

Islamic Legal Perspectives on Mental Disorders as Grounds for Divorce

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Abstract

Mental health has significant implications for Islamic family law in modern society and have significant implications within the framework of Islamic family law. This study examines the legal and ethical status of individuals with mental disorders from the perspective of Islamic jurisprudence (fiqh), with particular focus on their marital capacity and the legitimacy of divorce. Employing a qualitative library-based research design, the study examines classical and contemporary sources of Islamic law alongside relevant Indonesian legislation. The findings demonstrate that mental disorders are recognized by scholars of the four major schools of thought as valid grounds for dissolving a marriage, reflecting the objectives of Islamic law (maqasid al-shariah) to preserve family harmony and individual welfare. Furthermore, Indonesian legal provisions, such as Article 44 of the Criminal Code, provide exceptions for individuals with mental disorders in criminal responsibility. This study concludes that Islamic law grants special status to individuals with mental disorders by exempting them from religious obligations due to the absence of complete intellect.

Keywords: *islamic Law; Divorce ; Mental Disorders*

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Introduction

Marriage is a fundamental social institution in Islam, envisioned as a sacred foundation for family life built upon love, compassion, and tranquility. This noble ideal is explicitly enshrined in the Qur'an (Surah Ar-Rum 30:21) and further reinforced in the Compilation of Islamic Law (Kompilasi Hukum Islam, Article 3), which defines marriage as a solemn union designed to create a harmonious, enduring, and spiritually fulfilling family life (Kesowo, 2021; Kementerian Agama RI, 2016). Within the Qur'anic worldview, marriage (nikāḥ) is portrayed not only as a human necessity but as a divine institution (sunnatullāh) that sustains the moral, emotional, and social fabric of civilization. It is an act of worship, a means of attaining spiritual tranquility (sakinah), affection (mawaddah), and mercy (rahmah)—qualities that signify both the metaphysical and social dimensions of human existence.

In classical Islamic jurisprudence, nikāḥ carries dual dimensions: it is simultaneously a civil contract (ʿaqd) and a sacred covenant (mīthāqan ghalīẓan). The Qur'an's description of marriage as a mīthāqan ghalīẓan (Qur'an, 4:21) conveys a profound moral gravity—signifying not merely a contract of consent but an enduring spiritual and ethical bond rooted in divine will. Islamic scholars such as Al-Zuhailī (n.d.) and Al-Amidi (n.d.) emphasize that the marriage covenant forms the cornerstone of social order, as it regulates lineage (nasab), inheritance, and the moral upbringing of future generations. Hence,

marriage in Islam transcends the boundaries of individual satisfaction; it becomes a social and theological commitment to preserving the divine order of creation.

The prophetic tradition reinforces this perspective by positioning marriage as an integral component of faith and moral discipline. The Prophet Muhammad (peace be upon him) declared, "Marriage is part of my Sunnah; whoever turns away from my Sunnah is not of me" (Ibn Majah, 1846). Through this hadith, marriage is elevated from a mere social transaction to an act of piety that fulfills both worldly and spiritual objectives. The union between husband and wife thus serves not only as a means of companionship but also as a vehicle for mutual spiritual growth, ethical refinement, and the preservation of chastity ('iffah). Within this framework, the family is envisioned as the first and most vital institution for nurturing moral character and transmitting faith-based values from one generation to another.

Furthermore, Islamic marriage law reflects a unique equilibrium between rights and responsibilities. Each spouse is granted specific entitlements, such as financial maintenance (nafaqah) and mutual respect, while also bearing corresponding duties that ensure the harmony of family life. The Qur'an's emphasis on mu'āsharah bi al-ma'rūf (living together in kindness) underscores this balance, making compassion and justice the twin pillars of conjugal relations. The Kompilasi Hukum Islam adopts this principle explicitly, defining marriage not merely as a legal relationship but as an ethical partnership designed to cultivate mutual respect, affection, and spiritual well-being (Kesowo, 2021).

Thus, from both theological and jurisprudential standpoints, marriage in Islam embodies a holistic vision that unites the physical, emotional, and spiritual dimensions of human life. It is both a means of social organization and a pathway to divine pleasure. In this sense, the family unit is not only the smallest cell of society but also a microcosm of moral order and divine harmony. The Qur'anic principles governing marriage reflect Islam's broader philosophy of life—anchored in balance (tawāzun), justice ('adl), and mercy (rahmah). These elements collectively affirm that marriage is more than a contractual arrangement; it is a sacred trust through which human beings participate in the divine project of maintaining social cohesion and moral rectitude.

However, despite the sacred vision and social importance of marriage in Islam, contemporary Muslim societies are increasingly witnessing complex challenges that threaten the stability and longevity of marital relationships. In recent decades, sociological and psychological data indicate a global rise in divorce rates, delayed marriages, and marital disharmony, even within predominantly Muslim communities where marriage is traditionally viewed as a spiritual obligation and moral safeguard (Hadikusuma, 2007). This phenomenon signifies a gradual transformation in the socio-cultural dynamics of marriage—one influenced by urbanization, economic pressures, individualism, and shifting perceptions of gender roles.

Among the many factors contributing to marital instability, mental health issues have emerged as one of the most significant yet often underestimated determinants. Psychological distress, depression, anxiety disorders, bipolar disorder, and schizophrenia can substantially affect marital functioning, emotional communication, and interpersonal harmony. When one or both partners experience mental disorders, the balance of mutual rights and responsibilities—essential to sustaining marital life—becomes severely disrupted. These conditions often lead to diminished emotional intimacy, difficulties in decision-making, and sometimes even the inability to provide emotional or financial support, which Islam considers an essential element of conjugal duty (nafaqah and mu'āsharah bi al-ma'rūf).

In the Indonesian legal context, individuals suffering from mental disorders are formally recognized as Orang Dengan Gangguan Jiwa (ODGJ) under Law No. 18 of 2014 on Mental Health, which provides a comprehensive framework for their protection, rehabilitation, and social reintegration. Despite this, the cultural stigma associated with mental illness remains pervasive. Many ODGJ individuals continue to experience social

exclusion, discrimination, and in some cases, forced confinement (pemasungan), all of which violate fundamental human rights (Ishbah, 2023). Such social attitudes not only aggravate psychological distress but also impede the fulfillment of familial and marital responsibilities.

In the context of marital relations, mental illness presents a unique and multifaceted challenge. On a practical level, it raises critical questions regarding consent, capacity, and accountability in the performance of legal acts such as marriage (nikāḥ) and divorce (ṭalāq). On an emotional level, it tests the resilience of spousal love, patience, and moral commitment—values deeply emphasized in Islamic ethics. When mental disorders interfere with a person's ability to comprehend, intend, or execute the legal and moral dimensions of marriage, the question arises: can such a union remain valid, or does it lose its juridical and moral basis? These are not merely legal inquiries but profound ethical and theological dilemmas that demand careful analysis through both Islamic jurisprudence and modern legal theory.

Moreover, the increasing recognition of mental health as a public concern reflects a paradigm shift in how societies, including Muslim-majority nations, perceive the human person. Historically, discussions on 'aql (reason) in classical Islamic scholarship were primarily theological and moral, focusing on the capacity for religious understanding and ethical discernment. In contrast, contemporary discourse situates 'aql within the broader interdisciplinary framework of psychology, psychiatry, and neuroscience. This intersection introduces new conceptual challenges for Islamic jurists (fuqahā'), requiring them to reinterpret the boundaries of legal responsibility (taklīf) in light of modern understandings of mental illness.

The implications of mental disorders in marital life extend beyond individual suffering—they affect entire families and, by extension, the moral health of society. A spouse living with untreated or severe psychological conditions may experience emotional withdrawal, aggression, or impulsive behavior, leading to chronic conflict and instability within the household. Children raised in such environments may also internalize psychological distress, perpetuating cycles of trauma that weaken the moral fabric of future generations. Thus, the issue of mental health within marriage transcends the private domain and becomes a matter of public ethics, social justice, and religious responsibility.

From a theological standpoint, the Qur'an and Hadith repeatedly emphasize the principles of compassion (rahmah), justice ('adl), and mutual support (ta'āwun) as the moral foundations of marriage. These values require that individuals facing mental illness be treated not with exclusion or contempt, but with empathy, patience, and care. The Prophet Muhammad (peace be upon him) exemplified such compassion in his dealings with people of varying intellectual and psychological capacities, reminding believers that mercy is the essence of faith. Within this moral vision, a spouse suffering from mental illness is not a burden to be discarded but a human soul deserving of protection and understanding.

Nevertheless, modern realities reveal a stark contrast between this ideal and actual practice. In many Muslim communities, mental disorders are still perceived through the lens of superstition or moral weakness, leading to neglect rather than care. The resulting gap between Islamic ethical ideals and societal behavior underscores the urgent need for an integrative legal and moral framework that addresses mental health within the context of family law. It also highlights the necessity for scholars, jurists, and policymakers to harmonize religious teachings with contemporary psychological knowledge to ensure that the sanctity of marriage is preserved while safeguarding the dignity and rights of mentally ill individuals.

This tension between ideal and reality forms one of the central motivations for the present study. By exploring the intersection between Islamic jurisprudence, mental health, and Indonesian law, the research aims to provide a more holistic understanding of how

mental illness affects marital capacity, rights, and obligations. It seeks to answer whether the presence of a mental disorder undermines the validity of marital consent or whether Islamic law offers mechanisms for compassion, guardianship, and protection that allow such individuals to participate meaningfully in marital life.

Furthermore, addressing mental health within the legal framework of marriage aligns with the broader objectives of *maqāṣid al-sharī'ah*—the higher purposes of Islamic law. These objectives include the protection of life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and dignity (*ḥifẓ al-'ird*). The recognition of mental health as integral to human well-being directly relates to these objectives, particularly *ḥifẓ al-'aql*, which underscores the preservation of sound reason as a prerequisite for moral and legal responsibility. Thus, the study situates the phenomenon of mental illness not merely as a medical condition but as a theological and jurisprudential concern that intersects with Islam's comprehensive vision of human welfare.

In summary, the growing prevalence of mental health challenges within marital relationships calls for a renewed scholarly engagement that bridges classical Islamic jurisprudence and contemporary understandings of mental well-being. The sacred institution of marriage—once viewed as the ultimate sanctuary of love and stability—is increasingly tested by psychological and emotional complexities that require both legal and pastoral solutions. Islamic law, with its inherent adaptability and moral depth, offers a rich foundation for addressing these challenges, provided it is interpreted through a compassionate and contextually aware lens. In this regard, the present study endeavors to illuminate how the principles of *'adl* (justice), *raḥmah* (mercy), and *maṣlaḥah* (public welfare) can guide the formation of equitable and humane responses to the realities of mental illness in marital life.

From the standpoint of Islamic jurisprudence (*fiqh*), the presence or absence of *'aql* (reason) occupies a central position in determining an individual's legal and moral responsibility. Within the classical legal tradition, *'aql* is not merely an intellectual or cognitive faculty; it is the defining attribute of human personhood, the seat of moral discernment, and the foundation of *taklīf*—the state of being accountable before God and subject to legal obligation. This conceptualization is deeply rooted in both Qur'anic revelation and prophetic tradition, which consistently emphasize the moral and spiritual significance of reason. The Qur'an describes the use of intellect as a mark of true faith, as in Surah Al-Baqarah (2:44) and Surah Yunus (10:100), where believers are encouraged to reflect (*yatafakkarūn*) and to understand (*ya'qilūn*) as signs of divine wisdom.

In classical Islamic legal theory (*uṣūl al-fiqh*), *'aql* is closely tied to the notion of *ahliyyah*—the capacity to possess rights (*ahliyyah al-wujūb*) and to perform legal acts (*ahliyyah al-adā'*). The degree to which a person possesses *'aql* determines their eligibility for both categories of capacity. As Al-Amidi (n.d.) explains in *Al-Iḥkām fī Uṣūl al-Aḥkām*, *ahliyyah al-wujūb* refers to the innate capacity of every human being to be the subject of legal rights and duties from the moment of existence, while *ahliyyah al-adā'* denotes the functional capacity to execute those duties through conscious intention and volition (p. 72). In this framework, individuals who are mentally impaired or suffer from cognitive disorders occupy an intermediate or restricted legal status, wherein their *ahliyyah al-wujūb* remains intact—they continue to possess inherent dignity and entitlement to rights—but their *ahliyyah al-adā'* may be suspended or limited due to the absence of sound reasoning.

This distinction is critical in understanding the jurisprudential treatment of mental disorders within Islamic law. Classical jurists such as Al-Zuhailī (n.d.) in *Al-Fiqh al-Islāmī wa Adillatuhu* and Ibn Qudāmah (n.d.) in *Rauḍatun al-Nāẓir* argue that the validity of all legal actions—including marriage, divorce, commercial transactions, and criminal responsibility—rests upon the presence of *'aql*. Without rational intent, the act loses its moral and legal substance, as Islam does not impose responsibility upon those who cannot comprehend the nature of their actions. The Prophet Muhammad (peace be upon him)

made this principle explicit in the hadith narrated by Abu Dawud (2002, p. 94): “The pen is lifted from three: from the sleeper until he awakes, from the child until he reaches puberty, and from the insane until he regains sanity.” This tradition forms a cornerstone of Islamic legal ethics, illustrating how divine justice is tempered by mercy and how moral accountability is proportionate to human capacity.

In the context of mental illness, therefore, Islamic law views the absence of ‘aql not as moral deficiency but as a condition that suspends legal responsibility (raf‘ al-taklīf). Such suspension, however, does not imply a withdrawal of rights or a diminution of human worth. On the contrary, as Rahayu (2009) and Ardani (2008) emphasize, the exemption from taklīf represents an act of divine compassion that safeguards individuals from unjust burden. Islam acknowledges that reason is a divine gift and that its impairment necessitates mercy, not punishment. This theological insight aligns closely with the broader principle of ‘adl (justice), which demands that accountability be based on capacity rather than abstract obligation.

The application of this principle to marital law reveals the nuanced sophistication of Islamic jurisprudence. Marriage (nikāḥ), in its legal sense, is a contract (‘aqd) requiring mutual consent (tarāḍī) expressed by competent parties. The validity of such consent hinges upon the existence of ‘aql, for without understanding and volition, the act cannot be deemed a true contractual agreement. Consequently, most classical jurists agree that the marriage of an individual suffering from severe mental disorder is invalid unless performed under specific guardianship arrangements that ensure the individual’s welfare. In such cases, the guardian (walī) may act in the best interest of the mentally ill person, provided that the marriage serves a legitimate benefit (maṣlaḥah) and does not expose either party to harm (ḍarar).

Al-Zuhailī (n.d., p. 2972) elaborates that while the mentally impaired may be restricted from independent contractual actions, their inherent dignity as human beings requires that they remain subjects of care, protection, and social inclusion. This understanding reinforces the dual nature of ahliyyah—the inalienable possession of rights and the contingent capacity to exercise them. Similarly, Al-‘Uthaymīn (2008) and Al-Nawawī (1423 H) emphasize that the moral measure of Islamic law lies in its balance between obligation and compassion, ensuring that legal rulings reflect both divine justice and human vulnerability.

The Qur’anic and prophetic emphasis on reason as the locus of responsibility also illuminates Islam’s holistic view of human psychology. The Qur’an’s reference to those who are lā ya‘qilūn (“do not reason”) in multiple verses is not a condemnation of intellectual deficiency but a moral critique of willful ignorance. In contrast, individuals who lose reason involuntarily due to illness are portrayed as recipients of divine mercy. As noted in Surah Al-Baqarah (2:10), “In their hearts is a disease, and Allah increases their disease,” the relationship between intellect and morality is seen as reciprocal: the soundness of one’s reason is both a cause and a reflection of spiritual health. Hence, the impairment of ‘aql through mental disorder suspends responsibility but does not negate spiritual worth.

This theological sensitivity distinguishes Islamic jurisprudence from purely positivist legal systems, which often treat mental incapacity solely in procedural terms. In Islam, the doctrine of taklīf situates law within a moral and metaphysical framework that recognizes the divine origin of justice. The legal exemption of the insane or mentally impaired is thus an ethical necessity grounded in the recognition of human limitation (‘ajz insānī). As Dajadja (1985, p. 33–50) and Kumkelo (2015, p. 56) argue, this dimension of mercy within law transforms Islamic jurisprudence into a dynamic system that harmonizes moral conscience with social order.

In contemporary application, these classical concepts retain profound relevance. Modern legal scholars have observed that the Islamic notion of ahliyyah parallels the

Western concept of “legal capacity” but is broader in its spiritual and ethical implications. Whereas secular law confines capacity to rational decision-making ability, Islamic law extends it to encompass moral intent and divine accountability. This holistic framework allows Islamic jurisprudence to engage meaningfully with current debates on mental health, human rights, and disability justice. It also provides an ethical foundation for legal reforms aimed at protecting the rights of ODGJ while maintaining fidelity to the principles of *maqāṣid al-sharīʿah*.

Furthermore, understanding the interdependence of *ʿaql*, *taklīf*, and *ahliyyah* sheds light on the theological rationale behind the compassionate treatment of ODGJ in both religious and civil contexts. The suspension of legal responsibility does not entail social marginalization but rather obligates the community (*ummah*) and the state to provide care, guardianship, and protection. This aligns with the prophetic injunction, “The believers, in their mutual compassion, love, and kindness, are like one body; when one limb suffers, the whole body responds with wakefulness and fever” (Muslim, *Ṣaḥīḥ Muslim*). Thus, the jurisprudential framework of *ʿaql* and *taklīf* integrates law, ethics, and social welfare into a unified vision of justice that is both divinely inspired and profoundly humane.

Research Methods

This study employs a qualitative, library-based research design characterized by an interpretive and analytical orientation, which is particularly well-suited for the investigation of legal and theological phenomena. The qualitative approach allows for a nuanced exploration of meanings, principles, and values embedded within authoritative Islamic legal sources, thus facilitating a deeper understanding of how mental competence (*ʿaql*) and legal capacity (*ahliyyah*) are conceptualized in the context of marriage and divorce. Rather than relying on numerical data or empirical generalizations, this research emphasizes the interpretation of texts and doctrines, enabling the articulation of conceptual linkages between classical Islamic jurisprudence and contemporary legal realities. Hence, the methodological choice reflects the epistemological nature of Islamic legal studies, where reasoning (*ijtihād*) and textual engagement (*taʾammul*) remain central to scholarly inquiry.

The implementation of this method aims to address the central research question concerning the legal status of individuals with mental disorders (ODGJ) in Islamic jurisprudence and its implications for marital law. The approach prioritizes both normative and interpretive reasoning, thereby ensuring that conclusions are firmly grounded in scriptural evidence and jurisprudential consistency. This process involves examining legal texts not merely as historical artifacts, but as living sources of moral and ethical guidance capable of informing modern legal frameworks.

The data sources are divided into primary and secondary categories, each providing distinct yet interrelated dimensions of analysis. The primary sources comprise classical works of Islamic jurisprudence and philosophy, including *al-Tibb al-Rūḥānī* by Ibn Qayyim al-Jawziyyah, *al-Qānūn fī al-Ṭibb* by Ibn Sīnā, and *al-Fiqh al-Islāmī wa Adillatuhu* by Wahbah al-Zuhaylī. These seminal texts are indispensable for tracing the intellectual genealogy of how Muslim scholars historically perceived mental disorders, assessed moral responsibility, and delineated the boundaries of legal capacity. The secondary sources, on the other hand, include contemporary academic works—peer-reviewed journal articles, legal commentaries, statutory analyses, and scholarly monographs—that reinterpret classical doctrines in light of present-day discussions on mental health, personal rights, and family law. This dual-source structure ensures that the research achieves both historical

depth and contemporary relevance, bridging the gap between traditional jurisprudence and modern socio-legal contexts.

Data collection is carried out through a systematic document analysis technique, which involves a sequence of comprehensive reading, critical note-taking, and thematic coding of textual materials. Each selected source is examined for its doctrinal reasoning, interpretive nuances, and contextual implications. The materials are then organized around core jurisprudential concepts such as *ahliyyah* (legal capacity), *‘aql* (reason and mental competence), *asbāb al-fasakh* (grounds for dissolution of marriage), and marital rights and obligations. Throughout this stage, particular attention is paid to identifying the interpretive consistency between classical *fiqh* doctrines and their modern counterparts within Indonesian positive law. The process also incorporates comparative analysis across different schools of Islamic jurisprudence to reveal both the diversity and the unity of Islamic legal thought concerning mental incapacity.

For data analysis, this study utilizes a qualitative content analysis framework that integrates descriptive, interpretive, and critical dimensions. The analytical process unfolds in several interrelated stages. The first stage, data reduction, involves filtering and refining materials to ensure analytical precision and thematic coherence. The second stage, thematic categorization, groups related arguments and legal opinions under broader conceptual domains. The third stage, interpretive analysis, applies the theoretical lenses of *qawā'id fihiyyah* (juridical maxims) and *maqāṣid al-sharī'ah* (higher objectives of Islamic law) to extract normative principles underlying the juristic treatment of mental disorders. Finally, the synthesis stage integrates insights from classical jurisprudence and modern statutory interpretations, generating a holistic understanding of how the law conceptualizes accountability, protection, and human dignity in cases involving individuals with mental illness.

This methodological framework enables the research to maintain a balance between textual fidelity and contextual adaptation. It does not merely reproduce what the jurists have stated but critically engages with their reasoning, assessing its relevance in addressing modern legal challenges. By interpreting the jurisprudential discourse through both theological and humanitarian lenses, the study seeks to illuminate the moral and ethical logic that informs Islamic law's compassionate treatment of those with mental impairments. The analytical trajectory thus moves from descriptive documentation toward normative reconstruction, allowing for a comprehensive synthesis that bridges the intellectual legacy of the classical tradition with the demands of contemporary legal systems.

In conclusion, this research method provides a robust and integrative framework for examining the legal and ethical dimensions of mental incapacity in Islamic jurisprudence. By combining rigorous textual exegesis with interpretive reasoning and contextual analysis, the study not only clarifies doctrinal positions but also contributes to the ongoing discourse on how Islamic law can remain responsive to evolving understandings of human psychology, dignity, and social justice. Consequently, the methodology embodies both continuity and reform, reaffirming the relevance of Islamic jurisprudence as a dynamic, living system that harmonizes divine justice (*‘adl ilāhī*) with human compassion (*raḥmah insāniyyah*).

Results and Discussion

This section presents and comprehensively analyzes the results of the study, aiming to provide an in-depth and holistic response to the research questions formulated in the introduction. The analytical discussion is structured to offer not only descriptive explanations but also interpretive insights that connect theoretical, normative, and empirical dimensions of the issue. Each major finding is carefully interpreted and supported by textual evidence drawn from authoritative sources of Islamic jurisprudence, statutory materials, and relevant scholarly interpretations. Such an integrative and multidisciplinary

approach ensures that every conclusion is firmly grounded in both normative reasoning and the wider corpus of doctrinal, historical, and empirical documentation. Through this synthesis, the research attempts to construct a nuanced understanding of how classical Islamic law interacts with modern legal systems in addressing the rights and responsibilities of individuals with mental disorders (ODGJ). Overall, the findings reveal complex yet coherent dimensions of the legal status of ODGJ, reflecting deep intersections between theology, law, and moral philosophy, as well as the humanistic ethics that underpin both religious and civil jurisprudence.

Within the framework of Islamic jurisprudence, the study demonstrates that individuals suffering from mental disorders are not categorized as *mukallaf*, namely those upon whom religious and legal obligations are imposed. This classification is primarily due to the absence or impairment of *'aql* (reason), which in Islamic thought represents far more than a mere intellectual or cognitive faculty. In the classical Islamic worldview, *'aql* embodies the unity of rational, moral, and spiritual dimensions of human consciousness—it is the instrument through which individuals discern good from evil, truth from falsehood, and justice from injustice. Therefore, the absence of sound reasoning capacity nullifies *taklif* (legal and moral responsibility), absolving such individuals from religious duties and legal penalties. This principle is deeply rooted in the Prophetic tradition, as reflected in the hadith stating that “the pen is lifted from those who are insane until they regain sanity” (Abu Dawud, 2002, p. 94). This tradition not only codifies a legal exemption but also encapsulates the essence of divine compassion and the recognition of human limitation. The Qur’ān further affirms this ethical stance in multiple verses, including Surah al-Baqarah (2:10), which symbolically links the state of one’s heart and intellect with moral accountability (Kementerian Agama RI, 2016, p. 3). Such interconnectedness between mental capacity and ethical responsibility reveals Islam’s comprehensive conception of justice as both rational and spiritual.

This conceptual framework has been elaborated and supported by numerous Muslim scholars and jurists across centuries. Figures such as Ardani (2008, p. 45) and Rahayu (2009, pp. 136–137) emphasize that individuals with mental disorders are exempt from religious obligations not as a means of exclusion, but as a compassionate acknowledgment of the natural limitations imposed by their condition. This scholarly consensus reinforces the principle of *'adl* (justice), ensuring that no individual is held accountable for actions that transcend their cognitive or psychological capacity. In doing so, Islamic jurisprudence affirms that accountability is inherently tied to conscious intent (*niyyah*) and rational discernment (*idrak*). Consequently, the treatment of ODGJ in Islamic law represents not only a legal accommodation but also a moral reflection of divine empathy. This perspective reveals that reason and responsibility are viewed as inseparable foundations of moral agency within Islam, making the law both a protector of rights and a manifestation of compassion. Thus, the Islamic legal system demonstrates a profound ethical depth, balancing divine justice (*'adl ilāhī*) with human welfare (*maslahah insāniyyah*).

From the perspective of Indonesia’s positive law, the findings of this research indicate a remarkable resonance with Islamic moral principles. Indonesia’s legal framework acknowledges that individuals with mental disorders are subjects of law (*rechtssubjecten*), thereby maintaining their inherent human rights and dignity, even as they may be exempt from criminal liability under certain conditions of mental incapacity. This legal recognition illustrates that the state, in upholding human rights, does not negate the personhood of individuals with psychological disorders. Instead, it affirms the duty of society to offer protection and fair treatment. Law No. 18 of 2014 on Mental Health (p. 2) and the more recent Penal Code, Law No. 1 of 2023 (p. 13), explicitly articulate these protections. Article 44 of the former Penal Code states that those suffering from mental disorders cannot be held criminally responsible for actions committed during episodes of insanity, thereby formalizing the doctrine of moral incapacity within positive law. This codification

demonstrates that justice in Indonesia's legal system is not punitive but rehabilitative and protective in nature.

Furthermore, this convergence between Islamic jurisprudence and Indonesia's modern legal system underscores a shared philosophical foundation that values fairness, mercy, and respect for human vulnerability. Scholars such as Winaholisah and Romziatussaadah (2021, p. 9) observe that this harmony reflects a living continuity between classical Islamic principles and contemporary humanitarian ethics. Both frameworks promote the idea that law must function not merely as a mechanism of social control, but as an instrument of compassion and moral responsibility. The Indonesian legal structure thus resonates with the Qur'ānic spirit of protecting human dignity, embodying ethical ideals such as *iḥsān* (benevolence) and *rahmah* (mercy) in practical governance. By aligning itself with these values, Indonesian law contributes to a more humane conception of justice that transcends retribution and seeks to preserve the inherent worth of every individual.

Beyond the legal sphere, this study also illuminates a crucial theological and eschatological dimension concerning the fate of individuals with mental disorders. Islamic scholarship does not confine the discussion of mental incapacity to temporal justice; it extends into the metaphysical domain of divine judgment and mercy. Prominent classical scholars such as Ibn Qudāmah (n.d., p. 167) and al-ʿUthaymīn (2008, pp. 93–95) assert that ODGJ will not be held accountable in the Hereafter, as they lack the condition of *taklīf*. This position is grounded in the Qur'ānic principle of *ʿadl ilāhī*—that God does not burden a soul beyond its capacity (Surah al-Baqarah 2:286)—thereby affirming the inseparability of justice and compassion in divine law. The theological implication of this view is profound: divine judgment, unlike human systems, operates not on rigid criteria but on an infinite awareness of human frailty. It reflects Islam's assurance that every human being will be treated with fairness, understanding, and mercy in accordance with their true capacities and circumstances.

Other scholars, such as al-Nawawī (1423 H, pp. 201–205), present alternative perspectives, proposing that the afterlife fate of individuals with mental disorders may depend on external factors such as the faith of their parents or the moral orientation of their community. This view draws connections with broader theological debates about the fate of those who die before reaching maturity or without receiving divine revelation. The plurality of these interpretations reveals the intellectual dynamism of Islamic thought, which accommodates diversity in interpreting complex moral issues. Such theological debates enrich Islamic jurisprudence, showing that the treatment of mental disorder cannot be reduced to a purely legalistic matter, but requires a deeper engagement with the moral and spiritual dimensions of human existence. The Qur'ānic worldview, together with the Sunnah and juristic reasoning, thus integrates law, ethics, and theology into a unified system that affirms the sanctity and dignity of life in all its forms.

In conclusion, this study affirms that individuals with mental disorders occupy a distinct, protected, and honorable position within both Islamic and Indonesian legal frameworks. Their exemption from certain religious and criminal responsibilities is not an exclusion but an ethical acknowledgment of divine and human compassion. Both legal traditions—religious and national—are deeply rooted in the principles of *ʿadl* (justice), *rahmah* (mercy), and *iḥsān* (benevolence), reflecting an enduring commitment to protecting human dignity and preventing harm to the vulnerable. The convergence between classical fiqh doctrines and contemporary legislative frameworks demonstrates the timeless relevance of Islamic jurisprudence in informing modern human rights discourse and shaping a morally sensitive legal order. By harmonizing religious insight with positive law, this study contributes to a deeper understanding of justice as a multidimensional ideal—one that not only safeguards rights and promotes fairness but also nurtures empathy, respect, and care for those with limited mental capacity. In doing so, it reaffirms that the ultimate purpose of law, whether divine or civil, is the preservation of human dignity, the alleviation of suffering, and the realization of a compassionate society

(Dajadjat, 1985, pp. 33–50; Ariadi, 2013, p. 124; Said Bargasy, 2015, pp. 197–205; Kumkelo, 2015, p. 56; Ishbah, 2023, pp. 1–4).

Conclusion

Based on the overall analysis and findings, this study concludes that individuals with mental disorders (Orang Dengan Gangguan Jiwa—ODGJ) occupy a distinctive and protected legal status within the framework of Islamic jurisprudence. Their position is characterized by exemption from religious obligations (*taklīf syarʿī*) due to the absence or impairment of rational capacity (*ʿaql*), which serves as the essential foundation of moral and legal accountability in Islam. This lack of legal capacity does not negate their personhood; rather, it affirms a compassionate legal stance that acknowledges human limitations while safeguarding their inherent dignity. Within the Islamic legal tradition, such individuals are shielded from criminal punishment arising from mental incapacity and are instead granted the right to protection, welfare, and humane treatment, reflecting Islam's holistic vision of justice and mercy.

Furthermore, this study establishes that ODGJ, despite being exempt from legal and religious accountability, are still entitled to fundamental human rights, including the right to dignity, safety, and freedom from humiliation, slander, or social exclusion. These protections arise not merely from ethical norms but from the very objectives of Islamic law (*maqāṣid al-sharīʿah*), which prioritize the preservation of religion (*dīn*), life (*nafs*), intellect (*ʿaql*), lineage (*nasl*), and property (*māl*). The alignment between these objectives and the treatment of individuals with mental disorders illustrates the inherent humanity embedded in Islamic legal reasoning. It also reinforces that the preservation of intellect includes protecting those whose intellect is impaired, ensuring that legal and moral obligations remain consistent with divine justice (*ʿadl ilāhī*).

The findings also confirm that scholars across the four major schools of Islamic jurisprudence—Hanafi, Maliki, Shafi'i, and Hanbali—universally recognize mental illness as a legitimate cause for divorce (*faskh al-nikāḥ*). This consensus reflects a balance between compassion and justice in marital law, ensuring that both partners' well-being and rights are preserved. Such rulings are not only legal in nature but also reflect the ethical dimensions of *maqāṣid al-sharīʿah*, which aim to maintain harmony within family and social structures while preventing harm (*darar*).

By addressing these dimensions, the study successfully fulfills its research objective of elucidating the legal and ethical status of ODGJ in Islamic jurisprudence. It provides a comprehensive understanding of how Islamic law, with its deeply moral and humanistic orientation, accommodates individuals with mental disorders through principles of fairness, mercy, and protection. The integration of theological, legal, and humanitarian perspectives contributes to contemporary discussions on human rights and mental health, offering a meaningful bridge between classical jurisprudence and modern legal frameworks.

In conclusion, the research affirms that the Islamic legal tradition provides not only a theological justification but also a moral framework for the protection and inclusion of individuals with mental disorders. This framework embodies the essence of *raḥmah* (divine compassion) and *ʿadl* (justice), serving as a timeless reference for modern legal systems seeking to promote equality and dignity for vulnerable populations. Future research is encouraged to expand upon these findings by exploring how the principles of *maqāṣid al-*

sharī'ah can be operationalized within contemporary legal and social policies. Such efforts would further strengthen institutional protection for ODGJ and contribute to a more humane, integrative, and just society that aligns both divine and human values.

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