

The Impact of Family's Economic on Divorce

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Abstrak

Perceraian adalah putusnya ikatan pernikahan karena adanya alasan-alasan tertentu. Ekonomi adalah salah satu alasan suami istri dapat menuntut perceraian di Mahkamah Syar'iyah atau Pengadilan Agama. Dalam kurun waktu tahun 2015-2019, Mahkamah Syar'iyah Langsa banyak memutuskan kasus perceraian yang disebabkan oleh berbagai alasan, diantaranya ekonomi. Tujuan dari penelitian ini adalah untuk mengetahui dampak ekonomi keluarga terhadap perceraian tahun 2015-2019 dan untuk mengetahui penyebab yang mendominasi perceraian tahun 2015-2019 di Mahkamah Syar'iyah Langsa. Peneliti melakukan penelitian dengan mengolah data yang diambil dari Mahkamah Syar'iyah Langsa. Hasil penelitian yang diperoleh dari penelitian ini adalah berdasarkan perkara yang telah diputus Mahkamah Syar'iyah Langsa pada tahun 2015-2019, bahwa ekonomi mempunyai dampak terhadap perceraian namun dampaknya tidak besar sehingga ekonomi tidak begitu mempengaruhi perceraian. Penyebab yang paling mendominasi perceraian yang mencapai 72,8 % dari total perkara yang terjadi pada tahun 2015-2019 ialah disebabkan oleh perselisihan dan pertengkaran terus menerus. Sedangkan perceraian dengan sebab ekonomi terdapat 9,76 % dari total perkara yang terjadi pada tahun 2015-2019.

Kata Kunci: Ekonomi Keluarga, Perceraian, Mahkamah Syar'iyah.

Abstract

Divorce is the breaking of the marriage bond for certain reasons. Economy is on of the reasons husband and wife can demand divorce at the syari'yyah court or the religious court. In the period 2015-2019, the Syari'yyah Langsa Court decided many divorce cases for various reasons, including the economic reason. The purpose of this study was to determine the economic impact of families on divorce in 2015-2019 and to determine the causes that dominated divorce in 2015-2019 at the Syar'iyah Langsa Court. Researchers conducted research by processing data taken from the Syar'iyah Langsa Court. The results obtained from this study are base on cases that have been decided by the Syar'iyah langsa Court in 2015-2019, that the economy has an impact on divorce but the impact is not massive so that the economy does not really affect divorce. The most dominating cause of divorce, which reached 72.8% of the total cases that occurred in 2015-2019 was due to continuous disputes and arguments. Meanwhile, divorces due to economic causes accounted for 9.76% of the total cases that occurred in 2015-2019.

Keywords: Family Economics, Divorce, Syar'iyah Court.

Introduction

Humans are social beings who interact each other among individuals or from one group to another. By doing the interaction, a desire to form a strong inner and outer bond was built, namely marriage. It is ordered to maintain dignity and honor in

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social life. With marriage, human life continues to exist. Marriage is also a worship that completes half of human faith. Marriage is a sacred agreement in forming a family between a man and a woman, where the agreement is an act desired by both parties and based on religion (Sayuthi Thaleb, 1981). Marriage is an inner and outer bond between a man and a woman which aims to form a happy, eternal family (household) based on the one and only Godhead (Abdul Gani Abdullah, 1991).

After the marriage contract is declared, rights and obligations arise. The rights and obligations of husband and wife are the rights of the wife which are the obligations of the husband and vice versa, the obligations of the husband are the rights of the wife. The *fuqaha* in this case says that if the marriage contract has taken place legally, then the consequence of the contract that must be carried out by the married couple is to fulfill their rights and obligations (Abdul Khamid Khisyik, 2005). One of the rights that must be fulfilled by a husband toward his wife is to be fully responsible for providing a living (Sulaiman Rasjid, 1994). Lives are all needs and requirements according to circumstances and places, such as food, cloth, house and so on.

The reality nowadays, to find a job is not easy. The husband often finds difficulties to fulfill the needs of his family. As a result, when the couple cannot understand each other with the family's condition, they will fight, and some of them prefer divorce. There is a husband who is negligent in carrying out his responsibilities in providing a living for his family's needs and does not work hard in earning a living to meet family's needs. Also, there is husband who is actually responsible and still trying to provide a living, but his wife has a luxurious lifestyle that makes the husband unable to meet the lifestyle needs of his wife, as consequence, the wife decides to get divorce. Besides, the condition of the wife as a career woman who has a higher income than her husband's also causes disputes between them. It can abort the marriage relationship.

A marital relationship should be based on mutual love and affection between partners. So that the marriage bond should be a *sakinah, mawaddah, warahmah*, and it is expected to last forever during the lifetime and there will no separation among them. Although there is a lot of love between husband and wife at the beginning of the relationship as if it will not fade ever after, however in reality, the affection will be faded if it is not nurtured well, even it can be replaced with hatred. If

hatred has come, husband and wife who do not sincerely seek a way out and restore their love, they will lead to divorce. In a household, a quarrel absolutely will appear. However, the squabbles themselves take various forms, some of which are like art and rhythm in domestic life that do not reduce the household harmony and some lead to prolonged chaos that can threaten the existence of the institution of marriage.

Divorce is the case that most judges work on, either *talak* divorce or sued divorce. One of the causes of divorce is that the family's economic condition is not qualified which makes husband and wife choose to separate. Langsa *Syar'iyah* Court is one of the courts that accept many divorce cases.

Indonesia is a developing country where each region has poor communities. The CNBC Indonesia research team revealed that the highest poverty rate was found in Papua. Aceh ranks sixth in terms of the number of poor people (Taufan Andharsyah, 2020). On the other hand, in a period of 3 years (2015-2017), the highest divorce cases in Indonesia were found in East Java (87,475, 86,491, 84,839). Meanwhile, Aceh is the area where the divorce rate is close to the lowest (4,609, 4,969, 4,992) (Tharek Akmal Hibatullah, 2020).

The problem formulation of this research are; firstly is how the family's economic impact on divorce at Langsa *Syar'iyah* Court in 2015-2019? and secondly, what are the causes that dominate divorce at Langsa *Syar'iyah* Court in 2015-2019?

Literature Review

Divorce, etymologically, means separation between men and women; split. In Arabic it is called *furqah*, its plural form is *furaq*; *furaqassawaj* means breaking of marital relationship. Amir Syarifuddin explains that the termination of marriage is a legal term used in the Marriage Law to explain divorce or the end of a marital relationship between a man and a woman (Amir Syarifuddin, 2011). Meanwhile, in the terminology of *syara'*, *talaq* means to remove the status of marriage and to end the husband and wife's relationship (Abdul Rahman Ghozali, 2012).

The word 'divorce' according to *fiqh* experts has two meanings, namely a general meaning and a specific meaning. Divorce in a general sense means all kinds of divorce, whether imposed by the husband, determined by the judge, or divorce that falls automatically or divorce due to the death of one of the husband or wife. *Talak* in a specific sense means a divorce imposed by the husband. In Article 38 of

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Law No. 1 of 1974 concerning marriage, it is stated that "marriages can be terminated due to death, divorce and court decisions". So, legally, divorce means the breakup of a marriage which results in the breakup of the relationship as husband and wife (Muhammad Syaifuddin, 2012). According to legal experts regarding the definition of divorce, Subekti stated that divorce is the abolition of marriage by a judge's decision or the demands of one of the parties in the marriage (Subekti, 1980).

Family's economic in Islam is called a living/*nafkah*. Although it is the husband's obligation to provide a living as the right of his wife and children, but the children and wives cannot strive for it arbitrarily. The husband's obligations which are the rights of the wife are carried out according to the husband's ability. However, if it is proven that the husband is abusing, does not provide for his wife and children according to his ability, the wife is allowed to take her part as much as is sufficient for herself and her child properly.

According to the language, *nafkah* comes from the word '*infaq*', namely *ikhraj* or something that is used in terms of goodness. In the terminology, it means giving of food, clothing, shelter, and what is related to it sufficiently. In language, *nafkah* (النفقة) is taken from the word (الإنفاق) which means expenditure, consumptive, and *infaq* is only used for positive things. Furthermore, according to the terminology, *nafkah* is everything that is needed by humans such as clothes, food, and shelter (Sabri Samin, 2010).

The marital relationship creates an obligation of husband to support his wife and children. In this regard, QS Al-Baqarah: 233 teaches that a husband who has become a father is obliged to provide for his wife who has become a mother with *ma'ruf* (Tihami, 2010).

Law No. 1 of 1974 article 34: paragraph (1): "husband is obliged to protect his wife and provide all the necessities of household life according to his ability. Compilation of Islamic law article 80: paragraph (2): "The husband is obliged to protect his wife and provide all the necessities of household life according to his ability. Paragraph (4): "according to his income the husband bears: a living, *kiswah* and residence for his wife, household expenses, maintenance costs, medical expenses for his wife and children, and education costs for children.

The level of *nafkah* that must be fulfilled by the husband if the wife lives at a same home with him is that he is obliged to bear all of her living, meanwhile the wife

takes care of all needs, such as eating, drinking, clothing, shelter. In this case, the wife is not allowed to ask for a living in a certain amount, as long as the husband carries out his obligations. If the husband is stingy which means that he does not provide sufficient support to his wife without a valid reason, then the wife has the right to demand a certain level/amount of income for the purposes of food, clothing and shelter (Tihami, 2010). The wife also may take some of her husband's property in a good way, even without telling her husband in order to meet her needs if the husband neglects his obligations. A wife has the right to receive clothes according to her husband's ability. If her husband is rich, she is entitled to worthy clothes, but if her husband is poor, it is sufficient for her to get clothes made of cotton. Meanwhile, wives whose husbands are modest get simple clothes. This is according to the Shafi'i school.

Syara' does not limit the living for wife to a certain level of dirhams or rupiah. However, what is mandatory is to meet the needs properly. These needs vary from one period to another, from one environment to another, from one condition to another, and from one person to another (Yusuf Al-Qordowi, 1995).

Methods

This research was a field research using a mixed method. The primary data of this study was in the form of primary data, namely books on divorce and documents regarding divorce data at Langsa *Syar'iyah* Court, especially in 2015-2019. The population in this study was all divorce data from Langsa *Syar'iyah* Court from 2015 to 2019, which were 1,321 cases. Data was extracted by means of field observations, interviews, and documentation. The data that had been analyzed was interpreted descriptively and conclusions were drawn.

Discussion

Overview of Divorce Data at Langsa *Syar'iyah* Court in 2015-2019

The Langsa *Syar'iyah* Court is one of the legal institutions that accepts, examines, hears, and decides on civil cases, one of which is divorce case. Langsa *Syar'iyah* Court tried 1,321 divorce cases for various reasons which can be seen in the following table;

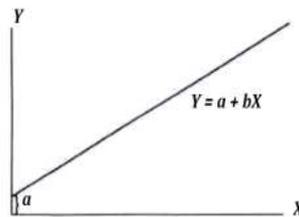
Tabel.1.
Overview of Divorce Data at the Langsa *Syar'iyah* Court in 2015-2019

No.	Year	Number of Cases
1.	2015	249
2.	2016	215
3.	2017	250
4.	2018	301
5.	2019	306
6.	Total	1.321

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The simple linear regression equation is an equation model that describes the relationship of one independent variable/ predictor (X) with one dependent variable/ response (Y), which is usually depicted by a straight line, as shown in Figure 1 (I Made Yuliara, 2016).

Picture1.
Illustration of Linear Regression Linear



The thematically simple linear regression equation is expressed by: $Y = a + bX$

With:

Y = regression line/ response variable

a = constant (intercept), the intersection of the vertical axis

b = regression constant (slope)

X = independent variable/ predictor

The magnitude of the constant determined a and b can be found using the equation:

$$a = \frac{(\sum Y_i)(\sum X_i^2) - (\sum X_i)(\sum X_i Y_i)}{n\sum X_i^2 - (\sum X_i)^2}$$

$$b = \frac{n(\sum X_i Y_i) - (\sum X_i)(\sum Y_i)}{n\sum X_i^2 - (\sum X_i)^2}$$

With n = number of data

In 2015, there were several causes that were coherence with divorce, namely a moral crisis, imprisonment, domestic violence, physical disability, continuous disputes and quarrels, and economic problem. These affect divorce; moral crisis was in line with divorce as much as 0.2387. Imprisonment was linear of 0.0935. Domestic violence was as much as 0.0093. Physical disability was 0.151. Continuous disputes and quarrels were linear as much as 0.6819. Then the economic problem was linear to 0.2625. So that the most influencing cause of divorce in 2015 was continuous disputes and quarrels. The economic problem was the second cause that affected divorce which the number came after the number of constant disputes and quarrels.

In 2016, there were divorces with various causes. Drug addictive was linear to divorces as much as 0.0172. Gambling was in 0.0935. Leaving home was linear to 0.1037. Continuous disputes and quarrels were linear as much as 0.3609. Then economic problem was linear to as much as 0.0004. So that the most influencing cause of divorce in 2016 was continuously disputes and quarrels between partners. Economic problem was the fewest number of causing affecting divorce at Langsa *Syar'iyah* Court in 2016.

In 2017, there were causes that linear to divorce, but the linear values were different. Drug addictive was linear to divorce as much as 0.1284. Gambling was linear to divorce as much as 0.0151. Leaving home was linear to 0.3785. Domestic violence was as much as 0.0498. Continuous disputes and quarrels were linear as much as 0.0245. Then the economic problem was 0.1832. So that the most influencing cause of divorce in 2017 was leaving home. The economic problem was the second number of causing that affected divorce.

In 2018, there were several causes that linear to divorce. Drunkenness was linear to divorce as much as 0.2685. Drug addictive was linear to divorce as much as 0.2246. Leaving home was linear to divorce as much as 0.0792. Polygamy was linear as much as 0.0168. Domestic violence was linear as much as 0.0331. Disputes and quarrels were linear as much as 0.0119. Then the economic problem was 0.0629. So

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that the most influencing cause of divorce in 2018 was drunkenness. Economic problem was the fourth rank that affected divorce at Langsa *Syar'iyah* Court.

In 2019, there were causes that linear to divorce. Drug addictive was as much as 0.2308. Leaving home was linear to divorce as 0.0164. Polygamy was linear to divorce as much as 0.0935. Disputes and quarrels were linear as much as 0.0421. Then economic problem was linear as much as 0.0089. So that the most influencing cause of divorce in 2019 was drug addictive. The financial problem was the fewest cause of divorce in 2019.

After examining data on divorce cases from 2015 to 2019 at Langsa *Syar'iyah* Court, the author cannot conclude one main cause of divorce at Langsa *Syar'iyah* Court, this is because the most linear causes in each year were different. So the author can conclude that the economic did not have a major influence on divorce at Langsa *Syar'iyah* Court in 2015-2019. This proves that the poverty level in Aceh, especially in Langsa City, does not end the relationship between husband and wife solely due to economic reasons. So that marriages can be maintained even though their family's economic situation is at a lower-middle point.

Causes Dominating Divorce at Langsa *Syar'iyah* Court in 2015-2019

In 2015, the most dominant causes of divorce cases at Langsa *Syar'iyah* Court were continuous disputes and quarrels, then economic reasons, followed by moral crisis, domestic violence, physical disability, imprisonment. Forced marriage, apostate, and underage marriage were the lowest causes of divorce.

In 2016, the most dominant causes of divorce cases at Langsa *Syar'iyah* Court were continuous disputes and quarrels, then leaving home, followed by economic reasons, drug addictive, and gambling. Adultery, drunkenness, imprisonment, polygamy, domestic violence, physical disability, forced marriage, and apostate were the fewest causes of divorce.

In 2017, the most dominant causes of divorce cases at Langsa *Syar'iyah* Court were continuous disputes and quarrels, then leaving home, followed by economic reasons, drug addictive, domestic violence, and gambling. Adultery, drunkenness, imprisonment, polygamy, disability, forced marriage, and apostate were the fewest causes of divorce.

In 2018, the most dominating causes of divorce cases at Langsa *Syar'iyah* Court were continuous disputes and quarrels, then leaving home, followed by economic reasons, domestic violence, drug addictive, drunkenness, and imprisonment. Adultery, gambling, polygamy, disability, forced marriage, and apostate were the lowest causes of divorce.

In 2019, the most dominating causes of divorce cases at Langsa *Syar'iyah* Court were continuous disputes and quarrels, then leaving home, followed by economic reasons, drug addictive, and polygamy. Adultery, drunkenness, gambling, imprisonment, domestic violence, physical disability, forced marriage, and apostate were the lowest causes of divorce.

So it can be concluded that from 2015 to 2019, divorce cases with the cause of continuous disputes and quarrels were the most decided cases by Langsa *Syar'iyah* Court. This proves that divorce caused by constant disputes and quarrels is the most dominant cause among other causes. A marriage in which disputes and quarrels take place continuously cannot guarantee the realization of an ideal marriage relationship. This is also the reason for the judge in deciding on a divorce due to continuous disputes and quarrels since even if the marriage is forced to survive, there will still be no word of agreement in it which disturbs family's psychology.

Conclusion

After processing divorce data at Langsa *Syar'iyah* Court in 2015-2019 using the simple linear regression method, it was showed that the economic impact affected divorce. However, the effect did not have a big impact. This proved that in a marriage life in which middle to lower family economic situation be, it was not the only reason that caused husband and wife's relationship became to an end.

Among 1,321 divorce cases that were decided at Langsa *Syar'iyah* Court within a period of five years, from 2015 to 2019, there was dominated cause of divorces, namely divorce due to continuous disputes and quarrels as many as 72, 8%. Besides, divorce due to economic reasons occurred in 9.76% of all cases in 2015-2019 which were decided by Langsa *Syar'iyah* Court.

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