

Divorce Perspectives: A Juridical and Economic Analysis of Divorce Claims by the Wife and Its Implications for Family Dynamics

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Abstract

Divorce often involves complex factors that vary with individual circumstances. Beyond legal considerations governing the process, the development of the internet has introduced new dynamics, such as illegal online loans and online gambling, affecting marital stability. Legally, divorce impacts not only the husband and wife but also the children. Economically, divorce has significant effects, especially when one or both parties lack stable income. This study aims to analyze the phenomenon of divorce and its impact on children in the Religious Court of Tangerang City. The methods used include data collection and interviews with relevant stakeholders. Divorce data were obtained from the documents of the Religious Court of Tangerang City for the period 2021-2023. This study also employs the theory of legal certainty to assess the legal implications of divorce. The results show a significant increase in the divorce rate in the Religious Court of Tangerang City from 2021 to 2023, with divorce claims by the wife being the most common type. Contributing factors include economic issues, lack of effective communication, prolonged disputes, and domestic violence. The study emphasizes understanding the legal and economic implications of divorce for couples considering it.

Keywords: *Divorce, Economic impact, Religious Court of Tangerang City*

Abstrak

Perceraian sering kali melibatkan faktor-faktor kompleks yang dapat bervariasi sesuai dengan situasi individu. Selain pertimbangan hukum yang mengatur proses perceraian, perkembangan internet telah membawa dampak baru dalam dinamika perceraian, seperti munculnya pinjaman online ilegal dan perjudian online yang dapat memengaruhi kestabilan hubungan suami istri. Dalam kajian aspek hukum, perceraian berdampak tidak hanya pada suami dan istri tetapi juga pada anak-anak. Secara ekonomi, perceraian juga memiliki dampak signifikan terutama ketika salah satu atau kedua belah pihak tidak memiliki penghasilan yang stabil. Penelitian ini bertujuan untuk menganalisis fenomena perceraian dan dampaknya terhadap anak-anak di Pengadilan Agama Kota Tangerang. Metode yang digunakan adalah pengumpulan data dan wawancara dengan pemangku kepentingan terkait. Data perceraian diperoleh dari dokumen Pengadilan Agama Kota Tangerang selama periode 2021-2023. Penelitian ini juga menggunakan pendekatan teori kepastian hukum untuk menilai implikasi hukum dari perceraian. Hasil penelitian menunjukkan bahwa tingkat perceraian di Pengadilan Agama Kota Tangerang meningkat signifikan dari tahun 2021 hingga 2023, dengan kasus cerai gugat menjadi jenis perceraian yang paling umum. Faktor-faktor yang menyebabkan perceraian meliputi masalah ekonomi, kurangnya komunikasi efektif, perselisihan yang berkepanjangan, dan kekerasan dalam rumah tangga. Penelitian ini menekankan pentingnya pemahaman dan kesadaran akan implikasi hukum dan ekonomi dari perceraian bagi pasangan yang mempertimbangkan untuk bercerai.

Kata Kunci: *Dampak Ekonomi, Perceraian, Pengadilan Agama Kota Tangerang*

Introduction

According to the Islamic view, marriage is not only considered a form of worship but also seen as a practice established by Allah and the Prophet. The Sunnah of Allah refers to Allah's decrees and will in the world's creation, while the Sunnah of the Messenger of Allah relates to the practices and customs that the Prophet established for himself and his followers. Marriage is a practice narrated by the Prophet SAW, which Allah SWT commanded to be obeyed by his people. In Islamic ideology, marriage is not merely considered a biological necessity in sexual relations between a man and a woman. On the contrary, Islam views marriage as an establishment that aims to foster a harmonious, affectionate, and affectionate home. Every aspect of Islam, including

marriage, is designed to encompass inherent wisdom. Islamic marriage's purpose is related to the declaration in Sura ArRum, 30:21 of the Qur'an. The above verse explains the fundamental purpose of every household: to raise good children and foster a harmonious environment full of peace and affection ¹.

Article 3 of the Compilation of Islamic Law states that marriage should create a loving and happy home. In addition, Law No. 1 of 1974 states that marriage is intended to build a happy and eternal home based on faith in the Almighty. However, achieving the goal of marriage is a challenging endeavor. We will face many obstacles, difficulties, and problems in the future. Unfortunately, many couples fail to achieve their marriage goals, leading to unhappiness and even divorce for individuals in the household or family ².

Divorce is permissible in Islam only in exceptional circumstances or as a last resort when all attempts at reconciliation fail ³. Islam recognizes this and allows divorce, either by divorce or divorce, while maintaining individual autonomy and independence. Islamic law provides divorce if it is better than staying together. Marriage aims to bring happiness and harmony to each other's hearts, but happiness cannot be forced or achieved under unchangeable circumstances. Creating happiness artificially is long-term suffering. Therefore, Islam does not bind marriage to death or facilitate divorce. As per Article 114 of the Compilation of Islamic Law (KHI), a marriage can be broken up through divorce or a divorce suit.

Every divorce begins with a quarrel that disrupts harmony in the household, thus hindering the fulfillment of the primary purpose of marriage, namely the establishment of a family characterized by peace, love, and affection. Either the husband or the woman can initiate divorce proceedings.

The divorce rate is on the rise. According to Article 39 of Law No. 1 of 1974, divorce can only be carried out through legal proceedings in court. Before proceeding with a divorce, the court must try to reconcile both parties ⁴. Government Regulation Number 9 of 1975, especially Article 19, explains the reasons for divorce. Grounds for divorce include (1) adultery or an incurable addiction, such as alcoholism; (2) the abandonment of either party by the other for two consecutive years without consent or valid reasons or due to circumstances beyond its control; (3) imprisonment of either party for five years or more after the marriage; (4) cruelty or mistreatment by one party that poses a threat to the other; (5) physical disability or illness that prevents either party from fulfilling marital obligations; (6) prolonged and irreconcilable quarrels between husband and wife ⁵.

In 2023, the most common type of divorce in Indonesia was a sued divorce, specifically a divorce initiated by the wife and resolved through the legal process. There were a total of 352,403 divorce cases, which accounted for 76% of all divorces. Of these, as many as 111,251 cases, or 24% of divorces, were caused by talaq, which is when the husband files for divorce, and the court makes the final decision. In 2022, there are an estimated 214,970 wives, constituting 73.70% of the total number of wives, who are expected to initiate divorce proceedings against their husbands. In contrast, husbands are expected to file for divorce in 76,707 cases, representing 26.30% of the total divorce cases. Based on databoks.kadota.co.id study, it was found that the number of wives who filed for divorce was more than husbands. Economic problems are the second leading cause of

¹ Muhammad Suhaimi and Rozihan Rozihan, "Faktor Ekonomi Penyebab Cerai Gugat (Studi Kasus Di Pengadilan Agama Purwodadi Tahun 2018)," *Prosiding Konstelasi Ilmiah Mahasiswa Unissula (KIMU) Klaster Humaniora*, 2020, 30.

² M Ali Hasan, "Pedoman Hidup Berumah Tangga Dalam Islam," 2003.

³ Suhaimi and Rozihan, "Faktor Ekonomi Penyebab Cerai Gugat (Studi Kasus Di Pengadilan Agama Purwodadi Tahun 2018)."

⁴ Husin Anang Kabalmay, "Kebutuhan Ekonomi Dan Kaitannya Dengan Perceraian (Studi Atas Cerai Gugat Di Pengadilan Agama Ambon)," *Tahkim* XI, no. 1 (2015): 47–67.

⁵ Suhaimi and Rozihan, "Faktor Ekonomi Penyebab Cerai Gugat (Studi Kasus Di Pengadilan Agama Purwodadi Tahun 2018)."

divorce, with 110,939 cases (24.75%). In addition, there were 39,359 cases (8.78%) of one-party departure, 4,972 cases (1.1%) of domestic violence, and 1,781 cases (0.39%) of drunkenness.

Given the context mentioned above, the UNIS research team was interested in conducting research and partnering with UNTIRTA academics. Therefore, the study was conducted at the Tangerang City Religious Court.

The number of divorce cases in the Tangerang City Religious Court (PA) continues to increase yearly, as seen from the following data: Tangerang City PA recorded 3,545 divorce cases in 2021. The total number of cases reached 3,545 cases. We experienced an increase of 14% compared to 2020, which reached 3,041. The average divorce rate handled by PA Tangerang City grows by 10% yearly, according to Irvan Yunan, a young PA committee in Tangerang City.

Research method

The research method used in this paper is a qualitative approach. The qualitative research method is inductive in nature with the aim of gaining understanding or meaning, developing theories and describing complex realities so that they include views on the reality of the object under study.⁶ The methods used include data collection and interviews with relevant stakeholders. Divorce data were obtained from the documents of the Religious Court of Tangerang City for the period 2021-2023. This study also employs the theory of legal certainty to assess the legal implications of divorce.

Results and discussion

The theory of legal certainty developed by Gustav Radbruch put forward four fundamental aspects. First, it emphasizes that the law must be positive and sourced from rules and regulations. Second, it asserts that the law must be based on factual evidence or reality. Third, it highlights the importance of clearly formulating legal facts to prevent errors. Finally, this principle states that positive law should not be changed. Moreover,⁷ States that Gustav identified three fundamental values in law: justice (*gerechtigkei*), expediency (*zweckmassigkei*), and legal certainty (*Rechtssicherheit*).⁸ Legal certainty refers to confidence and freedom from doubt in legal matters. These laws serve as a basic framework for encouraging fair behavior, as existing directives uphold rational standards. Legal certainty is a problem that can only be solved from a normative point of view—yes, sociologists⁹.

Philipus M Hadjon defines legal protection as providing security to individuals or entities by legal means, including proactive and reactive written and oral actions. Legal protection is applying the law to ensure fairness, stability, predictability, profitability, and tranquility.¹⁰

Harjon used Western conceptual frameworks to guide his thinking, with Pancasila as the ideology and philosophical foundation. The definition of legal protection for the Indonesian nation is based on recognizing and preserving honor and human dignity derived from Pancasila. Representative legal protection refers to the judiciary safeguarding individuals' legal rights and interests¹¹.

Marriage is a legally controlled emotional relationship between a man and a woman, per Law 1 of 1974 as revised by Law 16 of 2019. Based on belief in the Almighty, this partnership seeks a happy and eternal family. Islamic marriage is a binding contract called *mitssaqaan ghalidzan* that

⁶ Aang Asari and Muhammad Irkham Firdaus, "Comparison of Rahn Contract from the Perspective of Islamic Law and Indonesian Guarantee Law," *Journal of Islamic Economics Lariba* 8, no. 2 (2022): 255–70, <https://doi.org/10.20885/jielariba.vol8.iss2.art1>.

⁷ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: PT. Citra Abadi, 2012).

⁸ Mario Julyano and Aditya Yuli Sulistyawan, "Pemahaman Terhadap Asas Kepastian Hukum Melalui Konstruksi Penalaran Positivisme Hukum," *Crepido* 1, no. 1 (2019): 13–22.

⁹ Dominikus Rato, "Filsafat Hukum Mencari: Memahami Dan Memahami Hukum" (Yogyakarta: Laksbang Pressindo, 2010).

¹⁰ Edi Setiadi and Kristian, *Sistem Peradilan Pidana Terpadu Dan Sistem Penegakan Hukum Di Indonesia* (Prenada Media, 2017).

¹¹ Rahardjo, *Ilmu Hukum*.

requires obedience to Allah. Article 2 of the Compilation of Islamic Law (KHI) requires worship of specific commandments. Article 144 of the IHL allows a husband or wife to file for divorce.

The family is the most basic unit in the social structure, consisting of several individuals who live together in a household and interact and communicate according to established marriage norms.

In contemporary civilization, "gender" comes from the Latin word "Genus," which means a category or classification. Gender refers to socially and culturally constructed traits and behaviors associated with men and women. Realizing equality between men and women is still a challenge without a gender perspective in public discourse, which is often shaped by interpretations of religious scriptures¹².

According to¹³, gender refers to the attitudes, duties, responsibilities, functions, rights, and behaviors that men and women naturally have due to the cultural and social influences they experience during parenting. A person's femininity and masculinity are not inherent but can vary across different periods and locations. The dynamic and diverse nature of gender shows that gender is not universally inherent or natural¹⁴.

The family should be a safe, serene, and harmonious haven for all its members. Nevertheless, it is evident that gender roles and the allocation of household duties within the family unit (between husband and wife) continue to perpetuate significant injustices, thus increasing the burden for wives (women). The occurrence of various problems in the family is mainly caused by social and cultural constructions that are widely accepted and embraced by society but do not uphold the principle of gender equality—understanding the dynamics between subject and object, dominant and non-dominant, superior and inferior, and the uneven distribution of duties in the family based on gender, namely between male members (father, son) and woman (mother, daughter). Society often grants men a higher status, gives them a more exclusive advantage, and relegates women to subordinate positions. Despite advances in interactions between women and men in specific segments of society, such as the middle class and the educated group, closer examination shows that among most other categories of society, gender equality is still far from being expected¹⁵.

Gender is an analysis used to assess and determine equality of status between men and women to realize a more equitable social structure. Gender is a metric related to matters related to men and women, especially those associated with allocating community roles.

Gender roles are societal constructs that determine the anticipation of individual behavior and responsibilities based on gender when interacting with each other¹⁶. In the context of gender roles¹⁷, structural changes are evident in the social tasks and positions assigned to men and women. Women in this scenario are perceived as powerless in their ability to avoid these locations due to the broad societal outlook. The dominance of patriarchal cultural norms is a major obstacle to gender role transformation¹⁸.

¹² Amina Wadud, "Politics of Piety: The Islamic Revival and the Feminist Subject. By Saba Mahmood. Princeton University Press, 2005. 233 Pages. \$17.95." (Oxford University Press, 2006); Nasaruddin Umar, "Argumen Kesetaraan Jender Perspektif Al-Qur'an," 2010; Ariati Jamil and Amany Lubis, "Seks Dan Gender, Dalam Pengantar Kajian Gender," *Jakarta: PSW UIN*, 2003.

¹³ Mulia (2003)

¹⁴ Mohamad Yasir Alimi, "Jenis Kelamin Tuhan Lintas Batas Tafsir Agama," *Yogyakarta: Yayasan Kajian Dan Layanan Informasi Untuk Kedaualatan Rakyat*, 2002.

¹⁵ Lilis Widaningsih, "Relasi Gender Dalam Keluarga: Internalisasi Nilai-Nilai Kesetaraan Dalam Memperkuat Fungsi Keluarga," *Tim Pokja Gender Bidang Pendidikan Dinas Pendidikan Provinsi Jawa Barat*, 2017, 1–7.

¹⁶ Wendy McKenna and Suzanne J Kessler, "Experimental Design as a Source of Sex Bias in Social Psychology," *Sex Roles* 3 (1977): 117–28.

¹⁷ Nur Aisyah, "Relasi Gender Dalam Institusi Keluarga (Pandangan Teori Sosial Dan Feminis)," *Muwazah: Jurnal Kajian Gender* 5, no. 2 (2013).

¹⁸ Linda L Lindsey, *The Health Status of Afghan Refugees: Focus on Women*, vol. 20 (Michigan State University, Office of Women in International Development, 1990).

George Peter Murdock's research shows that in traditional communities, men tend to occupy predominantly masculine roles, while women tend to occupy predominantly feminine roles¹⁹. This is in line with the opinions of Scanzoni and Scanzoni that men tend to be more active and assertive, while women tend to be more passive²⁰. The allocation of tasks where men take leadership roles and women as subordinates may change based on the socioeconomic conditions of a particular society²¹.

However, due to societal shifts and technological advances, gender norms are also transforming. Women have gone beyond traditional household responsibilities and are now actively participating in public roles that previously belonged to men. However, women are also aware that society's expectations of household responsibilities have limited their opportunities to participate in the public sector.

The impact of community transformation is the increased participation of women in the public sphere.²² attributed this phenomenon to various factors, namely: (1) greater equality between men and women in accessing higher education; (2) progressive government policies that offer significant prospects for women's involvement in development; and (3) acceleration of economic and industrial progress, which encourages women's tendency to work in the public sector²³. Many women in professional activities face challenges in carrying out two roles: homemakers and career women. Conflict arises from an uneven process of division of roles. Conflicts related to work and work as a homemaker can interfere with the continuity of one's responsibilities. According to²⁴ Work-family conflict occurs when completing one function, which hinders the fulfillment of other roles, thus negatively impacting work performance and family life. An unexpected result is the breakdown of family relationships, commonly called divorce.

To find out and analyze the phenomenon of divorce and its impact on children, the author conducted a study at the Tangerang City Religious Court, where there was an increase in divorce cases. The author obtained research findings through data and interviews with relevant stakeholders (data provided). Divorce statistics for 2021-2023 in the Tangerang City Religious Court are presented in Table 1 below:

Table 1. Divorce Rate in PA Tangerang City for 2021-2023

No	Year	Divorce Talaq	Divorce Lawsuit	Sum
1	2021	788	2473	3261
2	2022	794	2479	3273
3	2023	657	2215	2872

Data Source: Tangerang City Religious Court Document

Refer to Table 1. The Tangerang City Religious Court experienced a significant increase in divorce rates from 2021 to 2023, with controversial divorces being the most common type in these courts. The number of divorces is obtained from the data presented in Table 1. There was an increase in divorce cases in the Tangerang City Religious Court in 2021-2022, followed by a decrease in cases in 2022-2023.

In addition to conducting research at the Tangerang City Religious Court, the author also conducted research and studies at the Tangerang City District Court aimed at knowing and analyzing the phenomenon of divorce that impacts children. Based on this, the author obtained

¹⁹ Stephen K Sanderson, "Makro Sosiologi, Sebuah Pendekatan Terhadap Realitas Sosial, Edisi Kedua," *Jakarta: PT. Raja Grafindo Persada*, 2003.

²⁰ (Soe'oed 2004)

²¹ Mufidah Cholil, "Psikologi Keluarga Islam: Berwawasan Gender" (UIN-Maliki Press, 2013).

²² Sumiyatiningsih (2013)

²³ Ibid.

²⁴ M N Ghufroon, "Makna Karir Bagi Wanita Karir," in *Dalam Proceedings Seminar Nasional Gender Dan Islam, Menggagas Pendidikan Islam Sensitif Gender Di Indonesia*, 2013.

research results in the form of data and interview results. The divorce data in the Tangerang City District Court in 2021-March 2024 as described in table 1 below

Table 2. Divorce Rate in PN Tangerang City for 2021-March 2024

No	Year	Sum
1	2020	961
2	2021	687
3	2022	663

Data Source: Tangerang City District Court Document

Based on table 2. The number of divorce cases in the Tangerang City District Court is less than that in the Tangerang City Religious Court based on reports received by the court. From 2020 to 2022, there was a decrease in the number of divorce cases. However, in 2022-2023, there is an increase in divorce cases. In 2024, researchers found data only from January to March 2024 because 2024 is still running, so the Tangerang City PN needs to recapitulate it fully.

A. Factors that cause a wife to file for divorce from her husband in Tangerang City, PA.

The factors that cause divorce are unique and complex; each family has different backgrounds and reasons for divorce. Divorce can occur due to several factors, as stated in Article 39 of Law No. 1 of 1974, article 19 of PP No. 9 of 1975, and further provisions in Article 116 of the KHI. One factor is religious change or apostasy, which can cause conflict in the household ²⁵.

Another perspective asserts that the main catalysts that drive wives to divorce are conflict, husbands' failure to fulfill their commitments (including financial obligations), violence, moral turmoil, other parties' intervention, and adverse polygamous relationships. According to ²⁶, Economic problems are the leading cause of divorce. The high economic demands of families today require both husband and wife jobs. Financial inequality creates conflict in couples, especially when the husband is unemployed.

Based on the results of research on the factors that led to divorce in the Religious Court based on an interview with Dra. Hj. Absari, S.H., M.H., as a Judge at the Tangerang City Religious Court, are:

1. Lack of open and effective communication between parties or couples can result in misunderstandings, frustrations, and disappointments.
2. Constant disputes and quarrels: Unresolved conflicts and prolonged tensions can damage a marriage relationship.
3. Financial problems: Financial difficulties can cause stress and tension in the household, leading to arguments and disputes.
4. Incompatibility: Significant differences in values, life goals, or personalities can make it difficult for couples to live together.
5. Domestic Violence: Physical, emotional, or sexual violence in the household can cause trauma and violence and can affect marital relationships.
6. Addiction to illicit substances: Addiction to illegal substances, gambling, or pornography can cause other problems, such as financial problems, health problems, and problems in family/marital relationships.
7. Health Problems: Serious health, mental, or physical disorders can cause stress and tension in the household, making it difficult for couples to support each other.
8. Infidelity: Infidelity is a significant breach of trust and can result in emotional distress and rifts in the marital relationship

²⁵ Rahmat Fadillah and Syahrui, "Hak Cerai Bagi Perempuan Dan Faktor Penyebabnya: Divorce Rights for Women and Causing Factors," *Mitsaqan Ghalizān* 3, no. 1 (2023): 1–15.

²⁶ Armansyah Matondang, "Faktor-Faktor Yang Mengakibatkan Perceraian Dalam Perkawinan," *JPPUMA: Jurnal Ilmu Pemerintahan Dan Sosial Politik UMA (Journal of Governance and Political Social UMA)* 2, no. 2 (2014): 141–50.

9. Family or other people's intervention: Excessive intervention from different families or people can cause tension and conflict in the fabric.
10. Social Pressure: Pressure from certain societies or cultures about gender roles, marriage, or family can cause stress and tension in the family
11. Age of Marriage: Couples who marry at a young age are more at risk of divorce and
12. Education: Couples with lower levels of education are more at risk of divorce.

Based on the results of an interview with parties from the Tangerang City District Court in the form of an interview with the District Court Judge, Mrs. Novita Riarma S.H., M.H., the factors that led to the proceedings in the District Court were:

1. Infidelity (presence of a 3rd party)
2. Continuous disputes and quarrels
3. Domestic Violence (Domestic Violence).
4. Economy factor and
5. Online Gambling

If we analyze based on the Theory of Legal Certainty²⁷ That legal certainty aims to bring justice, certainty, and order. As a state of law, Indonesia views the law as applicable to all parties without taking sides²⁸. All persons are equal before the law (*Equality Before The Law*). It is said that legal certainty can be manifested as positive law, which is the current law as long as the reason for the marriage is by the applicable law or certainty and regulations, then the parties, especially by the research, the wife can file for divorce to the Religious Welfare for Muslims (article 132 paragraph 1 KHI). You can also file for divorce in the District Court for non-Muslims.

They are related to justice (*gerechtigheit*), which discusses from a philosophical point of view and resolves marriage problems that can no longer be maintained by each party by deliberation, where the parties still prioritize their respective rights. The husband and the wife are by their duties and functions as legal subjects who carry balanced rights and obligations—furthermore, considering that legal certainty is a guarantee of law that contains justice and certainty²⁹. The law must be maintained for the security and order of a country, so the search for justice is usually resolved through the courts, as stipulated in (article 144 KHI).

B. The impact of divorce filed by the wife on the husband's side of the family in the study of applicable legal aspects.

If harmony in the household is not achieved, this is especially true for both individuals involved, especially husband and wife. Moreover, they live a married life full of sadness, commonly labeled poisonous, or for other reasons to divorce as stipulated in Article 38 of Law Number 1 of 1974 concerning Marriage, as amended by Law Number 16 of 2019, Article 19 PP 9 of 1975, and also Article 166 letter (a) of the KHI. If these conditions are met, the parties usually opt for divorce. According to Article 39, paragraph (1) of Law Number 1 of 1974, separation can only occur in court hearings after peace efforts made by the court are unsuccessful.

The impact of divorce, whether the wife or husband carries it out, is the child as a beloved member and, simultaneously, the fruit of love for the married couple. The main impact on children due to divorce, especially proposed by the wife, is the psychology of disturbed children. The impact of parental abuse can also make children slump and fall into negative behaviors such as juvenile

²⁷ Gustav Radbruch, "LEGAL PHILOSOPHY," in *The Legal Philosophies of Lask, Radbruch, and Dabin* (Harvard University Press, 1950), 43–224.

²⁸ Nadya Thamariska, Suzanalisa Suzanalisa, and Sarbaini Sarbaini, "Penerapan Asas Persamaan Dihadapan Hukum (Equality Before The Law) Terhadap Pelaku Tindak Pidana Umum Suku Anak Dalam (SAD) Di Wilayah Hukum Polres Sarolangun," *Legalitas: Jurnal Hukum* 15, no. 1 (2023): 110–23.

²⁹ Ahmad Ali, "Menguak Tabir Hukum (Suatu Kajian Sosiologis Dan Filosofis)," *Jakarta: PT Toko Gunung Agung*, 2002.

delinquency by consuming liquor or prohibited items, committing brawls, and other harmful things as a form of venting children's anger ³⁰.

Based on research in the form of an interview with the Judge of the Tangerang Religious Court, Mrs. Dra. Hj. Absari, S.H., M.H regarding the impact of parental care on children's psychology is:

1. Emotional Impact in the form of:

Sadness and disappointment, irresistible anger, fear of an uncertain future, loneliness due to lack of affection, depression.

2. Behavioral Impact ;

The child becomes aggressive, e.g., fighting, damaging things, yelling, etc.; withdraws from social activities, decreases achievement; has difficulty sleeping, has no appetite, etc.

According to the Child Protection Theory, children who are victims, especially those affected by parental divorce, are protected by their rights as outlined in Law Number 35 of 2014, which is an amendment to Law Number 23 of 2000 concerning Child Protection. The law regulates children's rights, which include:

"Every child has the right to the fundamental rights of life, growth, development, and participation by human dignity and dignity. They must also be protected from violence and prejudice."

"Every child has the right to a name that serves as identification of his or her identity and citizenship status."

Thus, wise parents there must realize the rights and obligations and the impact of a decision that will affect parents and children before making a big decision. Each of these rights and responsibilities is governed by regulation. As a state of law, Indonesia regulates everything clearly and definitely, and a good citizen must obey the rules that apply to him.

Based on the results of an interview with the Divorce Mediator of the Tangerang City Religious Court, Mrs. Supriyanti, S.H., M.H., according to him, when the parties are going to divorce, mediation is usually carried out first so that the parties are clear-minded, do not decide or make rash decisions, and are informed of the impact of the divorce on the family. Mediation is part of the procedural law before the case enters the court process of examination of the subject matter, so mediation must be carried out. With mediation, it is hoped that the parties will understand so that it is expected that the divorce will not continue.

There are 2 (two) possibilities that the result of the mediation can be successful and the parties discourage their divorce. This incident is rare, but there is. But sometimes, even though mediation approaches have been made many times to the parties because each of them has been filled with deep tightness and anger, sometimes not present in the mediation, the discussion still takes place. A *lawyer* representing the parties can do no further than only represent the will of the parties. So do families. So, the vital thing to be present is the parties, but presenting the divorced parties is not an easy thing because usually, because of bottomless hatred, they do not want to attend. This is a great difficulty for a mediator when it reaches an impasse.

C. The impact of divorce on families is reviewed from an economic perspective.

A husband must provide for his family as a form of his responsibility. Regarding the obligation to financially provide for the family, the husband can do so, but at other times, he may not have the ability. Ensuring family financial stability is essential for a well-off, harmonious, and prosperous household. Conversely, if the family's financial needs are not met, it can cause conflict and chaos in the household, which has the potential to lead to divorce. Financial stability contributes significantly to the creation of a happy household. Economic problems are a factor that is very vulnerable to triggering problems in the household. In this case, economic challenges in managing family finances are pretty or excessive, ranging from minimal to lacking. Neglecting the family's financial support due to negligence is a frequent problem among Islamic households,

³⁰ Nadia Refilia Dewi and Wiwin Hendriani, "Faktor Protektif Untuk Mencapai Resiliensi Pada Remaja Setelah Perceraian Orang Tua," *Jurnal Psikologi Klinis Dan Kesehatan Mental* 3, no. 3 (2014): 37–43.

especially those who must be made aware of their responsibility to provide for the family. As a result, a large number of displaced women and children become vulnerable and do not have the support of their fathers³¹.

With the above incident, divorce will likely occur, filed by the wife who feels abandoned. Of course, the impact of divorce will have another effect on the divorced family, especially in the economic sector, which may have an even worse impact if the husband or wife is one of the people who do not work. So, the loss of permanence in a family can have an even worse economic impact.³²

Based on the theory of legal protection, the function of law is to protect society, and the most minor society is the family. The impact of divorce on a family today from an economic perspective in a village is the unprotection of children from love from marriage, one of which is those who are still in school age/in the age of education, and also in the age of growth and many desires.

Furthermore, based on the theory of Marriage, the Marriage Law states that the purpose of marriage is to form a happy family. So, carry out the marriage with complete sincerity and full responsibility. Javanese is also based on faith, which helps us all avoid unwanted things.

Conclusion

The conclusion is the conclusion of the article. It must answer the research objectives and be formulated briefly and effectively. The cover is different from a resume regarding the discussions that have taken place. It is hoped that it contains theoretical implications regarding how your research or thinking can advance the scientific field of family law.

The factors that cause a wife to divorce on the husband's side are very varied, depending on the person concerned. Several factors must be met so that someone can divorce, which refers to applicable regulations. But along with the development of the internet, there are divorce factors submitted by wives that come outside the relevant rules, namely due to illegal Online Loans (Pinjol) and online gambling.

In the study of applicable legal aspects, the impact of divorce submitted by the wife on the husband's side of the family is on children as fruits of love as well as victims of the effects of divorce. According to applicable law, children's rights must be protected, and rights and parents must be implemented.

The impact of divorce on families is reviewed from an economic perspective. Every divorce will affect a family, especially those strongly related to the economy, especially if the divorce is one party or both are not working and do not earn.

It is expected that the parties to the husband and wife maintain the harmony of the relationship to avoid divorce, for husband and wife to understand the applicable legal provisions so that they are more careful in taking a stand, especially when they want to divorce because there are rules that must be obeyed during divorce and post-divorce. Parties who wish to divorce are expected to be broad-sighted because, for now, economic problems occupy the highest number of reasons for divorce besides other reasons. For this reason, consider whether we are more economically successful after divorce or worse.

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³¹ Umay M. Djafar Shiddieq, "Indahnya Keluarga Sakinah Dalam Naungan Al-Qur'an Dan Sunnah" (Jakarta: Zakia Press, 2004).

³² Meidyawati and Abdul Qodir, "Perempuan, Ekonomi, Dan Alasan Perceraian: Women, Economics, and Reasons for Divorce," *Jurnal Hadratul Madaniyah* 10, no. 1 (2023): 58–62.

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