

Factor Analysis of High Divorce Rate in Ujung Tanjung Religious Court

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ARTICLE INFO	ABSTRACT
<p>Keywords: Factors, Divorce Rate, Ujung Tanjung Religious Court</p>	<p>The onset of a divorce in a family is often caused by incompatibility and differences of opinion caused by selfishness between husband and wife. In fact, marriage is to unite a difference and fill each other's shortcomings, so that the establishment of external and mental bonds that cause affection between husband and wife in the household. The impact of divorce is not only seen for the husband and wife, but the children in the family are also affected. Common causes of divorce in a family are usually more to the lack of economy, miscommunication of married couples, differences of opinion, no consequences in building a household, third person / infidelity, mental bread, excessive work activities that reduce quality time for the family, lack of attention from each partner, constant fighting, and the occurrence of domestic violence. Divorce that occurs between husband and wife can be caused by talaq by the husband and can also be caused by divorce lawsuits made by the wife. This type of research uses Juridical-Empirical law. Juridical-empirical research is legal research on the application or implementation of normative legal provisions directly on any particular legal event that occurs in Society. Results of discussion: Factors that cause high divorce rates in the jurisdiction of the Ujung Tanjung Religious Court are: a. Economic Factors, b. Third Person Factors/Infidelity, c. Domestic Violence Factors. 2. How to overcome the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court are: a. Complicating Divorce, 2. Seek to mediate with the parties.</p>

INTRODUCTION

Marriage is the inner birth bond between a man and a woman as husband and wife by forming a happy and eternal family (household) based on the One True Godhead. According to the KHI (Compilation of Islamic Law) Marriage in Islamic law is marriage, that is, a very strong contract or Mitsaqon Ghalidzan (strong covenant), to obey Allah's commandments and carry them out constitutes worship.

The purpose of a marriage is to create a family that is *sakinah, mawaddahdanrahmah*, that is, a family that is peaceful, happy, full of love and affection. A marriage unites two differences in a family, which are sometimes easy to unite and sometimes difficult to unite and that difficulty is what often leads to a divorce. Divorce itself is: the breaking of the birth and mind bond between husband and wife which results in the end of family relations (household) between husband and wife.

The onset of a divorce in a family is often caused by incompatibility and differences of opinion caused by selfishness between husband and wife. In fact, marriage is to unite a difference and fill each other's shortcomings, so that the establishment of external and mental bonds that cause affection between husband and wife in the household. The impact of divorce is not only seen for the husband and wife, but the children in the family are also affected. Common causes of divorce in a family are usually more to the lack of economy, miscommunication of married couples, differences of opinion, inconsequences in building a household, third person / infidelity, mental bread, excessive work activities that reduce quality time for the family, lack of attention from each partner, constant fighting, and the occurrence of domestic violence. Divorce that occurs between husband and wife can be caused by talaq by the husband and can also be caused by divorce lawsuits made by the wife. The formulation of

the problem in this study is the factors causing the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court. How to overcome the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court.

METHOD

This type of research uses Juridical-Empirical law. Empirical juridical research is legal research on the application or implementation of normative legal provisions directly on any particular legal event that occurs in society. In a juridical-empirical approach that examines the factors causing the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court and how to overcome the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court. The specification of this study uses analytical descriptive. Analytical descriptive legal research is a method that serves to describe or describe the object under study through data or samples that have been collected as they are without conducting analysis and making conclusions that apply to the public.

RESULTS AND DISCUSSION

A. Factors causing the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court

Based on Article 1 of Law Number 1 of 1974 concerning Marriage, Marriage is an inner birth bond between a man and a woman as husband and wife by forming a happy and eternal family (household) based on the One and Only Godhead. Based on Article 2 of the Law on the Compilation of Islamic Law it is also explained that marriage according to Islamic Law is marriage, that is, a very strong contract or *mitsaqan* to obey Allah's commands and carry them out is worship.

The purpose of marriage is to build a happy family (household), so that the formation of *sakinah*, *mawaddah* and *warahmah* families and produce offspring (generations) that are *sholeh* and *sholehah*. According to Mohd. Idris Ramulyo in his book *Islamic Marriage Law*, that the purpose of marriage is:

- a) To form a happy and eternal family;
- b) Forming a happy family or household, *sakinah*, *mawaddah*, *warahmah*;
- c) Obey God's command to obtain legitimate offspring in society, by establishing peaceful and orderly homes;
- d) To fulfill the demands of human character, to relate between men and women in order to create a happy family on the basis of love, to obtain legitimate offspring in society by following the provisions that have been adopted by sharia.

Basically, that every human being must aspire that his marriage can last eternally, forever, and does not want to be interrupted halfway. But sometimes a marriage for some reason can result in not being able to continue, so it must be decided halfway or forced to break up on its own. The breakup of marriage means the end of the relationship between husband and wife. The breakup of marriage exists in several forms, depending on the will, it can be the husband, or the wife. In this case there are 4 (four) possibilities, namely:

- a. The breakup of marriage by God's own will through the death of one of the husband and wife. With death naturally ends the marital relationship;
- b. The breakup of marriage by the will of the husband by certain reasons and expressed his will by certain words. Divorce in this form is called *talaq*;
- c. The breakup of a marriage is against the will of the wife because the wife sees someone who wants the breakup of the marriage, while the husband does not want to do so. The will for the breakup of the marriage conveyed by the wife in a certain way is accepted by the husband and followed by his speech to break the marriage. The breaking up of marriage in this way is called *khulu'* ;
- d. The marriage is sent at the will of the judge as a third party after seeing something between the husband and/or the wife that indicates the inability of the marriage relationship to continue. The breakdown of marriage in that form is called *fasakh*.

Another name for the breakup of marriage is divorce. Divorce is the breaking of the inner bond between husband and wife which results in the end of the family relationship (household) between husband and wife. Meanwhile, according to *shara'* divorce or *firqah* is the end of the marriage contract (contract) due to one of the various causes that require the marriage to end. However, to examine that the factors that cause the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court can be seen as follows:

1. Economic Factors

Economic factors are the main factor in the high divorce rate in the Ujung Tanjung Religious Court.

Economic factors are a trigger in the rift of a person's household until finally choosing to end the marriage relationship that has been built for years.

2. Third Person Factors/Infidelity

The third person factor, or because one partner commits infidelity either directly or through social media often occurs so that one partner prefers to file a divorce lawsuit at the Ujung Tanjung Religious Court. A third person or identical issue of infidelity damages a household that has been built for years, although Islamic law states that a husband may be polygamous or have more than one wife, but in reality no wife wants a husband to have another woman in his life. As a result, many couples prefer to end their marital relationship through religious courts.

3. Factor KDRT

Domestic violence or often abbreviated as domestic violence, this factor also dominates the high divorce rate in the Ujung Tanjung Religious Court. Marriage is actually carried out to build a happy home by producing legitimate offspring, but in the course of marriage domestic violence often occurs, then one partner usually prefers to end his marital relationship on the grounds that domestic violence has a negative impact on the sustainability of the married couple's household. So if one partner has hurt the other partner, the right solution for this relationship is to end the relationship through a divorce lawsuit in the Religious Court, in this case the Ujung Tanjung Religious Court.

B. How to solve high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court

The ways to overcome the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court are as follows:

1. Complicating Divorce

There are many ways to overcome the high divorce rate in the Ujung Tanjung religious court, one of which is to complicate divorce lawsuits. The meaning of complicating it does not mean that the court makes the parties complicated in undergoing divorce hearings, but by referring to the Supreme Court Circular Number 04 of 2014 number 4, Divorce on the grounds of broken marriage. It reads: "Judges should consider adequately and carefully in adjudicating divorce cases, because divorce will end the sacred institution of marriage, change the legal status from halal to haram, have a broad impact on the structure of society and concern the responsibility of the afterlife, therefore divorce can only be granted if the marriage has broken marriage with indicators that have been clearly proven." Furthermore, in an effort to maintain a marriage and fulfill the principle of making divorce difficult, then:

- a. Divorce cases on the grounds that the husband / wife does not carry out the obligation of birth and / or mental support, can only be granted if it is proven that the husband / wife has not carried out his obligations after at least 12 (twelve) months; or
- b. Divorce cases on the basis of continuous disputes and quarrels can be granted if it is proven that the husband / wife has disputes and quarrels continuously or has been separated from residence for at least 6 (six) months. As stated in SEMA Number 1 of 2022 Formulation of the Law of the Religious Chamber Point (1) Marriage Law letter (b) points (1) and (2), the parties who want to file a divorce lawsuit but have not met the requirements, one of which has not been separated from residence for 6 months, the judge has the right to reject the lawsuit, but on the other hand in principle the service officer may not refuse the registration of the case, however, it is mandatory to provide information related to the current rules, while the decision on cases that have been registered will be the authority of the Panel of Judges, where the implementation of SEMA becomes the legal basis for the judge's consideration in formulating decisions, especially at the Ujung Tanjung Religious Court.

CONCLUSION

Factors contributing to the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court include economic problems, infidelity, and domestic violence. Economic factors are the main trigger, triggering household rifts due to financial pressures. Infidelity, either in person or through social media, is also often a cause, albeit in the context of Islamic law. In addition, domestic violence dominates the divorce rate, where couples tend to end the marital relationship in the event of violence. Solutions to affected relationships usually include a divorce lawsuit in a Religious Court.

The way to overcome the high divorce rate in the jurisdiction of the Ujung Tanjung Religious Court involves efforts to complicate divorce, in accordance with Supreme Court Circular Number 04 of 2014. All divorce claims must be carefully considered, considering their impact on the sacred institution of marriage. In addition, the application of SEMA Number 1 of 2022 concerning Marriage Law provides provisions related to the conditions that must be met before a divorce lawsuit can be accepted. In addition, mediation efforts before divorce hearings

are also implemented, where the judge facilitates the parties and presents a mediator to reach peace and cancel the lawsuit.

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