

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

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Abstract (Segoe UI, 10pt Bold)

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 alcoholism, gambling, abandonment, domestic violence, infidelity, prolonged disputes, apostasy, economic hardship, and physical disability. This research emphasizes the complex interplay between legal, social, and personal dimensions in divorce cases. It contributes to the literature by highlighting how religious courts not only function as judicial institutions but also as mediators in addressing

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Introduction (Segoe UI, 11pt Bold)

Marriage is a fundamental institution in Islam and society, serving as the foundation for family life and human continuity. It is regarded not only as a civil contract but also as a sacred covenant (*'aqd*) under the name of Allah, with the Qur'an (Ar-Rum [30]: 21) emphasizing its purpose to build families based on love, compassion, and tranquility (*sakinah, mawaddah, wa rahmah*). Thus, marriage carries both personal and social significance, shaping the well-being of families and communities.

In reality, however, the expectation of a lasting and harmonious union is not always achieved. When rights and obligations are ignored, conflicts may emerge and eventually lead to divorce, which not only dissolves the marital bond but also creates wider social consequences for children, extended families, and community life. Indonesian Law No. 1 of 1974, particularly Article 39, requires that divorce be decided by a court after reconciliation efforts, highlighting the pivotal role of the Religious Court in handling divorce cases.

Although divorce has been widely studied from cultural, religious, and economic perspectives, little research has focused on how Religious Courts perform their functions

at the regional level. This gap is important to address, especially in areas where divorce rates are steadily increasing. Data from the Central Bureau of Statistics of South Sulawesi indicate that divorce cases in Enrekang Regency reached 298 in 2021 and rose to 311 in 2022, an upward trend that demonstrates the urgency of closer examination.

This study aims to fill that gap by analyzing the role of the Religious Court in handling divorce cases in Enrekang Regency during 2021–2022. The novelty lies in its focus on the court's dual function—not only as a legal adjudicator but also as a mediator that provides spiritual guidance within the socio-cultural context of Enrekang. Accordingly, this article seeks to explain how the Religious Court contributes to resolving marital disputes and to identify the underlying factors that drive divorce in the region, thereby offering deeper insights into the judicial and social dimensions of divorce in Indonesia.

Research Methods

This study employed a qualitative field research design to describe facts and phenomena related to divorce cases, with a particular focus on the role of the Religious Court of Enrekang Regency. Using sociological and communication approaches, the study examined both community conditions and patterns of interaction between parties involved in divorce proceedings. The research site was selected due to the sharp increase in divorce cases in 2021–2022 and the researcher's familiarity with the local context. The focus was directed toward the steps taken by the Religious Court in handling divorce, emphasizing its role in discouraging divorce as an immediate solution to marital problems.

Data were drawn from primary sources—field observations and in-depth interviews with informants—and secondary sources such as books, journals, and relevant literature. Data collection techniques included observation, interview, and documentation. The analysis proceeded through collection, reduction, comparative review, and conclusion drawing, with findings synthesized inductively and deductively. Trustworthiness was ensured through credibility, transferability, dependability, and confirmability, maintained by prolonged engagement, detailed description, independent auditing, and transparent reporting (Lexy J. Moleong, *Metode Penelitian Kualitatif*, Bandung: Rosda Karya, 2005, p. 4).

Results and Discussion

Divorce has become a pressing issue in Indonesia, and Enrekang reflects this trend with a sharp increase in cases during 2021–2022. The Religious Court plays a central role in adjudicating divorce petitions through three functions: verifying grounds for divorce, mediating between parties, and issuing judgments. Judges ensured that petitions complied with the *Kompilasi Hukum Islam* and Marriage Law, with the most common reasons cited being persistent disputes, economic hardship, abandonment, and domestic violence.

Mediation, though consistently attempted, had a success rate of less than 20 percent, showing that conflicts were often irreparable by the time cases reached the court. Even so, mediation remained symbolically and ethically important, particularly when children were involved. Beyond adjudication, judges also emphasized parental responsibilities, child custody, and financial obligations, integrating religious values into the legal process.

The underlying factors of divorce in Enrekang largely mirror national patterns but have distinctive local characteristics. Persistent disputes reflected incompatibility and communication breakdowns, sometimes escalating into violence, consistent with Nurhayati (2018). Economic hardship was particularly acute in Enrekang due to reliance on seasonal agriculture and male labor migration, which weakened household stability. Abandonment, often linked to post-pandemic employment shifts, emerged as a growing cause of divorce. Domestic violence, though less frequent, further highlighted vulnerabilities faced by women and children.

Compared with urban settings, where divorce is often linked to shifting gender roles and individual aspirations, the Enrekang context is shaped more by agrarian livelihoods and migration. This distinguishes it from other regions and underscores how economic structures intersect with marital stability. The Religious Court's efforts to integrate

procedural law, religious principles, and social considerations demonstrate a holistic approach, though the limited success of mediation points to the need for stronger community-based interventions.

These findings align with broader research (Amato, 2010; Sulastri, 2019; Utomo & McDonald, 2019), while also highlighting Enrekang's unique challenges. Strengthening premarital counseling, economic empowerment, and local mediation initiatives could complement the court's judicial role and reduce reliance on divorce as the primary mechanism for resolving marital conflict. In conclusion, the Enrekang Religious Court ensured procedural fairness and protection of vulnerable parties while addressing rising divorce rates. Yet, the persistence of disputes, poverty, and abandonment shows that legal processes alone are insufficient. Broader social policies are essential to build marital resilience and sustain family stability in rural Indonesia.

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 main 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 that verifies and adjudicates petitions but also as an institution that attempts reconciliation through mediation and provides guidance regarding post-divorce responsibilities. By integrating religious, legal, and social perspectives, the court has sought to ensure fairness, safeguard children's welfare, and maintain community trust in the legal system.

The analysis also reveals that the predominant causes of divorce in Enrekang include persistent marital disputes, economic hardship, abandonment, and domestic violence. These factors reflect broader structural and cultural challenges within Indonesian society, particularly in rural communities where economic instability and shifting family dynamics place additional strain on marital relationships.

The conclusion drawn from this study is that while the Religious Court has effectively fulfilled its formal mandate, the increasing number of divorce cases indicates the limitations of judicial mechanisms in addressing deeper social and economic problems. Therefore, strengthening preventive strategies such as premarital counseling, economic empowerment programs, and community-based mediation initiatives is essential to complement the role of the court and reduce the reliance on divorce as the ultimate solution. Future research should expand by incorporating longitudinal studies across different regions to compare trends and explore how cultural variations influence the effectiveness of legal and non-legal interventions in sustaining marital stability.

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