

Iffaty Nasyiah¹, Risma Nur Arifah²

TYOLOGY OF PSYCHOLOGICAL VIOLENCE IN MAQASHID SHARIA PERSPECTIVE

^{1,2}UTN Maulana Malik Ibrahim

Email: iffaty.nasyiah@syariah.uin-malang.ac.id¹,
mrs_reyzma@syariah.uin-malang.ac.id²

Received:
2024-05-28

**Received in revised
form:**
2024-06-15

Accepted:
2024-10-04

Available online:
2024-12-02

Abstract: *Psychological violence in the household is a criminal offense that has not been explained with certainty. The PKDRT Law itself only explains the formulation of the consequences of psychological violence. Thus, it is important to create a typology of this form of psychological violence. This is also the case in Islam. This research aims to analyze the typology of psychological violence from the perspective of maqashid sharia. The type of research used is normative legal research with a conceptual approach. The results show that in the perspective of maqashid sharia, the creation of a typology of psychological violence in the household is a necessity that brings maslahab. In the level of benefit, the determination of this guideline becomes very important and occupies the hajjiyat level because it is related to the need to create convenience in overcoming difficulties. In the context of psychological violence, the difficulty that arises is how to detect the form of psychological violence itself. The creation of guidelines regarding the typology of psychological violence creates legal certainty for perpetrators and victims, realizing justice and legal protection for victims.*

Keywords: *Psychological Violence; Court Decision; Maqashid Syariah.*

INTRODUCTION

Domestic violence does not only occur in Indonesia, but also occurs throughout the world and is a common concern, one example is psychological violence. This can be seen from several conventions that regulate it such as the International Human Rights convention "*Universal Declaration of Human Rights (UDHR)*, *the International Covenant on Civil and Political Rights (ICCPR)*, *the International Covenant on Economic, Social and Cultural Rights (ICESCR)* and most recently regulated in the *International Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)*. At a practical level, almost all countries, in their laws, recognize that psychological violence is part of domestic violence (Htun & Jensenius, 2020).

Highlighting that psychological violence is ironically most prevalent in the domestic environment (Postmus et al., 2020). This statement is supported by the gap between the number of court decisions and the number of cases reported to agencies focused on addressing domestic violence or gender-related issues. For example, data for 2022 shows a significant gap between cases reported to relevant agencies, indicating underreporting and insufficient legal follow-up ("2022 Data," 2023). Eli Hendalia (Hendalia, 2011) Eli Hendalia (Hendalia, 2011) explains that the difference in handling domestic violence is due to, 1) the lack of understanding of law enforcement officials on the limits of domestic violence; 2) the lack of involvement of expert witnesses in the examination of domestic violence cases; 3) women choose not to report domestic violence to law enforcement officials. Often the perpetrators and victims of psychological violence do not realize that there has been a criminal incident between them. Victims themselves are often just silent (*suffering in silence*) because they do not feel they are victims of criminal acts of violence. This is because the psychological impact on victims appears slowly and is strongly influenced by the subjective condition of the victim.

The consequences of violence are also regulated in Article 7 of the PKDRT Law, which explains, "Psychological violence as referred to in Article 5 letter b is an act that causes fear, loss of self-confidence, loss of ability to act, helplessness, and/or severe psychological suffering in a person". Several cases clearly show the negative impact of psychological violence in the household, for example, a case in Jakarta in 2022 involved a wife who experienced psychological violence from her husband, which caused the victim to suffer from severe depression and loss of confidence. The case was handled by the Central Jakarta District Court, which ultimately ruled in favor of protection and counseling for the victim and punishment for the perpetrator (Roni, n.d.). Another example is a case in Surabaya, where the husband was the victim of psychological violence from his wife, which resulted in a loss of ability to work and a sense of helplessness. The case was resolved at the Surabaya District Court with a decision that led to psychological rehabilitation for the victim and mediation to avoid further violence (Fatakh, 2022).

The issue of domestic violence is a very dynamic object of study because every year issues of violence in the family are always a concern, both in the national and international spheres. Many studies discuss psychological violence such as research conducted by M.G.

Sopacua which outlines the various types of domestic violence accommodated in the PKDRT Law as a guideline for the ideal concept of preventing domestic violence that must be understood by law enforcement officials (Sopacua, 2022). S. Hidayat's research also shows the provisions of domestic violence in positive law that have a correlation with the concept of *nusyuz* (Hidayat, 2022). Furthermore, the research of MD. Ahshanul Haque et.al showed that economic problems in the family that are decreasing fluctuatively become the potential for domestic violence in the majority of families in Bangladesh (Haque et al., 2022). Finally, research from K. Leila et.al shows the importance of mentoring programs for survivors in order to prevent domestic violence in the family sphere (Wood et al., 2022). However, research that specifically connects psychological violence through tracing court decisions with *maqashid sharia* (Ramadhita et al., 2022). was only conducted in this study. Therefore, this research is expected to contribute new insights and understanding in strengthening the protection of victims from forms of psychological violence that can undermine the principles of *maqashid sharia* (Mr & Noor, 2014).

RESEARCH METHOD

This research is normative legal research, and uses positive law and Islamic law approaches, focusing on *maqashid sharia* to understand and overcome psychological violence (Gumanti, 2018). *Maqashid sharia*, which emphasizes the purpose of the law, is an important basis for *ijtihad* to answer legal issues that are not explicitly regulated by the Qur'an and al-Hadith (Bakry, 2019). This approach helps assess the relevance of the law in the context of social change and supports strategies for the prevention, protection and recovery of psychological violence. This research strengthens the analysis of positive law with an Islamic legal perspective, highlights the importance of treating wives gently according to Islamic teachings, and addresses distorted understandings of women.

RESULT AND DISCUSSION

Forms of Psychological Abuse in Court Decisions

Marriage is a dynamic romantic relationship in which there are conflicts with various causes. One of them is the difference in perspective on the behavior of the spouse, which can sometimes lead to domestic violence. These conflicts can be deadlocked in their resolution so that they become bigger and very disruptive to the marital relationship and lead to the occurrence of domestic violence, and can involve physical, sexual, psychological and financial components (Devries et al., 2013).

In particular, psychological violence because this violence focuses on the consequences as described in the introduction. Psychological violence can be divided into two definitions: violence and psychic. Violence (*vilonce*) is an attack or invasion (*assult*) on a person's physical or psychological mental integrity. Psychic, on the other hand, is the human psyche or the study of the human psyche and mentality. Psychic does not study the soul or mentality directly, because of its abstract nature, but psychic limits the manifestation and expression of the soul or mentality, namely in the form of behavior, and its processes or activities

(Fatakh, 2022). The Indonesian Dictionary also explains that violence comes from the word *keras*, which among its meanings is not merciful; not gentle. Meanwhile, violence means the nature (thing) of being hard; force (Language Development and Guidance Agency, n.d.).

Psychological abuse can lead to trauma such as anxiety, depression, *post-traumatic stress disorder*, and even suicidal thoughts (Costello & Greenwald, 2022).. In addition, the psychological suffering experienced can also have a *psychosomatic* impact, which is an illness that has no clear medical cause (Apriliandra & Krisnani, 2021). SIMFONI data from the Ministry of Women's Empowerment and Child Protection, recorded a total of 29,648 cases of violence with 4,634 male victims and 25,050 female victims. The types of violence experienced by victims include physical violence in 9,545 cases, psychological violence in 9,021 cases, sexual violence in 11,682 cases, and neglect in 2,883 cases. The data also shows that the most violence occurred in the domestic sphere, totaling 16,902 cases ("Data 2022," 2023).

The National Commission on Violence against Women noted that in 2021 there were 338,496 cases of violence against women. This data was obtained from Komnas Perempuan, service organizations, and the Religious Courts Agency (Badilag). In 2022, the number of cases increased to 457,895. This figure includes all violence against women, both inside and outside the household. According to data from the Supreme Court's decision directory, in 2020, there were 406 cases of domestic violence decided by the court from all forms of violence, while only 31 cases of psychological violence were decided. In 2021, the number of domestic violence cases decided by the court slightly increased to 394, but there were only 30 decisions for cases of psychological violence. This data shows that many cases of domestic violence are not reported as a criminal offense but are only reported to institutions that focus on the protection of women. It can be argued that the number of cases decided by the courts is actually the culmination of a much larger number of cases. Many cases of domestic violence are not criminalized, but simply used as grounds for divorce. This can be seen from a search of the Supreme Court directory, where there were 27,427 divorce cases caused by domestic violence.

Psychological violence can take the form of threats, intimidation, humiliation, and emotional manipulation aimed at controlling, degrading, or psychologically harming the victim. The crime refers to one of the WHO indicators that psychological violence is an act that harms psychology and is part of domestic violence because the act harms the soul and mentality of the victim (Stewart & Robinson, 1998). According to LM. Howard et.al through his research, identified physical violence treatment in domestic violence is always accompanied by psychological violence to attack the soul and degrade the victim's mentality (Fischbach & Herbert, 1997).

The forms of psychological violence are very diverse, such as threatening, denial, infidelity, *coercive* control (Callaghan et al., 2015) and *the silent treatment* (What Couples Need to Know About the Silent Treatment, n.d).. In a study conducted by Haiyun Nisa, five forms of psychological violence were obtained, namely: infidelity, limiting activities (*coercive*

control), neglect, *blaming (blamming)* and finally verbal violence. Meanwhile, according to Resa Rionika and Rusdian Noor Dermawan (Rionika & Dermawan, 2019) the forms of psychological violence are as follows: 1). Verbal violence; 2). Abuse; 3). Emotional abuse, such as creating fear and worry; 4). coercive control such as depriving pleasure and supervising too closely; and 5). Coercion.

In this study, researchers presented the results of a search from the directory of the Supreme Court of the Republic of Indonesia in 2020 and 2021 which decided cases of psychological violence. The results obtained are summarized in the table below:

Table 1.1

Forms of Psychological Violence in Court Decisions 2020-2021

No	Hardness Type	Court Decisions	Total
1	Insult/Verbal Abuse	1. No. 161/Pid.Sus/2020/ PN. Kwg 2. No. 182/Pid.Sus/2021/ PN Clp 3. No. 54-K / PM II-09 / AD/ III / 2021	3 Decision (Case)
2	Threatening	1. No. 200/Pid.Sus/2021/PN Clp 2. No.162/Pid.Sus/2020/PN Lwk 3. No. 33 /Pid.Sus/2020/PN. Mgn 4. No. 506/Pid.Sus/2020/PN Mre 5. No. 88/Pid.B/2021/PN Mre 6. No. 184 / Pid.Sus/2014/ PN Ktp 7. No. 149/Pid.Sus/2021/PN Lsm	8 Decisions (Cases)
3	Infidelity	1. No. 2192/Pid.Sus/2020/ PN. Mdn 2. No. 506/Pid.Sus/2021/PN Mre 3. No. 578/Pid.Sus/2021/PN Dps	3 Decision (Case)
4	Neglect	1. No. 506/Pid.Sus/2021/PN Mre 2. No. 179/Pid.Sus/2021/PN Tbt 3. No. 54-K / PM II-09 / AD/ III / 2021 4. No. 298/Pid.Sus/2020/PN Mdn 5. No. 2192/Pid.Sus/2020/ PN. Mdn	5 Decisions (Cases)
5	Disavowal	1. No. 965 / Pid.Sus / 2019 / PN Jkt.Se 2. No. 298/Pid.Sus/2020/PN Mdn	2 Decision (Case)

6	Silence	1. No. XX/Pid.Sus/2021/PN Nab 2. No. 298/Pid.Sus/2020/PN Mdn	2 Decision (Case)
7	Physical Abuse that Causes Fear, Anxiety	1. No. 3/Pid.Sus/2020/PN.Bjr	1 Decision (Case)

Based on the table above, we can obtain the forms of psychological violence, among others:

Verbal Abuse. *Verbal abuse* is any speech directed at someone that may be perceived as demeaning, disrespectful, insulting, intimidating, racist, sexist, homophobic, ageist or blasphemous. This includes making sarcastic remarks, using a demeaning tone of voice or using excessive and unwanted familiarity (Brick et al., 2022). Erniwati and Fitriani mentioned that verbal violence is carried out through speech, namely yelling, cursing, insulting, scoffing, shouting, slandering and saying harsh words and humiliating someone in public with harsh words (Erniwati & Fitriani, 2020).

In decisions Number 161/Pid.Sus/2020/ PN Kwg, Number 182/Pid.Sus/2021/ PN Clp, and Number 54-K/ PM II-09/AD/III/2021, the judge found the defendants guilty of psychological violence. In the chronology of the three cases, the defendants acted by saying bad words to their spouses, stepchildren and parents. Often, the consequences of verbal abuse are worse than physical abuse because it is a form of psychological abuse. This type of violence attacks a person emotionally and mentally. In a broader concept, verbal abuse can even be considered as child maltreatment and damages a child's self-development and social competence, as well as his or her psychological patterns (Hastasari et al., 2022). As in the case above, which caused the child to think about committing suicide due to verbal violence committed by his stepmother, namely in decision Number 54-K / PM II-09 / AD / III / 2021.

According to research by Chiesa et.al, children in families affected by psychological violence directly or indirectly increase the prevalence of children's mental problems in their developmental years (Chiesa et al., 2018).. Acts of psychological violence in a family also have an impact on the growth and development of children within the family. As Goldner's research shows, in some cases of psychological violence, children are always involved in the realm of the crime (Sanches & John, 2019). Children who directly witness acts of psychological violence will affect their thinking and have an impact on *mental* health problems (MacMillan et al., 2013).. In fact, the case chronology tells that the child wanted to commit suicide because of domestic violence committed by his stepmother. The stepmother committed verbal violence and physical violence by limiting food to only one meal a day. If this verbal violence happens to the wife as a victim, it can mentally degrade her and lead to psychological degradation and severe depression (Bonomi et al., 2006). This can reduce her ability to carry out her functions in organizing and managing the household.

The second form of violence contained in the table is *threatening*. Threats were the most common form of psychological violence. Of the 20 decisions studied, there were seven cases of threatening. For example, decision number 200/Pid.Sus/2021/PN Clp and decision number 162/Pid.Sus/2020/PN Lwk. Threats can use words or verbally and can also use weapons. The PKDRT Law does not explain this threat. However, it can be understood through Article 335 paragraph (1) and (2) of the Criminal Code which reads: (1) "Whoever illegally forces another person to do, not to do or to tolerate any act by force, by any other act or by threat of force, threat of any other act, will do the act, either against that person or against another person; (2) whoever forces another person by threat of verbal defamation or written defamation to do, not to do or to tolerate any act". By looking at this Article 335, the form of threatening can be equated with the form of coercion contained in Article 335 because it contains the same intention, namely to make the victim do something according to the wishes of the perpetrator.

In one of the case chronologies, the defendant forced his wife with a machete to show him where his wife's securities were kept. The criminal offenses imposed by the judges in the table above, some of them actually committed more than one domestic violence crime at once. For example in decision Number 298/Pid.Sus/2020/PN Mdn. In the case of his position, the defendant or perpetrator committed acts of neglect and denial by not recognizing the child in his wife's womb.

The next form of psychological violence is *infidelity*. Infidelity is also a reason for judges to sentence psychological violence. Infidelity cases were obtained from decision Number 2192/Pid.Sus/2020/ PN. Mdn, decision Number 506/Pid.Sus/2021/PN Mre and decision Number 578/Pid.Sus/2021/PN Dps. The judge determined that the defendant had committed psychological violence based on the wife's condition of depression based on medical evidence.

Marital infidelity is considered to cause psychological suffering to the spouse because the act creates jealousy by attacking feelings and thoughts, making the spouse feel ashamed in the neighborhood and family. Spouses who are harmed in infidelity will be plagued by frustration, discomfort, anger, and helplessness resulting in sadness because they feel humiliated by their partner's actions (Shrout & Weigel, 2020).

The fourth form of psychological violence is *neglect*. The neglect referred to in the table is neglect by the husband by leaving his wife without providing maintenance or not performing his obligations as a husband. Responsibility that is not carried out by the husband as the head of the family is one of the factors that can reduce the wife's mentality, which affects psychological degradation and severe depression (Bonomi et al., 2006). One of the husband's obligations is to provide maintenance as stipulated in Article 34 paragraph 1 of Law Number 1 Year 1974 concerning Marriage which states that: "The husband is obliged to protect his wife and provide all the necessities of household life according to his ability". Thus, the wife must bear a life that should be done together.

In decision Number XX/Pid.Sus/2021/PN Nab, it was revealed that one of the reasons why the wife reported the crime of psychological violence was silent behavior. In this case, the husband refused to communicate and did not answer the wife's questions.

Silent behavior can be categorized as *silent treatment*. *Silent treatment* is an action in which a person deliberately refuses to communicate verbally with others. The purpose of this behavior is to make the victim feel beaten down, realize the mistakes that have been made, and feel sensitive to the consequences that arise (Putri & Ariana, 2022).

By using the *silent treatment*, the perpetrator attempts to manipulate the feelings and thoughts of others by completely ignoring them. These actions can cause discomfort, confusion, and damage interpersonal relationships. In the context of psychological violence, the use of *silent treatment* by husbands against their wives can be a form of oppression and violation of the wife's psychological condition.

Silent treatment is a passive-aggressive communication tactic in which a person deliberately stops or avoids speaking, interacting, or responding to another person. Typically, it occurs as a form of punishment or manipulation in interpersonal relationships. The essence of this behavior is the coercion of the husband's or wife's wishes and is carried out continuously until they are realized by the affected victim. According to Verywell Mind: "In general, *silent treatment* is a manipulation tactic that can leave important issues in a relationship unresolved. It can also make the partner on the victim's side feel worthless, unloved, hurt, confused, frustrated, angry, and unimportant" (Drujon d'Astros & Morales, 2023). Ignoring behavior can activate the same areas of the brain as when experiencing physical pain. *Silent treatment* can also be used as a form of coercion in a relationship (Koudenburg et al., 2011). Thus, this *silent treatment* behavior is classified as a form of psychological violence according to the judge and fulfills article 7 of the PKDRT Law.

The last form in the table is physical violence that causes psychological suffering. None of the decisions summarized in the table are purely psychological violence. Each decision, in its chronology, tells us that the defendant committed more than one crime. In some cases, the defendant committed physical and psychological violence at the same time, and others committed psychological violence and domestic neglect. Referring to the reasoning of the constitutional judges when deleting the phrase "unpleasant acts" through decision No. 1/PUU-XI/2013, basically all criminal acts committed against victims cause psychological suffering. Therefore, there is no difference between physical violence, sexual violence and domestic neglect in terms of the psychological suffering caused.

Furthermore, from the results of the search for several decisions above, although the forms of psychological violence have been identified, there is still uncertainty in the application of the law. This is due to the chronology of events where the defendant committed several types of domestic violence simultaneously. However, the judge only gave a verdict for psychological violence. The broad interpretation of psychological violence, as formulated in Article 7 of the PKDRT Law, requires clear guidelines or references so that the interpretation does not become too broad or unlimited. Ensure fairness in the legal process and effective protection for victims.

Jennings et.al showed that the impact of physical violence in domestic relationships can result in severe depression, which can lead victims to commit suicide because they feel hopeless due to mental degradation (Jennings et al., 2017). For example, the table above

shows that the judge imposed a verdict of psychological violence on the husband's actions that cursed or swore and caused the wife to become helpless. The effect of psychological violence causes the wife to lose her freedom because her dignity is undermined by her husband, creates fear that reduces the quality of life and disrupts thinking. If there is no anticipation of psychological violence, the victim may take steps to end her life (S. B. Dokkedahl et al., 2022).. An example of a case is a 19-year-old young mother who committed suicide by drinking poison when she was 3 months pregnant. It is suspected that the cause of the suicide was domestic violence committed by her husband ("Heboh! Young Mother in Chinese Tomb Complex Found Dead Suspected of Suicide Due to Domestic Violence," 2022).

Application of the Maqashid Concept in Psychological Violence

In the application of *maqashid sharia* to solve problems (Isman et al., 2023) Psychological violence, a holistic approach to *maqashid sharia* can be done by paying attention to the objectives of sharia which include five protections or five main principles (Bahrudin, 2017). These principles are *Hifdz al-Din* (preserving religion), *Hifdz al-Nafs* (preserving the soul), *Hifdz al-'Aql* (preserving reason), *Hifdz al-Nasl* (preserving offspring), and *Hifdz al-Mal* (preserving property) (Sunarto et al., n.d.). These five protections are needed to improve the quality of life, dignity, and well-being of individuals and harmony in the family (Ayu, 2019).

Returning to the context of psychological violence, the application of *maqashid sharia* in handling cases of psychological violence can involve various aspects, one of which is education. The problem of psychological violence also includes prevention efforts through education and public awareness (Qotadah et al., 2022). Education regarding rights and obligations in the household, knowledge of healthy conflict management, and socialization of the values of gender equality and respect for human dignity (Rohmawati & Rofiq, 2021). All of them are an important part of overcoming this problem of psychological violence.

The rehabilitation factor should also be placed as one of the important aspects in dealing with psychological violence. Rehabilitation includes psychological support and recovery for survivors to overcome *post-traumatic stress disorder* as well as rehabilitation programs for perpetrators to help them change their behavior and prevent violence from recurring.

In the case of psychological violence, as in the decision above, the *visum et repertum psychiatricum* conducted on the victim is only evidence that psychological violence has occurred, not as a way to restore the victim's disturbed psychological condition. When linked to the purpose of marriage, it is clear that every problem must be resolved properly in the interests of many parties, especially the litigants. In this case, there are still protections in *maqashid* that have not been accommodated, such as protection of the soul (*hifdz an-nafs*) and protection of the mind (*hifdz al-aql*) because victims of psychological violence can experience fatal consequences such as psychiatric disorders (*schizophrenia*) and suicidal thoughts (S. Dokkedahl et al., 2021).

By integrating the principles of *maqashid sharia*, the solutions found in handling domestic violence issues can cover various interrelated aspects, such as a fair, impartial legal

approach, guided by clear rules. In concept, one of the technical dimensions in *maqashid* is the making of fatwas or regulations as the implementation of sharia law, which in this case requires the requirements and parameters of how to make a shohih fatwa and how it is related to the executive and legislative branches of government (Tohari & Kholish, 2020).

The objectives of Islamic law involve three different dimensions of *maqashid*. According to Imam al-Syatibi, there are 3 (three) categories of need levels to achieve benefit, namely: *dharuriyyat*, *hajiyyat* and *tahsiniyat* (Abdurrahman, 2020). These three categories are based on the level of need and priority. When the benefits in each category compete for a higher position, this rank order will indicate their importance. In the concept, *dharuriyyat* takes the top spot as the most important, followed by *hajiyyat*, and *tahsiniyat* comes last (Mutakin, 2017).

Dharuriyyat refers to the level of needs that must exist or what is referred to as primary needs (Bahrudin, 2017). This need becomes *urgent* because it can threaten the safety of humanity. In ushul fiqh books such as Imam ash-Syathibi's work, *dharuriyyat* needs and protection are divided into five main categories; protection of religion, protection of the soul, protection of the mind, protection of offspring, protection of property. Some ushul experts include *al-'ardh* (self-respect) and *al-'adl* (justice) (Busriyanti, 2021). By understanding these priorities, we can understand how *maqashid sharia* ranks interests and provides guidance for mujtahids in understanding and interpreting Islamic law in a context that suits the needs and conditions of the times.

The problem of psychological violence that arises is how to determine the forms of behavior that are classified as such. The PKDRT Law determines that psychological violence is a material offense through article 7 which only stipulates the consequences of psychological violence. Thus, it is important to make legal efforts so that definite guidelines are found, not vague and not interpreted arbitrarily as explained in the previous sub-chapter. In the level of benefit, the determination of these guidelines is very important and occupies the *Hajiyyat* level. The level of *hajiyyat* in this case is related to the needs or something that is needed by mukallaf with the intention of creating ease, spaciousness and comfort in overcoming difficulties. The basis of the purpose of this masalahah is to eliminate the difficulties and burdens of life, facilitate realization in the social order, and the changing times in the life of life (Suganda, 2020).

The reasons for placing the *hajiyyat* position in this case are: *first*, the non-fulfillment of *hifdz ad-din*. The absence of definite guidelines regarding the form of psychological violence can make couples not respect each other, not respect each other, always in conflict and ultimately lead to divorce. Divorce is an act that is lawful but hated by Allah. According to Ahmad Suganda, the ultimate goals of *hifdz ad-din* are: 1) Increase faith and piety. 2) Realizing the noble values of Islamic morals 3) Eradicating all types of activities/behavior that lead to kufr, disobedience, evil with the noble values of Islamic morals (Ni'ami & Bustamin, 2021).

Second, the non-fulfillment of *hifdz an-nafs*. *Hifdz al-nafs*, which is the principle of protection of the soul, is the maintenance and protection of the right to live honorably and

maintain the soul so as to avoid acts of persecution, murder, cutting limbs or injuring and included in the category of maintaining the soul is maintaining human glory or dignity by preventing accusations of adultery, reviling and killing fetuses in the womb (Sulistiani, 2019). By paying attention to the concept of *hifdz an-nafs*, psychological violence must be understood as a form of behavior that does not respect the souls of others and does not protect the souls of others in this context are wives or partners. As in some of the cases above, there are husbands who commit physical violence, make threats using weapons and some have even attempted persecution. *Hifdz an-nafs* can be interpreted into two, namely: *First*, the soul in the form of a concrete human body and *second*, the soul in the abstract form of feelings or mental or psychological. In this case there is a hadith: "From Hakim ibn Mu'awiyah al-Qusyairi from his father said, I asked: O Messenger of Allah, what are the rights of the wife over us? The Messenger of Allah replied: You feed her when you eat, clothe her when you clothe her, do not strike her in the face, do not abuse her and do not isolate her except in the house." The Hadith contains the words "*laa tuqabbih*" which means do not demonize. If we take the meaning of these words, it means that it is forbidden to say words that mean *al-qubb* or bad (because bad words can hurt the heart or feelings).

Third, hifz al-'aql. *Hifz al-'aql* is to preserve the mind. This principle emphasizes the importance of rational and knowledge-based thought and action. In the issue of determining the forms of psychological violence, it must be socialized to the community as a form of education to maintain public knowledge. Research must also be conducted by *jurists*, both academics and practitioners, so as to obtain guidelines as the basis for the formation of rules that are more favorable to justice and legal certainty. In the Qur'an, many verses end with the phrase "may you think" which shows that the role of reason is important to realize the benefit. Committing psychological violence within the scope of the household is not in accordance with *hifdz al-'aql* (Noor et al., 2024).. In the case above, the psychological violence committed caused stress and depression for the victim as evidenced by the *psychiatric visum et repertum*. In one case, there was even a child who received psychological violence from his stepmother and had thoughts of committing suicide. This shows that this behavior is not in accordance with *maqashid* and the perpetrators must be given appropriate action. Actions can be in the form of criminal sanctions or psychological rehabilitation.

Fifth, the application of hifdz al-mal in research on psychological violence is seen in five decisions, namely decision No. 506/Pid.Sus/2021/PN Mre, decision No. 179/Pid.Sus/2021/PN Tbt, decision No. 54-K/PM II-09/AD/III/2021, decision No. 298/Pid.Sus/2020/PN Mdn and decision No. 2192/Pid.Sus/2020/ PN. Mdn. In these five decisions, the defendants abandoned their wives and did not provide maintenance to their wives, so that the wives had to look for their own income. In the hadith narrated by Abu Dawud above, it shows that the husband is obliged to provide maintenance to the wife as opposed to the wife's right to get maintenance from the husband. Thus psychological violence by committing neglect does not fulfill *hifdz al-mal*.

CONCLUSION

This study analyzes the forms of psychological violence in court decisions and their impact on victims. Domestic psychological violence can take the form of insults, threats, infidelity, neglect, denial, silent treatment, and physical violence that causes fear. These forms of violence result in psychological trauma, depression, anxiety, and severe psychosomatic effects. Data shows that many cases of psychological violence are not reported or criminally prosecuted, but are used as grounds for divorce. This study found that psychological violence in court decisions is often accompanied by other forms of violence such as physical abuse and neglect. Courts decide cases of psychological violence based on the psychological impact experienced by the victim, such as depression, which is supported by medical evidence. However, there is uncertainty in the application of the law regarding psychological violence, as it is often committed in conjunction with other forms of domestic violence.

In the context of maqashid sharia, addressing psychological violence requires a holistic approach that includes five main protections: religion, soul, mind, offspring and property. Education, public awareness and rehabilitation for both victims and perpetrators are important parts of addressing this issue. Determining the forms of psychological violence requires clear guidelines to avoid overly broad or vague interpretations of the law, as well as ensuring justice and effective protection for victims.

REFERENCES

- Abdurrahman, Z. (2020). Teori Maqasid Al Syatibi dan Kaitannya Dengan Kebutuhan Dasar Manusia Menurut Abraham Maslow. *Jurnal Ushuluddin: Media Dialog Pemikiran Islam*, 22(1), Article 1. <https://doi.org/10.24252/jumdpi.v22i1.15534>
- Apriliandra, S., & Krisnani, H. (2021). Perilaku Diskriminatif Pada Perempuan Akibat Kuatnya Budaya Patriarkhi di Indonesia Ditinjau dari Perspektif Konflik. *Jurnal Kolaborasi Resolusi Konflik*, 3(1), Article 1. <https://doi.org/10.24198/jkrk.v3i1.31968>
- Ayu, D. P. (2019). Tinjauan Maqashid Syari'ah terhadap Akibat Tindakan Marital Rape dalam UU No.23 Th. 2014 dan RUKHP. *AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam*, 1(2), 229–256. <https://doi.org/10.37680/almanhaj.v1i2.172>
- Badan Pengembangan dan Pembinaan Bahasa. (n.d.). *Hasil Pencarian—KBBI VI Daring*. Retrieved May 26, 2024, from <https://kbbi.kemdikbud.go.id/entri/kekerasan>
- Bahrudin, A. (2017). Implementasi Maqasid al-Shari'ah Sebagai Solusi Problematika Sosial dan Masyarakat Kontemporer. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 17(1), Article 1. <https://doi.org/10.18326/ijtihad.v17i1.1-18>
- Bakry, M. M. (2019). Asas Prioritas Dalam Al-Maqashid Al-Syar'iah. *Al-Azhar Islamic Law Review*, 1–8. <https://doi.org/10.37146/ailrev.v1i1.4>
- Bonomi, A. E., Thompson, R. S., Anderson, M., Reid, R. J., Carrell, D., Dimer, J. A., & Rivara, F. P. (2006). Intimate Partner Violence and Women's Physical, Mental, and Social Functioning. *American Journal of Preventive Medicine*, 30(6), 458–466. <https://doi.org/10.1016/j.amepre.2006.01.015>
- Brick, N. E., Breslin, G., Shevlin, M., & Shannon, S. (2022). The Impact of Verbal and Physical Abuse on Distress, Mental Health, and Intentions to Quit in Sports Officials. *Psychology of Sport and Exercise*, 63, 102274. <https://doi.org/10.1016/j.psychsport.2022.102274>
- Busriyanti, B. (2021). Maqasid al-Syari'ah dalam Penegakkan Hukum Lalu Lintas di Indonesia. *Al-Istinbath: Jurnal Hukum Islam*, 6(1 May), Article 1 May. <https://doi.org/10.29240/jhi.v6i1.2470>
- Callaghan, J. E. M., Alexander, J. H., Fellin, L. C., & Sixsmith, J. (2015). Beyond “Witnessing”: Children's Experiences of Coercive Control in Domestic Violence and Abuse—Jane E. M. Callaghan, Joanne H. Alexander, Judith Sixsmith, Lisa Chiara Fellin, 2018. *Journal of Interpersonal Violence*, 33(10). <https://doi.org/10.1177/0886260515618946>
- Chiesa, A. E., Kallechey, L., Harlaar, N., Rashaan Ford, C., Garrido, E. F., Betts, W. R., & Maguire, S. (2018). Intimate Partner Violence Victimization and Parenting: A Systematic Review. *Child Abuse & Neglect*, 80, 285–300. <https://doi.org/10.1016/j.chiabu.2018.03.028>

- Costello, K., & Greenwald, B. D. (2022). Update on Domestic Violence and Traumatic Brain Injury: A Narrative Review. *Brain Sciences*, 12(1), 122. <https://doi.org/10.3390/brainsci12010122>
- Data 2022: Perempuan Paling Banyak Menjadi Korban Kekerasan. (2023, January 17). *JalaStoria.id*. <https://www.jalastoria.id/data-2022perempuan-paling-banyak-menjadi-korban-kekerasan/>
- Devries, K. M., Mak, J. Y. T., García-Moreno, C., Petzold, M., Child, J. C., Falder, G., Lim, S., Bacchus, L. J., Engell, R. E., Rosenfeld, L., Pallitto, C., Vos, T., Abrahams, N., & Watts, C. H. (2013). Global health. The global prevalence of intimate partner violence against women. *Science (New York, N.Y.)*, 340(6140), 1527–1528. <https://doi.org/10.1126/science.1240937>
- Dokkedahl, S. B., Kirubakaran, R., Bech-Hansen, D., Kristensen, T. R., & Elklit, A. (2022). The Psychological Subtype of Intimate Partner Violence and its Effect on Mental Health: A Systematic Review with Meta-Analyses. *Systematic Reviews*, 11(1), 163. <https://doi.org/10.1186/s13643-022-02025-z>
- Dokkedahl, S., Kristensen, T. R., Murphy, S., & Elklit, A. (2021). The Complex Trauma of Psychological Violence: Cross-Sectional Findings from a Cohort of four Danish Women Shelters. *European Journal of Psychotraumatology*, 12(1), 1863580. <https://doi.org/10.1080/20008198.2020.1863580>
- Drujon d'Astros, C., & Morales, J. (2023). The Silent Resistance: An Ethnographic Study of the Use of Silence to Resist Accounting and Managerialization. *Critical Perspectives on Accounting*, 102648. <https://doi.org/10.1016/j.cpa.2023.102648>
- Erniwati, E., & Fitriani, W. (2020). Faktor-Faktor Orang Tua Melakukan Kekerasan Verbal Pada Anak Usia Dini. *Yaa Bunayya : Jurnal Pendidikan Anak Usia Dini*, 4(1), Article 1. <https://doi.org/10.24853/yby.4.1.1-8>
- Fatakh, A. (2022). Kekerasan Psikis oleh Istri Terhadap Suami Perspektif Hukum Islam dan Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga. *Mahkamah : Jurnal Kajian Hukum Islam*, 7(2), Article 2. <https://doi.org/10.24235/mahkamah.v7i2.11084>
- Fischbach, R. L., & Herbert, B. (1997). Domestic violence and mental health: Correlates and conundrums within and across cultures. *Social Science & Medicine*, 45(8), 1161–1176. [https://doi.org/10.1016/S0277-9536\(97\)00022-1](https://doi.org/10.1016/S0277-9536(97)00022-1)
- Gumanti, R. (2018). Maqasid Al-Syariah Menurut Jasser Auda (Pendekatan Sistem dalam Hukum Islam). *Jurnal Al-Himayah*, 2(1), Article 1.
- Haque, M. A., Choudhury, N., Ahmed, S. M. T., Farzana, F. D., Ali, M., Rahman, S. S., Faruque, A. S. G., Raihan, M. J., & Ahmed, T. (2022). Factors Associated with Domestic Violence in Rural Bangladesh. *Journal of Interpersonal Violence*, 37(3–4), 1248–1269. <https://doi.org/10.1177/0886260520922353>

- Hastasari, C., Setiawan, B., & Aw, S. (2022). Students' Communication Patterns of Islamic Boarding Schools: The Case of Students in Muallimin Muhammadiyah Yogyakarta. *Heliyon*, 8(1), e08824. <https://doi.org/10.1016/j.heliyon.2022.e08824>
- Heboh! Ibu Muda di Kompleks Kubur Cina Ditemukan Meninggal Diduga Bunuh Diri Akibat KDRT. (2022, January 13). *Banggai News*. <https://banggainews.com/heboh-ibu-muda-di-kompleks-kubur-cina-ditemukan-meninggal-diduga-bunuh-diri-akibat-kdrt/>
- Hendalia, E. (2011). Perbandingan Penanganan Kekerasan Dalam Rumah Tangga (KDRT) di Indoensia dan Singapura. *Jurnal Syiar Hukum*, XIII(1).
- Hidayat, S. (2022). Korelasi Tindak Pidana Kekerasan dalam Rumah Tangga Menurut Undang-Undang Nomor 23 Tahun 2004 dengan Konsep Nusyuz dan Penyelesaian Sengketanya. *Logika: Jurnal Penelitian Universitas Kuningan*, 13(02), 181–191. <https://doi.org/10.25134/logika.v13i02.7111>
- Htun, M., & Jensenius, F. R. (2020). Fighting Violence Against Women: Laws, Norms & Challenges Ahead. *Daedalus*, 149(1), 144–159. https://doi.org/10.1162/daed_a_01779
- Isman, Hidayat, S., Rosyadi, I., Firman, M. S., & Sholehah, N. A. (2023). Empirical Legal Research based on Jasser Auda's Maqashid Syariah Theory. *Al-Afkar, Journal for Islamic Studies*, 6(4), Article 4. <https://doi.org/10.31943/afkarjournal.v6i4.730>
- Jennings, W. G., Okeem, C., Piquero, A. R., Seller, C. S., Theobald, D., & Farrington, D. P. (2017). Dating and Intimate Partner Violence Among Young Persons Ages 15–30: Evidence from a Systematic Review. *Science Direct*, 33, 107–125. <https://doi.org/10.1016/j.avb.2017.01.007>
- Koudenburg, N., Postmes, T., & Gordijn, E. H. (2011). Disrupting the flow: How brief silences in group conversations affect social needs. *Journal of Experimental Social Psychology*, 47(2), 512–515. <https://doi.org/10.1016/j.jesp.2010.12.006>
- MacMillan, H. L., Wathen, C. N., & Varcoe, C. M. (2013). Intimate Partner Violence in the Family: Considerations for Children's Safety. *Child Abuse & Neglect*, 37(12), 1186–1191. <https://doi.org/10.1016/j.chiabu.2013.05.005>
- Mr, G. N. K., & Noor, H. (2014). Konsep Maqashid al-Syari'ah dalam Menentukan Hukum Islam (Perspektif Al-Syatibi dan Jasser Auda). *Al-Iqtishadiyah: Ekonomi Syariah dan Hukum Ekonomi Syariah*, 1(1), Article 1. <https://doi.org/10.31602/iqt.v1i1.136>
- Mutakin, A. (2017). Hubungan Maqashid Al Syari'ah Dengan Metode Istinbath Hukum. *Analisis: Jurnal Studi Keislaman*, 17(1), Article 1. <https://doi.org/10.24042/ajsk.v17i1.1789>
- Ni'ami, M. F., & Bustamin, B. (2021). Maqashid Al Syariah Dalam Tinjauan Pemikiran Asyur dan Jasser Auda. *JURIS (Jurnal Ilmiah Syariah)*, 20(1), 91–102. <https://doi.org/10.31958/juris.v20i1.3257>

- Noor, S. M. A., Dzukroni, A. A., Nasrullah, N., & Rosyada, M. F. (2024). Rethinking Mu'asyarah bil Ma'ruf: A Maqâshid Syari'ah Cum-Mubâdalah Approach. *AT-TURAS: Jurnal Studi Keislaman*, 11(1), Article 1. <https://doi.org/10.33650/at-turas.v11i1.7281>
- Postmus, J. L., Hoge, G. L., Breckenridge, J., Sharp-Jeffs, N., & Chung, D. (2020). Economic Abuse as an Invisible Form of Domestic Violence: A Multicountry Review. *Trauma, Violence & Abuse*, 21(2), 261–283. <https://doi.org/10.1177/1524838018764160>
- Putri, C. N., & Ariana, A. D. (2022). Kecemasan Diri Dewasa Awal yang Menjalani Hubungan Romantis saat Mendapat Perilaku Silent Treatment. *Buletin Riset Psikologi dan Kesehatan Mental (BRPKM)*, 2(1), Article 1. <https://doi.org/10.20473/brpkm.v2i1.31926>
- Qotadah, H. A., Al Anshory, A. C., Syarifah, M., & Achmad, A. D. (2022). *Cultured Meat for Indonesian Muslim Communities: A Review of Masalah and Prospect*. 7(2). <https://doi.org/10.18326/ijtihad.v2i1.1-20>
- Ramadhita, R., Sudirman, S., & Bachri, S. (2022). Model of Zakat Utilization in the Covid-19 Pandemic Era: Perspective of Maqashid Sharia. *Al-Istinbath: Jurnal Hukum Islam*, 7(1 May), Article 1 May. <https://doi.org/10.29240/jhi.v7i1.4462>
- Rionika, R., & Dermawan, R. N. (2019). Kekerasan Psikis, Penyebab dan Dampaknya Terhadap Anak Dalam Novel Genduk Karya Sundari MArdjuki: Tinjauan Psikologi Sastra. *Caraka: Jurnal Ilmu Kebahasaan, Kesastraan, dan Pembelajarannya*, 6(1), Article 1. <https://doi.org/10.30738/.v6i1.6599>
- Roni. (n.d.). *Analisis Kriminologis Kekerasan Suami Terhadap Istri Dalam Rumah Tangga | Oleh: Farrab Erifa Roni (15/7)—Direktorat Jenderal Badan Peradilan Agama*. Retrieved June 22, 2024, from <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/analisis-kriminologis-kekerasan-suami-terhadap-istri-dalam-rumah-tangga>
- Sanches, M., & John, V. P. (2019). Treatment of Love Addiction: Current Status and Perspectives. *European Journal of Psychiatry*, 33(1), 38–44. <https://doi.org/10.1016/j.ejpsy.2018.07.002>
- Shrout, M. R., & Weigel, D. J. (2020). Coping with Infidelity: The Moderating Role of Self-Esteem. *Personality and Individual Differences*, 154, 109631. <https://doi.org/10.1016/j.paid.2019.109631>
- Sopacua, M. G. (2022). Konsep Ideal Pencegahan Kekerasan Dalam Rumah Tangga Terhadap Perempuan. *Jurnal Pembangunan Hukum Indonesia*, 4(2), 213–226. <https://doi.org/10.14710/jphi.v4i2.213-226>
- Stewart, D. E., & Robinson, G. E. (1998). A Review of Domestic Violence and Women's Mental Health. *Archives of Women's Mental Health*, 1(2), 83–89. <https://doi.org/10.1007/s007370050010>

- Sulistiani, S. L. (2019). Hukum Homoseksual Perspektif Maqashid Syariah. *Al-Istinbath: Jurnal Hukum Islam*, 4(2 November), Article 2 November. <https://doi.org/10.29240/jhi.v4i2.813>
- Sunarto, M. Z., Afrida, P. N., & Nurianti, U. (n.d.). *Kajian Maqshid Al-Syariah Terhadap Nilai-Nilai Islami Pada Sebuah Transaksi*].
- Tohari, I., & Kholish, M. A. (2020). Maqasid Syariah Sebagai Pijakan Konseptual Dalam Pembaharuan Hukum Keluarga Islam Indonesia. *Arena Hukum*, 13(2), Article 2. <https://doi.org/10.21776/ub.arenahukum.2020.01302.7>
- What Couples Need to Know About the Silent Treatment*. (n.d.). Verywell Mind. Retrieved May 26, 2024, from <https://www.verywellmind.com/married-couples-silent-treatment-2303421>
- Wood, L., Backes, B. L., & Baumler, E. (2022). Examining the Impact of Duration, Connection, and Dosage of Domestic Violence Services on Survivor Well-Being | Request PDF. *Journal of Family Violence*, 9. <https://doi.org/10.1007/s10896-021-00298-x>