

# The Dynamics of Divorce in Indonesian Muslim Families

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## Abstract

In English. The abstract should give readers concise information about the content of the article and indicate the main results obtained and conclusions are drawn. The abstract is not part of the text and should be complete in itself; no table numbers, figure numbers, references, or displayed mathematical expressions should be included. It should be suitable for direct inclusion in abstracting services. It should not exceed 200 words and written in a single paragraph. Since contemporary information-retrieval systems rely heavily on the content of titles and abstracts to identify relevant articles in literature searches, great care should be taken in constructing both.

**Keywords:** dynamics, divorce, muslim family, Indonesia.

## 1. Introduction

In Islam, marriage is considered sacred due to a sacred covenant, "*mitsaqan ghalidzan*," which involves elements of worship to Allah and follows the Prophet's sunnah. This should be done with sincerity and responsibility, following the necessary regulations (Kusmardani, et al., 2022). The goal for every family is to achieve household integrity and harmony in order to build resilient and harmonious family units. However, the reality is that many Muslim families experience high rates of (Kusmardani and Khosyi'ah 2022). Divorce in Indonesia has always been a point of discussion within the community (Wulandari, et al., 2022) In the Qur'an, Allah has explained divorce. Allah says in the Qur'an al-Talak, verse 1:

"O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period and keep count of the waiting period. A wife should not be divorced except after the completion of her menstrual period before sexual intercourse has occurred or else during a confirmed pregnancy. The pronouncement of divorce begins her waiting period (iddah). And fear Allah, your Lord. Do not turn them out of their [husbands'] houses, nor should they [themselves] leave [during that period] unless they are committing a clear immorality. And those are the limits [set by] Allah. And whoever transgresses the limits of Allah has indeed wronged himself. You know not; perhaps Allah will bring about after that a [different] matter (Al-Talak 1). In several Hadiths, the Prophet Muhammad (peace be upon him) has explained that he divorced Hafshah and reconciled with her. This is mentioned in hadiths from Umar bin al-Khattab and Thawban. The Prophet also mentioned that anyone who asks for divorce from her husband without any valid reason, then it is forbidden for her to smell the fragrance of heaven (HR Abu Dawud, al-Nasa'i, Ibn Majjah, Tirmidhi) (Abū Dāwud Sulaiman ibn al-Asy'as as-Sajastāni al-Azdi, 1999),(Abū 'Isā Muhammad bin 'Isā bin Sūrah At-Tirmizi, 2010),(Al-Qazwaini, 2010).

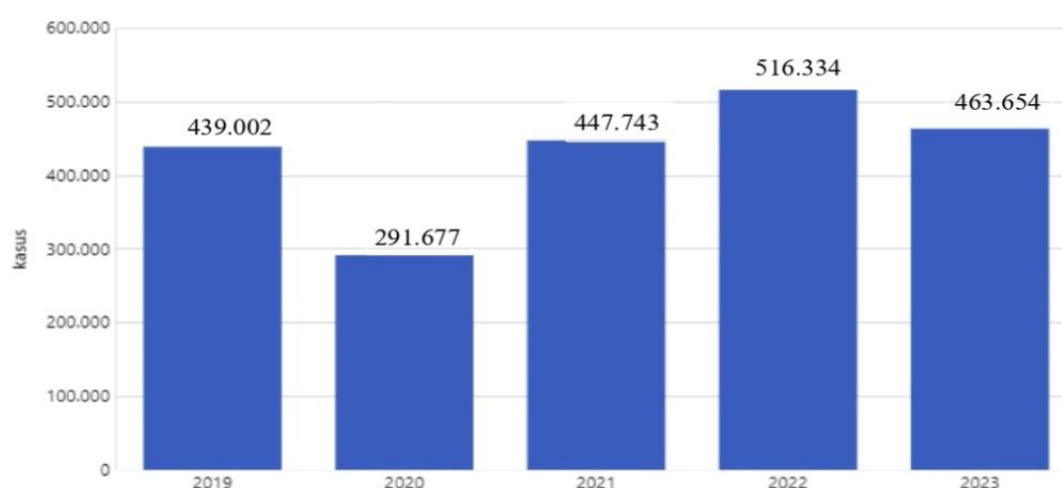
According to Mahmud Syaltut and Ali al-Sayis, the essence of divorce was originally haram because, in it, there was denial and termination of marital pleasure (*Qat'u al-Ni'mah*) because divorce often harmed women and their families (Syaltut and al-Sayais 1986). *Al-Dharar Yazal* (Al-Suyuti, 2012) must eliminate something dangerous in case of problems that damage Islamic law (Jum'ah, 2012). However, Allah has observed that if a husband and wife are constantly faced with conflicts (*shiqaq*) for which there is no most appropriate solution, then divorce is permissible. *Al-Masyaqah Tajlib al-Taysir* ('Khallāf 2002) Something difficult can bring ease (Saiti & Abdullah,. 2016) Divorce is the culmination of a bad marriage that occurs if the husband and wife can no longer find a method of solving problems that can satisfy both parties (Nurhalisa, 2021). Mark Cammack reported that the divorce rate in Southeast

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Asia was very high in 1950, especially in Indonesia, where 50 out of 100 marriages ended in divorce. However, from the 1970s to the 1990s, the separation rate in Southeast Asia, including Indonesia, decreased significantly while increasing in other countries worldwide. Since 2001, the divorce rate in Indonesia has increased significantly (Cammack, 2007).

According to the Directorate General of Religious Courts and the Supreme Court and Statistics Indonesia, 463,654 divorces occurred throughout 2023. There was a decrease of 10.20% compared to 2022, with 516,344 cases of divorce. However, the decline in the divorce rate in the country, according to this, is still relatively high compared to the increase that occurred in 2021, which reached 447,743 cases. Then it can be seen in the picture below : (Indonesian Central Bureau of Statistics, 2024).



**Figure 1.** Indonesian Divorce Data from 2019–2023 (Source: (Annur 2024))

From the data that has been described, the increase in divorce rates is mainly caused by wives decided by the court, which is 75.21%, or as many as 388,358 cases, while the remaining 24.79%, or as many as 127,986 cases, are divorces. According to Agus Suryo, Deputy Director of the Sakinah Family Development Department of the Ministry of Religious Affairs, 93% of divorce cases were filed with the Religious Court, and 73% of financially established women filed 76%. The high divorce rate in Indonesia does not only occur in several provinces but in all provinces: the three provinces with the highest divorce rates from 2021 to 2023 are West Java, with 102,280 cases, followed by East Java, with 88,213 cases, and Central Java, with 76,367 cases (Hidayati at al, 2024).

The four provinces since four years that have yet to have divorce cases are West Papua, South Papua, Central Papua, and Mountain Papua. This concern arises because marriage is no longer considered sacred, and divorce is easily granted. A shift in a more open culture, resulting in a decrease in the meaning and value of marriage, and a lack of understanding of religion are some of the factors that trigger and contribute to the rise of divorce in Indonesia. (Hamid at al, 2022). The dynamics of divorce that increase yearly show that divorce occurs in Indonesia because of a considerable problem (Kartika et al., 2023). Couple conflict is the main factor causing divorce in Indonesia in 2023, with as many as 251,828 cases (61.67%) of the total. This was followed by economy 108,488 cases, leaving one party 34,322 cases, domestic violence 5,174 cases, drunkenness 1,752 cases, gambling 1,572 cases; neglect 1,415 cases; imprisonment 1,271 cases; and adultery 780 cases. Polygamy: 738 cases; drugs: 384 cases; forced marriage: 314 cases; disputes leading to divorce: 209 cases.

According to Marriage Law Number 1 of 1974, Chapter VIII Article 38, there are three valid reasons for the dissolution of a marriage: death, divorce, and a court decision (Rozikin at al., 2024). Furthermore, Law Number 7 of 1989 concerning Religious Courts defines two forms of divorce: talaq and lawsuit. This law specifies that divorce can arise from either talaq or a lawsuit. As per Islamic Law Article 132, paragraph 1, if a wife wishes to initiate a divorce lawsuit, she or her legal representative must do so at the religious court with jurisdiction over her residence unless she has left the area without her husband's permission. Meanwhile, according to Article 114 of the Islamic Law

Compilation, divorce by talaq refers to the termination of marriage initiated by the husband's statement before the religious court.

Divorce is a private domain, both by the will of one of the two parties, which should not need intervention from third parties but to avoid arbitrary actions, especially from the husband, because, in general, the superior party in the family is the husband. Also, for legal certainty, divorce must go through the court (Kusmardani, Syaife'i, et al., 2022). However, in practice, there are still many Indonesian Muslim families who divorce without going through the court process because they believe it is a religiously valid divorce and not according to state regulations (Suntana, 2020). Divorce is a significant event with far-reaching impacts and consequences that should not be underestimated. The legal and socio-psychological effects of divorce include disputes over joint property, child custody, ongoing interfamily conflicts, and economic crises for both parties (Parker & Creese, 2016).

Currently, Muslim families are facing quite complex challenges, considering the fragility of family resilience among Muslim families, where quite a few married couples are unable to adapt to building a household, so choosing the path of divorce cannot be separated from the influence of history, social religion, and culture in the life of Indonesian society. So, based on the description above, the author formulates a formulation of the problem: How is Divorce in the Historical Context of Religion and Culture? What Factors Cause Divorce According to Experts and Social Realities in Indonesia? What is the Divorce Prevention Strategy in Indonesia? This research aims to analyze the dynamics of divorce in historical and cultural aspects, then analyze divorce according to experts, and examine social realities in Indonesia and divorce prevention in Indonesia.

## 2. Research Method

This qualitative research employs a descriptive, critical, and analytical approach with an interdisciplinary perspective, encompassing philosophical, psychological, sociological, juridical, and comparative case historical methods. Primary data sources consist of Fiqh books, while secondary sources encompass dissertations, theses, journals, and other relevant materials related to the main research topic. These sources are analyzed using deductive and inductive reasoning from the initial problem formulation through to the conclusion (Nor Salam, 2021).

## 3. Results and Discussions

In classical *fiqh* literature, there is no word divorce, but the concept of divorce in fiqh is called talaq. Talaq, etymologically an adjective form that has the root *Thallaqa-Yutalliqu-Thalaqan*, which consists of the word *Tha, Lam Qaf*, which means to break free from bondage or interpreted as liberation (Raffo, 2019). In Indonesia, divorce means the same thing as separation. It refers to a couple who have decided to go their separate ways and have not gotten back together. Divorce generally signifies the end of a marriage, as described by experts. The following are a few terms that scientists have mentioned:

**Table 1.** Comparative Definitions of Divorce by Islamic Jurists and Psychologists/Sociologists

No	Islamic jurists	Psychologist and Sociologist
1.	The Hanafi school of thought allows divorce (talak) by using specific language to dissolve the marriage bond, both in the present and the future (al-Kasani, 2010).	Murdock defines divorce as the end of the marital bond process, which ends in separation preceded by a lack of spousal preparation (Murdock, 1965).
2.	The Maliki school defines divorce as a legal procedure that terminates the marriage contract between a husband and his wife (al-Jaziri, n.d.).	Spinner and Thomson, divorce is a reflection of marital dysfunction and regret of the marital bond (Awaru, 2021).
3.	The Syafiiyah school defines divorce by releasing the marriage bond with divorce lafad or the like (Al-Minhāj, 1984)	Elizabeth Bergener Hurlock divorce is the termination of a marriage when the husband and wife are unable to resolve issues that lead to unhappiness in the marriage (Hurlock, 1980).
4.	The Hanabilah school of divorce is to break the bonds of marriage or so on ( al-Maqdisi, 1990)	Mel Krantzler's divorce represents the end of a relationship between two people who once lived together as a married couple.

According to the Civil Code contained in article 207, divorce is the annulment of marriage at the will of the judge because of the petition of one party from a man or woman in accordance with legal provisions. According to Law Number 1 of 1974, divorce is the dissolution of a marriage by a couple by the court if there are reasonable reasons. to believe that both partners are incapable of living a family life. (Dahris Siregar et al., 2023) And the breakup of marriage due to certain causes is called divorce. According to the Compilation of Islamic Law written in article 177, talaq is a husband's pledge before a religious court that undergoes one of the causes of the breakup of marriage, in the manner referred to in articles 129, 130 and 131 (Sururie, 2017).

In the context of divorce, different perspectives exist. Sociologist Murdock views divorce as a lack of preparedness for marriage, based on his case studies from various countries. On the other hand, psychologists like Hurlock define divorce as the separation of married couples, either through legal processes or informal means. Additionally, according to the regulations of the Unitary State of the Republic of Indonesia, divorce is understood as the dissolution of a marital relationship through a court decision. The author defines that divorce is the breaking of family ties that have been built by a male and female couple who become husband and wife who then separate due to the cause of death by decision of the creator, decreed by the Judge in the Court.

### *3.1. The History of The Development of Divorce in Religion and Culture*

Qasim Amin said divorce has existed in the world at the same time as marriage, or at least shortly before marriage (Amin, 2000). According to Ahmad al-Ghundur, divorce laws were already known in the kingdom of Caledonia in Babylonia around 2000 years BC. In this kingdom, the rules of divorce were regulated in the Law of Hammurabi, which consists of 282 articles (al-Ghundur n.d.). Divorce is specifically regulated in Article 42, where it is permissible for a husband to divorce his wife due to infertility, as marriages that cannot produce children are considered futile. The law also gives wives the right to divorce, but this right is very limited. In ancient Greek society, divorce was allowed, and the right to divorce was solely owned by the husband, as the wife was considered the absolute property of the husband, and marriage was seen as a form of sale. However, divorce was rare in Greek society unless the wife was adulterous or infertile. In a later development, Greek law granted the right of divorce to wives through requests to juries. Ancient Roman law also allowed divorce, which was based only on the consent of the spouse or the wishes of the husband. Emperor Constantine attempted to organize emancipation, which had previously been left to the husband, but his efforts in establishing legal provisions contradicted customs and practices that forced emancipation without reason. Constantine's efforts were continued by Augustine, who decided to separate under conditions similar to adultery or separation in which one person commemorates the welfare of the other (Thalib n.d.).

In Hebrew (Judaism), the right to separation is left to the husband, and the wife has no right to initiate separation. A husband can initiate separation without any real cause. Hebrews also tells us that a woman who is separated cannot return to her husband. The husband has the full right to separation, but the legal cause for separation is a physical or moral defect. In Christianity, there are two main branches, Catholicism and Protestantism. Catholicism forbids divorce, while Protestantism allows it on the grounds of adultery or conversion, and after the divorce, one may not remarry another person (Al-Ghazali, 2000). In Islam, the practice of divorce, known as *Thalaq*, is established in the *Qur'an*, *Sunnah*, and *Ijma'*. The rational foundation for this practice is mentioned in the *Qur'an*, specifically in *Surah al-Baqarah*, where it is stated that divorce can be pronounced twice (*Al-Baqarah* 2:229). After that, it should be done in a good way, *ma'ruf*, as mentioned in the *Qur'an* (*Al-Baqarah* 2:229). It is also mentioned that if a man divorces his wife, it is not a sin for him not to pay the dowry (*Al-Baqarah* 2:236).

The practice of *Thalaq* is also mentioned in the Hadith of the Prophet. For example, according to the *Saheeh Hadith* of Umar Bin Khatab, the Prophet Muhammad PBUH divorced Hafshah, then sought to reconcile (Ibn Hibban). Additionally, the Prophet stated in the hadith of dhaif that while divorce is permissible, it is disliked by Allah (Ibn Majjah). Furthermore, it is agreed upon by the consensus of humanity (*Ijma al-Ummah*) that the practice of *Thalaq* is part of Islamic law from the time of the Prophet Muhammad up to the present day. The rational basis for this practice is rooted in the belief that it is aimed at achieving a noble goal. However, if there is a dispute between a couple and continuing the family life becomes difficult, divorce is seen as a solution, as the intended goal of Islamic marriage law has not been achieved (Judah Abd al-Ghani Basuni, 2013).

Based on the principles of the *Qur'an*, *Al-Sunnah*, and *Ijma*, the prevailing view among scholars, including Hanbali, Maliki, Shafii, and Hambali, is that divorce is permitted under Islamic law. However, there are varying opinions among scholars such as Ibn Humam, Ibn Abidin, Ibn Taymiyah, and Sayyid Sabiq, who argue that divorce is prohibited in Islamic law. The argument against divorce is rooted in *Qur'anic* verses such as *Surah al-Baqarah* 2:102, *al-Nisa* 4:34, and *al-Rum* 30:21, as well as the Prophet's Hadith that identifies divorce (*Thalaq*) as something

permissible but disliked by Allah (As-Şan'āni 2007). The Rational View (*Dalil al-Aql*) considers the psychological and sociological impact of divorce, interpreting it as a rejection of divine pleasure that leads to detrimental effects on families and invokes the displeasure of Allah SWT upon the separated couple. The author has the view that although the majority of Islamic jurists such as Hanafi, Maliki, Syafii, and Hanbali express that divorce is allowed, the author views that the foundation used pays more attention to the legal aspects of the written so that the author tends to be different from the majority of Islamic jurists because the reality that occurs among the community of divorced, married couples turns out that the author finds that the occurrence of divorce only adds to The problem is not light because there are still many people in Indonesia who cannot implement Al-Baqarah 2:229 which in substance divorce must be done peacefully. Still, the fact is that divorce only adds to the problems of former husbands and wives who will never be forgotten in daily life. So, the author reveals that divorce is prohibited in Islamic Law.

### 3.2. Legal Basis of Divorce In Indonesian

As a country of law (*rechtsstaat*), Indonesia has regulations that govern its citizens. There is no exception to rules in the private sphere, namely marriage and its act. One of them is divorce. The state recognizes divorce proceedings in Indonesia as valid if they have undergone a court process (Afriandi and Sulistiawati, 2024). Legally, according to Article 38 of Law Number 1 of 1974 concerning marriage, the breakup of a marriage is caused by divorce, death, or the breakup of marriage. According to Law Number 1 of 1974, divorce is detailed in Government Regulation Number 9 of 1975, which states that divorce is considered to have occurred and all legal consequences if a divorce lawsuit is filed in the district court based on divorce. On the initiative of the husband or wife and registered in the registry by the civil registry. The divorce is considered complete, and all legal consequences are deemed to have occurred. (See Government Regulation No. 9 of 1975, Articles 20 and 34, paragraph 2)

The Compilation of Islamic Law provides for the breakup of marriages in Articles 113 to 149. Article 115 states that divorce can only be carried out in religious courts. Judges who handle divorce cases have the right to be able to reconcile both parties for the sake of family preservation. Such peace efforts can be carried out at any time based on Article 31 paragraphs 1 and 2 of Government Regulation Number 9 of 1975. Divorce mediation in court is necessary to achieve an atmosphere of peace, order, security, and prosperity, and the judge is likely to be able to reunite the family by accepting, reviewing, and resolving the case (Kamila, 2022).

For Muslims, religious courts make talaq rulings I, II, and III the legal basis for divorce. For non-Muslim couples, such as Protestants, Catholics, Hindus, and Buddhists, public courts or state civil registry offices are responsible for determining and granting divorces. With the issuance of formal decisions, each individual has the right to determine his or her future without being influenced by others. They gained new status as widows or widowers. Therefore, they have the right to remarry someone else if they see fit. Since they are legally divorced, they don't have to fear anyone when making decisions. Dating, getting engaged, or remarrying someone else is not considered adultery (Arifin, 2020).

### 3.3. The Social Dynamics of Divorce in Muslim Families in Indonesia

Social dynamics in the world are developing very rapidly; the same thing happens in the life of Indonesian society, starting from the smallest scope, the family. The dynamics of divorce in Muslim families in Indonesia are one form of failure of the husband and wife to maintain family resilience and integrity. In addition, this phenomenon is very concerning for the government and shows the fragility of family institutions, pillars of the state (Wiratri, 2018). The divorce rate in the Republic of Indonesia varies significantly from year to year. According to data gathered by the author from the Religious Court and quoted by the Central Statistics Agency, the number of divorce cases in the top ten largest provinces shown on Table 2.

Table 2 shows that West Java is the province with the highest number of divorce cases in Indonesia, with 314,913 cases. Then East Java had 237,288 cases, Central Java had 237,288 cases, North Sumatra had 55,566 cases, DKI Jakarta had 53,188 cases, Banten had 35,804 cases, Lampung had 33,171 cases, and South Sulawesi had 26,505 cases. Riau had 35,364 cases. Based on the table above of the ten provinces in Indonesia, divorces are decided by the Religious Court in seconds, minutes, or days. Likewise, in the last five years, divorce has increased while marriage has continued to decline, as can be seen from the Table 3.

**Table 1.** List of 10 Largest Provinces in Divorce Cases

Province	2021	2022	2023	Total
West Java	98.008	113.643	102.280	314.931
East Java	88.235	102.065	88.213	278.713
Central Java	75.509	85.412	76.367	237.288
North Sumatra	17.270	20.029	18.267	55.566
DKI Jakarta	16.017	19.908	17.263	53.188
Banten	15.668	18.701	1.415	35.804
Lampung	15.033	17.358	780	33.171
South Sulawesi	15.575	17.148	738	33.461
South Sumatra	11.192	14.929	384	26.505
Riau	12.722	12.501	10.141	35.364

**Table 2.** Divorce and Marriage Rates 2019-2023

Year	Divorce Rate	Marriage Rate
2019	489.002	1.968.978
2020	291.677	1.792.548
2021	447.743	1.742.049
2022	516.334	1.705.348
2023	463.654	1.577.255

The table data indicates a consistent increase in the number of divorce cases over the last 5 years. There was a significant increase from 447,743 cases in 2021 to 516,334 cases in 2022. However, there was a decrease in 2020 with 291,677 cases, representing a 33.5% decrease, and in 2023 with 463,654 cases, representing a 10.2% decrease. This demonstrates a pattern of development in divorce cases each year. Although there was a decrease in 2023 when compared to 2021, it was not as substantial as the increase seen in 2021 (Ruum & Chasanah, 2023). The data below shows that there were more divorce lawsuits filed by wives in the Unitary State of the Republic of Indonesia in 2019-2022.

**Table 3.** Divorce Cases From 2019 -2022 By Type of Divorce

Year	Divorce application	Divorce lawsuit	Total
2019	355.842	124.776	480.618
2020	76.707	214.970	291.677
2021	110.400	337.343	447.743
2022	127.986	388.358	516.344

The data presented in the table 4, indicates that the number of divorces in Indonesia is predominantly initiated by women, totaling 1,065,447 cases from 2019 to 2022. Specifically, there were 670,935 cases of divorce initiated by talaq. When comparing talaq-initiated divorces to those initiated through legal proceedings, it's important to note that the two are not directly comparable (Sholeh, 2021). In Indonesian society, there is a perception that women who file for divorce are viewed negatively, as it is seen as a bold and unfavorable act. However, there is a shifting attitude among women, who are increasingly engaging in activities outside the home and taking on more responsibility for their families' education and legal rights. This suggests that women who seek divorce from their husbands feel empowered to live independently without relying on husbands who are unable to support them (Gunawan & Nurwati, 2019).

### 3.4. Factors Causing Divorce in Indonesia

The reasons for divorce can be complex and not always clear-cut, as each family's situation is unique. Various surveys and expert opinions have identified several factors that contribute to married couples deciding to separate.

**Table 4.** Factors Causing Divorce According to Experts

Ahmad Thayyib	Ali Gomma	Goerge Liveinger	Elizabeth Hurlock	Agus Dario
Parenting Education	Economy Issues	Negligence in Liability	Economy	Virginity
Rational Thinking	Incompatibility Between Families	Economy	Morality	Economic Needs
Financial Burden	Inequality of Sexual Relations	Domestic Violence	Religion	Death
Religious Awareness	Parent Intervention	Infidelity		Commitmen in Marriage
Customs	Forgetting the Principles of Rights and Obligations	Social and Family Intervention		Religious Differences
	Love for the Third Person	Incompatibility Sexual Intercourse		Differences in Political Principles
	Has no descendants	A Loveless Marriage		
	One of the Couples Has a Disease			
	SocialMedia			

Consider the factors contributing to divorce, according to experts: marital conflict, economic stress, domestic violence, financial pressures, religious and political differences, infidelity, family and societal influences, emphasis on virginity, loveless marriages, sexual incompatibility, education, rational decision-making, and cultural traditions social media. For specific data on divorce rates in the Republic of Indonesia from 2020 to 2023, please refer to the Table 6.

**Table 5.** Factors Causing Divorce in Indonesia 2020-2023

Factors Causing Divorce	2020	2021	2022	2023	Total
Couple Conflict	176.683	279.205	284.168	251.828	991.884
Economy	71.194	113.343	110.939	108.488	403.964
Leave Either Party	34.671	42.387	39.359	34.322	150.739
Domestic Violence	3.271	4.779	4.972	5.174	1.8196
Drunk	1.218	1.779	1.781	1.752	6.193
Apostate	1.108	1.447	1.447	1.415	5.417
On Prison Law	803	1.392	1.191	780	4.166
Gambling	759	993	874	738	3.304
Polygamy	648	893	690	384	2.615
Forced Marriage	310	365	377	314	1.366
Disability	243	360	309	209	1.121

Source: Indonesian Statistics Agency 2024 processed by the author

The data in the table above shows that the main causes of divorce are conflicts and quarrels, with 991,884 cases of divorce. The second dominant factor after quarrels is economic problems with 403,964, then leaving one party 150,739, domestic violence 1,8196, drunkenness 6,193; apostasy 5,417, imprisonment 4,166, gambling 3,304 polygamy 2,615; forced marriage 1,366; disability 1,121. Several factors that cause divorce in Indonesia can be seen from several court decisions that have been decided in the Religious Courts, which can be seen in the Table 7.

The factors mentioned above have been stated in the Marriage Law, which stipulates that Divorce can only occur for legal reasons that must be resolved before the hearing in the Court; according to Article 19 Number 9 of 1975, mentioned in Article 39 paragraph 2 of Law Number 1 of 1974 and the Compilation of Islamic Law Article 116, Supreme Court Circular Letter Number 4 of 2014, The Supreme Supreme Circular Letter of 2022 must have a strong enough reason to support Divorce so that it can be implemented. Facts show that divorce is a complex problem that cannot be taken lightly (Nurfajriyani 2022). Because divorce has an impact that will affect the disconnection of family relationships among the Factors Causing Divorce in this modern era, which the author classifies as follows:

### 3.4.1. First, Conflict Factors

Family conflicts often arise when married couples struggle to solve family issues effectively. These conflicts can take various forms, including marital disputes, conflicts between children, tensions between parents and children, internal struggles, clashes with extended family members, and disputes between siblings (Iqbal, 2020). Domestic conflicts often come for newly married couples who usually have the closest environment, such as parents, in-laws, and brother-in-law, who feel they have more experience and must share their experiences. Still, if this is done continuously, it will only result in intervention, especially for married couples who have just had a baby. Where parents fight over grandchildren with different parenting styles, and this is the beginning of conflict in the couple. Differences in parenting styles often trigger conflicts, which affect the behaviour of married couples who still have parents. Because parents have full rights and obligations in educating children, parents, in-laws, brothers, and sisters-in-law do not have the right to care for children.

**Table 6.** Divorce Case Decisions and Reasons

Decision Number	Reasons for Divorce
0223/pdft. G/2015/Ms.Bir	Conflict, Disability, A Wife of an Ex-Adulterer
0121/Pdt.G/2017/PA. Yk	One of the couples is having an affair on Social Media
1979/Pdt.G/2017/PA. Mdn	
2192/Pdt.G/2019/PAMdn	Conflict, Economy, Drug Addict Husband
1648/Pdt.G/2020/PA.JT.	Husband commits polygamy
0321/Pdt.G/2021/PA. Pwt	One of the couples is Changed Religion
493.Pdt.G/2022/PA	

The economic strain between spouses can often lead to conflict, with financial instability and unemployment being significant contributing factors (Meidyawati &. Qodir, 2023. In Indonesia, research suggests that economic issues are cited as the leading cause of divorce in eight regions, accounting for 80% of cases. While financial stability is important for a strong family institution, it's worth noting that economic factors are not the sole cause of marital discord. Historical accounts show that the Prophet's companions faced economic hardships, yet their wives did not seek divorce. (Sa'adah, 2022). However, in contemporary society, divorce is not limited to financially disadvantaged families; it also affects families with established economic stability. This includes individuals in high-profile professions whose income may not match their lifestyle. Emmi Suryani points out that economic factors often lead to confusion regarding why couples seek divorce. Couples with financial difficulties may view money as the key to family happiness and opt for divorce to resolve their issues. On the other hand, affluent couples who are focused on work and wealth accumulation may also choose to divorce. For them, marital bliss is not just about pursuing material wealth through busy lifestyles. In academic circles, differences in vision and mission can lead to marital discord, as couples believe that sharing the same goals is essential for family happiness. Conversely, among religious leaders and their spouses, disobedience is cited as a reason for divorce, with the belief that marital happiness is rooted in fulfilling rights and obligations (Suryani, 2015).

The author has the view that the husband providing maintenance is an obligatory matter *al-Wajib la Yutrak illa biwa* mandatory in the Marriage Law Number 1 of 1974 Article 34 Paragraph 1 states that the husband is required to take care of his wife by providing all the necessities of household life according to his ability. While women seeking to participate in building the family economy is a matter that is allowed *al-Asl fi al-Asya al-Ibahah Hatta Yadulla al-Dalil ala Tahrimihi*, although a wife is allowed to sue for divorce from her husband on economic grounds, but the author considers the woman as a woman who is *kufr neat* as well as a man who divorces his wife who the author says is a man who is immoral towards the sacred bond of marriage. In addition, if the divorce of husband and wife is due to economic factors, one of the indicators is the husband and wife's lack of financial management, which is handled seriously. If husband and wife manage family finances seriously, there will never be a divorce due to family economic reasons.

Ineffective communication often contributes to marital conflicts and is a leading cause of divorce in society. This phenomenon frequently arises due to suspicion between married couples, with feelings of unappreciation and lack of support. Long-distance relationships, such as when one spouse works abroad or outside the city, can also lead to poor communication. In Purwodadi, three thousand five hundred twenty divorce cases have been attributed to disharmony in the family, which often stems from inadequate communication. The breakdown in interpersonal relationships



between spouses is often rooted in the inability to effectively convey feelings, leading to increasingly complex conflicts (Manna, at al 2021).

It is important to remember that conflicts within families often lead to domestic violence (*Nusyuz*), whether it is committed by the husband against the wife or vice versa (Kusmardani, at al, 2024). This is often cited as a reason for divorce, as seen in various regions of Indonesia such as Madura, Makassar, Bengkulu, Samarinda, Daire, Banjarmasin, Karawang, Malang, Surabaya, Aceh, and Jakarta. The factors contributing to domestic violence are closely linked with poverty, unemployment, family interference, and a lack of love in the marriage (Esti et al., 2021). According to Law Number 23 of 2004, any act against a person, especially women, leading to physical, sexual, or psychological suffering, domestic neglect, including threats, coercion, or unlawful deprivation of liberty, falls within the realm of domestic violence (Kusmardani, at al., 2023). This law aims to provide legal protection for married couples, ensuring social order and security. Nevertheless, the implementation of Law Number 23 of 2004 has not been taken seriously in Indonesian society. In fact, since its introduction, instances of domestic violence, especially against women, have risen, with the percentage in Indonesia reaching 80% (Latifah & Ritonga, 2022).

In cases of domestic violence, women may choose to seek divorce rather than imprison their husbands in the hope that they will change their ways and the family can stay together. The author suggests that perpetrators of domestic violence not only violate human rights but also demonstrate a lack of understanding of religious texts, particularly in the misinterpretation of verses such as Al-Nisa 4:34. This verse, interpreted by Islamic jurists, prohibits husbands from physically harming their wives for any reason. Therefore, resorting to violence does not resolve the underlying issues and only exacerbates the situation. Even after a divorce, the scars of the abuse can linger, impacting the victim's life. The conflicts between husbands and wives due to moral factors, leading to divorce, involve behaviors that violate religious and state laws, such as gambling, drunkenness, drug abuse, and adultery. These behaviors have a detrimental impact on the family and may lead to a petition for divorce in court, as observed in cases in Madura, Jakarta, Malang, and Aceh. It's important to recognize that human behavior is dynamic, and not all that is considered wrong is always wrong, and vice versa. Therefore, when facing behavioral issues, spouses should carefully consider the decision to divorce, as positive changes may occur over time.

The dissatisfaction within marriage can be a significant source of conflict between spouses and can lead to the practice of polygamy and polyandry. Polygamy, typically carried out by men, and polyandry, by women, are contributing factors to divorce in Indonesian society. Indonesian law allows polygamy under specific conditions based on Annisa 4:3, which requires that husbands treat their wives fairly (Kusmardani, at al, 2022). Husbands must seek permission from the religious court to practice polygamy (Fathiah, 2023). However, polygamy often leads to suffering for some wives and has been linked to divorce cases in various areas of Indonesia (Nurmila, 2016), including Jakarta and Aceh. Conversely, polyandry, which is prohibited in Islam, has been reported in Cianjur and Banjarsari Pangandaran, where wives have engaged in extramarital affairs, leading to divorce. In some cases, the psychological aspects of polyandry reflect husbands' remorse for not being able to provide optimal care for their wives. Economic and sexual factors also play a role, as wives seek greater satisfaction despite the legal consequences. Overall, both polygamy and polyandry significantly contribute to divorce in Indonesian society.

### 3.4.2. *Second, Cultural Factors*

Divorce in society can be attributed to cultural factors (Hanifah et al., 2022). Customs surrounding marriage within communities often conflict with religious and state laws (Aprianita, 2023). For example, the practice of arranged marriages, where children are compelled by their parents to marry individuals they do not know or love, persists, especially among students and female students at traditional Islamic boarding schools, for reasons explained by Kiai and Nyai. However, this practice contradicts the Hadith, which states, "A widow has more rights to herself than the guardian of the family, and a girl can give her own consent through silence" (Anas, 2012).

Another hadith reports that the Messenger of Allah annulled the marriage of a woman who was coerced into marrying her uncle's son (al-Syaka'ah, 1996). Islam grants women the right to reject proposals, especially from married men. Psychologically speaking, a loveless marriage hinders their rights and obligations. Failing to fulfil these rights and responsibilities violates religious, state, and legal regulations (Law Number 1: Marriage, Article 33 and Law Number 12 of 2022: Criminal Acts of Sexual Violence, Articles 10, 11, 12, (Kusmardani, et al., 2023).

Furthermore, arranged marriages can weaken the couple's commitment and affect the longevity of the marriage in today's society (Suryani, 2015). The author believes that marriage should be based on voluntary consent. Arranged marriages involving input from extended family members often lead to mixed feelings, making them vulnerable to separation. Disagreements among family members can create controversies as the couple tries to build a life together.

Therefore, the author contends that arranged marriages, which often cause division among families, are inherently dangerous and should not be imposed.

Divorce is caused by husband and wife having different religions or changing religions and political differences, which still occurs a lot in Indonesian society (Saepullah, 2019). This is processed by same-religion marriage, but in the middle of the marriage process, one of the parties changes religion. The author has the view that in Islamic Family Law, there is a prohibition on married couples from partners of different religions. However, in historical aspects, couples of various religions have occurred, but nowadays, it is not like before, where religious sensitivity is very prone to endless conflict. , let alone other religions, differences in the choice of religious organizations sometimes become polemics. Indonesian Muslims are very spiritual, considering the role of the Ulama is very influential, so if many Muslims choose to partner with their religion, this is influenced by the Fatwa of Ulama from the Indonesian Ulama Council, Nahdhatul Ulama, and Muhammadiyah who have a consensus (*ijma*) that it is prohibited to carry out intermarriage (Siswanto 2021). Religion based on Al-Nisa' 4:3 and 25; Al-Rum 30:21 Al-Tahrim 66:6: Al-Ma'idah 5:5 Al-Baqarah 2:221; and Al-Mumtahanah 60:10. And the Hadith narrated by Abu Hurairah regarding the provisions for choosing a prospective partner, where it is explained that the prospective partner recommended by Islamic law is wealthy, both in terms of origin, good looks and religion. However, of these four criteria, the religious factor must be prioritized by others, including the unity or similarity of religion. Then, the rule of Islamic law, which says *Dar Al-Mafasid Muqaddamun ala Jalb al-Mashalih* So, if one of the husband and wife changes their religion, it will also trigger Internal conflict and customs and religion will trigger divorce (Afianto, 2013).

Then equality, equality here, can be interpreted as education. Education is often closely related to factors in divorce in Indonesia because the education of husband and wife influences communication patterns in resolving problems faced. The higher the couple's education, the wiser they are in dealing with problems, especially women. However, the lower the education of a partner, especially a woman, the weaker and more vulnerable they will be in facing issues. However, the reality is that currently, divorce has entered couples with higher education at bachelor's or even master's levels who apply for divorce in the Religious Courts. (Djawas et al. 2021). Therefore, divorce due to differences in education level is included in the category of divorce in the cultural aspect. (Djawas et al., 2021).

### 3.5. The Impact of Divorce and Efforts to Prevent Divorce

Divorce dramatically influences the development of children and education, especially children in elementary school and adolescents. Among them, it can cause children to be quiet and inferior, excessively naughty, have low academic achievement and feel lost. The psychological impact of divorce is always harmful to children, and this will give feelings of sadness and fear to the child. As for efforts to ensure the continuity of children's future for divorce victims, several policy agendas that can be carried out include monitoring the continuation of education through scholarship programs and special assistance and self-strengthening to build character and life motivation. Cross-sectoral cooperation, such as the Education Office, universities, social services, Population and Family Planning Agency and Non-Governmental Organizations, is needed (Ningrum, 2013). A stable and well-functioning family consisting of two parents is safe and supports the optimal parenting scope for the child's growth and development. The family carries out two main functions, namely caring for and providing care to children, and it is a place where values are taught and learned. The impact of divorce on mothers tend to consume more prohibited drinks such as alcohol, so they need a lot of health services to overcome depression, anxiety, and feelings of humiliation, and they feel less able to play the role of parents. Likewise, the impact occurs on fathers who feel left out so that their children less accept them and also suffer from depression, anxiety, and abuse of illegal drugs such as narcotics. Then, the quality of grandparents' relationships with grandchildren decreased (Sundari, 2023).

As the first divorce preventive, systematic action strengthens the basic personality of adults ready to enter or undergo marriage in the form of Premarital Education. Premarital education is not only a preventive measure against possible disruptions in marriage that will take place but also to improve the quality of good husband and wife relationships and provide a sense of security and happiness in marriage. Of the 96.8% with a religious background, they stated that premarital education is very important for those getting married (Sururie, at al 2023). Many non-formal institutions provide pre-marriage education, such as the Office of Religious Affairs, the Marriage Registration Institute, the Marriage Guidance and Advisory Organizing Agency, the Salman Mosque, etc. Still, unfortunately, marriage education is less in-depth in terms of study. It tends to be limited to formality, so The materials presented are only oriented towards the commercialization of the program, which ends up asking for funds from participants who are alumni of pre-marriage schools. However, the author views that there is a rule of *ma yudrak al-Kullu la outrank al-Kullu*, so it is better to carry it out to maintain family resilience in Indonesia.

Second, Seminar on Family Economic Management. For couples who will get married in the future, prospective married couples who will get married in the future need to understand the importance of family financial management from the start so that family finances can be planned well to prevent economic problems in the future. Apart from that, by understanding family financial management, couples who are getting married can improve the quality of family life by managing family finances properly and correctly (Grace Tianna Solovida, 2023). For couples who are accustomed to practicing good family financial management, they will be able to avoid conflicts caused by economic problems. Newly married couples often have different views on managing their finances; this can trigger conflict between husband and wife by decreasing family welfare and influencing the desire of one married couple to divorce (Raharjo et al., 2015).

Third, strengthening the basic personality of adults ready for marriage will address the risk and prevention of disease. Fourth, help married couples recognize early and choose steps to prevent or eliminate the risk of disharmony in marriage. Fifth, family mediation must be carried out when there are problems in the husband-wife relationship, namely when the husband and wife cannot overcome family disharmony. Even though husband and wife disputes in religious courts only have a success rate of 10% and 90% are decided by judges, mediators still have a very big job as an institution that works to prevent married couples from divorcing because judges and mediators are the determinants in determining the status of divorce or non-divorce. Married couple. Sixth, provide rehabilitation assistance to husbands and wives who have been legally divorced to minimize the negative impact of divorce on the couple themselves, the impact on children, and the impact on the couple's family, especially for assistance in parenting post-divorce. Parents can help prepare their children for what happens. Preparation must be appropriate to the child's age and level of development. Parents must be strongly committed to working together to raise children despite divorce.

#### 4. Conclusion

Based on what has been described by the author above, it can be concluded as follows: Firstly, Divorce, which is defined as the dissolution of a marriage, already existed with the existence of marriage, but the Divorce Law was only known in the Kingdom of Caledonia in Babylonia, in 2000 BC where there were Divorce regulations. In Judaism, the right to divorce is only enforced by a husband on condition that the wife has a disability. Meanwhile, in Catholic Christianity, divorce is prohibited, and in Protestant Christianity, divorce is permitted on condition that one of them commits adultery. In Islamic Law, divorce is allowed. Still, some Ulama thinks that divorce is prohibited in Islamic Law. In contrast, in the Family Law of the Unitary State of the Republic of Indonesia, divorce is permitted through court procedures.

The two factors that cause divorce among experts are marital conflict, economic pressure, domestic violence, financial pressure, religious and political differences, infidelity, family and community influence, emphasis on virginity, loveless marriage, sexual incompatibility, education, and decisions. Rational -creation and cultural traditions of social media. The causes of divorce in the Unitary State of the Republic of Indonesia are spousal conflict, economics, leaving one party, domestic violence, drunkenness, gambling, and neglect, one of which is imprisonment, adultery, polygamy, forced marriage, and disputes that lead to divorce. Third, one of the preventive measures to prevent divorce is First, Premarital Education so that prospective married couples can avoid prohibitions that occur in the family; Second, Attending Economic Management Seminars so that married couples can manage their finances well. Strengthening the basics of personality, fourth Mediation.

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