



An Analysis of Islamic Law in Handling Divorce and Its Impact on Children

Yunita Pasaribu*

Universitas Islam Negeri Syekh Ali Hasan Ahmad Addary Padangsidempuan

yunita.pasaribu2901@gmail.com

Aswin

Universitas Islam Negeri Semarang

aswin@usn.ac.id

Abstract

This study aims to analyze the factors that cause divorce from an Islamic perspective and its impact on families, especially children, by emphasizing the importance of maintaining the integrity of the household. This study uses a qualitative approach with a literature study method, examines Islamic teachings on divorce, and identifies factors that cause divorce, such as biological, psychological, moral, economic, and sociological factors. The results show that divorce, although allowed in Islam, is strongly discouraged because of its widespread and negative impact, especially on children who are often the most emotionally and socially disadvantaged. This study recommends the importance of strengthening the values of domestic harmony through family education based on Islamic teachings, conflict management in a peaceful way, and providing counseling for couples facing domestic problems. Thus, divorce can be minimized, and the integrity of the family can be maintained in accordance with Islamic values.

Keywords: *Islamic Law; Divorce; Impact*

Abstrak

Penelitian ini bertujuan untuk menganalisis faktor-faktor penyebab perceraian dalam perspektif Islam serta dampaknya terhadap keluarga, khususnya anak-anak, dengan menekankan pentingnya menjaga keutuhan rumah tangga. Penelitian ini menggunakan pendekatan kualitatif dengan metode studi literatur, mengkaji ajaran Islam tentang perceraian, serta mengidentifikasi faktor-faktor penyebab perceraian, seperti faktor biologis, psikologis, moral, ekonomi, dan sosiologi. Hasil penelitian menunjukkan bahwa perceraian, meskipun dibolehkan dalam Islam, sangat tidak dianjurkan karena dampaknya yang luas dan negatif, terutama pada anak-anak yang sering menjadi pihak paling dirugikan secara emosional dan sosial. Penelitian ini merekomendasikan pentingnya penguatan nilai-nilai keharmonisan rumah tangga melalui edukasi keluarga berbasis ajaran Islam, pengelolaan konflik dengan cara yang damai, dan pemberian konseling untuk pasangan yang menghadapi permasalahan rumah tangga. Dengan demikian, perceraian dapat diminimalkan, dan keutuhan keluarga dapat terjaga sesuai dengan nilai-nilai Islam.

Kata Kunci: *Hukum Islam; Percerian; Dampak*

Introduction

Marriage is a very noble thing, because marriage is an innate bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead.¹ In other words, marriage is a noble and holy aqad between a man and a woman that is the cause of the validity of sexual relations with the aim of achieving a

¹ Intan Alpidoh, Lia Amaliya, dan Muhamad Abas, "The Strength of Private Agreements on the Division of Joint Assets Before Divorce and Their Consequences in Joint Asset Claims," *Ipsa Jure* 1, no. 9 (2024): 49-57, <https://nawalaeducation.com/index.php/IJJ/article/view/576>.

*Corresponding author

family full of affection, virtue and mutual support, such a family is the ideal that everyone desires. Marriage includes not only the right to bear and raise children, but also a series of obligations and privileges that affect many people or society.² The occurrence of marriage is influenced by various interests of the parties who hold the marriage, be it personal interests, family, or interests in practicing religion. The purpose of marriage is to form a happy and eternal family. Therefore, a sense of mutual tolerance and complementarity must always be created in the household.³ Because once this marriage begins, it should not be ruined by trivial things, anything that leads to the destruction of the household is something that Allah hates. Therefore, divorce is a halal thing but is hated by Him. Marriage aims to foster human life in harmony, peace and happiness so that there is mutual love and love between husband and wife and children and other families in order to create a prosperous family.⁴ Harmony and harmony in the household are very much needed by children, because it is the only place and natural environment that can be used to educate children properly and correctly, both physical education or spiritual education and can foster a sense of love and affection in their own soul.

Family harmony is a state in which family members live in calm and tranquility, intertwined with affection, mutual understanding, dialogue, and good cooperation.⁵ Family harmony can be seen from the responsibility in fostering a family based on mutual respect, mutual acceptance, appreciation, mutual trust, and mutual love.⁶ According to Qaimi, family harmony is a state in which the family is filled with tranquility, tranquility, affection, heredity and continuity of generations, compassion and sacrifice, complementing and perfecting each other, as well as helping and cooperating with each other.⁷ Family harmony is characterized by a united relationship, open communication, and warmth among family members. A harmonious family is a condition in which all family members exercise their respective rights and obligations, there is affection, mutual understanding, good communication, and effective cooperation among family members.

Research conducted by Nasaruddin Mera shows that Islamic law provides clear rules regarding divorce, including the obligation to mediate before divorce is carried out. Nasaruddin Mera emphasized that Islamic law regulates the rights of women and children very

² Richard D. Sanchez, "Unveiling the moral-theological foundations of the nullity of marriage due to psychological incapacity," *International Journal of Open-access, Interdisciplinary and New Educational Discoveries of ETCOR Educational Research Center (iJOINED ETCOR)* 2, no. 1 (2023): 397–404, <https://rpo.ua.edu/wp-content/uploads/2023/10/4.-Summit-2016-Richard-Sanchez-113-202.pdf>.

³ Dewa Agung Gede Agung, Ahmad Munjin Nasih, dan Bayu Kurniawan, "Local wisdom as a model of interfaith communication in creating religious harmony in Indonesia," *Social Sciences & Humanities Open* 9 (2024): 100827, <https://www.sciencedirect.com/science/article/pii/S259029112400024X>.

⁴ Sultan Ali Al-Shaddadi dkk., "Youth's Attitudes Towards Marriage And Its Relationship To Mental Health (A Study On A Sample Of Those About To Get Married In Taif)," *Journal of Namibian Studies: History Politics Culture* 38 (2023): 2186–2210, <https://namibian-studies.com/index.php/JNS/article/view/6662>.

⁵ Feky Manuputty, Afdhal Afdhal, dan Nathalia Debby Makaruku, "Building a Harmonious Family: Combining Cultural Heritage and Religious Values in Ambon City," *West Science Social and Humanities Studies* 2, no. 01 (2024): 09–18, <https://wsj.westscience-press.com/index.php/wsshs/article/view/550>.

⁶ Walaa Elsayed, "Building a better society: The Vital role of Family's social values in creating a culture of giving in young Children's minds," *Heliyon* 10, no. 7 (2024), [https://www.cell.com/heliyon/fulltext/S2405-8440\(24\)05239-3](https://www.cell.com/heliyon/fulltext/S2405-8440(24)05239-3).

⁷ Mokhammad Samson Fajar dan Faris Al Badr, "Kafâ'ah Contextualization in an Effort to Form Harmonious Family in the Modern Era: An Analysis Of Fazlur Rahman's Double Movement," *Al-'Adalah* 17, no. 2 (2021): 203–30, <https://ejournal.radenintan.ac.id/index.php/adalah/article/view/6568>.

carefully, including the obligation of maintenance and custody of children after divorce.⁸ In this study, he stated that divorce in Islam is sought only as a last resort after reconciliation efforts, which aim to protect the welfare of the family, especially children. Research conducted by Yasaman Sarmadi revealed that divorce has a profound psychological impact on children. Yasaman Sarmadi found that children from divorced families tend to experience anxiety, feelings of insecurity, and difficulties in social relationships.⁹ He emphasized that although Islamic law provides protection for children through custody, the reality on the ground shows that children often feel a loss of emotional stability which greatly affects their development.

Ahmad Rusyaid Idris in his research examined the obligation of child maintenance and custody in divorce according to Islamic law.¹⁰ Ahmad Rusyaid Idris concluded that although divorce can occur, both parents still have a great obligation to support their children, both financially and emotionally. The study also shows that religious courts, through the Islamic legal system, play an important role in ensuring that children get their rights after divorce, including in establishing custody and maintenance. Research conducted by Christopher J. Anthony revealed that divorce has a bad impact on children's education. Ramadhan found that children who experienced divorce tended to experience a decline in academic achievement due to a lack of attention and support from parents.¹¹ The study also shows that the financial challenges arising from divorce hinder children's access to a proper education, although in an Islamic perspective education remains a parental obligation.

Sayed Sikander Shah in the study stated that mediation has a very important role in preventing divorce in Islamic law. Sayed Sikander Shah emphasized that the mediation process carried out by a competent third party can help couples to resolve domestic conflicts without having to divorce, which in turn can reduce the negative impact on children.¹² This research highlights the importance of a reconciliation approach based on Islamic values as a way to reduce divorce rates. Research by Sahin Husain examines how the implementation of Islamic law in providing protection to children after divorce. Sahin Husain found that although Islamic law provides clear provisions on child custody and maintenance, its implementation on the ground often depends on religious court policies and socio-cultural factors.¹³ This study

⁸ Nasaruddin Mera dkk., "Child Custody Rights for Mothers of Different Religions: Maqāṣid al-Sharī'ah Perspective on Islamic Family Law in Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024): 1645–68, <https://jurnal.ar-raniry.ac.id/index.php/samarah/article/view/23809>.

⁹ Yasaman Sarmadi dan Anahita Khodabakhshi-Koolae, "Psychological and Social Consequences of Divorce Emphasis on Children's Well-Being: A Systematic Review," *Journal of Preventive Counselling* 4, no. 2 (2023), https://journal.uma.ac.ir/article_2211_55c891b8b9a7761d3efa856aeba77459.pdf.

¹⁰ Ahmad Rusyaid Idris, Muhammad Khusaini, dan Syaiful Anwar Al-Mansyuri, "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage," *MILRev: Metro Islamic Law Review* 3, no. 1 (2024): 1–21, <https://e-journal.ejournal.metrouniv.ac.id/milrev/article/view/8907>.

¹¹ Christopher J. Anthony, James Clyde DiPerna, dan Paul R. Amato, "Divorce, approaches to learning, and children's academic achievement: A longitudinal analysis of mediated and moderated effects," *Journal of school psychology* 52, no. 3 (2014): 249–61, <https://www.sciencedirect.com/science/article/pii/S0022440514000302>.

¹² Sayed Sikander Shah, "Mediation in marital discord in Islamic law: Legislative foundation and contemporary application," *Arab Law Quarterly* 23, no. 3 (2009): 329–46, https://brill.com/view/journals/alq/23/3/article-p329_4.xml.

¹³ Sahin Husain, Nasir Purkon Ayoub, dan Mukhammadolim Hassmann, "Legal pluralism in contemporary societies: Dynamics of interaction between Islamic law and secular civil law," *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah* 1, no. 1 (2024): 1–17, <https://pubcenter.ristek.or.id/index.php/Syariat/article/view/11>.

suggests the importance of wider legal education to the community so that children's rights in divorce can be better protected.

Parents have a great responsibility for the development and education of children, a healthy, clean and orderly household and covered with a sense of peace, security and tranquility and harmony with each other will create a happy family that lives in society by giving birth to educated children and has bright hopes in the future. The hermonical relationship between parents and children is very influential on the growth and development of the child's soul and education, a harmonious relationship full of understanding and affection will lead to the child's personality. Considering that the household is the first place of education known by children, parents must be able to know about the purpose of education for their children. This paper is descriptive, namely by using a reality that exists in Aceh and its surroundings. This paper is carried out to find various opinions or theories that can be supported. From the above explanation, it can be seen how important the integrity in a family and how the role of parents in providing education to children, because the purpose of marriage expected by article 1 of law No. 1 of 1974 is to form an eternal happy family/household based on the Almighty God.

Method

This study uses a qualitative approach, this qualitative research method is used to seek a deep understanding of a phenomenon of Islamic law analysis in handling divorce and its impact on children. This research is qualitative, where the researcher explains and describes the circumstances and phenomena that occur more clearly.¹⁴ The subjects in this study are scientific journals and other sources that can be accounted for. The data used in this paper is sourced from books, articles, and classic texts which are then verified into a writing that contains an analysis of Islamic law in handling divorce and its impact on children. The focus of the problem that will be discussed in this study is the analysis of Islamic law in handling divorce and its impact on children. This research will be carried out in November 2024. The impact of divorce does not only occur on husband and wife, but will also have an impact on children. For this reason, it is necessary to research what impacts will be experienced by children as a result of parental divorce.

In collecting data, literature review is used to obtain valid data and support the researcher's opinion. The instruments in this study are documents, books, journals, articles, and things that are considered challenging to be used in this research. Researchers collect data by reading a number of documents related to the research. This literature study was carried out to deepen what was researched. In this case, the researcher will provide an explanation of the analysis of Islamic law in handling divorce and its impact on children by conducting analysis and review on various written sources that are consistent and support this research.¹⁵ This analysis is very important to do for the sake of the truth of the research carried out.

¹⁴ Audrey Alejandro dan Longxuan Zhao, "Multi-Method Qualitative Text and Discourse Analysis: A Methodological Framework," *Qualitative Inquiry* 30, no. 6 (Juli 2024): 461-73, <https://doi.org/10.1177/10778004231184421>.

¹⁵ Bui Thanh Khoa, Bui Phu Hung, dan Mohsen Hejsalem Brahmi, "Qualitative Research in Social Sciences: Data Collection, Data Analysis and Report Writing," *International Journal of Public Sector Performance Management* 12, no. 1/2 (2023): 187-209, <https://doi.org/10.1504/IJSPSPM.2023.132247>.

Result and Discussion

Divorce and Divorce Lawsuits: An Overview

Divorce in Islam is not a prohibition, but as the last door of the household, when there is no way out. In fact, juridically, divorce has been regulated in article 38 letter b of Law No. 1 of 1974 concerning Marriage. In it, it is explained that the breakup of a marriage can occur due to death, divorce, and court decisions. In the law, it is clear that the dissolution of a marriage due to divorce is different from the dissolution of a marriage. Meanwhile, in article 39 of the Marriage Law, it is explained that divorce can only be done in front of the Court and not by a Court decision. This article is intended to regulate the case of talaq in marriage according to Islam. In Government Regulation No. 9 of 1975, the terms divorce talaq and divorce lawsuit are used, this is intended to distinguish the meaning referred to by letter c in the law. In imposing talaq, a husband must submit his case to the Court with the reasons that are the reason for wanting to divorce his wife.

Law No. 1 of 1974 tends to make it difficult for a divorce to occur. However, if a case cannot be resolved in a family way by the parties to the case, then the last way that can be taken is to ask for help from the Religious Court by filing a lawsuit by the wife to her husband. If the Religious Court has processed and decided to divorce, then the divorce certificate can be issued by the Religious Court. This kind of divorce is called a lawsuit divorce, but if the husband reports his wife to the Religious Court and the divorce is decided, then this kind of divorce is commonly called a talaq divorce. A great responsibility for the development and education of children, a healthy, clean and orderly household and surrounded by a sense of peace, security and tranquility and harmony with each other will create a happy family that lives in society by giving birth to children who are educated and have bright hopes in the future. The hermonical relationship between parents and children is very influential on the growth and development of the child's soul and education, a harmonious relationship full of understanding and affection will lead to the child's personality. Considering that the household is the first place of education known by children, parents must be able to know about the purpose of education for their children.

A divorce lawsuit in Arabic is called al-khulû. The word al-khulû, comes from the word 'khu'u ats-tsauwbi, which means to take off clothes. Then it is used for the term woman who asks her husband to release herself from the marriage bond. According to the meaning of the Shari'ah, scholars say in many definitions, that hsa al-khulû is the separation (divorce) between a couple with the pleasure of both of them and with the payment handed over by the wife to her husband. Shaykh al-Bassam is of the opinion that al-khulû is the divorce of a husband and wife with a payment taken by the husband from his wife, or something else with a special pronunciation. Meanwhile, al-Hafizh Ibn Hajar stated that al-khulû is a husband who divorces his wife by handing over compensation to her husband. This is forbidden, unless both or one of them is worried about not being able to carry out what God commands. This can arise because of dislike in domestic relationships, it can be due to bad morals or physical shape. Likewise, this prohibition disappears, unless both require divorce, for fear of sin that leads to al-Bainunah al-Kubra (great divorce or triple talaq).

Divorce Based on a Compilation of Islamic Law

Before explaining divorce based on KHI article 116, the meaning of divorce according to Islamic law will first be explained. Divorce in Arabic is known as talaq, which etymologically is: "Talaq linguistically is to let go of the rope". In general terms, divorce is the breakup of a relationship or marital bond between a man or woman (husband and wife).¹⁶ Meanwhile, in Islamic law, divorce is called talaq, which means release or liberation (release of the husband from his wife). In Islamic jurisprudence, divorce or talaq means "divorcing the opponent of gathering."¹⁷ Then this word was used as a term by jurists which means divorce between husband and wife. Divorce is the release of the bond and the end of the marital relationship. Based on some of the definitions above, it can be understood that divorce is the breakup of the marriage bond between husband and wife in order to build a whole, permanent and eternal household, so that between the two it is no longer halal to get along as husband and wife deserve.

Divorce based on article 114 of the KHI, namely the dissolution of marriage caused by divorce can occur due to talaq, or based on a divorce lawsuit, but further in article 116 of the KHI it is explained several reasons or reasons for divorce that will be submitted to the court for processing and follow-up.¹⁸ As for these reasons, one of the parties commits adultery or becomes a drunkard, a drunkard, a gambler, and so on which is difficult to cure. One party leaves the other party for two consecutive years without the permission of the other party and without a valid reason or for other reasons beyond its capabilities. One of the parties received a prison sentence of five years or a heavier sentence during the marriage. One party commits cruelty or severe persecution that endangers the other party.¹⁹ One of the parties gets a physical disability or illness as a result of not being able to carry out their obligations as husband and wife. Between husband and wife there are disputes and quarrels and there is no hope of living in harmony in the household anymore. The husband violated ta'lik talaq. Religious change or apostasy that causes disharmony in the household.

As for what is meant by talaq article 117 of the compilation of Islamic law, talaq is a husband's pledge before a religious court which is one of the reasons for the breakup of the marriage. Meanwhile, what is meant by divorce is a divorce lawsuit filed by the wife or her attorney at the religious court, whose jurisdiction covers the plaintiff's residence, unless the plaintiff leaves the common residence without the husband's permission. In the event that the lawsuit is domiciled abroad, the chairman of the religious court notifies the defendant of the lawsuit through the local representative of the Republic of Indonesia. Thus, it can be concluded that divorce by way of talaq is a divorce application filed by the husband, while a divorce

¹⁶ Alex Kusmardani, "The Dynamics of Divorce in Indonesian Muslim Families," *Daengku: Journal of Humanities and Social Sciences Innovation* 4, no. 5 (2024): 739–52, <https://jurnal.ahmar.id/index.php/daengku/article/view/2756>.

¹⁷ Saba Abdali, "The Interplay between Sharia and Gender Equality: A Comparative Study of Women's Rights in Divorce Regulations in Iraq and Tunisia," 2023, <https://www.diva-portal.org/smash/record.jsf?pid=diva2:1761966>.

¹⁸ Muhamad Arifin Badri, Anas Burhanuddin, dan Ghufran Jauhar, "Factors Influencing The Increase in Khulu's Divorce: A Case at The Jember Religious Court (2021-2023)," *Al-Adalah* 21, no. 1 (2024), <https://ejournal.radenintan.ac.id/index.php/adalah/article/view/21074>.

¹⁹ Kate Weisburd, "Rights violations as punishment," *Cal. L. Rev.* 111 (2023): 1305, https://heinonline.org/hol/cgi-bin/get_pdf.cgi?handle=hein.journals/calr111§ion=31.

lawsuit is filed by the wife or her attorney to the religious court. The causes of divorce are as described in positive law where there are several causes or reasons that can cause divorce, as affirmed in government regulation of the Republic of Indonesia number 9 of 1975 concerning the implementation of Law Number 1 of 1974 concerning Marriage article 19.

Legal Consequences of Divorce

In general, the legal consequences of divorce In article 35 of Law No. 1 of 1974, it is stated that property obtained during marriage becomes joint property. The inherited property of each husband and wife and the property obtained by each of them, such as gifts or inheritances, is under the control of each as long as the parties do not specify otherwise. In article 37, it is stated that if the marriage is broken up due to divorce, the joint property is regulated according to their respective laws. Based on existing provisions that child custody is determined on the legitimate offspring as the adopted child. As per article 42 of the Marriage Law, "a legitimate child is one born in or as a result of a valid marriage". Meanwhile, children born out of wedlock only have a civil relationship with their mother and her mother's family in accordance with article 43 paragraph 1. Article 156 of the KHI regulates the dissolution of marriage as a result of divorce (divorce lawsuit).

This is revealed as a child who has not yet mumayyiz is entitled to his mother's hadanah, unless his mother has passed away, then his position is replaced by women in a straight line up from the mother.²⁰ Father and Women in a straight line up from the father and sister of the child concerned. Children who have mumayyiz have the right to choose to get hadanah from their father or mother.²¹ If the holder of hadanah cannot guarantee the physical and spiritual safety of the child, even though the cost has been sufficient, then at the request of the relative concerned, the court can transfer the right of hadanah to another relative who has the right of hadanah as well. All expenses for hadanah and child maintenance are the responsibility of the father according to his ability, at least until the child is mature and able to take care of himself (21 years old).²² If there is a dispute regarding hadanah and child maintenance, the religious court will appeal the decision based on the child custody law. The court may also bind the father's ability to fix the amount of expenses for the maintenance and education of children who do not participate in him.

Talking about the issue of responsibility, every parent who has given birth to their children, has been charged with moral responsibility for the educational process and the development of their child's soul, whether after the divorce or still in a perfect family, because children are God's entrusted treasures to be taken care of and nurtured as well as possible. The results of the research conducted by the author are mostly after the divorce of the child following the mother, only a few follow the father, and not a little after the divorce of the child

²⁰ Muhammad Fitri Adi, "Hadhanah Rights of Children (Not Mumayyiz) Based on Compilation of Islamic Law and Child Protection Act," *NUSANTARA: Journal Of Law Studies* 2, no. 1 (2023): 9-22, <https://juna.nusantarajournal.com/index.php/juna/article/view/30>.

²¹ Asantia Puspita Rohmah, Prahasti Suyaman, dan Asti Sri Mulyanti, "Determination of Custody Rights (Hadhanah) for Children Who Are Not Yet Mumayyiz to the Father," *rechtsnrmn jurnal of law* 1, no. 2 (2023): 48-57, <https://eprints.ummi.ac.id/3677/>.

²² Umar Multazam, "The Concept of Child Custody (Hadhanah) After Divorce in the Perspective of Islamic Law," *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 16-39, <https://jurnalpasca.uinkhas.ac.id/index.php/IJIL/article/view/1956>.

is taken by one of the grandmothers from the child's parents, to be included in one of the elementary schools where the author conducted the research.²³ Useful humans from this world and the hereafter, giving useful lessons and knowledge so that the child can stand on his own.

The family is viewed from the blood relationship with the husband or wife, namely brothers, sisters, grandparents, mothers and nephews from the husband and wife. The formation of the family as a human being mentioned above has also been outlined in Religion. Based on the results of the research and discussion above, it can be concluded that divorce has a very large influence on the development of the psyche and education of children, especially children of elementary school age and adolescents.²⁴ Among them can cause children to be quiet and inferior, excessively naughty, low academic achievement and feel lost. Although not in all such cases, most of them have a negative impact on the development of the child's psyche and also affect the child's educational process itself as mentioned above.²⁵ In general, children whose families are divorced come with their mothers, and all living expenses that should be the responsibility of the father but the responsibility of the mother.²⁶ Children from non-conformity families have better achievement compared to children from non-conformity families whose parents are divorced. The impact of parental divorce is also evident for elementary school-age children such as quiet, shy, no longer cheerful and their academic achievement decreases.

The Impact of Parental Divorce on Children

In general, it can be said that the family is the smallest organization or institution that forms society. This is from the opinion expressed by Goode, that society is a structure that can be concluded consisting of a family" and to form this family, it is necessary to have a marriage that is recognized by both society and religion.²⁷ Thus the family is a form of legal bond between a man and a woman through marriage. From this bond are born descendants who are legally the responsibility of husbands and wives or parents in fostering and developing them. Every time a parental divorce occurs, it certainly has a negative impact on the process of education and development of the child's psyche, because elementary school-age children in general still need affection and full attention from both parents. This will be proven later in the discussion, things related to the impact felt by the child due to the divorce of his parents. Parental divorce is a big problem for their children, especially for children who are still in elementary school, Because children at this age still really need the affection of their parents.

²³ Ayat J. Nashwan dan Lina Alzouabi, "The aftermath of the Syrian crisis: A glimpse of the challenging life of widowed and divorced refugee women in Jordan," *Mental Health and Social Inclusion* 28, no. 5 (2024): 522-37, <https://www.emerald.com/insight/content/doi/10.1108/MHSI-01-2023-0007/full/html>.

²⁴ Kateryna Karhina dkk., "Parental Separation and School Dropout in Adolescence," *Scandinavian Journal of Public Health* 52, no. 5 (Juli 2024): 632-39, <https://doi.org/10.1177/14034948231164692>.

²⁵ Jennifer E. Lansford dkk., "A 12-year prospective study of the long-term effects of early child physical maltreatment on psychological, behavioral, and academic problems in adolescence," *Archives of pediatrics & adolescent medicine* 156, no. 8 (2002): 824-30, <https://jamanetwork.com/journals/jamapediatrics/article-abstract/203703>.

²⁶ Rabiatul Adawiah, "The Divorce Phenomenon in Cenggu Village: Psychological Impact and Childcare Responsibilities," *Legitima: Jurnal Hukum Keluarga Islam* 6, no. 2 (2024): 46-62, <https://ejournal.uit-lirboyo.ac.id/index.php/as/article/view/4415>.

²⁷ Muhammad Faisal Hamdani dkk., "The Legal and Human Rights Challenges of Interfaith Marriage in Indonesia," *Journal of Law and Sustainable Development* 11, no. 12 (2023), <http://repository.uinsu.ac.id/22601/>.

The atmosphere of the household influences the development and education of elementary school children.

A messy family atmosphere can cause children to not be able to learn well and even have a negative influence on the development of the child's psyche during his or her growth period, because the child's personality generally occurs through experiences obtained in childhood. The experiences that children get in childhood, both bitter and pleasant experiences, all have an influence on the child's life later. Zakiah Drajad said that there are several things that parents are responsible for their children. Introducing the blessings and gifts of Allah.²⁸ Guiding his children in religious science experience. Give a name to the child. Clarify the nasab (descent). Always pray for his child. In the emotional field, there is a sense of affection and love for children. Must set a good example because their children will always follow in the footsteps and behavior of their parents. Following all the actions of his parents. Do and be fair in the family. Wise in guiding. Take the time to hang out and play with their child. Must be both not rude and wise in expressing their anger towards children. Prevent marriage at the age of children. In the Health Sector, parents and families are responsible for maintaining health and caring for children from the womb to adulthood. If parents and families are unable to carry out these responsibilities, the government is obliged to fulfill them.

From the provisions mentioned above, it can be seen that a child has sufficient rights to ensure the survival and happiness of the child concerned. The legitimate child deserves attention, both in terms of his mental development and proper education until the child is 18 years old. This is affirmed in article 47 of Law No. 1 of 1974.²⁹ Talking about the issue of responsibility, every parent who has given birth to his or her child has been charged with moral responsibility for the educational process and the development of the soul of his child, whether after the divorce or still in a perfect family, because the child is a treasure entrusted to God to be taken care of and maintained as well as possible.³⁰ The results of the research conducted by the author are mostly after the divorce of the child following the mother, only a few follow the father, and not a little after the divorce of the child is taken by one of the grandmothers from the child's parents, to be included in one of the elementary schools where the author conducted the research. Every parent when giving birth to their children is burdened with a burden or obligation to educate and nurture so that they can be independent.

Humans are useful from this world and the hereafter, providing useful lessons and knowledge so that the child can stand on his own.³¹ The family is viewed from the blood relationship with the husband or wife, namely brothers, sisters, grandparents, mothers and

²⁸ Ainal Gani dan Rumadani Sagala, "Moral Education Perspective of Shaykh Nawawi Al-Bantani in the Book of Mara'iqi Al-'Ubudiyah and Shaykh Hafidz Hasan in the Book of Taisir Al-Khalaq," *Bulletin of Science Education* 4, no. 2 (2024): 263–75, <https://attractivejournal.com/index.php/bse/article/view/1351>.

²⁹ Nur Insani dkk., "Judicial Considerations in Child Marriage Dispensations: An Empirical Study of the Gorontalo Religious Court," *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 41–52, <https://journal.iain-manado.ac.id/index.php/JIS/article/view/2066>.

³⁰ Judith Suissa, "Untangling the Mother Knot: Some Thoughts on Parents, Children and Philosophers of Education," *Ethics and Education* 1, no. 1 (Maret 2006): 65–77, <https://doi.org/10.1080/17449640600584987>.

³¹ Harikumar Pallathadka dkk., "The study of Islamic teachings in education: With an emphasis on behavioural gentleness," *HTS Teologiese Studies/Theological Studies* 79, no. 1 (2023), <https://www.ajol.info/index.php/hts/article/view/245716>.

nephews from the husband and wife.³² The formation of the family as a human being mentioned above has also been outlined in Religion.³³ Based on the results of the research and discussion above, it can be concluded that Divorce has a very large influence on the development of the soul and education of children, especially elementary school age children and adolescents. Among them can cause children to be quiet and inferior, excessively naughty, low learning achievement and feel lost. Although not in all such cases, most of them have a negative impact on the child's mental development and also affect the child's educational process itself as mentioned above.

In general, children whose families are divorced come with their mothers, and all living expenses that should be the responsibility of the father but the responsibility of the mother. Children from non-conformity families have better achievement compared to children from non-conformity families whose parents are divorced. The impact of parental divorce is also evident for elementary school-age children such as quiet, shy, no longer cheerful and their academic achievement decreases.

Conclusion

An analysis of Islamic law on divorce is the breaking of the marriage bond between husband and wife in order to build a whole, eternal and eternal household so that between the two it is no longer halal to get along as husband and wife. The factors that cause divorce are biological factors, psychological factors, moral factors, economic factors, and sociological factors. Divorce has a very big influence on the development of the soul and education of children, especially elementary school age children and adolescents. Among them can cause children to be quiet and inferior, excessively naughty, low academic achievement and feel lost. Although not in all such cases, most of them have a negative impact on the development of the child's psyche and also affect the child's educational process itself as mentioned above. In general, children whose families are divorced come with their mothers, and all living expenses that should be the responsibility of the father but the responsibility of the mother. Children from non-conformity families have better achievement compared to children from non-conformity families whose parents are divorced. The impact of parental divorce is also evident for elementary school-age children such as quiet, shy, no longer cheerful and their academic achievement decreases.

References

Abdali, Saba. "The Interplay between Sharia and Gender Equality: A Comparative Study of Women's Rights in Divorce Regulations in Iraq and Tunisia," 2023. <https://www.diva-portal.org/smash/record.jsf?pid=diva2:1761966>.

³² Idaryani Idaryani dan Fidyati Fidyati, "The Usage of Kinship Terms and Their Values among Acehese People in Indonesia," *Journal of English Language and Education* 8, no. 2 (2023): 148-61, <https://www.jele.or.id/index.php/jele/article/view/465>.

³³ Abdelaziz Berghout dan Ouahiba Saoudi, "Family Empowerment and Role Transformation: Observations on the Importance of Religion," *AL-BURHĀN: JOURNAL OF QUR'ĀN AND SUNNAH STUDIES* 7, no. 2 (2023): 1-15, <https://journals.iium.edu.my/al-burhan/index.php/al-burhan/article/view/313>.

- Adawiah, Rabiatul. "The Divorce Phenomenon in Cenggu Village: Psychological Impact and Childcare Responsibilities." *Legitima: Jurnal Hukum Keluarga Islam* 6, no. 2 (2024): 46–62. <https://ejournal.uit-lirboyo.ac.id/index.php/as/article/view/4415>.
- Adi, Muhammad Fitri. "Hadhonah Rights of Children (Not Mumayyis) Based on Compilation of Islamic Law and Child Protection Act." *NUSANTARA: Journal Of Law Studies* 2, no. 1 (2023): 9–22. <https://juna.nusantarajournal.com/index.php/juna/article/view/30>.
- Agung, Dewa Agung Gede, Ahmad Munjin Nasih, dan Bayu Kurniawan. "Local wisdom as a model of interfaith communication in creating religious harmony in Indonesia." *Social Sciences & Humanities Open* 9 (2024): 100827. <https://www.sciencedirect.com/science/article/pii/S259029112400024X>.
- Alejandro, Audrey, dan Longxuan Zhao. "Multi-Method Qualitative Text and Discourse Analysis: A Methodological Framework." *Qualitative Inquiry* 30, no. 6 (Juli 2024): 461–73. <https://doi.org/10.1177/10778004231184421>.
- Alpidoh, Intan, Lia Amaliya, dan Muhamad Abas. "The Strength of Private Agreements on the Division of Joint Assets Before Divorce and Their Consequences in Joint Asset Claims." *Ipsa Jure* 1, no. 9 (2024): 49–57. <https://nawalaeducation.com/index.php/IJJ/article/view/576>.
- Al-Shaddadi, Sultan Ali, Abdullah Abdul Rahman Al-Qurashi, Ahmed Saeed Al-Ghamdi, Taghrid Jarallah Al-Harithi, Jamal Khadran Al-Otaibi, Rafiah Mohammed Al-Zahrani, Sahar Fayez Al-Shehri, Muhanna Awad Alzuwaybi, Sultan Ashour Al-Zahrani, dan Azbah Torki Alsubaie. "Youth's Attitudes Towards Marriage And Its Relationship To Mental Health (A Study On A Sample Of Those About To Get Married In Taif)." *Journal of Namibian Studies: History Politics Culture* 38 (2023): 2186–2210. <https://namibian-studies.com/index.php/JNS/article/view/6662>.
- Anthony, Christopher J., James Clyde DiPerna, dan Paul R. Amato. "Divorce, approaches to learning, and children's academic achievement: A longitudinal analysis of mediated and moderated effects." *Journal of school psychology* 52, no. 3 (2014): 249–61. <https://www.sciencedirect.com/science/article/pii/S0022440514000302>.
- Badri, Muhamad Arifin, Anas Burhanuddin, dan Ghufuran Jauhar. "Factors Influencing The Increase in Khulu's Divorce: A Case at The Jember Religious Court (2021-2023)." *Al-'Adalah* 21, no. 1 (2024). <https://ejournal.radenintan.ac.id/index.php/adalah/article/view/21074>.
- Berghout, Abdelaziz, dan Ouahiba Saoudi. "Family Empowerment and Role Transformation: Observations on the Importance of Religion." *AL-BURHĀN: JOURNAL OF QUR'ĀN AND SUNNAH STUDIES* 7, no. 2 (2023): 1–15. <https://journals.iium.edu.my/al-burhan/index.php/al-burhan/article/view/313>.
- Elsayed, Walaa. "Building a better society: The Vital role of Family's social values in creating a culture of giving in young Children's minds." *Heliyon* 10, no. 7 (2024). [https://www.cell.com/heliyon/fulltext/S2405-8440\(24\)05239-3](https://www.cell.com/heliyon/fulltext/S2405-8440(24)05239-3).
- Fajar, Mokhammad Samson, dan Faris Al Badr. "Kafâ'ah Contextualization in an Effort to Form Harmonious Family in the Modern Era: An Analysis Of Fazlur Rahman's Double Movement." *Al-'Adalah* 17, no. 2 (2021): 203–30. <https://ejournal.radenintan.ac.id/index.php/adalah/article/view/6568>.
- Gani, Ainal, dan Rumadani Sagala. "Moral Education Perspective of Shaykh Nawawi Al-Bantani in the Book of Maraqi Al-'Ubudiyah and Shaykh Hafidz Hasan in the Book of Taisir Al-Khalaq." *Bulletin of Science Education* 4, no. 2 (2024): 263–75. <https://attractivejournal.com/index.php/bse/article/view/1351>.
- Hamdani, Muhammad Faisal, Zubair Zubair, M. Jamil, dan Fatimah Zuhrah. "The Legal and Human Rights Challenges of Interfaith Marriage in Indonesia." *Journal of Law and Sustainable Development* 11, no. 12 (2023). <http://repository.uinsu.ac.id/22601/>.

- Husain, Sahin, Nasir Purkon Ayoub, dan Mukhammadolim Hassmann. "Legal pluralism in contemporary societies: Dynamics of interaction between islamic law and secular civil law." *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah* 1, no. 1 (2024): 1–17. <https://pubcenter.ristek.or.id/index.php/Syariat/article/view/11>.
- Idaryani, Idaryani, dan Fidyati Fidyati. "The Usage of Kinship Terms and Their Values among Acehese People in Indonesia." *Journal of English Language and Education* 8, no. 2 (2023): 148–61. <https://www.jele.or.id/index.php/jele/article/view/465>.
- Idris, Ahmad Rusyaid, Muhammad Khusaini, dan Syaiful Anwar Al-Mansyuri. "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage." *MILRev: Metro Islamic Law Review* 3, no. 1 (2024): 1–21. <https://e-journal.ejournal.metrouniv.ac.id/milrev/article/view/8907>.
- Insani, Nur, Sumiyati Beddu, Rahmawati Rahman, Arpin Arpin, dan Mohd Al Adib Samuri. "Judicial Considerations in Child Marriage Dispensations: An Empirical Study of the Gorontalo Religious Court." *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 41–52. <https://journal.iain-manado.ac.id/index.php/JIS/article/view/2066>.
- Karhina, Kateryna, Tormod Bøe, Mari Hysing, Kristin G. Askeland, dan Sondre A. Nilsen. "Parental Separation and School Dropout in Adolescence." *Scandinavian Journal of Public Health* 52, no. 5 (Juli 2024): 632–39. <https://doi.org/10.1177/14034948231164692>.
- Khoa, Bui Thanh, Bui Phu Hung, dan Mohsen Hejsalem Brahmi. "Qualitative Research in Social Sciences: Data Collection, Data Analysis and Report Writing." *International Journal of Public Sector Performance Management* 12, no. 1/2 (2023): 187–209. <https://doi.org/10.1504/IJPSPM.2023.132247>.
- Kusmardani, Alex. "The Dynamics of Divorce in Indonesian Muslim Families." *Daengku: Journal of Humanities and Social Sciences Innovation* 4, no. 5 (2024): 739–52. <https://jurnal.ahmar.id/index.php/daengku/article/view/2756>.
- Lansford, Jennifer E., Kenneth A. Dodge, Gregory S. Pettit, John E. Bates, Joseph Crozier, dan Julie Kaplow. "A 12-year prospective study of the long-term effects of early child physical maltreatment on psychological, behavioral, and academic problems in adolescence." *Archives of pediatrics & adolescent medicine* 156, no. 8 (2002): 824–30. <https://jamanetwork.com/journals/jamapediatrics/article-abstract/203703>.
- Manuputty, Feky, Afdhal Afdhal, dan Nathalia Debby Makaruku. "Building a Harmonious Family: Combining Cultural Heritage and Religious Values in Ambon City." *West Science Social and Humanities Studies* 2, no. 01 (2024): 09–18. <https://wsj.westsciencepress.com/index.php/wsshs/article/view/550>.
- Mera, Nasaruddin, Marzuki Marzuki, Sapruddin Sapruddin, dan Andi Intan Cahyani. "Child Custody Rights for Mothers of Different Religions: Maqāṣid al-Sharī'ah Perspective on Islamic Family Law in Indonesia." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024): 1645–68. <https://jurnal.ar-raniry.ac.id/index.php/samarah/article/view/23809>.
- Multazam, Umar. "The Concept of Child Custody (Hadhanah) After Divorce in the Perspective of Islamic Law." *Indonesian Journal of Islamic Law* 7, no. 1 (2024): 16–39. <https://jurnalpasca.uinkhas.ac.id/index.php/IJIL/article/view/1956>.
- Nashwan, Ayat J., dan Lina Alzouabi. "The aftermath of the Syrian crisis: A glimpse of the challenging life of widowed and divorced refugee women in Jordan." *Mental Health and Social Inclusion* 28, no. 5 (2024): 522–37. <https://www.emerald.com/insight/content/doi/10.1108/MHSI-01-2023-0007/full/html>.
- Pallathadka, Harikumar, Sulieman Ibraheem Shelash Al-Hawary, Iskandar Muda, Susilo H. Surahman, Ammar Abdel Amir Al-Salami, dan Zarina Nasimova. "The study of Islamic teachings in education: With an emphasis on behavioural gentleness." *HTS Teologiese*

- Studies/Theological Studies* 79, no. 1 (2023).
<https://www.ajol.info/index.php/hts/article/view/245716>.
- Rohmah, Asantia Puspita, Prahasti Suyaman, dan Asti Sri Mulyanti. "Determination of Custody Rights (Hadhanah) for Children Who Are Not Yet Mumayiz to the Father." *rechtsnrmen jurnal of law* 1, no. 2 (2023): 48–57. <https://eprints.ummi.ac.id/3677/>.
- Sanchez, Richard D. "Unveiling the moral-theological foundations of the nullity of marriage due to psychological incapacity." *International Journal of Open-access, Interdisciplinary and New Educational Discoveries of ETCOR Educational Research Center (iJOINED ETCOR)* 2, no. 1 (2023): 397–404. <https://rpo.ua.edu.ph/wp-content/uploads/2023/10/4.-Summit-2016-Richard-Sanchez-113-202.pdf>.
- Sarmadi, Yasaman, dan Anahita Khodabakhshi-Koolae. "Psychological and Social Consequences of Divorce Emphasis on Children's Well-Being: A Systematic Review." *Journal of Preventive Counselling* 4, no. 2 (2023). https://journal.uma.ac.ir/article_2211_55c891b8b9a7761d3efa856aeba77459.pdf.
- Shah, Sayed Sikander. "Mediation in marital discord in Islamic law: Legislative foundation and contemporary application." *Arab Law Quarterly* 23, no. 3 (2009): 329–46. https://brill.com/view/journals/alq/23/3/article-p329_4.xml.
- Suissa, Judith. "Untangling the Mother Knot: Some Thoughts on Parents, Children and Philosophers of Education." *Ethics and Education* 1, no. 1 (Maret 2006): 65–77. <https://doi.org/10.1080/17449640600584987>.
- Weisburd, Kate. "Rights violations as punishment." *Cal. L. Rev.* 111 (2023): 1305. https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/calr111§ion=31.

