

Escalation of Divorce Petitions in Bone Regency: Examining Divorce Cases in the Religious Court Class 1A in Watampone

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Abstract:

The escalation of divorce lawsuits has become a significant problem that must be addressed. The high number of divorce cases is clear evidence that the purpose of marriage is not being achieved. It is urgent to pay attention to the strong reasons for the occurrence of divorce lawsuits, as this can form the basis for policy-making, particularly concerning the concept of a strong bond in marriage. This research aims to understand the indicators of the causes of divorce lawsuits and to investigate the consequences and control of those involved in divorce cases. The study is a qualitative descriptive field research with juridical, normative theological, and sociological approaches. The data management used includes data reduction, data presentation, and drawing conclusions. The data analysis results depict a substantial escalation of divorce lawsuits in The Religious Court Class 1A in Watampone over time, with a higher incidence of

divorce lawsuits compared to divorce by talak. The factors influencing divorce lawsuits in the Religious Court include moral factors, causing harm, underage marriage, ongoing disputes, biological defects, lack of harmony, all supported by situations of "inability" and "unwillingness" to fulfill rights and obligations in marriage. Divorce lawsuits have a negative impact on both parties and their descendants. Psychologically, it affects the children and the wife, socially it affects the husband and wife due to their status as widows and widowers, and economically it affects the wife's finances, which were previously supported by the husband.

Eskalasi cerai gugat menjadi problem besar yang mesti mendapatkan solusi. Tingginya angka cerai gugat menjadi bukti nyata bahwa tujuan perkawinan tidak tercapai. Urgen untuk memperhatikan alasan kuat terjadinya cerai gugat, hal itu dapat dijadikan dasar dalam mengambil kebijakan, khususnya berkaitan dengan konsep ikatan yang kuat dalam perkawinan. Penelitian ini bertujuan untuk memahami indikator penyebab cerai gugat serta menginvestigasi akibat dan pengendalian terhadap orang yang terlibat perkara perceraian. Penelitian ini merupakan penelitian lapangan yang bersifat deskriptif kualitatif, dengan pendekatan yuridis, teologis normative, dan sosiologis. Adapun pengelolaan data yang digunakan berupa reduksi data, penyajian data dan penarikan kesimpulan. Hasil analisis data menggambarkan bahwa cerai gugat di Pengadilan Agama Kelas 1A Watampone dari masa ke masa terdapat eskalasi yang cukup substansial, peristiwa cerai gugat lebih tinggi dibandingkan dengan cerai talak. Unsur-unsur yang mempengaruhi cerai gugat di Pengadilan Agama yaitu unsur moral, menyakiti, kawin di bawah umur, perselisihan berkelanjutan, cacat biologis dan kurangnya keharmonisan, unsur-unsur ini di topang dengan situasi "ketidak mampuan" dan "ketidakmauan" dalam melaksanakan hak dan kewajiban dalam pernikahan. Cerai gugat berpengaruh jelek terhadap kedua belah pihak maupun anak keturunannya. Efek secara psikologis berpengaruh kepada anak dan istri, secara sosial berpengaruh bagi suami dan istri karena memiliki status janda dan duda, secara ekonomis berefek terhadap keuangan istri yang sebelumnya ditanggung oleh suami.

Key words: *examine; escalation; divorce petition.*

Introduction

The purpose of marriage in Islam is to establish a lifelong bond. Therefore, every behavior should be carried out to continuously strive for the well-being of the established family. However, if all purposes and affection have vanished, and the marriage has become detrimental, then divorce can be carried out. Islam seeks to

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bind a marriage, but it does not delegate that the couple cannot be separated, unlike the teachings in other religions¹.

In Article 2 of the Compilation of Islamic Law, it is stated that marriage in Islamic law is a very strong covenant or *misaqan ghalidan* to carry out the command of Allah and to be performed as an act of worship. In addition, Law No. 1 of 1974 of the Republic of Indonesia relating to marriage has explicitly described the essence of a bond as guiding a harmonious and sustainable household based on faith². The purpose of marriage is to achieve happiness and harmony. However, forcing harmony does not bring tranquility, but rather difficulty. Therefore, Islam does not bind the death of marriage, nor does it facilitate divorce. The law grants the right to divorce to both women and men³

The frequent social paradigm shift in society is an indicator of increasing inequality within households, leading to a higher volume of divorces. The economic improvement among women has also contributed to the increasing number of divorce applications from women towards their partners. In the past, divorce in marriage was considered taboo and shameful, but now it is a common occurrence in society, aligning with the high annual divorce rates⁴.

The divorce escalation in Bone Regency⁵ based on data from 2021 to 2022 shows an increase from 1283 cases in 2021 to 1321 cases in 2022. Divorce petitions, both by *talak* and *gugat*, are dominant among individuals aged 30 and above, while in terms of divorce cases, *gugat* cases dominate.

According to Dr. Nazaruddin's research, the main triggers for divorce are adultery, physical disability, domestic violence, and lack of financial support⁶. According to the research of Muzakkir Abubakar, the factors contributing to divorce in Aceh include moral tension, lack of responsibility, law enforcement, abuse, intellectual exploitation, biological issues, unauthorized polygamy, suspicion, forced marriage, financial factors, early marriage, political factors, lack of comfort, and other reasons⁷. Wahbah al-Zuhaili explains the issue of impotence, stating that

¹ Rahmat Hakim, *Hukum Pernikahan Islam* (Bandung: Pustaka Setia, 2000), p. 15.

² Amir Syarifuddin, *Hukum Pernikahan Islam di Indonesia* (Jakarta: Kencana Prenada Media Group, 2007), p. 40

³ R. I. Departemen Agama, *Instruksi Presiden RI Nomor 1 Tahun 1991: Kompilasi Hukum Islam Di Indonesia* (Direktorat Jendral Pembinaan Kelembagaan Agama Islam, 2000), p. 14.

⁴ Wira Purwadi and Arpin Arpin, "Penyebab Dan Solusi Cerai Gugat Di Pengadilan Agama Gorontalo", (*Al-Mujtahid: Journal of Islamic Family Law* 1, no. 2, 2021), p. 91-104.

⁵Get to know Bone Regency, see, Hamzah, "Problematika Pengoptimalan Potensi Wakaf Produktif di Kabupaten Bone." *Ekspose: Jurnal Penelitian Hukum dan Pendidikan* 18.1 (2019), h. 741.

⁶ Nazaruddin et al, *Perceraian Akibat Kekerasan Dalam Rumah Tangga* (1st Print; Jawa Tengah: CV. Pena Persada, 2021), p. 25-34

⁷ Muzakkir Abubakar, *Meningkatnya Cerai Gugat Pada Mahkamah Syar'iyah* (Kanun Jurnal Ilmu Hukum 22, no. 2. 2020). p. 307.

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a judge is not allowed to make a divorce decision even if there is evidence of its truth. Instead, the judge should provide an opportunity for treatment for one year (starting from the date the petition is filed in court). This is also similar to other abnormalities that cannot be quickly addressed⁸.

In determining the justification for the termination of a marriage bond as a measure of permissibility of divorce in Islamic Sharia law, it is based on the indication that a husband or wife exhibits unwillingness and incapacity to fulfill the obligations in the marital relationship. This condition is synonymous with the term "*nusyus*" in Islamic law⁹.

Based on the research, it provides an overview of the differences in terms of the indicators for the occurrence of divorce in Religious Courts due to differences in views, culture, and ethnicity, as well as the equivalence of the rights of husband and wife in divorce in Religious Courts.

The harmony between the rights of the husband and wife in divorce in terms of religion and law reflects the true meaning of justice. The husband has the right to divorce (talak) the wife, and similarly, the wife has the right to request a divorce from the husband or the authority of the court based on the legal basis of the right to file for divorce or divorce by talak. In contemporary reality, some wives have implemented their rights legally to obtain a divorce from their husbands through the institution of taklik talak in front of the Religious Courts¹⁰.

Based on the equality between the rights of husband and wife regarding divorce cases in the Watampone Religious Court as a judicial authority that resolves divorce cases, including the issue of the most filed divorce cases in the South Sulawesi Religious Court. The divorce cases in 2020 amounted to 800 cases for divorce by talak, while divorce by gugat amounted to 280 cases. In 2021, there were 273 cases filed by husbands and 1010 cases filed by wives. Over time, the number of divorce by gugat cases has been more dominant than divorce by talak cases.

Given the above facts, researchers propose a detailed formulation of the lack of harmony as the basis for a wife's divorce complaint in front of the Watampone Religious Court through qualitative descriptive field research, with juridical, normative theological, and sociological approaches.

Method

The research is a field research with an analytical descriptive approach, where data is based on information and behavior. The instruments used are

⁸ Satria Effendi and Muhammad Zein, *Problematika Hukum Keluarga Islam Kontemporer* (Jakarta: Prenada Media, 2004), p. 136.

⁹ Nur Taufiq Sanusi, *Fikih Rumah Tangga* (Tangerang: Elsas, 2010), p. 201.

¹⁰ M. Djamil Latif, *Aneka hukum perceraian di Indonesia* (Ghalia Indonesia, 1982), p. 31.

observation and interviews, and information management involves data reduction, presentation, and formulation of summaries or checks. The conclusions drawn from the formulation are considered as the results of the research on divorce cases from the perspective of Islamic law and their solutions according to Islamic law.

The research took place at The Religious Court Class 1A in Watampone, chosen due to the high rate of divorce cases, specifically divorce claims, in 2021-2022, requiring an investigation into the influence and reasons for the filing of divorce cases within the judicial system handling divorce cases

Discussion

The Concept and Legal Basis of a Divorce Petition

Divorce is permissible but disliked; Islam prioritizes the establishment of eternal marital relationships within the framework of tranquility, affection, and mercy. When viewed from the perspective of the Islamic legal rulings, divorce is categorized as permissible, yet it is within the realm of what is disapproved¹¹. The term "cerai gugat" or divorce petition signifies that the wife is seeking divorce rights against her husband based on legal grounds. In classical jurisprudence, greater consideration is given to the husband as the party entitled specifically to divorce¹².

The Quran and hadith contain rules and evidence regarding the position of divorce in both talak and gugat divorce. According to the views of Islamic jurists, the verses of the Quran discuss divorce as a symbol of separation. One of the sources of the legality of divorce is the word of Allah in Surah al-Baqarah/2:229

الطَّلَاقُ مَرَّتَيْنِ ۖ فَمَسَاكُ بِمَعْرُوفٍ أَوْ تَسْرِيحٌ بِإِحْسَانٍ ۗ وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا بِمَا
 أَنْتُمْ مُوهَبْنَ شَيْئًا إِلَّا أَنْ يَخَافَا أَلَّا يُقِيمَا حُدُودَ اللَّهِ ۗ فَإِنْ خِفْتُمْ أَلَّا يُقِيمَا حُدُودَ اللَّهِ فَلَا
 جُنَاحَ عَلَيْهِمَا فِيمَا افْتَدَتْ بِهِ ۗ تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْتَدُوهَا وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ
 فَأُولَٰئِكَ هُمُ الظَّالِمُونَ

The translation:

Divorce is twice. Then, either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allah. But if you fear that they will not keep [within]

¹¹ Sayyid Sabiq, *Fiqh as-Sunnah* (4th Print; Beirut: Dar al-Fikr 1403, 1983), p. 67.

¹² Abdul Aziz Dahlan, *Ensiklopedi Hukum Islam*, Vol. 5 (1st Print; Jakarta: Ichtisar Baru Van Hoeve 1997), p. 1778.

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the limits of Allah, then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allah, so do not transgress them. And whoever transgresses the limits of Allah - it is those who are the wrongdoers.¹³

The passage above presents the matter of divorce that can be referred to twice. This means that a husband only has the opportunity to divorce his wife twice. According to Muhammad Quraish Shihab's view, the language in the verse "two times" does not necessarily mean two divorces. It delegates the concept that the intention of "two times" is two times at different times, meaning that there is a time gap between the first and second divorce. This time gap provides an opportunity for the husband and wife to reflect on their actions. This cannot be realized if the divorce is immediately pronounced two or three times, by simply uttering the word "divorce" at the same time and place¹⁴.

Rights of Husband and Wife in Divorce Petition

The views that emerge and spread among the Indonesian society, that the main duty of a husband is merely to provide for the material and spiritual needs of the household and the fulfillment of the biological needs of the couple, are narrow views. Ironically, these views are further narrowed by the existence of cultural definitions and limited knowledge, especially in matters related to the biological fulfillment of husband and wife.¹⁵

The phenomenon proves that when a husband hands over shopping money to his wife, the husband assumes that he has fulfilled his obligation and is entitled to optimal service as compensation. Similarly, when a husband hands over shopping money to his wife, some wives feel that they have complete ownership of the gift and can spend it according to their own desires or needs without consulting their husband first. Both of these events are realities that are increasingly common in society and have the potential to lead to the breakdown of marital relationships¹⁶.

The antagonism between Islamic law and jurisprudence in defining the relationship between human rights and obligations is a subject of interest. Jurisprudence positions the fulfillment of human rights as the primary role of the law. Therefore, in the study of jurisprudence, the objective relationship is explained alongside the existence of subjective law. Objective law constitutes the legal

¹³ Referensi Buku, *Al-Quran dan Terjemahannya*, (2009), p. 136.

¹⁴ M. Quraish Shihab, *Tafsir Al Misbah* (12th Print; Jakarta: Lentera, 2000), h 460.

¹⁵ Isnawati Rais, "Tingginya Angka Cerai Gugat (Khulu') Di Indonesia: Analisis Kritis Terhadap Penyebab Dan Alternatif Solusi Mengatasinya" (*AL'Adalah* 12, no. 1, 2014), p. 191-204.

¹⁶ Sanusi, *Fikih Rumah Tangga.*, p. 47"

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regulations themselves, which grant subjective law to an individual, namely something that becomes their right¹⁷.

Between objective and subjective law, there is a difference, but they cannot be separated because of the strong connection between them. If objective law is a legal rule, then subjective law is a legal rule that is attached to a particular person, thus as a right¹⁸. Therefore, subjective law exists if objective law confirms it, which simultaneously creates two things, namely the granting of rights and the establishment of obligations.

Raising and educating children is the responsibility of both husband and wife, which delegates that a husband is also responsible for providing care and civilization to his wife and children based on love and mutual respect. Therefore, if a child encounters obstacles related to education, health, environment, and others, a husband is able to provide good solutions and carry out guidance for the child in overcoming the obstacles, thus producing intelligent offspring.

Factors that Cause Divorce

The dissolution of a marriage is influenced by the actions of the husband and wife, which may exhibit negative traits or involve domestic violence, and a relationship that cannot coexist harmoniously as a complete family. In this context, discord is more likely to manifest, although the issue will ultimately revert to the husband and wife. Separation will inevitably occur when either party deems that there is no way to sustain the marital relationship and divorce becomes a necessary outcome¹⁹.

The factors that influence the occurrence of a divorce petition include various legal and procedural requirements. These may include²⁰;

- 1) The lack of peace in a marriage is the most commonly cited factor by one of the partners who will carry out a divorce. The lack of peace is influenced by various factors, including economic hardship, bad behavior, and the presence of other people.
- 2) Immoral behavior is another common cause of divorce, in addition to the lack of peace in a marital relationship. This can affect the responsibility of the husband or wife.

¹⁷ LJ van Apeldoorn, *Pengantar Ilmu Hukum* (26th Print; Jakarta: Pradnya Paramitha, 1996), p. 53-55.

¹⁸ Darlina et al, "PEMBAHARUAN HUKUM ISLAM DI INDONESIA (Pendekatan Metode Istihsan)", (*Jurnal Al-Ahkam: Jurnal Hukum Pidana Islam* 4, no. 1, 2022), p. 1-14.

¹⁹ Abdurrahman I. Doi, *Syari'ah the Islamic Law* (trans.) Zaimudin dan Rusydi Sulaiman (Jakarta: Raja Grafindo Persada, 2002), p. 225.

²⁰ Hasbi Indra, *Potret Wanita Shalehah* (Jakarta: Penamadani, 2004), p. 222.

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- 3) Adultery is sexual intercourse that occurs outside of marriage, whether committed by the husband or wife²¹.
- 4) Without love: another reason often cited by husbands and wives in deciding a marriage bond is a marriage without a foundation of love. In dealing with love problems in a marriage bond, the husband or wife must introspect themselves to know the real problem and try to carry out the principle of cooperation in making decisions.

In marriage, it is impossible to avoid problems. Issues in marital relationships often occur, and the prolonged lack of resolution can lead to separate sleeping arrangements. Other factors contributing to divorce petitions include financial problems, age differences, differences in principles, differences in child-rearing and education, and the influence of external factors such as neighbors, family, friends, and the environment²².

The Factors Causing Divorce Petitions in The Religious Court Class 1A in Watampone

The continuity of a marriage bond that contains ongoing disputes results in two conflicting states within the soul of a husband or wife. Firstly, the risk of prolonged conflict in marriage clearly contradicts the purpose and function of a marriage bond, which is to achieve a peaceful life. Secondly, the risk of a divorce petition also contradicts the purpose of marriage. In such a situation, if the harm of a divorce petition is smaller than the prolonged conflict, then taking the action of separation/divorce with the aim of avoiding greater harm is permissible. However, if the opposite is true, then separation/divorce cannot be carried out.

In this regard, Islamic law functions to minimize the divorce rate, especially in divorce petitions. If this is related to separations/divorces that occur in Indonesia, especially for Muslims, a divorce petition can only be carried out in the presence of the Religious Court²³, in addition to its function/task in the settlement process in court, prioritizing peace, but if it cannot be reconciled, then the last resort is divorce/talaq. This is not contrary to Islamic law, because if the analysis of the substance of this law, it means an effort to minimize the number of separations/talaq²⁴.

²¹ Nibras Syafriani Manna et al, "Cerai Gugat: Telaah penyebab perceraian pada keluarga di Indonesia" (Jurnal AL-Azhar Indonesia Seri Humaniora 6, no. 1, 2021), p. 11-21.

²² Save M. Dagon, *Psikologi Keluarga* (2nd Print; Jakarta: Penerbit Rineka Cipta, 2002), p. 14.

²³ Hamzah, *Peranan Peradilan Agama dalam Pertumbuhan Dan Dinamika Hukum Kewarisan di Indonesia. ALSYAKHSHIYYAH Jurnal Hukum Keluarga Islam dan Kemanusiaan*, 2(2), 2020, p. 122-139.

²⁴ Darussalam Syamsuddin and Nur Taufiq Sanusi, "CERAI GUGAT PERSPEKTIF PERUNDANG-UNDANGAN DI INDONESIA", (n.d.).

The judiciary has the authority to accept divorce petitions against husbands in special cases and is allowed by Sharia law. Moreover, the opinion of Hj. Heriyah, as a judge in The Religious Court Class 1A in Watampone, is that the divorce that is often carried out in The Religious Court Class 1A in Watampone is a request from a wife due to domestic violence issues. For example, physical violence, neglect, and failure to provide for the family both materially and emotionally²⁵.

Fasiha Koda juga selaku Hakim di The Religious Court Class 1A in Watampone, mayoritas kasus divorce petition di The Religious Court Class 1A in Watampone dimulai dengan perbedaan pemahaman dan percekcoan, yang akhirnya terungkap sebuah kalimat maupun pernyataan yang menyakiti hati kemudian berujung dengan sebuah perpisahan/meninggalkan istri dan melalaikan kewajibannya sebagai kepala rumah tangga²⁶.

The root of the problem is an indicator of the occurrence of divorce in the community at The Religious Court Class 1A in Watampone. However, this reason does not necessarily indicate the cause of divorce among Muslims, but the possibility of divorce is still wide open. This can happen because each region has its own culture, civilization, and problems that have similarities and differences. In addition, the advancement or progress in all aspects of human life in every era certainly plays a role as a factor in the occurrence of contemporary problems that can lead to the emergence of new issues that can disrupt marital relationships. Therefore, the indicators of the causes of divorce in The Religious Court Class 1A in Watampone are as follows:

1. Moral factors, which include two aspects:
 - a. Unhealthy polygamy, which is polygamy without the consent of the wife and polygamy that is not recorded even though it has the consent of the wife.
 - b. Moral crisis, which is a husband with bad behavior or bad ethics towards his wife and family, even always consuming high-alcohol drinks, being an addict, gambling, and so on, which are difficult to change or cure
2. The factor of jealousy is when a married couple has an excessive jealous attitude towards their partner, resulting in disputes, arguments, and physical violence in the household.
3. The factor of neglecting obligations among married couples includes three things:

²⁵ Hj. Heriyah, *Factors and Causes of Divorce Petition*, (Interview, 2022).

²⁶ Fasiha Koda, *Factors and Causes of Divorce Petition*, (Interview, 2022).

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- a. Forced marriage, which is a marriage bond with a matchmaking system. This is done as a form of obedience of children to their parents.
 - b. Economic factors, which is when a man/husband does not provide money to his wife to fulfill household needs, and this is in line with the taklik talaq.
 - c. Lack of responsibility, which is the negligence of a man/husband towards the general needs of his wife, both material and physical. This also includes attention to one's partner and providing family residence.
4. In the case of marriage below the legal age, which refers to the occurrence of marriage under the age of 19 according to the prevailing laws in Indonesia, this situation can serve as a trigger for separation or divorce due to the fact that the mindset of both partners is still in a tempestuous stage
 5. The factor of causing harm involves one spouse inflicting harm on the other. This includes three aspects:
 - a. Physical cruelty, where a man/husband constantly oppresses the body of a woman/wife.
 - b. Mental cruelty, where a man/husband oppresses the psyche of a woman/wife by displaying values of infidelity, and this is stipulated in the agreement of divorce
 6. Punishment, which occurs if a man/husband is subjected to punishment in the form of imprisonment or detainment of a severe nature, while a woman/wife, considering she will not be able to restrain herself, is justified in filing for divorce in the Religious Court
 7. Biological defect, which encompasses all defects in the husband such as impotence, must be based on expert testimony and submitted in accordance with the system of the Religious Court
 8. A continuous factor in household affairs, this includes three aspects, namely:
 - a. The provocation of a third party in the form of deviation with another woman.
 - b. The lack of harmony in the form of constant turmoil, disputes, and controversies, this is called *syiqaaq*.
 - c. Political, it is a valid marriage bond but one party desires divorce/talaq and the husband requests the return of the dowry or shopping money.

Based on the data presented above, it can be concluded that the factors leading to the dissolution of a marriage in The Religious Court Class 1A in Watampone are various, including economic influence, differences, ongoing disputes, infidelity, deviation, and negligence. In resolving divorce petitions at The Religious Court Class 1A in Watampone, a judge does not only refer to one reason

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for divorce as the basis for the plaintiff's application, but rather makes a decision based on the relationship between the factors

According to H. Kamaluddin, the reasons why a woman/wife files for a divorce petition in the Religious Court of Watampone are due to factors such as the husband's lack of responsibility, infidelity, violence, and finances, but the most dominant factor is the family's economic factor. This is because a woman/wife cannot fight for a household relationship if the family's economic needs are not met, which happens because the head of the household (husband) does not have a fixed income²⁷.

In measuring an indicator or root cause that can be chosen as evidence or argument in a divorce petition in accordance with Islamic Sharia law, it is through the acknowledgment of the husband and wife, or one of them, not willing to continue the marital bond. This situation is known in Islamic law as "*syikak*" (psychological divorce), marked by the behavior of "*nusyuz*" (displeasure or unwillingness) in fulfilling their duties. This factor is a dominant reason in divorce complaints in the Islamic Court, and therefore, the judges always refer to Article 116 in the Compilation of Islamic Law for the determination of divorce petitions.

An event that is emphasized in the issue of divorce petitions is the condition where there is unwillingness and incapacity to fulfill the obligation as a married couple. Both of these conditions represent two different situations, although both can influence the termination of the marital relationship. The solution to these conditions is through the involvement of the families of the husband and wife as mediators (judges).

Based on the above discussion, it is concluded that divorce (*talak*) through a wife's petition (divorce petition) is permissible as long as it meets the requirements of divorce in Islamic law. However, this does not guarantee a harmonious, prosperous, and happy continuation of family life.

The Impact and Solutions of a Divorce Petition on The Parties Involved in a Case in The Religious Court Class 1A in Watampone

Filing for a divorce petition is permissible, but it is frowned upon in Islamic law due to the negative consequences it has on both parties and their offspring. These consequences include mental, personality, societal, and financial impacts.

The social impact of the dissolution of marriage includes acquiring the status of a widow, which signifies a failure in the eyes of society. Similarly, in the case of men/husbands, separation/divorce results in the status of a widower, symbolizing a failure in managing marital relationships. Furthermore, a

²⁷ H. Kamaluddin, *Factors and Causes of Divorce Petition*, (Interview, 2022).

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man/husband is considered to have mental and physical deficiencies in fulfilling the responsibilities as the head of the household.

In analyzing the impact that influences the occurrence of divorce presented by a wife, Drs. Usman's perspective has an effect on the family's wealth within the marriage, while the offspring produced from the marriage result in the disruption of familial relations within both the female/wife and male/husband family circles. The family's wealth/assets obtained are required to be equally divided, while regarding the custody rights of the children, they are granted to the female party if the children are still minors. If they are adults, the decision regarding living with either the father or the mother is left to the children²⁸.

The point conveyed by H. Ahmad Jakar is that the consequences of separation/divorce affect both parties, where the husband or wife holds the status of widower or widow in society. However, the dissolution of a marital bond has a greater impact on the offspring in terms of intellectual, mental, and behavioral aspects. The solution is that offspring in the mature category can choose between the mother or father, but if the offspring are not yet in the mature category, the custody rights fall to the mother. As for matters related to property/family assets resulting from marriage, they are divided equally²⁹. In the Bugis customary tradition, in the event of separation or divorce, the marital property is divided peacefully. However, if the separation is initiated by the husband, the family property is fully given to the wife. Conversely, if initiated by the wife, the family property is given to the husband, based on the premise that the husband does not desire divorce.

According to Hj. Heriyah, the consequence of the dissolution of marriage is that both parties will resume individual lives. The greatest impact falls on the offspring, affecting their psychology. Additionally, there are implications for women related to financial needs previously supported by the husband. The solution to the aforementioned issues is to demand maintenance rights after divorce, in the form of iddah maintenance and the like³⁰.

Fasiha Koda stated that the consequences of a divorce petition have an impact on the offspring as victims of the separation of their parents, especially when the divorce leads to an unharmonious relationship. This can occur when one party does not accept the court's decision on the divorce, resulting in the severance of the bond between the husband, wife, and child. The suggested solution is to

²⁸ Drs. Usman, *Impact and Solutions of Divorce Petition on the Involved Parties*, (Interview, 2022).

²⁹ H. Ahmad Jakar, *Impact and Solutions of Divorce Petition on the Involved Parties*, (Interview, 2022).

³⁰ Hj. Heriyah, *Impact and Solutions of Divorce Petition on the Involved Parties*, (Interview, 2022).

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carry out the separation within a familial system to ensure that the family ties remain intact³¹.

Based on the data analysis above, the author concludes that the consequences of divorce in the aspect of divorce petition are that the husband and wife obtain the status of widower and widow. In the assessment of society, being a widower or widow is considered a form of failure, and can even be categorized as a disaster that leads to frustration in building a family in the future. The impact on the offspring is disturbances in psychological and mental aspects.

Separation through a divorce petition is the last resort as a refuge for women facing issues or violence in the household. This recourse is beneficial for the continuity of the marital bond in human life

Conclusion

The divorce cases in the Religious Court have experienced quantitative development and are dominated by divorce petitions. The factors contributing to divorce petitions include moral reasons such as polygamy without consent, immoral and unethical behavior, jealousy, financial issues, discomfort, and lack of trustworthiness. However, this is based on the unwillingness or inability of a man or woman to fulfill their rights and obligations as a married couple. The consequences of divorce include the status of being a widower or widow in society, which is a situation where someone is considered to have failed in managing household affairs. This is referred to as psychological and financial impact. As for the issue related to offspring, it involves changes in a child's lifestyle after a divorce. The appropriate solution to reduce the increase in divorce petitions is to uphold marriage as a form of worship and restore both parties to the foundation of married life.

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³¹ Fasiha Koda, *Impact and Solutions of Divorce Petition on the Involved Parties*, (Interview, 2022).

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