
THE IMPORTANCE OF ECONOMIC FACTORS AS THE CAUSE OF DIVORCE IN THE TULUNGAGUNG RELIGIOUS COURT

Surjanti¹

Bambang Slamet Eko S²

^{1,2} Faculty of Law, Tulungagung University, Indonesia

*e-mail: surjanti.unita@gmail.com, bambangtook@gmail.com

*Correspondence: surjanti.unita@gmail.com

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Abstract: Relate to the number of cases handled by the Tulungagung Religious Court which is dominated by divorce cases. There are two types of divorce, namely talak divorce and contested divorce. Where in this divorce case the divorce case is dominated by the plaintiff being the woman (wife) and the man (husband) as the defendant. The research method used is a qualitative descriptive research method, by explaining and describing the problem through the facts obtained in field research at trials and mediation. The results of this study are to focus on the background or causes of divorce in the November 2022 case at the Tulungagung Religious Court. The causes that dominate this divorce case are constant quarrels and disputes, leaving one party, and economic factors.

Keywords: Divorce; Causes of Divorce; Economy; Religious Court.

INTRODUCTION

Marriage is a sacred bond between a woman and a man to build a *sakinah, mawaddah, and warahmah* household. According to (Hanifah, 2019) Law Number 1 of 1974, what is meant by the definition of marriage is the inner birth bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on the One True Godhead. In essence, marriage is carried out to live together forever, not for a certain period, and is only separated by death. But not all married couples can maintain their marriage. Misunderstandings that occur fall into and provoke disputes, and conflicts, and end in divorce.

Divorce is the end of the legality of the relationship between husband and wife for a reason that does not allow both parties to be together again. According to (Judge, 2021) the Civil Code Article, 207 divorce is the abolition of marriage by a judge's decision, on the claim of one of the parties to the marriage based on the reasons mentioned in the Act. Whereas marriages that are carried out aim to form an eternal and happy home. And divorce or *talak* is a thing that Allah Almighty hates very much. In the case of divorce itself, it can be in the form of divorce on the application of the husband (divorce *talak*) or a lawsuit from the wife (divorce *gugat*) through a trial in court (Kabalmay, 2015). Thus indicating, that family life does not always occur harmoniously. The disharmony of husband and wife life in the household is triggered, among other things, by imbalances in the husband and wife relationship. One of the main problems that are often faced in a

husband and wife relationship is the absence of balance from the economic side. Moreover, almost all circles put this economic factor as a big problem. The divorce rate over time is increasing. Divorce occurs if both parties, both husband and wife feel that there is no longer a match in living a previously cultivated domestic life (Irma Garwan, 2018).

In this divorce, the Religious Court plays an important role in deciding cases that have been filed, as stipulated in Article 49 of Law Number 50 of 2009 concerning Religious Courts "Religious Courts, which are courts of first instance are in charge and authorized to examine, decide, and resolve cases of cases at the first level between people who are Muslims in the field of marriage, inheritance, wills, and grants made based on Islamic law, and *waqf* and *shadaqah*". And another definition of Religious Court is stated in Law Number 7 of 1989 "The Religious Court is one of the executors of judicial power for people seeking justice who are Muslims regarding certain civil cases regulated in this Law" as the authority of the Religious Court is regulated in article 49 to article 53 of Law No. 7 of 1989 which was amended by Law No. 3 of 2006. The authority of the Courts within the Religious Courts is expanded in Law No. 3 of 2006 concerning Amendments to Law No. 7 of 1989 concerning Religious Justice. The expansion, among others, includes the *shari'a* economy. This research, it is intended to discuss how essential and existent economic factors are as the cause of divorce in cases entered in the Tulungagung Religious Court (Uliyah, 2017).

MATERIALS AND METHODS

The research method used is qualitative descriptive research by explaining and describing problems based on facts obtained through case research, observation, and field research at trials and mediation and coupled with supporting data provided by the Tulungagung Religious Court.

RESULTS AND DISCUSSION

The Tulungagung Religious Court is an institution that handles various kinds of first-degree cases such as marriage cases which include polygamy permits, marriage prevention, marriage refusal, annulment of marriage, negligence of husband or wife

obligations, talak divorce, divorce, joint property, control of children, living by mothers, rights of former wives, endorsement of children, revocation of parental power, guardianship, revocation of guardian power, the appointment of others, indemnity against guardians, child origins, refusal of intermarriage, marriage certificates, marriage permits, marriage dispensations, and guardians of a dhol. In addition to marriage cases, the Tulungagung Religious Court also handles sharia economic cases, inheritance, wills, grants, waqf, zakat/infaq/shadaqoh, P3HP/determination of heirs, and others. From the various cases handled by the Tulungagung Religious Court, it can be seen how many cases will be entered in the November 2022 period.

Figure 1. Report on the First Instance Case at the Tulungagung Religious Court in November 2022

LAPORAN PERKARA TINGKAT PERTAMA YANG DITERIMA
PENGAJILAN AGAMA TULUNGAGUNG
BULAN NOVEMBER 2022

Bulan	A. Perkawinan												B. Ekonomi Syariah								C. Lainnya																					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35							
1 Januari								10	26																												6	3	311			
2 Februari								56	150												1	25	2														2	5	249			
3 Maret								89	179	1										1	1	22													2		3	7	307			
4 April								43	119																												3	10	217			
5 Mei								79	182	1																											6	266				
6 Juni								90	189	1											1	2	21	5													3	9	354			
7 Juli								59	161	1											1	31	2														6	12	276			
8 Agustus								69	194	2											1	2	45	2													6	10	334			
9 September								64	167	1											2	1	33	1													5	5	281			
10 Oktober								48	130												1	1	26	3													6	13	229			
11 November								74	164												3	1	4	22	4													2	11	286		
12 Desember																																										
JUMLAH	6	0	0	0	0	0	744	1917	7	0	0	0	0	0	33	6	0	0	0	8	0	14	0	349	23	1	5	0	0	0	42	91	3139									

Mengetahui: Ketua
Drs. ZANAL FARID, S.H., M.HES.

Tulungagung, 30 November 2022
Panitera,
Drs. H. A. NURUL MUJAHEDIN, M.H.

In the picture above, it can be seen that the dominating cases that are mostly handled by the Tulungagung Religious Court in November 2022 are divorce cases, especially divorce. Divorce is a divorce case filed by the female party (wife) as the plaintiff and the male party (husband) as the defendant. In the data recorded, there

were 164 divorce cases and 74 talak divorce cases which dominated the cases received in November 2022.

Getting to know more about the divorce case, the process or stage of litigation, especially divorce at the Tulungagung Religious Court, after registering and making a lawsuit letter, the

plaintiff and defendant are summoned to attend the trial to bring together the parties and the initial peace efforts. However, in the initial peace efforts, no bright spots were found, so as per PERMA No. 1 of 2016, it is mandatory that every civil case of the first instance must undergo mediation as an attempt at reconciliation before proceeding to the trial stage. In the concept of Justice, Mediation is the most important part of the divorce process in religious courts. This can be seen in the regulations governing Marriage or divorce

(Prasetyo, 2020).

In following the mediation process, several divorce cases were found that were indeed more filed by women. At the divorce, stage mediation is carried out because it is to find facts that are not found in the trial. It is from this mediation process that the facts about the divorce filed by the woman (wife) are obtained because of the economy (Elmiati, 2018). Here are some of the things that are found when participating in mediation:

Table 2. Results of Following the Mediation Process

Day/Date	Number of Cases	Types of Things	Problem Description
Tuesday 22/11/2022	4 Cases	1. Divorce Sue	- Marriage Age 23 years - Last Education of Junior High School Plaintiff & High School Defendant - Economic problems
		2. Divorce Sue	- Marriage Age 7 years - Last Education Plaintiff D3 & Defendant High School - Economic problems
		3. Divorce Sue	- Marriage Age 18 years - Last Education of High School Plaintiffs & High School Defendants - Economic problems
		4. Divorce Sue	- Marriage Age 3 years - Last Education of High School Plaintiffs & High School Defendants - Economic issues, leaving one of the parties.

In some of the above cases everything seems to be due to insufficient economic needs. It's just that the problem of whether

or not the level of living is sufficient for household needs does depend on the household actor. In some of the cases that

have been previously described there are cases of husbands who make a living by becoming migrant workers. After returning who is accustomed to living a well-off life, after returning from overseas, the husband does not get a good job so he is also lacking in providing a living for the wife. However, it was felt that it was not sufficient for the wife to meet household needs. And there are also those whose husband, who is supposed to be the backbone of the breadwinner, is relaxed and tends not to care about life and household needs until the wife relents to go to become a female laborer abroad, instead of realizing that the husband is proven to still have no job after the wife returns to the country.

On the other hand, what causes divorce in economic terms is not because of shortages, but because of the changing era more and more modern many wives work better and have higher incomes than their husbands. This also triggers constant quarrels/disputes, resulting in reduced harmony in the household. In some cases examined in the trial, it is dominated by the plaintiff under the pretext of frequent quarrels, and usually, the defendant does not attend the trial because his whereabouts are unknown. It is often found that the displaced party in terms of birth and mental living is due to quarrels that also discuss economic needs.

The household economy plays a very important role in domestic life so, instead of not being able to be wise and a sense of

responsibility for the needs of the family's economy, this can lead to divorce whose impact is obviously not to be underestimated. This brushing is not only for the husband the breadwinner but also for the wife so that there is an understanding and responsibility for the integrity of the household

CONCLUSIONS

The Tulungagung Religious Court has the power to examine, handle, and decide divorce cases in Tulungagung. Of the various cases handled, divorce is the case that dominates the cases that enter the Tulungagung Religious Court. More than half of the incoming cases were contributed to divorce cases. The causes of divorce itself are various, ranging from adultery, apostasy, leaving one of the parties, and constant quarrels/disputes to the economy. In some cases that go into the mediation process, there is the fact that most of them are economic problems. Where the economy plays an important role in household harmony. Indiscriminately the age of marriage, but if the problem has reached the economic realm, many married couples divorce because of this. The need for awareness between husband and wife to deal with economic problems. Understanding each other is also important to minimize the occurrence of disputes that lead to divorce.

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