

The Domination of Divorce by Litigation Cases; Factors and Implications (a Case Study of Parepare Religious Court Class IB)

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Abstract

Divorce is a phenomenon of family division involving husband and wife with an increasing percentage in Indonesia. The increase in divorce cases in court is due to the insistence on divorce by litigation and divorce by talaq as the main initiative of husband and wife at the Parepare Religious Court. In order to discuss these issues, the data was collected using a field research (qualitative descriptive) system, so that the results showed that divorce cases from 2019-2020 showed that divorce by litigation was more dominant than divorce by talaq at the Parepare Religious Courts Class 1B. The presentation of the increasing number of divorces by litigation indicated that the wives were dissatisfied with the duties and obligations of their husbands in their marital life. Meanwhile, the factors that influenced divorce by litigation at the Parepare Religious Court consisted of 13 factors, namely third parties, drunkenness, mandates, gambling, leaving one party, imprisoned, polygamy, Domestic Violence (DV), disability, disputes or quarrels continuously, forced marriage, apostasy, and economics. In reality, economic problems, leaving one party and disputes or quarrels continuously were the highest causes in the 2019-2020 timeframe. As a result, divorce cases affected the children's psychology and the disharmony of each party

Keywords: Dominance of Divorce by Litigation, Factors, Implications

Abstrak

Perceraian merupakan fenomena perpecahan keluarga yang melibatkan suami dan istri dengan presentasi yang terus meningkat di Indonesia. Peningkatan kasus perceraian di pengadilan terjadi oleh desakan cerai gugat dan cerai talak sebagai hak inisiatif pasangan suami istri utamanya di Pengadilan Agama Parepare. Untuk membahas pokok permasalahan tersebut, dilakukan pengumpulan data dengan sistem penelitian lapangan (*field research qualitative deskriptif*), sehingga hasil penelitian menunjukkan bahwa kasus perceraian dari tahun 2019-2020 menunjukkan cerai gugat lebih

dominan dari cerai talak di Kantor Pengadilan Agama Parepare kelas 1B. Presentasi dari meningkatnya kasus cerai gugat mengindikasikan ketidakpuasan para istri terhadap tugas dan kewajiban suami dalam kehidupan perkawinannya. Sementara itu, faktor yang mempengaruhi cerai gugat di Pengadilan Agama Parepare terdiri dari 13 faktor yaitu pihak ketiga, mabuk, mandat, judi, meninggalkan salah satu pihak, dihukum penjara, poligami, Kekerasan dalam Rumah Tangga (KDRT), cacat badan, perselisihan atau pertengkaran terus menerus, kawin paksa, murtad, dan ekonomi. Pada realitasnya, persoalan ekonomi, meninggalkan salah satu pihak dan perselisihan atau pertengkaran terus menerus merupakan sebab tertinggi dalam rentang waktu 2019-2020. Akibatnya, perkara perceraian berpengaruh pada psikologis anak dan ketidakrukunan masing-masing pihak.

Kata Kunci: Dominasi Perkara Cerai Gugat, Faktor, Implikasinya

INTRODUCTION

Marriage is an inner and outer relationship between a man and a woman as husband and wife to form a happy and eternal household or family in accordance with the Belief in the one and only God (Aseri, 2018). Islamic teaching states that marriage is a means of creating a loving and peaceful family (Sakinah, Mawaddah, warrahmah) based on religious values through loving, nurturing, and mutually honing interactions between husband and wife in family symbols (Abror, 2019).

A family is a small group and the foundation of a large group. If the group is good, then the whole society will be good. Therefore, good order is regulated by a leader (head of the family) who can manage all affairs together and hand in hand to achieve harmony. A man is given the task of providing for his wife and fulfilling all the reasons for the family's comfort. Likewise, a husband is given the task of all heavy burdens on the lap of the family (Addul Aziz, 2017; 211). In principle, the orientation of the rights and obligations of husband and wife in the family or household life is material or non-material. The material rights and obligations include; 1) requiring a husband to give a dowry to his wife and becoming the wife's full rights; 2) a husband is obliged to provide a living for his wife; 3) a wife is obliged to organize and manage the household properly, and 4) a wife is obliged to educate and take care of her children as well as possible. Moreover, the non-material rights and obligations include: 1) husband and wife must maintain good relationships in the household, including keeping each other's disgrace or secrets; 2) husband and wife must respect and

appreciate each other; 3) husband and wife must create relationships in the household filled with mutual love; and 4) husband and wife must create relationships that support and need each other in old age (Demak, 2018).

For Indonesian community entities, marriage is not just the satisfaction of biological desires but wasilah or intermediary that identifies human sanctity. This is confirmed by Article 1 of Law no. 1 of 1974 concerning marriage with the following explanation:

"Marriage is an inner and outer 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 Belief in the one and only God".

The building of the legal system in Indonesia has positioned the State laws and regulations as a vital instrument that regulates marital affairs, which includes the Constitution of the Republic of Indonesia Number 1 of 1974 concerning marriage and Government Regulation Number 9 of 1975 concerning the Implementation of Law no. 1 of 1974 concerning Marriage (Arso, 2002). These laws and government regulations are material laws in the implementation of the Constitution of the Republic of Indonesia Number 7 of 1989 and equipped with a supporting instrument that is positively legal in Indonesia as a guide for judges in religious courts in deciding marriage cases, namely the Islamic Law Compilation (ILC).

The marriage bond, in principle, is built by affection and love. This means that husband and wife must know and be able to carry out their respective obligations to get their respective rights as well. The fulfillment of rights and obligations is the principle of household harmony framed from this love and affection (Bastiar, 2018). However, a husband often forces his wife to do something, or vice versa, the wife, forces her husband, which actually opens up disputes and even hatred between the two. The emergence of a husband's hatred for his wife gives space for divorce rights for him and his wife for the ability to release her marriage law through a divorce by litigation (Ali, 2010). The word of Allah SWT in the Q.S. Al-Baqarah/2: 187 mentions that:

..... ۞ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ هُنَّ ۞

“...Your spouses are a garment for you as you are for them...” (Ministry of Religion, 2019).

Achieving the resilience of the husband and wife relationship depends on the ability of each of them to play an active and involved role in balancing their roles. This means that the household actually lives in an open, kindly, loving each other, positive attitude, and thinking about each other. The household's balance is intended to guarantee the tranquillity of the husband and wife relationship without conflict. In line with that, under different conditions, husband and wife are sometimes unable to carry out harmony, let alone carry out household guidelines that have been outlined by Allah SWT and His Messenger, resulting in quarrels that result in divorce as an act hated by Allah SWT. It is makruh to examine or analyze the issue of divorce or talaq from a legal point of view, as the Prophet Muhammad SAW said:

أَبْعَضُ الْحَالِلِ إِلَى اللَّهِ تَعَالَى الطَّلَاقُ

"The most hated of permissible things to Allah is divorce". (Ministry of Religion, 2019).

The ideal of marriage is to last forever. However, Islam permits divorce for good reasons. In that case, the choice of divorce can be taken when it is not possible to maintain a family life that has previously been through reconciliation efforts between the two parties, either through a judge or other solutions (Shofiyuddin, 2012). In the case of divorce in Indonesia, the husbands not only have the desire or right to divorce, but Indonesia legalizes a wife to file for divorce by litigation before the court. In essence, a husband can divorce his wife by talaq (divorce by talaq), and a wife can also ask her husband to divorce himself through a divorce by litigation. The divorce by litigation is a new symptom which, according to syara', is the separation of husband and wife by giving compensation taken by the husband from his wife or otherwise with certain words. The request for divorce by the wife to the husband is very visible because it is in accordance with the syara'; in other words, it does not deviate and is in accordance with God's law. (Ali, 2010).

From the phenomenon of divorce, divorce by litigation has causality with the constitutional position of women and social status in society. As regulated in the 1945 Constitution of the Republic of Indonesia, the position of women and men is legally equal. Women's rights (or notions of gender equality) are one of the key issues in human rights discourse. According to some women's rights

activists, Islamic feminism is characterized by an awareness of women's oppression in the social, work, and family environments (Abdul Kholiq, 2012).

Increased awareness of gender equality, domestic violence, unhappy marriages, and so on makes divorce cases and divorce by litigation cases more rampant. It is even supported by the problem of husband and wife relations in domestic life, especially the rights and obligations of husband and wife no longer working as they should (Saadah, 2020). In addition, through the Regulation of the Supreme Court of the Republic of Indonesia Number 3 of 2017, the Supreme Court places guidelines for adjudicating women's cases against the law. Because of this, the regulation bridging the divorce process with divorce by litigation in the Indonesian judicial inquisition is increasing (Sa'adah, 2018). The divorce rate for Muslims in 2019 was 480,618 cases. This number has continued to increase every year since 2015. The divorce details in 2015 were 394,246 cases, 401,717 cases in 2016, then increased by 415,510 cases to 444,358 cases in 2018. Meanwhile, as of August 2020, the number of cases has reached 306,688 cases (Merdeka.Com). Based on the data from the Supreme Court (MA) of the Republic of Indonesia, in general, there are 4 (four) factors that cause divorce for married couples, namely; first, the moral problem, which is categorized as unhealthy polygamy; second, leaving obligations, there is no agreement and voluntary agreement between partners; third, hurt physically/spiritually, and fourth, constantly arguing (Toni, 2019).

As a general rule, divorce cases are caused by various factors that damage the integrity of the bond between partners both externally and internally. Thus, in general, the construction of families in society should live together in harmony, oriented towards social life. Therefore, family conflicts involving husband and wife lead to the breakup of marital relations (divorce), affecting social conditions and different societal perspectives. Even the reality of its application in the Muslim community itself in Indonesia lately, it is very easy for marriage to occur and divorce so that there is an impression that marriage is intended for divorce (Syaripudin et al., 2020).

It must be admitted that marriage in Islamic law has a complex and not simple problem. Therefore, the handling and settlement of marital disputes, especially divorce, must involve the government. This is because the household is a small unit of a country; if the household is organized, harmonious, moral, programmed, and neatly arranged, it will appear in the life of the nation and

state. Therefore, the involvement of the state government is a must (Syarifuddin, 2010). Therefore, demands for divorce in the community encourage the judicial inquisition in Indonesia to become an institution that is fully authorized to resolve divorce cases. The authority of the Religious Courts as an agency that handles cases seeking justice on marital status, especially the Muslim community in Indonesia. The Parepare Religious Court, as the object of research, places a position as an institution that handles divorce cases in the Parepare jurisdiction with the dominance of divorce by litigation cases which continues to increase from year to year. Through the percentage of data, the number of divorce cases in 2017 recorded 98 divorces by talaq cases and 348 divorces by litigation cases. Meanwhile, there were 105 divorces by talaq cases, and 379 divorces by litigation cases in 2018.

RESEARCH METHOD

This study employed field research (qualitative descriptive) based on case studies at the Parepare Religious Court. Field research or qualitative studies were intended to comprehensively describe the phenomena of the object of studies, such as perceptions, motivations, and behaviours, and their explanations in form and language in a special natural context using various scientific methods. This means that divorce cases included divorce by talaq and divorce by litigation in Parepare City as the object of study of the phenomena that occurred through normative and sociological theological approaches. Meanwhile, the main source of the study came from the results of interviews involving the Parepare Religious Court with 3 judges and the litigants with 7 informants. For this reason, strengthening the main data sources was also supported by relevant library sources. The main research instrument was the researcher himself, supported by the observation guide, interview guide, and other supporting instruments. Thus, research data were analyzed systematically through; a) data reduction; b) data presentation, and 3) drawing conclusions.

RESEARCH FINDINGS AND DISCUSSION

The General Concept of Divorce

The word "divorce" comes from Arabic "طلاق - طلق - يطلق", *tathlaqan, talaqa, yatliq*", which means removing or unravelling the ropes, whether the rope is concrete like a horse's rope, or abstract like a marriage rope (Syarifuddin,

2010: 37). According to syarak term, the ulema differs in their formulation in defining the word talaq, but the essence is the same. Al-Syaukaniy argues that linguistically, talaq is to remove the bond, which comes from the word ithlaq, which means to let go and leave. Meanwhile, according to the term syara', it means letting go of the ties of marriage.

In general, divorce is a break in the interaction or marital bond between a man and a woman (husband and wife). According to Islamic law, divorce has the following meanings: a) eliminating marital ties or reducing attachment to certain words; b) removing the marriage bond and ending the husband and wife relationship and 4) removing the marriage contract by saying talaq or the same as saying talaq (Riami, 2020).

Islam views that marriage must bring benefits, both for husband and wife and society. The benefits of marriage make the value of goodness (*maslahah*) produced by it greater than the bad things (*madarat*) (Atabik and Mudhiiah, 2014). Accordingly, the purpose of marriage includes; 1) to fulfill the basic human instincts; 2) to fortify noble character; and 3) to enforce an Islamic household (Maksum, 2017).

On the other hand, Islam is very careful in regulating the issue of divorce so that it is said that there is no single religion and human rule that can match it. Divorce may be carried out if it contains elements of benefit (Fauzi, 2021). Divorce is an alternative that is more educational for both parties. Thus, divorce can be prohibited and allowed based on conditions and circumstances. Suppose the two judges appointed for this shiqaq issue want the relationship between the two husbands and wives to be continued. In that case, the two husbands and wives must continue their relationship. Likewise, if one of the judges declares that they cannot divorce both of them, it cannot be divorced, even though the other judge is willing to divorce. They can be divorced if both judges agree to divorce them (Manna, Doriza, and Oktaviani, 2021). The basic verse of the Qur'an regarding divorce is in Q.S An-Nisa/4:130 as follows:

وَإِنْ يَتَفَرَّقَا يُغْنِ اللَّهُ كُلًّا مِنْ سَعَتِهِ وَكَانَ اللَّهُ وَاسِعًا حَكِيمًا

"But if they choose to separate, Allah will enrich both of them from His bounties. and Allah is Ever-Bountiful, All-Wise". (Ministry of Religion, 2019)

The above verse explains that if divorce must be taken as an alternative or a last resort, Allah SWT will suffice His bounties for each of them (husband and

wife) even though divorce is the most hateful. Breaking up marital relations is indeed an undesirable act. Therefore, it is hated by Allah. As far as possible, this cruelty can be avoided with all our might, both from the husband and wife. Also, from families and those who are able to participate in this, to lead and reconcile together (Dedi, 2011; 243).

Among the indication of significant social change on divorce are: 1) the changes in the meaning contained in divorce. A conflict in a family that leads to divorce is considered a failure in fostering family harmony. Status as a widow is considered shameful and raises suspicion in society. However, over time, this status is no longer in question, especially in big cities. The status of a widow or widower is a matter of course, and it no longer hinders an activity. 2) The changes in the loosening of supervision of relatives, friends, and neighbours on family integrity; 3) the availability of options outside the family, which means that the needs usually met by the family are easily obtained outside; and 4) the emergence of demands for equal rights of men and women (Darmawati, 2017).

George Levinger compiles 12 categories of causes of divorce, namely: a) the spouse often neglects his/her obligations to the household and children; b) financial problems (not enough income received to support the family and household needs); c) the existence of physical abuse against the spouse; d) his/her partner often screams and uses harsh and hurtful words; e) unfaithful, such as having another lover, and often committing adultery with others; f) incompatibility in sexual relations with their partners, such as reluctance or frequent refusal to have intercourse, and unable to provide satisfaction; g) often drunk; h) there is involvement/interference and social pressure from the partner's relatives; i) suspicion, jealousy and distrust of the partner often arises; j) decreased feelings of love so that they rarely communicate, lack of attention and togetherness between partners; k) there are demands considered too excessive so that the partner becomes impatient; and other categories that are not included in the 11 types of complaints above (Darmawati, 2017).

Regarding the divorce that happened, according to civil law, divorce can only occur based on reasons that have been determined by law. In relation to this, two meanings need to be understood: the term "dissolution of marriage" and "divorce." Government Regulation Article 19 Number 9 of 197 concerning the Implementation of Law Number 2 of 1974 stated several things that cause divorce, namely: 1) One of the parties commits adultery or becomes a drunkard,

compactor, gambler, etc., which is difficult to cure; 2) One of the parties leaves the other party for 2 (two) consecutive years without the other party's permission and a valid reason or other reasons beyond his control; 3) One of the parties gets a prison sentence of 5 (five) years or a heavier sentence after the marriage takes place; 4) One of the parties commits atrocities or severe persecution that endangers the other party; 5) One of the parties gets a disability or illness due to not being able to carry out his/her obligations as husband or wife; 6) Husband and wife continue to have disputes, fights and there is no hope of living in harmony again in the household.

Divorce, in reality, can be filed in court in the form of divorce by talaq or divorce by litigation. According to article 39 of the 1945 Constitution of the Republic of Indonesia Number 1 of 1974, it is emphasized that divorce can only be carried out in front of a court session after the court concerned has tried and failed to reconcile the two parties (Sударsono, 2010; 116). The 1945 Constitution of the Republic of Indonesia Article 39 Number 1 of 1974 concerning marriage stated that: 1) Divorce can only be carried out before a Court Session after the court concerned has tried and failed to reconcile the two parties; 2) To divorce, there must be sufficient reason that the husband and wife will not be able to live in harmony as husband and wife; 3) The procedure for divorce before a court hearing is regulated in separate court regulations.

In the context of the Islamic Law Compilation, which has become applied law in the Religious Courts, it also regulates the termination of marriages by reason of divorce, namely in Article 116 concerning Divorce can occur for the following reasons:

- a. One of the parties commits adultery or becomes a drunkard, compactor, gambler, which is difficult to cure.
- b. One of the parties leaves the other party for 2 (two) consecutive years without the permission of the other party and valid reasons or for other reasons beyond their control;
- c. One of the parties gets a prison sentence of 5 (five) years or a heavier sentence after the marriage takes place.
- d. One party commits atrocities or severe abuse that endangers the other party.
- e. One of the parties gets a disability or illness due to not being able to carry out his/her obligations as husband or wife.

- f. Husband and wife continue to have disputes, fights and there is no hope of living in harmony again in the household.
- g. Husband violates *taklik talak*.
- h. Religious conversion or apostasy causes disharmony in the household.

In addition, in fiqh books state that there are at least four possibilities that can occur and trigger divorce in domestic life, namely (Mardani, 2017; 147):

1. The occurrence of *nusyuz* from the wife's side. This has been regulated in QS. An-Nisa 4:43.
2. *Nusyuz* husband to wife. This is regulated in QS. An-Nisa 4: 128
3. The occurrence of *shikaq*. This is regulated in QS. An-Nisa 4:35.
4. One of the parties commits an act of adultery (*fakhisyah*), which creates a copy of accusations between the two.

Although the application for divorce is opened as wide as possible to the public, divorce should be avoided. Therefore, Islam views that divorce must be tightened and is an emergency door that can only be taken if there is no longer a solution. In the marriage law regulations in Indonesia, divorce can only be carried out in front of a Religious Court session and must be accompanied by a strong enough reason. Therefore, accuracy is needed to see the root of the problem that befell household shocks to resolve the broken household ark.

The Presentation of Divorce by Litigation and Divorce by Talaq Cases at the Parepare Religious Court in 2019-2020

By looking at one of the main tasks of the Parepare Religious Court in resolving divorce cases, both divorce by litigation and divorce by talaq, especially in 2019-2020, it will be described as follows:

Divorce Case in 2019

Table 1. The Cases from January to December 2019
Case Report Received in 2019 *Cases*

	Divorce by Litigation	Divorce by Talaq
<i>January</i>	51	14
<i>February</i>	43	9
<i>March</i>	42	8
<i>April</i>	35	11
<i>May</i>	22	6
<i>June</i>	31	9
<i>July</i>	37	8
<i>August</i>	22	9
<i>September</i>	50	12

October	37	5
November	57	7
December	13	5
Total	440	103

Data source: IT Team of Parepare Religious Court

Divorce Case in 2020

Table 2. From January to December 2020

Case Report Received in 2019	Cases	
	Divorce by Litigation	Divorce by Talaq
January	44	10
February	36	5
March	28	12
April	11	4
May	8	6
June	28	6
July	51	6
August	27	6
September	35	9
October	23	9
November	50	4
December	16	3
Total	357	80

Data source: IT Team of Parepare Religious Court

3. The Comparison between Divorce by Litigation and Divorce by Talaq Cases in 2019-2020

Tab 3. Divorce by Litigation and Divorce by Talaq cases in 2019-2020

Years	Divorce by Litigation	Divorce by Talaq
2019	440	103
2020	357	80

Based on the presentation above, divorce by litigation has a much higher ratio with divorce by talaq. There are 440 divorces by litigation cases in 2019, and 357 divorces by litigation cases in 2020. In contrast to the divorce by talaq, there are 10 cases in 2019 and 80 cases in 2020.

By looking at the divorce cases at the Parepare Religious Court in 2019-2020, within the scope of these two years, divorce by litigation was higher than divorce by talaq. In fact, the divorce has a very high impact and will be carried

for a lifetime with its own historical record. The wife's desire for divorce is very large, indicating that there has been a shift in values and paradigms. Almost all courts in Indonesia have higher divorce cases. Furthermore, the high number of divorce cases from year to year indicates an increase in the quantity and quality of a wife's dissatisfaction with the married life, especially with their husbands, one of them is not having a good relationship, not carrying out their duties and responsibilities properly.

The Dominant Factors in Divorce by Litigation at the Parepare Religious Court

One of the goals of forming a household is to foster a family in the frame of peace and eternity, without being limited by time except with the death of one of the parties. Perpetuity and fidelity in a household built within the framework of the marriage rope is a principle that must be firmly held together to foster a peaceful, peaceful, and happy household (Rana and Saepullah, 2021). Thus, the divorce case is contrary something to the basic principles of marriage.

Factors in 2019

Table 4. Factors Causing Divorce in 2019

PA	Factors Causing Divorce												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<i>Third Party</i>	1	-	2	-	-	-	2	1	1	-	1	-	8
<i>Drunk</i>	4	2	2	3	5	1	1	3	2	5	3	5	38
<i>Mandate</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Gambling</i>	2	5	3	3	2	-	-	3	1	4	2	3	28
<i>Leaving One Party</i>	4	-	7	6	11	7	7	9	5	12	8	13	89
<i>Imprisoned</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Polygamy</i>	-	2	-	-	-	-	-	-	-	-	-	-	2
<i>Domestic Violence</i>	3	-	7	2	3	3	1	2	2	6	4	4	37
<i>Disability</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Continuous Dispute</i>	18	-	18	13	16	5	7	15	9	17	12	20	151
<i>Forced Marriage</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Apostate</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Economy</i>	8	4	10	6	10	3	1	4	2	8	5	9	70

Data source: IT Team of Parepare Religious Court

Factors in 2020

Table 5. Factors Causing Divorce in 2020

PA	Factors Causing Divorce												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
<i>Third Party</i>	1	-	1	-	-	-	1	-	-	-	-	-	3
<i>Drunk</i>	2	3	2	4	3	2	3	2	3	4	3	5	36
<i>Mandate</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Gambling</i>	2	5	2	3	2	1	2	2	3	4	3	2	31
<i>Leaving One Party</i>	4	-	8	7	10	6	5	8	4	12	7	14	85
<i>Imprisoned</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Polygamy</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Domestic Violence</i>	3	-	6	3	2	3	2	3	4	5	3	4	38
<i>Disability</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Continuous Dispute</i>	17	12	17	14	17	8	11	16	7	15	12	20	166
<i>Forced Marriage</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Apostate</i>	-	-	-	-	-	-	-	-	-	-	-	-	0
<i>Economy</i>	6	5	7	6	9	5	2	3	4	7	5	9	68

Data source: IT Team of Parepare Religious Court

The Comparison Factors of Divorce by Litigation in 2019-2020

Tabel 6. The Most Dominant Factor

Cases	2019	2020
<i>Continuous Dispute</i>	151	166
<i>Leaving One Party</i>	89	85
<i>Economy</i>	70	68

The above factors are the causes of divorce in the Parepare City community filed at the Parepare Religious Court Class 1B in 2019-2020. There are three most dominant factors, namely: first, continuous disputes. According to data from the Parepare Religious Court, the highest factor is continuous disputes and quarrels, totalling 151 (2019) and 166 (2020) cases. The occurrence of a dispute certainly raises a big question by the litigants, why can the dispute occur? This question will give different reasons and cannot be separated from the linkage of other factors; for example, the quarrel is triggered by the husband who often goes out at night and is lazy, and even violence occurs in the household. As

a result, continuous fights that slowly erode the harmony in the household, even though they start from trivial and very simple things, but it is the trigger that is constantly exaggerated, especially if problems arise that make the wife feel disappointed due to the actions and behaviour of an irresponsible husband.

Second, leaving one party is the second highest factor after continuous disputes and quarrels, which amounted to 89 (2019) and 85 (2020) cases. Leaving one party is a factor with two meanings, namely leaving causing death or leaving due to the departure of one of the parties, such as the departure of a husband or missing without news of his long absence. *Third*, economic factors are the factors that rank third of the factors and cause divorce in the Parepare Religious Court after continuous disputes and quarrels and leaving one party. A weak economy requires disharmony that triggers family conflict. Therefore, Islam demands the readiness of inner and outer livelihood, especially for husbands. This is in line with the condition of the people of Parepare City who are in the urban zone where the economic power of household spending is higher than that of rural communities. Thus, this is very influential for the condition of families whose income is brought on average.

The problem of breaking up in the Muslim community is also not limited to the above factors. This means that other causes can trigger divorce due to the different conditions of society in Indonesia, which are multicultural in terms of culture, ethnicity, and habits. In addition, technological developments and the COVID-19 pandemic also impact all aspects of human life that can disrupt the continuity of the household and the integrity of the marital bond.

The Implications for Family Harmony after Divorce

Marriage is not for a certain period of time. However, as long as life is still in the body. Like a household, it must stand firmly and be cared for with inner and outer peace between the two to create a sacred and honorable husband and wife relationship. However, it is undeniable that there are often divorces between husband and wife. As a result, both parties get a new social status as widowers and widows.

The identity of widowers and widows is a phenomenon that indicates failure in marriage or household. The impact of the divorce by litigation case between the two apart from the new status also impacts the psychological condition of both of them on the views and perspectives of the people who know

that divorce is a social burden. The emergence of various negative views actually triggers long quarrels (disharmony) between the two parties even though they are not married.

Other post-divorce issues are also very influential on the psychological burden of children. Divorce, especially divorce by litigation, is a child who will bear the heaviest burden. Because most divorce parents cause loss of attention and affection for their children. Not to mention, the child does not feel the integrity of the love between his parents. If the children are in the care of their mother, they will feel the loss of a father figure, and vice versa, if they are in the care of their father, they will feel the loss of his mother's love, and if they are in the care of someone else, then they will lose the love of both.

Furthermore, the implications arising from the divorce by litigation for family harmony can be described as follows:

Table 7. The Implications for the Family After Divorce.

<i>Impact</i>	<i>Description</i>
<ul style="list-style-type: none"> -Feelings of anger and disappointment -Revenge against his parents -Mental retardation/stress -Angry at themselves/feeling guilty -No role model -Pressure -Physical change -Become a dissident -Not confident -Afraid and embarrassed to live close to their friends 	Children
<ul style="list-style-type: none"> -Mental pressure -Mental disorders/Stress -Physical change -Pressure - Insufficient responsibilities 	Ex-wife
<ul style="list-style-type: none"> -Feel guilty -Physical change -Mental Disorders / Stress -Mental pressure 	Ex-husband

By looking at the condition of the divorce by litigation case, apart from separating marital ties, it is also the last resort or solution in resolving household problems that cannot be mediated and resolved through peaceful means. The solution is very important so that both parties live better lives.

CONCLUSION

A description of the conclusions based on the sub-problems above is as follows: 1) The high number of divorce by litigation cases in the Parepare

Religious Court every year shows that the divorce by litigation filed by the wife is a wife's disappointment due to the actions and behavior of a husband who no longer fulfills his responsibilities as a husband; 2) Divorce by litigation cases processed in the Parepare Religious Court has various factors, including third parties, drunkenness, mandates, gambling, leaving one party, Imprisoned, polygamy, domestic violence, disability, continuous disputes, forced marriage, apostasy, and economics. From these 13 factors, the most dominant factors are the economy, leaving one party and continuous disputes; 3) The impact of divorce, especially divorce by litigation, requires that both parties are unable to live in harmony in the form of interactions or relationships as members of the community and also have an impact on the lifestyle of children, ex-wife and ex-husband parties from a psychological point of view, character and living conditions are materially lacking, as well as immaterial for the disorganization of the two parents after the divorce.

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