

## Divorce Due to Family Economic Problems (Case Study at the Belopa Religious Court in 2022-2023)

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### Abstract

*This thesis is motivated by the breakdown of a marriage between husband and wife due to disharmony in the household. By formulating the problem of how the divorce rate is due to family economic problems and analyzing divorce due to family economic problems in the Belopa Religious Court, the author conducted research with the aim of finding out the level and analyzing the factors that trigger divorce due to family economic problems in the Belopa Religious Court. The author uses a qualitative method, with the data sources used being primary and secondary. Then data collection techniques use interview, observation, documentation and data information collection methods. The data analysis techniques used are data reduction, data presentation and conclusions. The results of this research show that the divorce rate due to family economic problems in the Belopa Religious Court is quite significant, with the number of cases submitted in 2022 being 4 cases and in 2023 being 3 cases. Apart from economic factors, there are other internal and external factors that cause divorce, such as the husband's lack of responsibility, lack of transparency in economic matters and interference by third parties. Divorce cases due to family economic problems are also influenced by other factors such as infidelity, domestic violence and other family conflicts.*

**Keywords:** *divorce; divorce factors; economic.*

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## Introduction

Marriage in Islamic law is an interaction between a man and a woman with the aim of forming a family that has relative rights and responsibilities to each other. In Law No. 1 of 1974 which explains about marriage that "Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Almighty God".

This is in accordance with the word of Allah SWT. in QS. al-Nisa/4:1 which reads:

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُمْ مِنْ  
نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ  
مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي  
تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ  
رَقِيبًا

Translation:

"O mankind! Fear your Lord, who created you from a single soul (Adam), and from him created his mate (Eve); and from them both He spread many men and women. Fear Allah, in whose name you ask one another, and maintain the ties of kinship. Indeed, Allah is ever watchful over you."

From the verse above we can see that Allah SWT commands his servants to be pious, maintain ties of kinship, and warns them to always maintain (pay attention to) the rights of husband and wife.

Divorce is the termination of a marriage between a husband and wife, either due to a divorce decreed by the husband or through a lawsuit

filed by the wife in the Religious Court. A lawsuit is one of the divisions of divorce or one of the reasons for the termination of a marriage between a husband and wife.

However, divorce due to financial or income reasons usually occurs because the husband is not responsible for his family's needs and does not work hard to fulfill his duties. Even though the husband has been responsible and tried to provide a living, his wife lives a luxurious lifestyle so that she demands a living that her husband cannot fulfill, and if that happens, the wife will file for divorce. In addition to the family's financial condition, there are wives who deal with it patiently and remain loyal to their husbands, and there are also wives who are impatient and then file for divorce from their husbands through the Religious Court.

Income and livelihood issues are also the cause of arguments in families that lead to divorce. One of the main problems that often arise in husband and wife relationships is financial imbalance. Moreover, almost all couples consider this financial problem as a big problem. The husband's inability to meet physical needs is also one of the reasons for divorce.

As above, one of the main problems in a husband-wife relationship is the lack of balance in terms of finances. Moreover, in today's era, this problem is considered a big problem. So if the husband does not provide a living according to the household's needs, the wife can look for alternatives to work to help her

husband meet the family's economic needs. This can cause problems if the wife's income after working is greater than her husband's income. This condition often triggers conflict in the household.

Research on the theme of divorce due to family economic problems is primary and secondary research sourced from data collection in the field. Research by analyzing existing data at an agency is still rarely done so it is necessary to collect the latest data from the location using an Islamic legal research approach.

Therefore, in this study the author uses the latest data from the Belopa Religious Court as research material to reveal divorce due to family economic problems in the area. Based on this explanation, this study aims to analyze divorce due to family economic problems.

Based on the background of the problem, several problems can be formulated, namely: What is the divorce rate due to family economic problems at the Belopa Religious Court in 2022-2023? And how is the analysis of divorce due to family economic problems at the Belopa Religious Court in 2022-2023?

### **Methods**

The type of research uses qualitative research. used as a guide so that the focus of the research is in accordance with the facts in the field. The qualitative approach as an approach to Islamic law research because researchers want to understand in

depth the cases that occur at the location.<sup>1</sup> The location of the study was at the Belopa Religious Court, South Sulawesi Province, while the object of the study was a husband and wife who wanted to divorce due to family support problems at the Belopa Religious Court in 2022-2023. Economic problems are a very vulnerable factor in household problems ranging from complete or even excessive economic problems to insufficient economic problems or household financial management problems becoming problems at the Belopa Religious Court. The tools used by the researcher include a set of stationery, a recording device, and a camera, both of which can be represented by using an Android or mobile phone. The data collection techniques include: interviews, observation, documentation and FGD. The analysis process is data reduction, data presentation and conclusions

### **Results and Discussion**

#### **Results and Discussion**

#### ***Divorce Rate Due to Family Economic Problems at Belopa Religious Court***

Marriage is a relationship between a man and a woman where everything that is done is rewarded. As for divorce, it is the severance of the relationship between husband and wife where everything that was done

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<sup>1</sup>Ajat Rukajat, *Pendekatan Penelitian Kualitatif* (Cet I; Yogyakarta: CV. Budi Utama, 2018), h. 10.

before the divorce cannot be done again. The existence of a previous divorce is called marriage. Divorce according to Islamic law which has been positive in article 39 of Law No. 1 of 1974 which has been described in PP No. 9 of 1975, includes the following: Divorce in the sense of divorce talak, namely a divorce filed by the husband to the Religious Court whose decision is in front of a Religious Court judge and divorce in the sense of divorce lawsuit, namely a divorce filed by the wife to the Religious Court whose decision is in front of a Religious Court judge.<sup>2</sup>

Divorce due to family economic problems is a social phenomenon that occurs a lot in society, especially in the Belopa Religious Court. The divorce rate due to family income problems in Luwu Regency is quite high. The table below shows the divorce rate due to economic problems:

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<sup>2</sup>Abdul Thalib dan Meilan Lestari, "Tingginya Tingkat Gugat Cerai di Pengadilan Agama Pekanbaru," *Jurnal Hukum Islam*, Vol. XVII, No. 1, 2017, h. 42. Diakses Pada Tanggal 27 Februari 2024.

No.	Month	Year					Exp.
		2019	2020	2021	2022	2023	
1.	January	-	-	-	-	-	
2.	February	1	-	1	-	1	
3.	March	-	-	5	-	-	
4.	April	-	-	8	-	-	
5.	May	-	-	1	1	-	
6.	June	-	-	-	3	1	
7.	July	-	-	3	-	-	
8.	August	-	1	-	-	-	
9.	September	-	-	-	-	-	
10.	October	-	3	-	-	-	
11.	November	1	3	1	-	-	
12.	December	-	1	1	-	1	
Total		2	8	20	4	3	

*Table. Divorce Due to Economic Issues  
In 2019-2023*

Dilihat dari tabel di atas perceraian karena masalah ekonomi yang terjadi pada Tahun 2022 yaitu sebanyak 4 orang dan pada Tahun 2023 sebanyak 3 orang yang mengajukan perkara tersebut. di mana dari tabel di atas Tahun 2022-2023 tidak mengalami peningkatan yang cukup drastis. Hal ini

di perkuat dengan pernyataan bapak hakim Mujiburrahman Salim, S.H., M.H.:

“Statistiknya memang banyak tapi tidak melonjak tajam dari apa yang sudah ada di tahun-tahun sebelumnya, artinya kasus ini stagnan”.<sup>3</sup>

<sup>3</sup>Mujiburrahman Salim, Hakim Pengadilan Agama Belopa, Wawancara, 16 November 2023.

No	Month	Factors Causing Divorce												Total	Exp.	
		Adultery	Drunk	Opiu	Gambling	Leaving One of The Parties	Sentenced to Prison	Polygamy	Domestic Violence	Physical Disability	Constant Disputes and Quarrels	Forced Marriage	Apostate			Economy
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	January	-	-	-	1	9	-	-	-	-	26	-	-	-	36	
2	February	-	-	-	-	13	-	-	-	-	37	-	-	-	50	
3	March	-	-	-	-	11	-	-	-	-	42	-	-	-	53	
4	April	-	-	-	-	9	-	-	-	-	24	-	-	-	33	
5	May	-	-	-	-	12	-	-	-	-	30	-	1	1	44	
6	June	-	-	-	-	15	-	-	-	-	36	-	-	3	54	
7	July	-	-	-	-	9	-	-	-	-	44	-	1	-	54	
8	August	-	-	-	-	5	-	-	-	-	44	-	-	-	49	
9	September	-	-	-	-	8	-	-	-	-	44	-	-	-	52	
10	October	-	-	-	-	15	-	-	-	-	33	1	-	-	48	
11	November	-	-	-	-	9	-	-	-	-	34	-	-	-	43	
12	December	-	-	-	-	10	-	-	-	-	49	-	1	-	60	
	Total	-	-	-	1	125	-	-	-	-	443	1	3	4	576	

*Table. Factors Causing Divorce in Religious Courts  
Belopa in January-December2022*

No	Month	Factors Causing Divorce													Total	Exp.
		Adultery	Drunk	Opiu	Gambling	Leaving One of The Parties	Sentenced to Prison	Polygamy	Domestic Violence	Physical Disability	Constant Disputes and Quarrels	Forced Marriage	Apostate	Economy		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	January	-	-	-	-	6	-	-	1	-	33	-	1	-	41	
2	February	-	-	-	1	6	-	-	1	-	22	-	-	1	31	
3	March	-	-	-	-	5	-	-	-	-	52	-	-	-	57	
4	April	-	-	-	-	8	-	-	-	-	39	-	-	-	47	
5	May	-	-	-	-	8	-	-	1	-	26	-	-	-	35	
6	June	-	-	-	-	4	-	-	1	-	32	-	-	1	38	
7	July	-	-	-	-	8	-	-	-	-	31	-	-	-	39	
8	August	-	-	-	-	9	-	-	-	-	46	-	-	-	55	
9	September	-	-	-	-	6	-	-	-	-	33	-	-	-	39	
10	October	-	-	-	-	11	-	2	-	-	49	1	-	-	63	
11	November	-	-	-	-	3	-	-	-	-	36	-	-	-	39	
12	December	-	-	-	1	8	-	-	-	-	37	-	-	1	47	
	Total	-	-	-	2	82	-	2	4	-	436	1	1	3	531	

*Table. Factors Causing Divorce in Religious Courts  
Belopa in January-December2023*

The table above shows that the number of divorces due to family economic problems in 2022 was 4 cases and in 2023 there were 3 cases. This is confirmed by the statement of

Mrs. Nirwana, S.H.I., M.H. as the deputy chair of the Belopa Religious Court, namely:

"Indeed, there are many cases like this that I have handled, and in my

opinion, of all the cases that I have encountered, this divorce case is in second place compared to other divorce cases. The first place is a case of divorce due to domestic violence".<sup>4</sup>

The basic reason why husband and wife file for divorce is the continuous disputes and quarrels in it so that there is no longer any hope of instilling the value of harmony in the household. In the Belopa Religious Court, cases like this are among the cases that are often handled in the Belopa Religious Court.

"Disputes and quarrels on economic grounds do occur frequently and are one of the common cases and are one of the cases that are often handled in the Belopa Religious Court".<sup>5</sup>

"It often happens that the factors for arguments and disputes are usually due to family economic problems where the husband cannot provide a living so the wife sues."<sup>6</sup>

### ***Analysis of the Influence of Causes of Divorce Due to Economic Problems at the Belopa Religious Court***

In household life, there are conflicts and quarrels that occur between husband and wife, both minor conflicts and serious conflicts that can result in disharmony and even divorce. By conducting interviews at the Belopa Religious Court, it turns

out that there are many factors that trigger divorce, including the results of an interview with Mrs. Nirwana, S.H.I., M.H. as the deputy chair of the Belopa Religious Court: "Regarding the reasons for divorce, some are because the husband is no longer able to provide a living or the wife is impatient with the living provided by her husband and there are also husbands who do not provide a living because they do not have money".<sup>7</sup>

Economy or sustenance in this discussion is in the form of household needs. Both clothing and food needs. In the Belopa Religious Court, there are many reasons related to divorce due to economic problems. From the results of the interview with Judge Mujiburrahman Salim, S.H., M.H. that:

"On average, economic problems occur because the husband is not open about financial problems, the one who manages the finances is not the wife but the husband's parents so that the wife sues her husband and because the husband gambles and gets drunk so that the living expenses for his wife are reduced or even nonexistent."<sup>8</sup>

To strengthen the judge's statement above, the author conducted an interview with judge Dede Ramdani, S.H., M.H. by stating that:

"The reason is because the husband has no income at all, the husband has a little income, the husband has a lot of income but is interfered with by

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<sup>4</sup>Nirwana, Wakil Ketua Pengadilan Agama Belopa, Wawancara, 16 November 2023.

<sup>5</sup>Mujiburrahman Salim, Hakim Pengadilan Agama Belopa, Wawancara, 16 November 2023.

<sup>6</sup>Dede Ramdani, Hakim Pengadilan Agama Belopa, Wawancara, 20 Desember 2023.

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<sup>7</sup>Nirwana, Wakil Ketua Pengadilan Agama Belopa, Wawancara, 16 November 2023.

<sup>8</sup>Mujiburrahman Salim, Hakim Pengadilan Agama Belopa, Wawancara, 16 November 2023.



third parties and the husband has a lot of income but is not open to his wife".<sup>9</sup>

The author concludes from the three sources above, the factors or reasons for husband and wife divorce are due to 2 factors, namely:

#### Internal Factors

The husband does not provide maintenance to the wife. The husband is not open about financial problems. The husband likes to gamble and get drunk

#### External Factors

The interference of a third party, namely parents.

The many cases of divorce due to economic problems in the Belopa Religious Court are not purely because the husband does not provide maintenance but there are other reasons behind the divorce. The reasons or factors for divorce due to economic problems in the Belopa Religious Court can be seen from the results of the author's interviews with the sources, namely:

From the results of the interview with Mrs. Nirwana, S.H., M.H. The deputy chairman of the Belopa Religious Court explained that: "Yes, not all of them are purely because the triggers for divorce are several factors, namely there are wives who are not supported at all by their husbands, there are also wives who are given half of their husband's income because their husbands support their parents, there are also husbands who give their income to their mothers

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<sup>9</sup>Dede Ramdani, Hakim Pengadilan Agama Belopa, Wawancara, 20 Desember 2023.

before their wives and there are also wives who are in debt so that the husband pays it, so the husband limits the provision of support to his wife."<sup>10</sup>

From the statement above, that in a divorce due to alimony issues, it is not because of factors regarding the provision of alimony, but there are several factors that occur so that there is a dispute between husband and wife. This is also strengthened by the statement of the judge M.S that: "Not pure, because there are also cases that I have encountered where the husband does not accept his wife's complaint regarding the issue of alimony, resulting in domestic violence in it."<sup>11</sup>

The results of the interview with Judge D.R stated that:

"Yes, it is not pure, in the Belopa Religious Court, the most dominant cause of divorce is because the husband is not responsible for the issue of living expenses, the husband often speaks harshly to the wife, the husband has a relationship with another woman".

The results of the interviews with the three sources can be concluded that in cases of divorce due to living expenses, it is not always the husband who is problematic who does not provide economic support to the wife, but there are other reasons why the husband and wife file a lawsuit, such as the wife being wasteful or the

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<sup>10</sup>Nirwana, Wakil Ketua Pengadilan Agama Belopa, Wawancara, 16 November 2023.

<sup>11</sup>Mujiburrahman Said, Hakim Pengadilan Agama Belopa, Wawancara, 16 November 2023.

husband being irresponsible in providing living expenses, even in economic matters it can cause domestic violence in it so that the wife files the lawsuit.

### Conclusion

Based on the results of the author's research, the author concludes that: The divorce rate due to family economic problems at the Belopa Religious Court is quite significant, with the number of cases occurring in 2022 as many as 4 cases and in 2023 as many as 3 cases entered. So that this economic factor has an impact on household stability and is one of the factors that influences the divorce rate in society, especially in the Belopa Religious Court. Family economic problems are one of the main factors that trigger divorce at the Belopa Religious Court. In addition, there are various internal and external factors that play a role in divorce, such as lack of husband's responsibility, lack of transparency in financial matters, and interference from third parties. In cases of divorce due to family economic problems that occur at the Belopa Religious Court, not all of them are pure, but are also influenced by other factors such as infidelity, domestic violence, and other family conflicts. Therefore, handling divorce cases needs to be carried out comprehensively by considering the various factors involved.

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