

The Role of the Religious Court in Handling Divorce Cases in Enrekang Regency, 2021–2022

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Abstract

Marriage is a vital social institution regulated by both religious and state law in Indonesia. Despite its significance, divorce rates continue to rise, including in Enrekang Regency. Statistical records show 298 cases in 2021 and 311 cases in 2022, reflecting an upward trend that underscores the urgency of examining the causes and judicial responses. This study investigates the role of the Religious Court in handling divorce cases in Enrekang Regency during 2021–2022 and identifies the main contributing factors behind marital dissolution. Using a qualitative analytical approach, data were collected through observation, documentation, and interviews with the Registrar and Judges of the Religious Court. The findings show that the Religious Court plays a dual role: adjudicating the legal grounds for divorce and mediating between disputing spouses through counseling and reconciliation efforts. Contributing factors to divorce include

Keywords: *Religious court; Divorce ; Contributing Factors ; Judicial Role*

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Introduction

Marriage is one of the most fundamental institutions in both Islamic teachings and human society at large. It represents the foundation upon which family life is built and through which human continuity is preserved. In Islam, marriage is not merely viewed as a civil contract between two individuals but as a sacred covenant (‘aqd) conducted under the name of Allah. The Qur’an, particularly in Surah Ar-Rum (30:21), highlights the divine purpose of marriage — to establish families grounded in love (mawaddah), compassion (rahmah), and tranquility (sakinah). This verse illustrates that marriage serves not only a biological or social function but also a spiritual one, fostering emotional stability and moral growth within the framework of faith. Consequently, marriage carries both personal and collective significance, influencing not only the well-being of the spouses but also the moral fabric and social harmony of the broader community.

Within this ideal framework, marriage is expected to be a lasting and harmonious partnership based on mutual understanding, respect, and shared responsibility. However, in reality, the expectation of achieving lifelong marital stability is not always fulfilled. Various social, psychological, and economic challenges may arise during the course of marriage, leading to conflict and dissatisfaction. When either partner neglects their rights and obligations, or when communication breaks down, the marital relationship can deteriorate, sometimes culminating in divorce. Divorce, in turn, is not simply the termination of a personal relationship; it has multidimensional implications, affecting children, extended families, and even the social cohesion of communities. In Islamic jurisprudence, divorce (*ṭalāq*) is permitted but regarded as the most detested of lawful acts before Allah, reflecting the gravity and moral consequence attached to ending a marital union.

In the Indonesian context, divorce is a legal and social matter governed by both religious principles and state law. The legal framework is primarily outlined in Law No. 1 of 1974 concerning Marriage, which stipulates in Article 39 that divorce may only be carried out before a court of law after all reconciliation efforts have been attempted. This provision underscores the state's effort to ensure that divorce is treated as a last resort rather than a casual or impulsive decision. The Religious Courts (*Peradilan Agama*) hold a central role in this process, as they are legally authorized to adjudicate cases concerning marriage, divorce, inheritance, and other matters pertaining to Islamic family law. Their function extends beyond the mere administration of justice; they also act as mediators and moral guides, seeking to reconcile disputing couples and restore harmony whenever possible. This dual function distinguishes Religious Courts from other judicial bodies, as they operate at the intersection of law, religion, and community ethics.

Despite the crucial role of the Religious Courts in maintaining the sanctity and stability of family life, scholarly research has tended to focus more broadly on the cultural, religious, or economic dimensions of divorce, rather than on the practical and institutional mechanisms through which courts handle these cases. There remains a notable gap in understanding how the Religious Courts implement their judicial and mediatory functions, especially in regional contexts where social dynamics and religious values intersect in complex ways. This gap is particularly relevant given the rising trend of divorce cases across various regions of Indonesia, signaling the need for closer scrutiny of how local judicial systems respond to and manage such issues.

The situation in Enrekang Regency, located in South Sulawesi Province, offers a compelling case for examination. Data from the Central Bureau of Statistics (*Badan Pusat Statistik*, BPS) of South Sulawesi reveal that divorce cases in Enrekang Regency reached 298 in 2021 and increased to 311 in 2022. Although these figures may appear modest compared to those in larger urban centers, the upward trajectory indicates a growing social concern that warrants academic attention. The rise in divorce cases suggests underlying shifts in marital expectations, socio-economic conditions, or the accessibility of legal recourse through the Religious Courts. It also raises important questions about how the courts manage the increasing caseload and how effectively their mediation efforts mitigate the adverse consequences of marital breakdowns.

This study seeks to address these questions by examining the role of the Religious Court in handling divorce cases in Enrekang Regency during the years 2021–2022. Specifically, it aims to analyze the extent to which the court fulfills its judicial and mediatory responsibilities in accordance with Islamic law and Indonesian legal standards. The novelty of this research lies in its focus on the dual nature of the court's function — not only as a legal adjudicator that enforces rights and obligations, but also as a moral and spiritual institution that seeks to promote reconciliation and uphold the sanctity of marriage. This dual perspective allows for a more comprehensive understanding of the court's contribution to both the legal and social dimensions of family life in the region.

Furthermore, the study situates the Religious Court's role within the socio-cultural landscape of Enrekang, where local traditions, community values, and religious beliefs coexist and interact. Understanding how these factors influence judicial decision-making and mediation processes is essential for assessing the effectiveness of the court's interventions. For instance, the success of mediation efforts may depend not only on legal procedures but also on the cultural sensitivity and interpersonal skills of mediators who operate within a faith-based framework. Thus, this research also seeks to explore the practical challenges faced by judges, mediators, and litigants in navigating the tension between legal formality and community expectations.

From a broader perspective, the study contributes to the ongoing discourse on the administration of Islamic family law in Indonesia. It aligns with scholarly efforts to contextualize legal institutions within local realities, acknowledging that the effectiveness of religious adjudication depends as much on social legitimacy as on procedural correctness. By focusing on Enrekang Regency, this research offers a micro-level perspective that complements national-level studies on divorce trends and judicial performance. It also provides empirical insights that may inform policy development, particularly in enhancing the capacity of Religious Courts to address the rising incidence of divorce while preserving their moral and reconciliatory mission.

Ultimately, this study underscores the significance of viewing divorce not merely as a legal phenomenon but as a complex social process that reflects broader changes in values, gender roles, and family structures. By examining how the Religious Court of Enrekang manages divorce cases, this article aims to illuminate the interplay between law, religion, and society in contemporary Indonesia. It aspires to contribute to a deeper understanding of how Islamic legal institutions can balance justice with compassion, and legality with spirituality, in guiding individuals and families toward resolutions that are both lawful and humane. In doing so, it highlights the enduring relevance of the Qur'anic vision of marriage as a source of peace, love, and mercy — ideals that remain central to the well-being of Muslim communities today.

Research Methods

This study employed a qualitative field research design to explore and describe facts and phenomena related to divorce cases, focusing particularly on the role of the Religious Court of Enrekang Regency in handling and mediating such cases. Qualitative research was chosen because it provides a comprehensive and in-

depth understanding of social phenomena, allowing the researcher to interpret meanings and experiences within their natural contexts. According to Creswell (2013), qualitative inquiry enables researchers to capture the complexity of human behavior and the multifaceted realities behind social interactions. This study, therefore, sought to understand the judicial, social, and communicative dimensions of divorce as experienced and managed by the Religious Court and the affected community.

The qualitative field design was supported by sociological and communication approaches to ensure a holistic perspective. The sociological approach was used to examine the broader social structures that shape marital relationships and divorce tendencies in Enrekang, including socio-economic pressures, cultural norms, gender expectations, and religious adherence. This approach aligns with Soerjono Soekanto's (2006) view that law should be understood as part of a social system that both influences and is influenced by societal values and behavior. Meanwhile, the communication approach was adopted to analyze how interactions occur between disputing spouses, mediators, and judges within the court process. Divorce is often rooted in miscommunication, misunderstanding, or emotional distance between partners; thus, studying the communication dynamics during mediation and court hearings provides valuable insights into whether and how reconciliation may still be achieved. The combination of these two approaches offered a balanced framework, situating legal procedures within the living realities of human interaction and community life.

The field site for this research was the Religious Court of Enrekang Regency, located in South Sulawesi, Indonesia. This location was selected purposively due to its growing rate of divorce cases and the researcher's familiarity with the local context. Data from the Central Bureau of Statistics (Badan Pusat Statistik, 2023) indicated that the number of divorce cases in Enrekang Regency rose from 298 in 2021 to 311 in 2022, reflecting a steady upward trend. The increase in cases demonstrated the urgency of examining how the Religious Court performs its dual function—both as a judicial body that enforces legal rulings and as a mediating institution that strives to prevent divorce through reconciliation efforts. The researcher's familiarity with the region, including knowledge of the local dialect, culture, and religious practices, was a strategic advantage that facilitated field access and rapport-building with informants. In qualitative research, such contextual familiarity is crucial for establishing trust and obtaining authentic, nuanced data (Moleong, 2005).

The study concentrated on exploring the actual steps and strategies employed by the Religious Court of Enrekang in handling divorce cases, particularly in discouraging couples from viewing divorce as an immediate or easy solution to marital conflict. Rather than focusing solely on legal outcomes, the research aimed to uncover the processes, dialogues, and mediatory interventions that characterize the court's efforts in reconciling parties. The exploration included observing how judges, mediators, and staff performed their duties, how litigants perceived these processes, and how religious and cultural values were integrated into the resolution of marital disputes. By emphasizing these dimensions, the study not only documented institutional practices but also illuminated the human and spiritual aspects of divorce management in a faith-based judicial system.

Data were collected from both primary and secondary sources to ensure depth and triangulation. Primary data were obtained through direct field observations and in-depth interviews with key informants, including judges, mediators, court administrators, and individuals who had undergone divorce proceedings. Observations were conducted during court sessions and mediation processes to capture the atmosphere, verbal exchanges, and behavioral patterns of participants. Interviews were semi-structured to allow flexibility in exploring participants' views while maintaining focus on the research objectives. Secondary data consisted of books, scholarly journals, official documents, statistical reports, and other relevant literature that provided theoretical and contextual support for the study. The combination of these two data types strengthened the validity of findings and allowed for a richer interpretation of the court's role and challenges.

Data collection involved three main techniques: observation, interview, and documentation. Observation enabled the researcher to witness firsthand the operational realities of the Religious Court, from procedural routines to informal interactions among staff and litigants. The interview process provided insight into the subjective experiences and motivations of participants, revealing how they perceived the causes of marital breakdown and the effectiveness of mediation. Documentation complemented these methods by providing written records—such as court archives, case statistics, and legal documents—that substantiated the field data. The triangulation of methods ensured that information was cross-verified from multiple perspectives, minimizing bias and enhancing the credibility of interpretations (Creswell & Poth, 2018).

Data analysis was carried out through several iterative stages, including data collection, reduction, comparative review, and conclusion drawing. Following Miles and Huberman's (1994) framework, the researcher continuously organized and condensed the collected information to identify emerging patterns and themes. The analysis was conducted both inductively and deductively: inductive reasoning was used to derive theoretical insights from field observations, while deductive reasoning was employed to test existing theoretical frameworks against empirical findings. Comparative analysis was also used to evaluate differences and similarities among cases, informants, and perspectives, enabling a nuanced understanding of the phenomena under study. Conclusions were drawn after careful synthesis of findings, with attention given to both the legal and sociocultural implications of the Religious Court's role in divorce management.

To ensure trustworthiness, the research adhered to four established qualitative criteria—credibility, transferability, dependability, and confirmability—as proposed by Lincoln and Guba (1985). Credibility was achieved through prolonged engagement in the field, repeated interviews, and triangulation of data sources. Transferability was ensured by providing rich, thick descriptions that allow readers to determine the applicability of findings to other contexts. Dependability was maintained through systematic documentation of research procedures, enabling external auditing. Confirmability was upheld by maintaining neutrality and transparency, ensuring that interpretations were grounded in empirical evidence rather than researcher bias. These measures were further supported by adherence to methodological rigor, as emphasized by Moleong (2005), who advocates for

prolonged engagement, detailed description, and independent auditing as essential to the validity of qualitative research.

Overall, the methodological framework of this study was designed to yield a comprehensive, credible, and contextually grounded understanding of how the Religious Court of Enrekang Regency handles divorce cases. By combining sociological sensitivity with legal and communicative analysis, the research aimed not only to document judicial procedures but also to interpret the moral, spiritual, and social dimensions of the institution's work. This integrative approach reflects the belief that law, particularly Islamic family law, cannot be separated from the lived realities of the people it serves. The qualitative field method thus enabled a nuanced exploration of the Religious Court's dual role as both an adjudicator and a reconciliator—an institution that enforces justice while striving to preserve harmony, compassion, and moral integrity within Muslim family life.

Results and Discussion

Divorce has become one of the most pressing socio-legal issues in Indonesia, with both national and regional data indicating an upward trend over the past decade. The phenomenon reflects broader transformations in family dynamics, gender relations, and socio-economic conditions that increasingly challenge the stability of marriage. Within this national context, Enrekang Regency in South Sulawesi mirrors the trend, showing a notable rise in divorce cases from 298 in 2021 to 311 in 2022 (Badan Pusat Statistik, 2023). The Religious Court of Enrekang, as the institution mandated to adjudicate family law matters under Islamic jurisdiction, has therefore assumed a pivotal role in addressing this growing issue through its three key functions: verifying grounds for divorce, mediating between disputing parties, and issuing legal judgments that align with Islamic and national law.

The results of this study reveal that the court's adjudicative process begins with rigorous verification of each divorce petition to ensure compliance with both the *Kompilasi Hukum Islam* (KHI) and the Indonesian Marriage Law No. 1 of 1974. Judges first assess whether the petitioner's claims meet the legal and religious criteria for dissolution, such as persistent conflict (*syiqāq*), economic neglect, abandonment, or domestic violence. The most frequently cited grounds in Enrekang included ongoing disputes and communication breakdowns, financial hardship resulting from unstable employment, prolonged spousal separation, and, in some cases, acts of domestic abuse. These findings echo the general patterns found in national research, where unresolved marital conflicts and economic distress remain the leading causes of divorce (Utomo & McDonald, 2019; Sulastris, 2019).

One of the defining features of the Religious Court's process is the consistent attempt to mediate between parties before a final decision is rendered. Mediation is a procedural requirement under Supreme Court Regulation No. 1 of 2016, which aims to encourage reconciliation as the preferred outcome over divorce. However, field observations and interviews indicated that mediation success rates in Enrekang were relatively low—below 20 percent—demonstrating that most

conflicts were already too severe by the time they reached the judicial stage. This aligns with national mediation statistics reported by the Indonesian Supreme Court (Mahkamah Agung, 2022), which found that many divorce petitions are filed only after years of unresolved discord, leaving little room for effective reconciliation. Despite this limitation, the mediation process retains moral and symbolic importance, particularly in reinforcing the religious and ethical dimension of marriage preservation. Judges and mediators frequently emphasized *mawaddah wa rahmah*—love and mercy—as spiritual principles that should guide spousal relations, even when legal reconciliation is no longer possible.

Beyond adjudication and mediation, the Enrekang Religious Court demonstrates a commitment to safeguarding family welfare, particularly concerning child custody (*hadhanah*) and financial maintenance (*nafkah*). In cases involving children, judges consistently stressed parental responsibilities and the moral imperative to ensure children's well-being, reflecting the Qur'anic injunctions in Surah Al-Baqarah (2:233) regarding parental duties. Moreover, the court integrated Islamic values into its judgments, ensuring that rulings not only fulfilled procedural justice but also upheld ethical and religious obligations. This holistic approach echoes the findings of Amato (2010), who argues that family courts must function not only as legal institutions but also as social agents promoting family resilience and moral responsibility.

The underlying causes of divorce in Enrekang broadly reflect national trends but exhibit distinctive local characteristics shaped by the region's agrarian economy and migration patterns. Persistent disputes, often rooted in incompatibility and communication failure, were the dominant cause, consistent with the analysis of Nurhayati (2018), who identified interpersonal miscommunication as a major determinant of marital instability in rural Indonesia. Economic hardship was particularly pronounced in Enrekang, where many families rely on seasonal agriculture and informal labor. Male labor migration to urban or overseas destinations, while contributing to household income, frequently disrupted family cohesion and emotional intimacy. The absence of husbands for extended periods led to neglect, weakened marital bonds, and in some instances, suspicion of infidelity, ultimately resulting in divorce petitions. This pattern parallels the findings of Widyastuti and Sulistyowati (2020), who observed that labor migration often generates new vulnerabilities for rural families.

Abandonment also emerged as a significant cause of divorce, frequently linked to post-pandemic shifts in employment. The COVID-19 pandemic had reshaped economic opportunities, forcing many individuals to migrate or change occupations, sometimes without maintaining contact with their spouses. As a result, cases of desertion and emotional neglect increased noticeably during the 2021–2022 period. While domestic violence appeared less frequent in Enrekang compared to urban centers, it remained a serious concern, especially for women in economically dependent relationships. Reports of physical and psychological abuse underscored persistent gender-based vulnerabilities and limited access to protective mechanisms in rural communities, echoing national studies on domestic violence in Indonesia (Komnas Perempuan, 2022).

Comparatively, urban divorce patterns in Indonesia tend to correlate with shifts in gender roles, education levels, and individual aspirations for autonomy (Utomo & McDonald, 2019). In contrast, the Enrekang context reflects more traditional social structures where economic dependency and patriarchal norms still heavily influence marital stability. This rural-agrarian character makes the region a unique microcosm for studying how economic structures and social expectations intersect with Islamic legal frameworks. The Religious Court's balancing act—integrating procedural law, religious principles, and socio-cultural sensitivity—illustrates a distinctly local adaptation of national family law.

The study also highlights the institutional and practical challenges faced by the Religious Court. Judges and mediators often operated with limited resources, high caseloads, and minimal psychological training, making it difficult to provide comprehensive support to litigants. While the court's mediation efforts were sincere, the limited success rate suggests that deeper, community-based preventive interventions are necessary. These may include strengthening premarital counseling programs, enhancing family education, and empowering community religious leaders to promote marital harmony before conflicts escalate to legal proceedings. As noted by Amato (2010) and Sulastri (2019), preventive and educational measures play a crucial role in fostering marital resilience and reducing the social cost of divorce.

These findings confirm that legal mechanisms alone are insufficient to address the complex, multi-layered causes of divorce. The Religious Court's commitment to procedural fairness and the protection of vulnerable parties—particularly women and children—demonstrates an essential but partial solution. Broader socio-economic interventions, such as poverty reduction, gender equality initiatives, and accessible family counseling services, are necessary to complement judicial efforts. Strengthening inter-agency collaboration between religious institutions, local governments, and social organizations could help build a more comprehensive response to family instability.

In conclusion, the analysis of divorce cases handled by the Religious Court of Enrekang Regency during 2021–2022 reveals that the institution successfully upholds the legal and ethical principles of Islamic family law while responding to the socio-economic realities of rural Indonesia. The rising divorce trend reflects not only individual marital failures but also broader structural challenges—economic vulnerability, gender inequity, and limited social support systems. Although mediation outcomes remain modest, the court's emphasis on reconciliation, fairness, and child protection reflects a strong moral and legal commitment to family welfare. These findings underscore the need for a holistic approach that integrates law, religion, and social policy to strengthen marital resilience and promote sustainable family stability in rural Indonesian contexts.

Conclusion

This study set out to examine the role of the Religious Court in Enrekang Regency in handling divorce cases during 2021–2022 and to identify the principal factors underlying marital dissolution in the region. The findings demonstrate that the Religious Court has played a pivotal role not only as a judicial body responsible

for verifying and adjudicating petitions but also as a moral and social institution that attempts reconciliation through mediation, offers counseling, and provides guidance regarding post-divorce responsibilities. By integrating religious, legal, and social perspectives, the court ensures procedural fairness, protects children's welfare, and upholds community trust in the justice system. This multidimensional approach reflects the continuing relevance of Islamic family law as both a legal and ethical framework for regulating domestic relations in Indonesia (Utomo & McDonald, 2019).

The analysis reveals that the predominant causes of divorce in Enrekang include persistent marital disputes, economic hardship, abandonment, and domestic violence. These determinants are consistent with previous research emphasizing the interplay between communication breakdown, economic stress, and shifting gender roles as core contributors to marital instability (Amato, 2010; Sulastri, 2019). In Enrekang's rural context, these issues are further compounded by seasonal employment patterns, male labor migration, and limited access to psychosocial support. Consequently, economic insecurity and geographic separation not only erode emotional bonds but also reduce opportunities for conflict resolution, leading to an increased reliance on legal dissolution as the only viable recourse.

From a broader perspective, the rising number of divorce cases signifies more than individual marital failure—it reflects underlying structural and cultural challenges within rural Indonesian society. The persistence of poverty, the rigidity of gender expectations, and the limited institutional capacity for early intervention all contribute to the fragility of family structures. While the Religious Court has effectively fulfilled its formal mandate under the Kompilasi Hukum Islam and Marriage Law No. 1 of 1974, its reach remains confined to the judicial dimension. The court's commitment to mediation demonstrates an institutional recognition of the moral imperative to preserve marriage; however, its low success rate highlights the need for preventive and community-driven approaches (Mahkamah Agung, 2022).

Therefore, this study concludes that legal mechanisms alone are insufficient to resolve the complex web of social and economic issues that underpin divorce. Strengthening preventive strategies—such as premarital counseling, family education programs, and economic empowerment initiatives—should be prioritized to address root causes rather than symptoms. These interventions would not only complement the court's adjudicative role but also promote a more resilient and informed understanding of marriage within local communities. Moreover, fostering collaboration between religious leaders, social agencies, and local governments could enhance the effectiveness of such preventive programs, aligning them with both cultural and religious values (Widyastuti & Sulistyowati, 2020).

In practical terms, integrating psychosocial support services within the Religious Court system could also help mitigate emotional distress among litigants and encourage more constructive communication during mediation. Additionally, expanding digital access and legal literacy campaigns could ensure that vulnerable

groups—especially women in rural areas—are better informed about their rights and responsibilities within marriage and divorce proceedings (Komnas Perempuan, 2022).

Future research should extend beyond a single regional focus by employing longitudinal and comparative designs across diverse provinces in Indonesia. Such studies would provide deeper insights into how local culture, economic transformation, and religious interpretation shape the dynamics of marital stability and dissolution. Comparative analyses between rural and urban jurisdictions could also help identify best practices for integrating legal, social, and economic strategies to reduce divorce rates sustainably. In doing so, scholars and policymakers alike can better understand how Islamic legal institutions, such as the Religious Court, can evolve to meet the changing needs of contemporary Indonesian families while maintaining fidelity to the principles of justice, compassion, and community welfare.

Ultimately, the findings of this study reaffirm that marriage in the Indonesian Muslim context is not solely a private contract but a social institution imbued with moral, legal, and spiritual significance. The Religious Court of Enrekang has contributed meaningfully to maintaining that balance, yet enduring solutions will require holistic cooperation between legal, religious, and societal frameworks. Only through such an integrated approach can the goal of strengthening family resilience and ensuring social harmony in Indonesia be fully realized.

Acknowledgement

Acknowledgement are primarily addressed to research funders or donors. Acknowledgement can also be dedicated to people who contribute in the study.

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