

## THE EFFECT OF THE COVID-19 PANDEMIC ON THE HIGH DIVORCE RATE IN KABUPATEN LIMA PULUH KOTA

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**Abstract.** Recently divorce cases have become increasingly popular and have become popular in the community. Tens of people a day can change their status to become widows/widowers. The district of fifty cities is one of the largest contributors to divorce cases in Indonesia. In addition to the year of pandemic, 2020 is also marked with the year of divorce, because not yet in December the divorce rate in fifty city districts has reached 951 divorce case that has entered the religious courts. Of the 951 cases submitted 75% of these cases were claimants. This study aims to describe the driving factors for the increase in the divorce rate (divorce is the wife's initiative) in the religious courts of fifty cities with a descriptive qualitative approach with a phenomenological type. Based on this research, it can be concluded that the highest driving factors for divorce are constant arguments and domestic violence. Other factors that influence it are economic problems, being entangled in legal cases/imprisonment, the relatively young age of marriage.

**Keyword:** Divorce Sues, Covid-19 Pandemic, Factors.

**Abstrak.** Belakangan ini perkara cerai semakin marak dan menjadi populer di tengah masyarakat. puluhan orang dalam sehari bisa berubah status menjadi janda/duda. Kabupaten lima puluh kota menjadi salah satu penyumbang terbanyak perkara perceraian di Indonesia. Selain tahun pandemi, 2020 juga diwarnai dengan tahun cerai, karena belum masuk desember angka perceraian di kabupaten Lima Puluh Kota sudah mencapai 951 perkara perceraian yang masuk ke Pengadilan Agama. Dari 951 perkara yang masuk 75% dari perkara tersebut adalah cerai gugat. Penelitian ini bertujuan menggambarkan faktor pendorong naiknya angka cerai gugat (perceraian yang merupakan inisiatif isteri) di pengadilan agama kabupaten Lima Puluh Kota dengan pendekatan kualitatif deskriptif dengan jenis fenomenologis. Berdasarkan penelitian ini, dapat disimpulkan bahwa faktor pendorong tingginya perceraian adalah

pertengkaran yang terjadi secara terus-menerus, dan kekerasan rumah tangga. Faktor lain yang mempengaruhinya adalah persoalan ekonomi, terjerat kasus hukum/ dipenjara, usia pernikahan yang masih tergolong muda.

**Kata kunci :** Cerai Gugat, Pandemi Covid-19, Faktor.

## Introduction

The Covid-19 pandemic has brought significant changes in various countries in the world, both from economic, social, educational, family, environmental, and political aspects. In addition to health problems which are the main problem, other problems such as the economy are also attracting more attention. The Covid-19 pandemic attacks the economic sector which has an impact on high unemployment. Many people have complained and their activities have stopped due to the Covid-19 pandemic, whereas until now the data shows that those confirmed as positive for Covid-19 have not decreased.<sup>1</sup>

Indonesia is one of the countries affected by covid-19. Various policies have been issued by the government to break the chain of the spread of covid-19. The efforts made by the government can be seen from the various policies issued by the government such as the issuance of Government Regulation in stead of Law Number 1 of 2020 concerning State Financial Policy and Financial System Stability,<sup>2</sup> until the large-scale social restrictions (PSBB) contained in Government Regulation Number 21 of 2020.<sup>3</sup> Even so, the government still has to work on dealing with the transmission of Covid-19 because the data that shows positive confirmation of Covid-19 has not decreased.

The Covid-19 pandemic which is increasingly out of control has not only impacted health and the economy but also has a considerable impact on family resilience. We can see this from the increasing number of divorces in several

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<sup>1</sup> Resa Hadi, "Dampak Pandemi Covid-19 Bagi Perekonomian Masyarakat Pedesaan," *Indonesian Journal of Nursing and Health Sciences* 1 (2020): 1, 37-48.

<sup>2</sup> Look at Government Regulation in Stead of Law Number 01 of 2020 Concerning State Financial Policy and Financial System Stability for Handling the Covid-19 Pandemic.

<sup>3</sup> Look at Government Regulation Number 21 of 2020 Concerning Large-Scale Social Restrictions in the Framework of Accelerating the Handling of Covid-19.

regions in Indonesia. According to data in June and July 2020, the number of divorces has increased to 57 thousand cases with 80 percent of divorce cases submitted to the Religious Courts filed by the wife.

religious courts Tanjung Pati is a court that is on Kabupaten Lima Puluh Kota who has the authority to accept, resolve and decide divorce cases. In 2019 the accumulation of cases for divorce and divorce in the Tanjung Pati Religious Court totaled 683 cases. From 2020 to November, divorce cases submitted to the Tanjung Pati Religious Court exceeded 951 cases with 715 litigating divorce cases and 236 divorce cases.<sup>4</sup> This data shows that there has been an increase in divorce cases from 2019, and 75% of the cases that have entered are in legal divorce cases.

Divorce in Islam is not a prohibition, but as the last door of the household, when there is no way out. Juridically, divorce has been regulated in article 38 letter b of Law No. 1 of 1974 concerning Marriage.<sup>5</sup> In it, it is explained that the break up of a marriage can occur because of death, divorce, and court decisions. In this law, it is clear that breaking a marriage due to divorce is different from breaking up a marriage. Whereas in article 39 of the marriage law it is explained that divorce can only be done in front of a court session and not by a court decision. This article is intended to regulate divorce cases in marriage according to Islam. In Government Regulation No. 9 of 1975 the terms divorce talak and divorce sue were used, this was meant to differentiate the meaning referred to by letter c in the law.<sup>6</sup> Divorce is a symptom of a break in the marital relationship because one of the two married couples decides to leave each

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<sup>4</sup> Pengadilan Agama, "Sistem Informasi Penelusuran Perkara Pengadilan Agama Tanjung Pati Tahun 2020," [http://sipp.pa-tanjungpati.go.id/statistik\\_perkara](http://sipp.pa-tanjungpati.go.id/statistik_perkara), 2020.

<sup>5</sup> Muslih, I., Nurdin, N., & Marzuki, M. (2020). Effectiveness of Marriage Services Through Information System Management (SIMKAH) at Palu City Religious Court *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(1), 20-36.

<sup>6</sup> Linda Azizah, "Analisis Perceraian Dalam Kompilasi Hukum Islam," *Al-'Adah* 10 (2012): 4, 416-417.

other.<sup>7</sup> Divorce referred to here in as the fall of divorce that occurs because the husband feels there is no longer a match with his wife in running the household. Article 39 paragraph (2) only explains that divorce can occur if it is by predetermined reasons.<sup>8</sup> The Religious Courts see divorce as the result of breaking a marriage caused by death, divorce, and also a court decision.

Article 156 KHI regulates the break up of marriage as a result of divorce (divorce sue). This is expressed as follows: 1) A child who is not yet mumayyiz has the right to receive his mother's gift, unless his mother has passed away, his position is replaced by: a) Women in a straight line up from the mother, b) Father, c) Women in straight line up from the father, d) The sister of the child; 2) Children who are mumayyiz have the right to choose to get gifts from their father or mother; 3) If the holder of a hadanah cannot guarantee the physical and spiritual safety of the child, even though the cost has been fulfilled, then at the request of a relative who is related to the court, he can transfer the right of possession to another relative who also has hadanah rights; 4) All costs of hadanah and child support are borne by the father according to his ability, at least until the child is an adult and can take care of himself (21 years); 5) In the event of a dispute regarding the child's possession and support, the religious court adjudicates the decision based on the child custody law; 6) The court can also bind the ability of the father to determine the amount of costs for the maintenance and education of children who do not participate in him.

In the marriage regulations in Indonesia there is a recognition of divorce and divorce. Divorce is a divorce case filed by the husband to bring down the divorce against the wife. The husband pledge divorce after the trial was opened based on a ruling by the Religious Court after hearing the testimony of the witness, his family, and both parties. After pronouncing the divorce vow, the

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<sup>7</sup> Hendrawati, "Dampak Perceraian Terhadap Wanita Minangkabau: Studi Kasus Di Desa Kepala Hilalang," *Dalam Alfa Miko & Asmawi [Eds.] Wanita Di Sumatera Barat*, 93-107.

<sup>8</sup> Undang-undang, *Nomor 1 Tahun 1974 Tentang Perkawinan*, 1974.

husband and wife will end the relationship in the marriage.<sup>9</sup> A lawsuit divorce is a divorce that occurs as a result of a lawsuit filed by a wife to terminate the marriage relationship with her husband.

Nowadays, the case for litigated divorce continues to increase and even exceeds divorce. The high number of divorce claims indicates that the wives are dissatisfied with their married life. This is due to the husband's ignorance of his wife and children, domestic violence, infidelity, disharmony in the family, early marriage, and also economic factors. When problems in the household no longer find a bright spot, divorce is considered a solution to end the problem. Based on the explanation above, this paper will attempt to answer the related question, why do divorce cases tend to increase in the Covid-19 pandemic conditions? What are the factors that cause the wife to decide to sue for divorce from her husband? To answer this research question, the authors use a qualitative approach. then the method used is descriptive-analytical.

## Methodology

This study used a qualitative approach. The data was gathered through observation, in-depth interview, and written material obtained from the local the Office of Religious Affairs. The Data were collected through observation techniques, in-depth interviews with the local Office of Religious Affairs (KUA) staff, the headman, and written material. Meanwhile, data analysis applies reduction and verification techniques with various data sources.<sup>10 11</sup> The reduced data is then analyzed by claiming to theoretical concepts used in this study.<sup>12</sup>

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<sup>9</sup> Bahder Johan dan Sri Warjiati Nasution, *Hukum Perdata Islam* (Bandung: CV Mandar Maju, 1997), 32.

<sup>10</sup> Nurdin, N. (2017a). Research in Online Space: The Use of Social Media for Research Setting *Jurnal Sistem Informasi (Journal of Information System)*, 13(1), 67-77.

<sup>11</sup> Nurdin, N. (2017b). To Research Online or Not to Research Online: Using Internet-Based Research in Islamic Studies Context. *Indonesian Journal of Islam and Muslim Societies*, 7(1), 31-54.

<sup>12</sup> Nurdin, N. (2016). The Roles of Information Technology in Islamic Bank Knowledge Management: A study of Two Syariah Banks in Palu. *Hunafa: Jurnal Studia Islamika*, 13(2), 181-217. <https://doi.org/https://doi.org/10.24239/jsi.v13i2.444.181-217>

## Results and Discussion

Marriage is a noble act so it should not be damaged by trivial things, everything that leads to damage to the household is something that is hated by Allah SWT. So it is recommended for us Muslims to be able to maintain integrity and harmony in the household, and can resolve existing problems peacefully, so that a divorce does not occur.

Divorce in Islam is not a prohibition, but as the last door of the household, when there is no way out. 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 break up of a marriage can occur because of death, divorce, and court decisions. In this law, it is clear that breaking a marriage due to divorce is different from breaking up a marriage. Whereas in article 39 of the marriage law it is explained that divorce can only be done in front of a court session and not by a court decision. This article is intended to regulate divorce cases in marriage according to Islam. In Government Regulation No. 9 of 1975 the terms divorce talak and divorce sue were used, this was meant to differentiate the meaning referred to by letter c in the law.

In imposing divorce, a husband must submit his case to the court for the reasons that become the reason for wanting to divorce his wife. Law No. 1 of 1974 tends to make divorce more difficult. However, if a case cannot be resolved in a family manner by the parties in the case, the last resort that can be taken is by asking for help from the Religious Court by submitting a lawsuit application 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. Divorce of this kind is called divorce sue, but if the husband reports his wife to the Religious Court and the divorce is decided, this kind of divorce is commonly known as divorce talak.

A divorcee in Arabic is called *al-khulu*. The word *al-khulû*, comes from the word *'khu'u ats-tsawbi*, which means "to take off clothes". Then the term is used to refer to a wife's request to break her marriage bond with her husband. The understanding is more complete among scholars, that *al-khulu'* is the occurrence of separation (divorce) between a husband and wife with the pleasure of both and with the payment of the wife to her husband. As Shaykh al-Bassam argues, *al-khulu* is a husband and wife divorce with a payment taken by the husband from his wife, or otherwise with a special lafaz. "While al-Hafizh Ibn Hajar stated that *al-khulu'* is a husband divorcing his wife by submitting payment. change to the husband. This is forbidden, unless both or one of them is worried that they will not be able to carry out what Allah has commanded. This can arise because of dislike in household relationships or bad morals or physical form. Likewise, this prohibition is lost, unless both require a divorce, for fear of the sin that causes *al-Bainunah al-Kubra* (major divorce or triple divorce).<sup>13</sup>

The increasing number of divorces at the Tanjung Pati Religious Court is nothing new. Because the difference in data shows that the divorce rate at the Tanjung Pati Religious Court has always increased from previous years. The number of divorce cases is very worrying, because marriage, which was originally meant to mean a very strong, sacred, holy, and not easily broken bond. As defined by scholars, that marriage is "The contract that allows this *Istimta'* (intercourse), with a woman, or do *wath'i* and gather as long as the woman is not the one who is forbidden because of the lineage and persistence". Or "A contract that has been established by the *syar'i* so that a man can take advantage of doing *istimta'* with a woman or vice versa",<sup>14</sup> to form a happy and eternal family. Therefore mutual tolerance, complementary to one another must always be created in the household. Because once this marriage started, it should not be damaged by trivial things, anything that leads to a breakdown in

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<sup>13</sup> Azizah, "Analisis Perceraian Dalam Kompilasi Hukum Islam."

<sup>14</sup> Wahbah al-Zuhaily, *Al-Fiqh Al-Islami Wa Adillatuhu* (Damaskus: Dar al- Fikr, 1989), 29.

the household is something that is hated by Allah. Therefore, divorce is something that is lawful but is hated by Him. As is.

Marriage can be said to be a relationship agreement between a man and a woman which contains a relationship agreement to carry out life together according to terms and immoral laws. In religious teachings, the legalization of a marriage relationship is measured by the provisions that have been established by God as *mutlaq* conditions. Likewise, marriage in theory and practice is a social contract that contains an agreement that they will live as husband and wife and this agreement is recognized by law or custom in that community.<sup>15</sup>

The priests of the four schools also agreed in formulating the term marriage. Hanafiyah scholars defines marriage as a contract that makes it easy to have, have fun on purpose.<sup>16</sup> Hanabilah Ulama define marriage as a contract using words or *tazwij*, to allow benefits, have fun with women. Likewise, the Syafi'iyah scholars also provide an understanding that also leads to the meaning of the *harfiyah*, namely the contract by which sex relations between men and women are lawful.<sup>17</sup>

Abu Yahya Zakariya al-Ansari defines marriage as a contract that contains the legal provisions of the permissibility of sexual relations with "*lafaz nikah*" or with words that are more familiar with it.<sup>18</sup> Muhammad Abu Zahrah said that marriage is "The contract has legal consequences in the form of halting sexual intercourse between a man and a woman, helping each other and creating rights and obligations between the two of them".<sup>19</sup>

Marriage should be understood as a contract that will have complex implications in the household. Every individual who is going to get married

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<sup>15</sup> Nasarudin Latif, *Ilmu Perkawinan: Problematika Seputar Keluarga Dan Rumah Tangga* (Jakarta: Pustaka Hidayah, 2001), 14.

<sup>16</sup> Abdurrahman al-Jaziri, *Al-Fiqh 'Ala Al Mazahib Al Arba'Ah* (Beirut: Dar al-Kutub al-Ilmiah, 2003) 3.

<sup>17</sup> al-Jaziri.

<sup>18</sup> Zakiyah Darajat, dkk, *Ilmu Fiqih* (Kairo: Dar al- Fikr al-Arabi, 1957), 50.

<sup>19</sup> Muhammad Abu Zahra, *Al-Ahwal Asy-Syakhshiyah* (Kairo: Dar al - Fikr al- Arabi, 1957), 19.



should be ready and capable of the complexities that will arise in the household later so that problems that arise in the household can be avoided. Maturity and readiness are what should be the points of marriage that must be actualized in today's household life so that the ideal of a happy and eternal marriage is in accordance with what the Al-Qur'an means, namely *mitsaqan ghalidzan* (very sturdy and strong bond).

In domestic life, apart from the readiness of a person to undergo a household ark, there are also conditions behind it. Sometimes households do not have a solid foundation from the start, coupled with conditions that also support the weakening of the spirit to defend the household, such as the social, economic and cultural conditions of the community. The people of fifty cities who are Minangkabau people have diverse cultures such as the culture of migrating outside the region or even abroad. Merantau means looking for a living, knowledge, and a place to learn about life.<sup>20</sup> In addition, the kinship system in Minangkabau adheres to a matrilineal system (maternal lineage) in which Minangkabau women are economically borne by their clans.

In Islamic jurisprudence, divorce is synonymous with the word “*al-farqu*” or “*firaq*” together with “*talak*” that is, the term for a divorce between husband and wife.<sup>21</sup> *Talak* according to the term is to let go of the marriage bond by using certain words at the present or the future. The expression to let go of the marriage bond in the present means that if the husband drops triple divorce, then the marriage bond is released at the time the divorce is pronounced. Husband is not justified *rujuk* during the *iddah* period. Meanwhile, the expression to let go of the marriage bond in the future means that if the husband drops one or two divorces, then the marriage bond is not separated when the husband drops the divorce. The new marriage bond is released after

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<sup>20</sup> T Kato, *Adat Minangkabau Dan Merantau Dalam Perspektif Sejarah* (Jakarta: Balai Pustaka, 2005).

<sup>21</sup> M. Abdul Mujieb, *Kamus Istilah Fiqih* (Jakarta: Pustaka Fisrdaus, 1994), 78.

the iddah period ends, while during the *iddah* period the husband does not reconcile (*rujuk*).<sup>22</sup>

The break-up of a marriage is not something new, because husband and wife have different obligations and responsibilities but have the same right to make decisions in their household. Classical fiqh scholars share the problem of breaking up marriage with *thalaq, khulu', fasakh, syiqaaq, nusyuz, ila',* and *zihar*. Imam Syafi'i added with *Li'an*.<sup>23</sup>

In both classical and contemporary jurisprudence studies, most of the opinions that arise regarding the factors causing divorce to lead to the authority of the husband in dropping the divorce and terminating the marriage relationship. As it happens *nusyuz* (iniquity of a wife to her husband) or *syiqaaq* (fighting continuously) between husband and wife happened continuously, causing quarrels between the two of them. Law Number 1 the year 1974 states that a marriage breakdown can occur due to the fact that one of the husband or wife dies, because of divorce, and because of a court decision.<sup>24</sup>

The increasing number of divorce cases in the Tanjung Pati Religious Court is a matter of concern, given the impact that divorce has had. However, on the other hand, the positive side must also be seen. This data shows that there is increasing public awareness to choose the litigation path to resolve their divorce cases. The litigation path is taken so that no party is harmed either materially or psychologically. It is also supported by easy access to cases at the Tanjung Pati Religious Court and relatively cheap court fees so that the parties entrust the resolution of their household disputes to the competent Court for this.

Interestingly, the Tanjung Pati Religious Court in the increase in the divorce rate was dominated by the number of claimants. A divorce case is a

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<sup>22</sup> Zahra, *Al-Ahwal Asy-Syakhshiyah*, 327.

<sup>23</sup> Khoiruddin Nasution, *Status Wanita Di Asia Tenggara: Studi Terhadap Perundang-Undangan Perkawinan Muslim Di Indonesia Dan Malaysia* (Jakarta: INIS, 2002), 203.

<sup>24</sup> Undang-undang, *Nomor 1 Tahun 1974 Tentang Perkawinan*.

divorce case which is an initiative of the wife to divorce her husband. In the fiqh literature, divorce is known by the term *khulu'* which means *talak* which is pronounced by the husband with payment from the wife to the husband's side. *Khulu'* It is also called an agreement on the divorce between husband and wife at the request of the wife in exchange for an amount of money or property that is handed over to the husband. This kind of divorce is permitted by Islamic law.<sup>25</sup> For divorce is filed by the wife or her attorney to the Religious Court in accordance with the place where the plaintiff lives, unless the wife as the plaintiff leaves the joint residence without the husband's permission, then the case for sue is filed in the area where her husband lives.

The number of divorce cases in the Tanjung Pati religious court in 2020 totaled 915 divorce cases. Of the 915 cases, 75% were legal divorce cases and only 25% were divorce cases. We must look at the negative as well as the positive side of the dominating divorce rate in the religious courts. The positive side of the many divorce cases is that women's awareness of their rights is the same as men in the eyes of the law. The awareness to make the court as an institution for resolving family problems so that there are no more parties who are disadvantaged as a result of this divorce deserves appreciation. However, from the negative side, the number of couples who divorce will also add to the social burden of society because more and more widows will live alone, especially if they already have children, which in practice every child divorce becomes the care and responsibility of the wife.

The phenomenon of increasing divorce rates is also caused by internal factors in society. The level of education and public understanding of the rights and obligations of each party in the household. The psychological and emotional quality of a person is living a married life coupled with the maturity of the age at marriage are also factors that must be seen as driving the high divorce rate. Based on the researcher's investigation, the education levels of the divorced

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<sup>25</sup> Direktorat Jendral Bimas Islam, dan Urusan Haji, *Pedoman Fiqh Munakahat* (Jakarta: Proyek Peningkatan Sarana Keagamaan Islam, 2000), 28.

parties in the Tanjung pati religious court were the average primary and secondary schools. This means that the level of education of the divorcee is still low, although understanding and studying household problems, the rights and obligations of husband and wife can be taught self-taught. We can also get knowledge about married life from experience, although divorce is caused by a low level of education.

The quality and quantity of people's understanding of their rights and obligations in running the household, strategies for solving problems, and the emotional stability of a person undergoing marriage must be a concern. Lack of advice, direction and courses when getting married can also affect the high divorce rate. As we know that when getting married marriage advice was given by the Kua officer when registering a marriage, plus the implementation of the marriage contract in a relatively short time. This is clearly not intensive and certainly does not acquire the knowledge of marriage as a whole, because marriage advice is usually delivered in the form of a lecture before the contract is held.

#### *Factors Causing Divorce in Kabupaten Lima puluh kota*

Based on the data that the researchers collected, the reasons for wives filing a lawsuit for divorce at the religious court are very diverse, ranging from continuous quarrels, no more harmony, domestic violence, economic problems, infidelity either wife or husband, imprisonment, gambling, adultery, drunkenness, being left for years without news, insufficient physical and mental support, one party leaving the joint residence without permission, the age of marriage and even matchmaking or forced marriage. These reasons are normative reasons for breaking up a marriage.

The court cannot accept a case if it does not fulfill the elements that complement it. Normatively, the court can process a divorce suit if the lawsuit is accompanied by clear and strong reasons that cannot be resolved by family

deliberation. The reasons stated must be reasonable and in accordance with the prevailing laws and regulations.

Islam does allow divorce, but with strict rules. As explained in the hadith of the Prophet Muhammad that the lawful act that Allah hates the most is divorce (*thalaq*). Even though it is lawful, Allah hates this act, therefore divorce should be avoided by married couples.<sup>26</sup> Several factors The causes of divorce are biological factors, psychological factors, moral factors, economic factors, and sociological factors.<sup>27</sup>

Meanwhile, article 116 KHI describes several reasons or reasons for divorce which will be submitted to the court to be processed and followed up. The reasons for this are: a) One of the parties commits adultery or becomes a drunkard, prostitute, gambler, etc. which is difficult to cure; b) The wrong party leaves the other party for two consecutive years without the permission of the other party and without valid reasons or due to other reasons beyond its capabilities; c) One party receives a prison sentence of five years or a heavier sentence during the marriage; d) One party committed atrocities or serious maltreatment which endangered the other party; e) One of the parties gets a disability or illness resulting in not being able to carry out his obligations as husband and wife; f) Between husband and wife there are quarrels and quarrels and there is no hope of living in harmony again in the household; g) Husband violates *ta'lik talak*; h) Religious conversion or apostasy which causes dissonance in the household.

according to Sayyid sabiq divorce is restricted as a last resort, or an emergency measure taken when there is no longer any way to save the marriage relationship. Divorce can only be done if you are in a forced position, such as a husband who suspects his wife is cheating on him and committing adultery.<sup>28</sup>

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<sup>26</sup> Nasution, *Status Wanita Di Asia Tenggara: Studi Terhadap Perundang-Undangan Perkawinaan Muslim Di Indonesia Dan Malaysia*.

<sup>27</sup> Azizah, "Analisis Perceraian Dalam Kompilasi Hukum Islam, 422."

<sup>28</sup> Sayyid Sabiq, *Fiqh Al-Sunnah* (Bandung: Dar al-Ma'arif, t.t.), 211.

This opinion is quite moderate because it limits divorce only in emergencies. However, there is no definitive formula regarding the emergency level.

Then the scholars discussed at length about the emergency condition, and predicted several possible events for divorce to occur. *First* attitude *nusyuz* which is carried out by either the wife or the husband. A wife can be said *nusyuz* if she shows a disobedient attitude in front of her husband, such as not carrying out her obligations as a wife, deviating and always arguing with her husband. Allah has obliged the wife to obey her husband. Even so, Islam does not directly allow divorce in dealing with wives who disobey their husbands. in the mail An-Nisa' paragraph 34 describes the stages of completion of the wife *nusyuz* namely advising them, then separating the bed from them and if still only *nusyuz* then beat him with the intention of giving lessons and not hurting the wife's body.<sup>29</sup>

Meanwhile *nusyuz* what is done by the husband towards the wife, such as being indifferent to the wife, not supporting her physically and mentally, staying away from the wife without *syar'i* reasons and so on. In solving problems *nusyuz* husband, Islam also does not directly propose divorce as a solution but by asking wives to be patient and make peace so that divorce can be avoided.

Husbands must always remember that he has obligations that he must fulfill towards his wife, such as providing clothing, food, not hitting the wife's face, treating her well, not degrading her, not making fun of her, not leaving her wife without clear reasons and prohibiting hurting. wife physically and mentally.<sup>30</sup> This problem is very much found in today's families, where the husband does not carry out his obligation to provide clothing, food, and is not sufficient for the household needs, so the wife takes action patiently and tries to advise her husband. The wife also tried to make peace on the part of the family

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<sup>29</sup> *Al-Quran Dan Terjemahannya Surat an-Nisa Ayat 34* (Bandung: Syaamil Quran, 2009).

<sup>30</sup> Forum Kajian Kitab Kuning, *Wajah Baru Relasi Suami Isteri: Telaah Kitab 'Uqud Al-Lujain* (Yogyakarta: LKis & FK3, 2001), 17.

and also the mediating judge in court, but this was unsuccessful and divorce was the last resort.

A form of protection for the wife's interests is disclosure *taklik tallaq*, sound *taklik tallaq* done by the husband shortly after the marriage contract takes place. Husband hangs *tallaq* in certain circumstances, such as leaving the wife for two consecutive years, not providing obligatory support to the wife for three months, leaving the wife or not caring for her for six months or more, and hurting the wife's body or body. If the husband violates the agreement contained in the *taklik talak*, the wife has the right to file for divorce to the judge.<sup>31</sup>

*Second*, divorce may also occur if husband and wife fight continuously which in Islam is known as *syiqaq*, Different from *nusyuz* only from one side, then *syiqaq* involves both parties. The arguments that occur continuously are usually motivated by economic problems, disagreements about where to live and sometimes there are also third parties who interfere in the household, be it the family or other people.

In this study, the reason for divorce was because of the continuous quarrels between husbands and wives which occupied the most positions in suicidal divorce. The average quarrel starts from March and April, which are the first months of confirmed COVID-19 cases in Indonesia. This covid case continues to cause many workers to be laid off (Termination of Employment), For the villagers, this condition also affects the income they get, such as sales that are no longer as common as usual. As a result of the insignificant income, the husband becomes lazy to work so that he cannot meet the needs of the family. Starting from this condition, the wife feels that her husband does not support her. if it cannot be managed properly, the fighting will continue.

In the concept of Islamic law, the issue of *syiqaq* is regulated in the Al-Qur'an an-Nisa 'verse 34. The verse explains that if there is *syiqaq* in the

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<sup>31</sup> Abdul Manan, *Penerapan Hukum Acara Perdata Di Lingkungan Pengadilan Agama* (Jakarta: Yayasan al-Hikmah, 2001), 278.

household, there are steps that must be taken to solve it, namely choosing *hakkam* (peacemaker) who understands the character of each party. *Hakkam* was sent to solve these household problems. The condition of *syiqaq* is a fight that has happened continuously and there is no possibility of reconciliation.

In the case procedure at the Religious Courts, mediation has also been regulated through the Supreme Court Regulation No.1 of 2016 which requires mediation. Courts have also attempted to reconcile the parties so as not to end in divorce, however, any cases that are mediated have rarely been successful. The wife in a divorce case remains in her decision to divorce. This is also influenced by the culture of the Minang community, which when a decision is made it will be difficult to be influenced, as is known in Minang with the term *iyo iyo, indak indak*, which means if yes it means yes, otherwise it will not return to yes.

*Third*, the reason for divorce also occurs because one party violates religious teachings, such as gambling, adultery, drinking, and the like. However, in the context of this research, there are very few reasons for this kind of divorce in the Tanjung Pati Religious Court. Problems like this are also very rarely found in society because the Minangkabau people live by religious values, so the problems of drinking, gambling, adultery and the like are taboo issues.

*Fourth* divorce due to one of the parties suffering from disabilities. Excuses like this are also rarely found in the Tanjung Pati religious court, and can be said to be absent. *Five* one party left the other party for 2 consecutive years. Cases like this are quite often found in the Tanjung Pati Religious Court. This is logical considering that the people of fifty cities in districts have a habit of migrating. Usually, the husband, on the agreement of both parties, will go overseas to work and earn a living. Going in this case is not with the wife's permission, but it has been agreed by both parties, but because of the distance and also less intense communication from husbands who suddenly married other women overseas. There are even those who have permission to go abroad to work and over time, their husbands disappear without news, and no longer send money to their



wives. This can also trigger an increase in the number of divorcees in Kabupaten Lima Puluh Kota.

The six divorces can also occur because one party commits violence in the household. Cases like this are also the highest contributor to lawsuit cases in the districts of fifty cities. Violence, whether committed against a spouse in the household or to another person, is still considered an act that violates the law (criminal). Therefore, the reason for domestic violence is the easiest reason to divorce.

Other reasons, such as forced marriage, age at marriage that have not reached maturity, economic inability also contribute to the high divorce rate. Even though in Islamic law and statutory regulations this is not an excuse for divorce. However, these problems are usually indicators that lead couples to quarrels that occur continuously or *syiqaq*. Other factors such as low education resulting in a lack of understanding of the rights and obligations in the household to a lesser extent also contributed to the problem of marriage which led to the end of the marriage.

Therefore, it is appropriate to analyze of what are the reasons behind the high rate of divorce in Kabupaten Lima Puluh Kota, whether these reasons are reasons put forward in court or reasons that do not appear in court but are the driving force for divorce. In this case, the researcher chooses the suicidal divorce case with the case number 389/Pdt.G/2020/PA.LK. The Plaintiff and the Defendant were married on February 20, 2015 at the Lareh District Religious Affairs Office. Whereas Plaintiff and Defendant married on February 20 2015, at the Office of Religious Affairs, District Lareh Sago Halaban, Kabupaten Lima Puluh Kota. Recorded in the excerpt of the Marriage Certificate Number 036/12/II/2015 20 February 2015 issued by the District Office of Religious Affairs Lareh Sago Halaban, kabupaten Lima Puluh Kota.

After marrying the Plaintiff and Defendant fostered a household at the Defendant's parents house in Jorong Rimbo Binuang, Nagari Lingkuang Aua,

Pasaman District, West Pasaman Regency, for approximately 4 (four) years, after that moved to the Plaintiff's parents' house in Jorong Tanjung Gadang Rumah, Nagari Tanjung Gadang, Lareh Sago Halaban District, Kabupaten Lima Puluh Kota, and during the marriage, the Plaintiff and the Defendant were blessed with 2 (two) sons. At first the Plaintiff's and Defendant's household was harmonious and peaceful, but since April 2018 the Plaintiff's household was no longer harmonious, between the plaintiff and the defendant there were frequent disputes due to the defendant's temperamental attitude when disputes occurred such as kicking the plaintiff to bruises. Defendants were often blindly jealous of the plaintiffs by accusing the plaintiffs of having relationships with other men without clear evidence. The defendant also had an affair with another woman named Nina (disguised) who the plaintiff had seen directly.<sup>32</sup>

In the trial process, the Plaintiff has come to face (in person) at the trial, while the Defendant has never been present at the trial and has not sent another person as a representative or legal proxy to attend the trial even though he has been summoned officially and properly by Article 27 of Government Regulation Number 9 of 1975, and it did not turn out that the Defendant's absence was due to a valid reason according to the law (default without reason) in accordance with Article 149 paragraph (1) R.bg, it must be stated that the Defendant was absent and a quo case could be examined without the Defendant's presence.

The Panel has also tried to reconcile by advising Plaintiff to be patient and reconciling with the Defendant but without success, the Panel has tried to reconcile by advising Plaintiff to be patient and reconcile with Defendant but without success. Regulation of the Supreme Court of the Republic of Indonesia Number 1 of 2016 concerning Mediation Procedures in Courts, all cases that go to the court must first undergo mediation, however in the case concerned because Defendant has never been present, mediation cannot be carried out. After examining the Plaintiff's lawsuit and hearing Plaintiff's statement, the

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<sup>32</sup> "Penetapan Perkara 389/Pdt.G/2020/PA.LK,".

main problem in this case is that the Plaintiff pleaded for divorce from the Defendant because the Plaintiff and Defendant continued to have disputes and quarrels and there was no hope of reconciliation in the household.

The defendant cannot be heard at the hearing because the defendant has never been present, so legally the defendant can be deemed not to intend to defend his civil rights or defend his interests in court, acknowledge and justify the posita and petite in the plaintiff's lawsuit, but this does not necessarily mean that making the plaintiff's claim can be granted, because considering that this case is a case that is feared could lead to a big lie.

In his decision, the judge determined that the Defendant had been summoned formally and deservedly to appear before the trial, was absent, granted the Plaintiff's claim in verstek, dropped one ba'in sughra of the Defendant (Defendant) against the Plaintiff (Plaintiff), charged the Plaintiff to pay the fees case amounting to Rp256,000.00 (two hundred and fifty-six thousand rupiah).<sup>33</sup> The judge in determining the case for contested divorce based on the reasons conveyed by the plaintiff in the absence of the defendant. Therefore the researcher intends to look for clear reasons of the suicidal divorce case.

From the data that the researchers collected from interviews with the wife who filed the case, that divorce occurred because the plaintiff was no longer able to stand up to the defendant's attitude. Before marriage, the plaintiff and the defendant were dating for 2 years. During the courtship, the defendant did not show the tough attitude he found after marriage. After one year of marriage, the defendant often got angry with the plaintiff because of trivial matters. The defendant's selfish attitude. The defendant, who worked as a handyman, made the plaintiff feel sorry for him and helped the defendant to earn money and meet household needs.

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<sup>33</sup> "Penetapan Perkara 389/Pdt.G/2020/PA.LK."

However, after the plaintiff worked, the defendant rarely took up his usual artisan offer. Defendant was more often at home and always asked Defendant to serve him regardless of the plaintiff's tiredness of work. Until finally the plaintiff said that he was tired and could not serve the defendant in bed, but the defendant immediately became angry and behaved rudely to the plaintiff by hitting the plaintiff. After that, the defendant also frequently accused the plaintiff of having a relationship with a boy who was a schoolmate. Defendants also rarely gave spending money to their children so it was the plaintiffs who had to spend the shopping money.<sup>34</sup>

The climax of the argument between the two occurred after the Covid-19 pandemic emergency status. The income of money to meet the household needs of both the defendant and the plaintiff is no longer able to support the increasing needs due to children who do not go to school and always ask for snacks. Until finally the plaintiff could no longer stand the defendant who did not find a solution to improve the family economy. Finally, the plaintiff came to the *tanjung pati* religious court and registered the lawsuit for divorce. After the case was granted, the plaintiff was relieved because there was no longer a place to live with a husband who was lazy to work. The plaintiff feels that his life is better off without the defendant in his life. The plaintiff will focus on living his own life and working to meet the needs of himself and his children.

From the divorce factor which is the cause of divorce, it is very much related to one another. Although these reasons were not put forward in the trial, these factors also indicate the occurrence of divorce, such as economic factors and the low understanding of husbands or wives regarding their roles and responsibilities in the family, psychological and emotional qualities of a person also contribute to divorce. When you decide to get married, at least someone must understand each other's duties and responsibilities, and understand the character of the couple, and the readiness to accept all the

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<sup>34</sup> "Interview with Plaintiff in Jorong Tanjuang Gadang, Nagari Tanjuang Gadang, Kecamatan Lareh Sago Halaban, Kabupaten Lima Puluh Kota," 2020.

consequences that arise as a result of this marriage. At least this can minimize divorce if the couple who are going to marry ready in all aspects, both financially and emotionally.

## **Conclusion**

Indonesia is one of the countries affected by covid-19. Various policies have been issued by the government to break the chain of the spread of covid-19. The efforts made by the government can be seen from various policies issued by the government, such as the issuance of Government Regulation instead of Law Number 1 of 2020 concerning State Financial Policy and Financial System Stability to the existence of large-scale social restrictions (PSBB) which are contained in Government Regulation Number 21 of 2020. Even so, the government still has to make efforts in dealing with the spread of Covid-19 because the data that shows positive confirmation of Covid-19 has not decreased.

The Covid-19 pandemic which is increasingly out of control has not only impacted health and the economy but has also had a considerable impact on family resilience. We can see this from the increasing number of divorces in several regions in Indonesia. One of the areas where the divorce rate is increasing in the district of Kabupaten Lima Puluh Kota, which is dominated by litigatory divorce cases.

The factors that influence the increase in the divorce rate in the fifty cities district can be divided into internal factors and external factors. Internal factors that influence are the quality of education and public understanding of their roles and responsibilities in the household. This is influenced by the level of education, which averages only primary and secondary school. The primary and secondary education levels certainly do not discuss roles and responsibilities in family life. Also, psychological factors and their ability to control emotions in dealing with problems that arise in the household and other problems that are

related to these problems also contribute to the high divorce rate is Kabupaten Lima Puluh Kota.

External factors that influence the high number of claimants are the ease of proceeding in court and low costs so that litigants in their household prefer to settle them in a religious court which is a litigation institution and will give justice seekers the rights they can. The factors causing divorce are normatively dominated by continuous quarrels, domestic violence, forced marriage, adultery, gambling, drunkenness, economic factors are logical reasons to be raised in court.

Even so, many other factors were not raised in the trial that are looking for sustainable factors that cause the breakup of the marriage, such as not fulfilling economic needs, lack of communication between husbands and wives, lack of feeling of submission, laziness to work which is also due to low education so they cannot get decent work and forced to rely on muscles. The jobs that must be undertaken due to lack of education are laborers, such as cookies, craftsmen, agricultural laborers, and the like.

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