital ties (*mushaharah*). Scholars differ in opinion regarding the permissibility of marrying the younger sister of a deceased wife. Some permit it, arguing that the prohibition only applies while the wife is still alive, whereas others view the act as morally inappropriate and contrary to family ethics.

From the perspective of Indonesian positive law, Law No. 1 of 1974 concerning Marriage does not explicitly prohibit marriage with a sister-in-law, and Article 8(b) only regulates certain affinal (*semenda*) prohibitions¹¹. Ihsan, in his study of *turun ranjang* in Aceh, concludes that the practice is legally permissible under Islamic law and socially justified within Acehnese adat as a mechanism to preserve family honor and continuity. However, his research primarily adopts a normative-doctrinal approach and does not examine how coercion operates in concrete marital disputes or how courts evaluate consent when customary expectations pressure the bride.¹²

Similarly, Siti Rif'ah analyzes the *tutup malu* custom in Tabalong marriage, showing that social embarrassment and compensation mechanisms often accompany short-lived marriages. While her findings highlight the strength of adat in shaping marital decisions, the study does not explore how such customs interact with judicial reasoning when disputes reach the Sharia Court¹³. Ridhai Saifirai further demonstrates that *pulang balee* marriages are frequently motivated by concern for children and lineage preservation, yet the research remains sociological and does not address the juridical consequences when consent is absent or when divorce occurs before *dukhul*.¹⁴

Regarding divorce before *dukhul*, classical fiqh and Indonesian positive law consistently state that the wife is entitled to half of the dowry, as affirmed in Qur'an Surah Al-Baqarah (2:237¹⁵) and Article 35(1) of Law No. 1 of 1974.¹⁶ Nevertheless, previous

¹¹ Mannan, K. A., dan Farhana, K. M., *The Significance and Procedure of Marriage: A Content Analysis of the Holy Qur'an*, Preprints, 2025, h. 1.

¹² Ihsan, "Fenomena Pernikahan Turun Ranjang dalam Perspektif Hukum Islam dan Adat Aceh," *Jurnal Hukum dan Syariah*, Vol. 11, No. 2, 2019, p. 145.

¹³ Siti Rif'ah, *Uang Tutup Malu dalam Perkawinan Hamil (Studi Kasus di Desa Garunggung Kabupaten Tabalong)*, (Banjarmasin: UIN Antasari Banjarmasin, 2022), h. 45.

¹⁴ Ridhai Saifira, *Dampak Perkawinan Pulang Balee dalam Kehidupan Rumah Tangga di Kecamatan Darussalam Kabupaten Aceh Besar*, Undergraduate Thesis, UIN Ar-Raniry, 2021.

¹⁵ Helda, W., *Nafkah Mut'ah terhadap Istri yang Dicerai Talak Qabla Dukhul Perspektif Empat Mazhab dan Kompilasi Hukum Islam*, Disertasi, (Lampung: UIN Raden Intan Lampung, 2026), h. 37.

¹⁶ Kanafi, M., *Implikasi Putusan Mahkamah Konstitusi Nomor 24/PUU-XX/2022 terhadap Perkawinan Beda Agama di Indonesia (Kajian Pasal 2 Ayat (1) Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan dan Pasal 35 Huruf a Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan)*, Disertasi, (Lhokseumawe: Universitas Malikussaleh, 2024), h. 52.

studies discuss this rule in abstract doctrinal terms without analyzing how judges apply it in specific cases involving coercion. The Jantho Sharia Court Decision No. 277/Pdt.G/2024/MS.Jth is therefore distinctive because it connects three dimensions that earlier literature treats separately: the permissibility of *turun ranjang* marriage, the presence of psychological coercion (*ikrah*), and the legal consequences of divorce before consummation.

Thus, unlike prior research that focuses either on normative legality or sociocultural acceptance, this study situates *turun ranjang* marriage within an empirical judicial framework. It examines how Sharia Court judges operationalize the concepts of *ridha*, *ikrah*, and the objectives of marriage (*sakinah, mawaddah, rahmah*) in assessing marital validity and determining post-divorce rights. By integrating doctrinal analysis with judicial practice, this research moves beyond generalized claims of “normative limitation” and provides a concrete socio-legal evaluation of how Islamic family law functions in contemporary Indonesia.

Previous literature has been limited to normative studies on Islamic and customary law, without integrating juridical, sociological, and cultural analyses into a unified framework. Therefore, this research contributes a novel perspective by examining the impact of *turun ranjang* marriage through court decisions, as a means of advancing academic understanding of the intersection between religion, law, and social tradition.

METHOD

This research adopts a qualitative socio-legal case study design centered on Jantho Sharia Court Decision No. 277/Pdt.G/2024/MS.Jth. The study integrates doctrinal legal analysis with empirical field inquiry in order to examine how the concepts of *ikrah* (coercion), *ridha* (free consent), and divorce before *dukhlul* are interpreted and applied within judicial practice. Rather than separating statutory and case approaches, this research positions the court decision as the primary unit of analysis and situates it within its broader socio-religious context through field interviews. In this sense, the research design is a socio-legal case study that combines textual analysis of legal reasoning with contextual data from institutional and community actors.¹⁷

The research was conducted in Aceh Besar Regency, specifically at the Jantho Sharia Court, the Office of Religious Affairs (KUA) of Indrapuri District, and Gampong Lampanah Tunong, where the marriage and subsequent dispute originated. The selection of this case was purposive, as it presents a legally recorded instance of *turun ranjang*

¹⁷ Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 1986, p. 12.

marriage involving allegations of psychological coercion and divorce prior to consummation.¹⁸

Empirical data were obtained through in-depth semi-structured interviews conducted between February and August 2025. Four key informants were selected using purposive sampling based on their institutional relevance and direct knowledge of the case: one panel judge of the Jantho Sharia Court who adjudicated the dispute, one Head of KUA Indrapuri, one village imam (Tengku Imam) of Gampong Lampanah Tunong, and one village secretary (perangkat gampong). Each interview lasted approximately 45 to 90 minutes and was conducted face-to-face. With the consent of the participants, interviews were audio-recorded and subsequently transcribed verbatim to ensure analytical accuracy.¹⁹

In addition to interviews, this study relied on document analysis, including the complete text of Decision No. 277/Pdt.G/2024/MS.Jth, relevant statutory instruments such as Law No. 1 of 1974 on Marriage, Government Regulation No. 9 of 1975, and the Compilation of Islamic Law (KHI), as well as classical Islamic legal references concerning *ikrah*, *'urf*, and divorce before consummation. These materials were treated not merely as background sources but as integral components of the analytical framework.²⁰

Data analysis was conducted through a thematic qualitative procedure. First, the researcher performed data reduction by identifying segments of interview transcripts and judicial reasoning relevant to coercion, consent, customary influence, and the legal consequences of divorce before *dukhul*.²¹ Second, thematic coding was applied to categorize patterns of psychological pressure, judicial interpretation of *ridha*, application of dowry rules, and the interaction between adat and positive law. Third, triangulation was carried out by systematically comparing interview findings with judicial reasoning and statutory provisions to ensure internal validity and analytical consistency. The concepts of *ikrah*, *ridha*, *'urf sahiih*, and the objectives of marriage (*sakinah*, *ma'waddah*, *rahmah*) were operationalized as analytical parameters to assess whether the marriage satisfied both formal and substantive requirements under Islamic and Indonesian law.²²

¹⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, Kencana, Jakarta, 2005, p. 35.

¹⁹ Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, Remaja Rosdakarya, Bandung, 2017, p. 157.

²⁰ Sulaiman, I. H., *Islamic Law and Customs Interface: A Juridical Analysis*, Maklumat: Journal of Da'wah and Islamic Studies, Vol. 3, No. 4, 2025, h. 314.

²¹ Halim, A., *Pandangan Ibnu Qudamah tentang Nafkah Istri Qobla Dukhul*, MASADIR: Jurnal Hukum Islam, Vol. 4, No. 01, 2024, h. 8

²² Muhsin, I., dan Huda, M. C., *The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women*, AL-IHKAM: Jurnal Hukum & Pranata Sosial, Vol. 19, No. 1, 2024, h. 27.

Given the sensitive nature of marital disputes, ethical considerations were strictly observed. All informants provided informed consent prior to participation. The identities of the litigating parties were anonymized in this study to protect privacy and prevent social harm. Audio recordings and transcripts were securely stored and used solely for academic purposes. No confidential court material beyond publicly accessible judicial documents was disclosed.²³

RESULTS AND DISCUSSION

1. The Concept of Turun Ranjang Marriage

According to the Kamus Besar Bahasa Indonesia (KBBI), *turun ranjang* refers to a marriage between a widower or widow and the sibling of a deceased spouse²⁴. In Acehnese society, this practice is commonly known as *pulang balee*, while marriages with an elder sister are sometimes termed *ganti tikar* or *ganti lapik*. Although terminologically diverse, these expressions refer to the same social phenomenon: the continuation of marital ties within the same affinal family after the death of a spouse.²⁵ Sociologically, previous studies Ihsan²⁶ and Ridhai Saifirai²⁷ indicate that *turun ranjang* is often justified as a mechanism to preserve lineage continuity, maintain kinship solidarity, and protect children from fragmented family structures. Within adat Aceh, such arrangements are perceived as a way to prevent social tension and safeguard family honor. However, these studies largely describe the social rationale of the practice without systematically examining its normative limits under Islamic legal theory, particularly in relation to coercion and consent.

From the perspective of Islamic jurisprudence, the permissibility of *turun ranjang* marriage is not determined solely by cultural acceptance but by its conformity with Sharia principles. The concept of *'urf* (custom) plays a central role in this evaluation. Classical *usul al-fiqh* distinguishes between *'urf sahih* (legitimate custom) and *'urf fasid* (invalid custom). A custom is categorized as *'urf sahih* when it fulfills three main criteria: it does not contradict explicit textual sources (Qur'an and Sunnah), it does not produce

²³ Sheibani, M., *Deceptive Debauchery: Secret Marriage and the Challenge of Legalism in Muslim-Minority Communities*, Religions, Vol. 15, No. 10, 2023, h. 1.

²⁴ Kamus Besar Bahasa Indonesia, "Turun Ranjang," <https://kbbi.kemdikbud.go.id/entri/turun%20ranjang>, accessed July 13, 2025, at 15:10 WIB.

²⁵ Ridhai Saifira, *Dampak Perkawinan Pulang Balee dalam Kehidupan Rumah Tangga di Kecamatan Darussalam Kabupaten Aceh Besar*, Undergraduate Thesis, UIN Ar-Raniry, 2021.

²⁶ Ihsan, "Fenomena Pernikahan Turun Ranjang dalam Perspektif Hukum Islam dan Adat Aceh," *Jurnal Hukum dan Syariah*, Vol. 11, No. 2, 2019, p. 145.

²⁷ Ridhai Saifira, *Dampak Perkawinan Pulang Balee dalam Kehidupan Rumah Tangga di Kecamatan Darussalam Kabupaten Aceh Besar*, Undergraduate Thesis, UIN Ar-Raniry, 2021.

harm (*mafsadah*), and it is practiced consistently within the community. Conversely, a custom becomes '*urf fasid*' when it violates Sharia principles, particularly when it results in injustice or coercion. In this framework, *turun ranjang* may qualify as '*urf sahih*' if conducted voluntarily and in accordance with the pillars (*rukun*) and conditions of marriage. However, its legitimacy collapses when the element of *ridha* (free consent) is absent. The Qur'anic prohibition against coercive marriage in Surah An-Nisa (4:19) establishes that no cultural justification can override individual autonomy.²⁸ Therefore, while adat may encourage marital continuity within the same family, Islamic law conditions its validity upon the absence of *ikrah* (coercion).²⁹

Accordingly, the conceptual analysis of *turun ranjang* in this study does not treat it merely as a cultural phenomenon, but as a conditional legal construct whose status depends on whether it satisfies the substantive requirement of consent. This distinction is essential for evaluating when *turun ranjang* operates as a legitimate social custom and when it transforms into a practice that contradicts the ethical foundations of Islamic marriage.

2. The Practice of Turun Ranjang Marriage in Gampong Lampanah Tunong, Indrapuri, Aceh Besar

Empirical findings from Gampong Lampanah Tunong demonstrate that the *turun ranjang* marriage in this case was initiated shortly after the death of the defendant's first wife, who was the plaintiff's elder sister. According to the judicial record, the defendant proposed marriage to the plaintiff within a short period following the bereavement, and the marriage was solemnized on May 7, 2024³⁰. Formally, the marriage fulfilled Islamic and administrative requirements: it was conducted before a lawful guardian, witnessed by two witnesses, and registered at the Office of Religious Affairs (KUA).

However, field data and judicial findings consistently reveal the presence of psychological coercion (*ikrah ma'na'wi*). The principal form of coercion identified in this case was emotional pressure related to access to the child from the defendant's previous marriage. The court decision explicitly records that the defendant threatened to prevent the plaintiff from meeting the child if she refused the proposal.³¹ This statement was also

²⁸ Zakiah, A. R. S., dan Nurfajriyani, N., *Interpretasi Kontekstual Makna Qawwām dalam Al-Qur'an QS. An-Nisa' (4): 34: Aplikasi Hermeneutika Abdullah Saeed*, Al-Qudwah, Vol. 1, No. 2, 2023, h. 129.

²⁹ Arfaizar, J., Sulong, J. B., dan Rahman, M. T., *The Erosion of Al-Mawaddah and Ar-Rahmah Values in Muslim Marriages: A Socio-Religious Analysis of Marital Dynamics in Lombok*, Al-Fikr: Jurnal Pemikiran Islam, Vol. 29, No. 1, 2025, h. 101.

³⁰ Mahkamah Syar'iyah Jantho, Putusan Nomor 277/Pdt.G/2024/MS.Jth, 2024, p. 1.

³¹ Mahkamah Syar'iyah Jantho, Putusan Nomor 277/Pdt.G/2024/MS.Jth, 2024, pp. 2-3.

confirmed during interviews with the presiding judge, who explained that the plaintiff's acceptance of the marriage was influenced by fear of losing contact with the child.³²

In terms of actors exerting pressure, two primary sources were identified. First, the widower directly communicated the threat concerning the child. Second, the plaintiff's parents encouraged the marriage on the grounds of safeguarding the grandchild's welfare and maintaining family cohesion. An interview with the village imam indicated that such arrangements are often justified as a means of "maintaining kinship continuity and preventing social dispute," although he acknowledged that consent remains a fundamental requirement in Islamic marriage.³³ Similarly, the Head of KUA Indrapuri noted that in cases of *pulang balee*, "family agreement often precedes individual readiness," suggesting that collective considerations may overshadow personal autonomy.³⁴

The plaintiff's response, as documented in the court's reasoning, reflects reluctant compliance rather than voluntary consent. Although she proceeded with the marriage contract, the couple never cohabited and no consummation (*dukhul*) occurred. The decision records that conflict emerged from the very beginning of the marriage and that the parties did not establish a marital household.³⁵ This immediate breakdown supports the conclusion that the absence of *ridha* had direct relational consequences.

Triangulation between judicial documents and interview data reveals a consistent pattern, (1) the marriage was socially framed as protective and customary; (2) emotional pressure involving child access functioned as the central mechanism of coercion; and (3) the absence of genuine consent resulted in non-cohabitation and persistent dispute. While the marriage satisfied procedural requirements under Islamic and state law, the substantive element of free will was compromised.

These findings indicate that in the Lampanah Tunong case, *turun ranjang* operated simultaneously as a socially endorsed custom and as a context for psychological pressure. The case illustrates that when collective family interests dominate individual autonomy, the resulting marriage may remain formally valid yet substantively unstable, ultimately requiring judicial dissolution.

3. Judicial Consideration in the Jantho Sharia Court Decision

The Jantho Sharia Court Decision No. 277/Pdt.G/2024/MS.Jth constitutes a *cerai gugat* (divorce petition filed by the wife), not a *fasakh* in the classical fiqh sense. The amar

³² Interview with Nurul Husna (Judge of the Jantho Sharia Court), February 17, 2025.

³³ Interview with Zunaidi (Village Imam of Lampanah Tunong), August 2, 2025.

³⁴ Interview with Iman (Head of KUA Indrapuri), August 2, 2025.

³⁵ Mahkamah Syar'iyah Jantho, Putusan Nomor 277/Pdt.G/2024/MS.Jth, 2024.

putusan explicitly grants the plaintiff's claim for divorce on the basis of continuous dispute (*perselisihan dan pertengkaran terus-menerus*) and the impossibility of reconciliation. In its legal reasoning, the panel of judges first affirmed that the marriage had formally satisfied the pillars (*rukun*) and conditions of Islamic marriage, including the presence of a lawful guardian, witnesses, and a valid marriage contract. However, the Court emphasized that formal validity does not automatically guarantee substantive marital harmony. The decision states that since the date of the marriage contract, the parties "did not live together as husband and wife and no marital relations occurred," and that disputes arose from the outset.³⁶

Regarding coercion, the Court did not treat it as an abstract moral claim but evaluated it as a factual issue supported by testimony and circumstantial evidence. The judicial reasoning records that the plaintiff accepted the marriage due to emotional pressure, particularly the defendant's threat to restrict her access to the child of her deceased sister. The panel considered this element as contributing to the breakdown of the marital relationship. However, doctrinally, the legal ground for divorce was not framed as "coercion" per se, but as continuous conflict and the absence of harmony as regulated under Article 19(f) of Government Regulation No. 9 of 1975 and Article 116(f) of the Compilation of Islamic Law (KHI).³⁷

Thus, coercion functioned evidentially rather than normatively. It was not categorized as an independent legal ground, but as a factual circumstance explaining why the marriage failed to achieve reconciliation. The judges linked the emotional pressure to the impossibility of realizing the objectives of marriage (*sakinah, mawaddah, rahmah*), thereby strengthening the conclusion that the marital bond had irreparably collapsed. The Court also relied on evidentiary standards under Article 22(2) of Government Regulation No. 9 of 1975³⁸ and Article 76 KHI, requiring that claims of irreconcilable dispute be supported by witness testimony. The consistency between the plaintiff's statement, witness accounts, and the factual absence of cohabitation persuaded the panel that reconciliation was no longer feasible.³⁹

³⁶ *Qur'an*, Surah Al-Baqarah (2): 237; *Law of the Republic of Indonesia Number 1 of 1974 on Marriage*, *State Gazette of the Republic of Indonesia* Year 1974 Number 1.

³⁷ *Ibid*, h. 12

³⁸ *Law of the Republic of Indonesia Number 1 of 1975 on Marriage*, *State Gazette of the Republic of Indonesia* Year 1974 Number 1; *Compilation of Islamic Law (KHI)*, Presidential Instruction No. 1 of 1991, Articles 40 and 72

³⁹ Pratama, R. R., *Putusan Hakim Pengadilan Agama Kota Bengkulu Nomor 0819/Pdt.G/2017/PA.Bn tentang Harta Bersama Perspektif Kompilasi Hukum Islam*, Disertasi, (Bengkulu: UIN Fatmawati Sukarno Bengkulu, 2023), h. 48.

In addition, the ruling addressed the financial consequence of divorce before consummation (*qabla al-dukhul*). The Court ordered that half of the dowry-twelve *mayam* of gold-be returned, in accordance with Qur'an Surah Al-Baqarah (2:237)⁴⁰ and Article 35(1) of Law No. 1 of 1974. This demonstrates that the judges applied both Islamic textual authority and statutory provisions in determining post-divorce rights. From a legal reasoning perspective, the decision reflects a layered approach. First, the judges confirmed procedural validity. Second, they examined relational functionality (*cohabitation and harmony*).⁴¹

Third, they assessed evidentiary proof of continuous conflict. Coercion was treated as a contextual factor explaining the origin of the dispute, rather than as an autonomous doctrinal ground for annulment. Importantly, although the judgment does not explicitly frame its reasoning in the language of gender protection, its acceptance of psychological pressure as a relevant factual consideration implicitly affirms the protection of women's autonomy within marriage. By granting the *ceraai gugat* despite the marriage's formal validity, the Court signaled that emotional coercion undermines the substantive integrity of marital consent.⁴²

Therefore, the *ratio decidendi* of Decision No. 277/Pdt.G/2024/MS.Jth⁴³ lies not merely in the finding of continuous conflict, but in the judicial recognition that a marriage lacking genuine consent and functional cohabitation cannot fulfill the objectives envisioned by Islamic and Indonesian family law. The ruling demonstrates that Sharia courts operationalize consent not only at the moment of contract, but throughout the lived reality of marriage.

4. Islamic and Legal Analysis of Turun Ranjang Marriage

From the standpoint of Islamic law, marriage between a man and the sister of his deceased wife is not expressly prohibited, provided that it fulfills the pillars (*rukun*) and conditions of marriage and does not contradict clear textual prohibitions. The Qur'an prohibits marrying two sisters simultaneously (Q.S. An-Nisa: 23), but classical jurists agree that the prohibition applies only while the first wife is still alive. After her death, the marital bond ceases, and the impediment no longer exists. In this sense, *turun ranjang*

⁴⁰ Puspa Yeli, K., *Marital Rape dalam Tinjauan Etika Seksual Qur'ani Perspektif Qirâ'ah Mubâdalah*, Disertasi, (Jakarta: Universitas PTIQ Jakarta, 2024), h. 41.

⁴¹ Heryadi, M., *Hak Asuh Anak yang Jatuh kepada Ayah Pasca Perceraian Berdasarkan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan Dihubungkan dengan Inpres Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam*, *Jurnal Realitas Hukum*, Vol. 2, No. 1, 2026, h. 61.

⁴² Azmi, Nurul Farhana, dkk., *Legal Barriers and Women's Rights in Muslim Marriages: Shariah Lawyers' Thoughts on Emotional Abuse in Terengganu*, *Journal of Fatwa Management and Research*, Vol. 31, No. 1, 2026, h. 193.

⁴³ Mahkamah Syar'iyah Jantho, Putusan Nomor 277/Pdt.G/2024/MS.Jth, 2024.

may fall within the category of permissible marriage, and in certain communities it may function as *'urf sahih* so long as it does not produce harm (*mafsadah*) or contradict Sharia principles.⁴⁴

In relation to the four Sunni schools of law, the Hanafi, Maliki, Shafi'i, and Hanbali jurists generally permit marriage with the sister of a deceased wife, because the prohibition of combining two sisters in marriage is no longer applicable after death. None of the four schools classify such a marriage as intrinsically unlawful (*haram*). However, they consistently emphasize that the validity of marriage depends on the presence of consent and the absence of coercion. Thus, while the act is legally permissible, its moral and legal soundness remains conditional upon voluntary agreement.

The historical example of 'Uthman ibn 'Affan marrying two daughters of the Prophet Muhammad in succession-Ruqayyah and, after her death, Umm Kulthum-demonstrates that sequential marriage within the same family is not inherently prohibited.⁴⁵ However, this precedent must be understood carefully. It illustrates permissibility after the termination of the first marriage, not a justification for customary pressure or institutionalized familial expectation. Therefore, the analogy cannot be extended to legitimize *turun ranjang* practices that involve coercion or emotional compulsion.

Conversely, the hadith of Khansa bint Khidam, narrated in Sahih Bukhari, affirms that the Prophet annulled a marriage arranged without the woman's consent.⁴⁶ This precedent establishes that *ridha* (free consent) constitutes a foundational requirement of marital validity. Classical jurists treat coercion (*ikrah*) as a defect that may invalidate or morally taint the marriage contract. Accordingly, even if *turun ranjang* is formally permissible, it becomes legally problematic when consent is compromised.

From the perspective of maqāṣid al-sharī'ah, the evaluation of *turun ranjang* must extend beyond formal legality. Marriage serves to protect fundamental values, including *hifz al-nafs* (protection of psychological and personal integrity), *hifz al-'ird* (protection of dignity and honor), and *hifz al-nasl* (protection of lineage). In Acehese society, *turun ranjang* is often justified as safeguarding lineage and child welfare, thereby aligning with *hifz al-nasl*. However, when the practice results in emotional pressure or psychological distress, it may undermine *hifz al-nafs* and *hifz al-'ird*. Therefore, a maqāṣid-based analysis reveals that permissibility cannot be determined solely by lineage considerations, but must balance all protected interests.

⁴⁴ Ibn Sa'd, *Ṭabaqāt al-Kubrā*, Vol. 8 (Beirut: Dār Ṣādir, 1990), 50.

⁴⁵ Sahih Bukhari, Book of Marriage, Hadith No. 5138.

⁴⁶ Sahih Bukhari, Book of Marriage

Under Indonesian positive law, no statutory provision explicitly prohibits marriage with the sister of a deceased spouse. Law No. 1 of 1974 recognizes the validity of marriage when conducted according to religious law, and the Compilation of Islamic Law (KHI) Articles 40 and 72 enumerate prohibitions relating to consanguinity, affinity, and fosterage without mentioning the sister of a deceased wife⁴⁷. Consequently, *turun ranjang* is legally valid within Indonesian law provided that all formal requirements are satisfied and the marriage is entered into freely.

Nevertheless, as demonstrated in the Jantho Sharia Court case, legality in form does not guarantee legitimacy in substance. A marriage conducted under emotional coercion fails to realize the objectives of Sharia and contradicts the ethical foundation of consent. In this context, the court's decision to grant *cerai gugat* reinforces that Indonesian Islamic family law does not merely regulate procedural compliance, but also protects substantive justice.

Thus, both from Islamic jurisprudence and Indonesian statutory law, *turun ranjang* occupies a conditional space of permissibility. It is lawful when grounded in mutual consent and aligned with maqāṣid considerations, yet it becomes morally and legally defective when coercion is present.⁴⁸ The broader normative principle, as emphasized in Islamic family law scholarship, is that marriage must uphold dignity, compassion, and voluntary commitment. Only under these conditions can it fulfill its intended social and spiritual purposes.⁴⁹

CONCLUSION

This study demonstrates that *turun ranjang* marriage is legally permissible under Islamic jurisprudence and Indonesian marriage law, yet its validity remains conditional upon the presence of genuine consent (*ridha*). The Jantho Sharia Court Decision No. 277/Pdt.G/2024/MS.Jth confirms that formal compliance with the pillars of marriage is insufficient when psychological coercion undermines substantive willingness. In this case, coercion did not invalidate the contract *ab initio*, but it contributed to continuous conflict that ultimately justified the granting of *cerai gugat* and the application of financial consequences before *dukhuḥ*.

⁴⁷ Law of the Republic of Indonesia Number 1 of 1974 on Marriage, State Gazette of the Republic of Indonesia Year 1974 Number 1; Compilation of Islamic Law (KHI), Presidential Instruction No. 1 of 1991, Articles 40 and 72.

⁴⁸ Yusuf al-Qaradawi, *Al-Halal wa al-Haram fi al-Islam* (Cairo: Dar al-Risalah, 1994), 208.

⁴⁹ Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia* (Jakarta: Kencana, 2007), 25.

The findings carry several practical implications. For judges of the Sharia Court, the case highlights the importance of examining not only procedural validity but also the factual context of consent and relational functionality. Psychological pressure should be carefully assessed as evidentiary material that may explain the breakdown of marital harmony. For the Office of Religious Affairs (KUA), preventive measures are crucial. Pre-marital counseling and verification of voluntary consent must be strengthened, particularly in cases involving turun ranjang or similar customary arrangements. For customary and community leaders, the study suggests that cultural continuity should not override individual autonomy; adat practices must remain aligned with the ethical principles of Islamic marriage.

This research is limited to a single judicial decision and a single locality in Aceh Besar. As a socio-legal case study, its findings cannot be generalized to all turun ranjang practices across Aceh or Indonesia. Future research may expand the scope by conducting comparative analyses of multiple Sharia Court decisions concerning similar disputes, or by undertaking ethnographic studies in several Acehnese districts to examine how customary expectations and consent interact in everyday practice. Such broader inquiry would deepen understanding of how Islamic family law operates at the intersection of doctrine, adjudication, and living tradition.

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